



**Amber Valley
& Erewash
Support Centre**

Transgender Policy

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Policy Aims

The purpose of this policy is to explain AVESC's good practice in the field of transgender consideration in order to minimise the distress and disruption to all pupils by:

- ensuring teachers and Governors are managing with transgender matters inclusively and sensitively
- providing an inclusive environment for any transgender pupil
- ensuring all pupils are aware of and educated on matters related to transgender.

Transgender Identity

'Trans' is an umbrella term describing people "whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth".

A transgender person feels that their external appearance (*sex*) does not match up with the way they feel internally about their gender identity. A Female to Male (*F2M*) person will have the external appearance or body of a female and identify their gender as male; a Male to Female (*M2F*) person will have the external appearance or body of a male and identify their gender as female.

The word transgender is sometimes used interchangeably with the term *gender-variant* but usually has a narrower meaning and different connotations than gender variant, including non-identification with the gender assigned at birth. Children and pupils that experience or show gender variance may or may not be transsexual, as some will not retain their gender variance following puberty because gender variance can be fluid.

Gender Dysphoria (*or Gender Identity Disorder*) is a clinical condition that can present from as early as age 2 and can only be diagnosed by a medical and/or psychiatric expert. A person diagnosed with Gender Dysphoria may require treatment, e.g. hormone blockers (currently not available in the UK under the age of 16), to ameliorate the symptoms associated with being transgender. A transgender person may live their life without being or needing to be diagnosed as having gender dysphoria. It must be understood that some people with gender dysphoria may not want any treatment. Some may choose to be known by a different name or to wear different clothes. However, most or all young Transgender people (and their families) will need some expert support as they grow up and develop.

Legislation

Data Protection

Under the UK GDPR, gender isn't considered 'special category' data. However, information about someone's gender identity could reveal or concern other special category data (such as data relating to health, sex life or sexual orientation). As a result, AVESC will need to treat data about someone's transgender history with extra care and will follow the processes below:

- Personal data must be looked after properly following the eight data protection principles, which include ensuring personal data is accurate, secure and processed fairly and lawfully
- Failure to change a person's title, name and gender when requested could lead to the following offences under the Act
- Disclosure of personal information that is used, held or disclosed unfairly, or without proper security
- Failure to ensure personal information is accurate and up-to-date
- Processing of data likely to cause distress to the individual.

The Human Rights Act 1998

The following Articles from The Human Rights Act 1998 support the rights and needs of transgender people to live their lives in their true gender.

- Article 8: right to respect for private life and family life
- Article 10: freedom of expression
- Article 14: the prohibition of discrimination

The Gender Recognition Act 2004

The Gender Recognition Act 2004 is mainly concerned with the process by which a person can get a Gender Recognition Certificate and correct their original birth certificate to match their true gender. This can only occur after a person reaches 18 years of age but is something that many younger people may aspire to.

Public Sector Equality Duty (PSED)

You must have 'due regard' to the need to:

- Eliminate discrimination, harassment and victimisation
- Advance equality of opportunity (between those who share a certain protected characteristic and those who don't)
- Foster good relations (between those who share a certain protected characteristic and those who don't)

Equality Act 2010

Gender reassignment is a 'protected characteristic'. This means you must not discriminate (directly or indirectly) against trans individuals, no matter what age they are.

In order to be covered by the Equality Act, a pupil does not need to be undertaking a medical procedure to change their sex. They can be at any stage in a full or partial process of reassigning their sex by "changing physiological or other attributes of sex" – whether proposing to undergo that process, undergoing it, or having completed it. This information is provided by the Equalities and Human Rights Commission.

Sex Discrimination (Gender Reassignment) Regulations 1999

Individuals who intend to undergo, are undergoing, or have undergone gender reassignment are protected from discrimination in work, school and vocational training (including higher education study).

Less favourable treatment relating to absences arising from gender reassignment is unlawful if:

- the treatment is less favourable than if it had been due to sickness or injury
- the treatment is less favourable than if it had been due to some other cause and having regard to the circumstances of the case, it is reasonable not to be treated less favourably.
- Less favourable treatment includes the arrangements relating to terms and conditions or arrangements under which employment, education or vocational training is offered.

Discrimination

As stated, The Equality Act 2010 ensures legal protection against discrimination in employment, education, the provision of services and the delivery of public functions, in relation to the nine protected characteristics defined in the Act, one of which is Gender Reassignment.

The legislation states that a school/academy must not discriminate against a pupil because of their transgender status. Discrimination can be direct or indirect. Indirect discrimination occurs when a provision, criterion or practice applies to everyone but puts a person with a particular protected characteristic at a particular disadvantage, and it cannot be justified as a proportionate means of meeting a legitimate aim. An example might be an inflexible academy uniform rule which offers no “unisex” options such as trousers for girls, and which would therefore create a particular difficulty for a F2M pupil.

Academy Attendance

AVESC will make reasonable adjustments to accommodate absence requests for treatment and external sources in line with their absence policy. Sensitive care will be taken when recording the reason for absence.

Transphobia and Bullying

AVESC have a robust anti-bullying policy. In line with this policy, transphobia incidents will be recorded and dealt with in the same manner as other incidents that are motivated by prejudice, e.g. racist or homophobic incidents.

Names and pronouns

All pupils and staff will need to use the pupil's preferred name and pronoun. Initially, mistakes may be made and the wrong name/pronoun may be used unintentionally. Any staff or pupils that deliberately use the wrong name/pronoun could be considered harassment under the Equality Act 2010, or a hate crime.

Training

In order to ensure all staff and members of the governing body have the skills to deal with transgender issues, AVESC will hold training sessions on topics such as:

- Safeguarding
- Confidentiality
- Gender Identity
- Tackling transphobia
- Relevant legislation

The Curriculum

The matters connected to transgender will be visited for all pupils during curriculum time through PSHE, SMSC and tutor time.

Physical Education

Sports and Physical Education is a key aspect of the national curriculum and the physical and mental wellbeing of young people. Physical Education develops pupil's competence and confidence to take part in a range of physical activities that become a central part of their lives, both in and out of school. A young transgender person has the same right to Physical Education as other young people.

With regard to young transgender people at school, there should be reasonably few, if any, issues regarding participation within the sports of their true gender. There may be sports where, as

puberty develops, M2F transgender participants may have a physical advantage over other girls but this should not present a problem within a carefully and sensitively managed lesson context. The issue of physical risk within certain sports should also be managed properly within the lesson context rather than preventing young transgender people from participating (which would be discriminatory).

It may be that due to the nature of contact and physicality of sports such as rugby, the academy would consider whether a transgender person participating in full contact lessons is appropriate towards the latter stages of puberty. This is something that AVESC will take a view on prior to the delivery of those lessons, in discussion with parents or carers.

The use of changing room facilities will also be carefully considered. Facilities for transgender participants will be sensitive to their needs and also recognise the needs and sensitivities of other pupils. When competing at another academy or outside venue, staff must ensure there is appropriate sensitive provision available.

Work Experience

The Equality Act 2010 encompasses every environment that pupils will be working in, therefore all placements should be aware of their duties and responsibilities. Where AVESC is considering allowing a transgender young person to attend a work experience placement the academy will complete a suitable assessment on the potential placement to establish if there is any risk to the young transgender person, taking account of their right to privacy – as a general principle, personal information on the young transgender person must not be shared.

AVESC will be sensitive to this in their planning before any young transgender person is placed in any business or organisation. Careful discussion about the placement with the pupil and parents or carers, will occur to find the most suitable way forward to ensure the placement is successful.

Changing/Toilet Facilities

There is provision in AVESC for unisex toilets. Transgender pupils will be able to use these facilities which have been labelled sensitively and appropriately.

Academy Uniform

Transgender pupils will be expected to follow the academy uniform policy, which covers uniform, make-up and jewellery. There is a generally broad range of uniform available for both genders.

Recording names on Integris

A preferred name can be recorded on school management systems without a legal change of name. There's usually a 'preferred to be known as' option. Depending on your MIS, you may not have the option to record gender as anything other than male or female, which may be a problem for some pupils. This will be discussed with the pupil concerned if we are unable to do this.

Recording names on the census

On the census, you should record gender according to the wishes of the pupil and/or parent (see the section on 'gender' in the DfE's school census guidance).

Name Changing and Exam Certification

If a Transgender pupil wishes to have their preferred name recognised on academy systems, this will be supported and will feed on to letters home, report cycles, bus pass information etc. Furthermore, the change of name and associated gender identity will be respected and accommodated by the academy. It is a real indicator that the transgender pupil is taking steps to, or proposing to move towards a gender they feel they wish to live in.

Technically, pupils can be entered under any name with an Examination Board. However, it is a very complex matter. Once a result is accredited it will need to be linked with a Unique Pupil Number (UPN) or Unique Learner Number (ULN) which existed in the academy census information submitted in January of the examination year. UPNs and ULNs are only linked with legal names, not preferred names. It is possible for examination certificates to be issued in the preferred name, but any young person finding themselves in this position should discuss this issue with AVESC and parents or carers to ensure the best way forward. The Joint Council for Qualifications' general regulations advise entering candidates under names that can be verified against identification such as passports or birth certificates. However, it adds that this decision is down to the candidate/centre.

Academies are encouraged to ensure a strategy is agreed with the pupil and their parents or carers, and also agreed with the various examination boards prior to starting accredited courses as some examinations may be sat in year 10 and the length of time the process re-registering may take. Academies will also need to be aware that the DfE analysis of school performance may still present the pupil in the gender registered by their UPN.

It is possible for any document to be changed to reflect the chosen name of the young person. Changing the gender recorded on a birth certificate is not possible until a Gender Recognition Certificate has been issued. In order to change a name on other official documents such as a passport, it might be necessary for evidence of change of name to be produced: there are two main ways in which this can be done, by deed poll and by statutory declaration. The Citizens Advice Bureau and other transgender support organisations will have more information on this subject. A person under 16 years of age cannot change their name legally without the consent of a parent.

Vaccinations

AVESC will allow any gender specific vaccinations to be carried out at the GP's surgery in order to eliminate any embarrassment.

Academy Visits

Learning about different cultures and lives and taking part in activities may lead to overnight stays, both at home and abroad. **M a t t e r s** may arise for both young transgender pupils and other pupils' but this must not mean transgender pupils cannot be included on the visit. AVESC will give consideration well in advance of any additional needs which may include having a parent or carer (or member of staff) accompanying the visit to ensure the transgender pupil is fully included.

The sleeping arrangements will be considered before a visit is undertaken; it is possible that the transgender pupil would prefer to have a separate room etc. Each individual case and visit needs to be considered separately and in- depth discussions will happen well in advance, with all appropriate bodies, linked to the accommodation available.

With regards to a visit abroad, anyone can be searched at borders and other places. Different countries will have policies and procedures they will follow. AVESC will contact the relevant border control or agency in advance to ensure that any policy or risk assessment completed by the academy is accurate for that visit.

There are countries that are not as legally and culturally open as the UK. Some have laws that make it illegal to be part of the transgender community and in some it is an offence not to report to the authorities that someone is part of the transgender community. AVESC will consider and investigate the laws regarding transgender communities in any country considered for an academy visit.

Links to other policies

- Child protection and safeguarding policy
- Uniform policy
- Offsite visits policy
- Work experience policy

GLOSSARY OF TERMS

Binding – a F2M adolescent that is developing breasts may strap down their chest so that it is less obvious. This can be hot, uncomfortable and restrictive but very important to their psychological and emotional wellbeing. It might make certain PE lessons difficult for them to participate in and could sometimes lead to breathing difficulties, skeletal problems and fainting.

F2M – Female to Male, a person that was identified as Female at birth but came to feel that their true gender is actually Male.

Gender – the way that a person feels about themselves in relation to their physical and mental self; the basis of their identifying as male, or female, or neither, or either, or both.

Gender Dysphoria – the medical condition that describes the symptoms of being Transgender.

Gender Identity Disorder – GID is a medical term describing being Transgender, this tends not to be used owing to the subtext around the word „disorder“.

Gender Recognition Certificate – an official document presented by a Gender Recognition Panel that enables all official documents and records (including birth certificate) to be amended to the true gender of the individual thereby providing full legal recognition.

Gender Role – the social role/interaction with others, which gives expression to the inner gender identity and reinforces it.

M2F – Male to Female, a person that was identified as Male at birth but came to feel that their true gender is actually Female.

Packing – a F2M person may wear a prosthetic item in their pants that will give a „bulge“ in their trousers so as to appear more male.

Sex – the way a person's body appears, sometimes wrongly, to indicate their gender.

Transgender – a person that feels the assigned gender and sex at birth conflicts with their true gender.

Transsexual – a transgender person who lives fulltime in their true gender.

True Gender – the gender that a person truly feels they are inside.