



# Hope View School

## Transgender Policy

The purpose of this policy is to deeper embed Hope View School's good practice in the field of Transgender consideration in order to minimise the distress and disruption to all pupils by:

1. Ensuring teachers and Proprietors are dealing with Transgender matters inclusively and sensitively
2. Providing an inclusive environment for any Transgender pupil
3. Ensuring all pupils are aware of and educated on issues of Transgender

### Transgender Identity

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.

Diagnosis and treatment for young people is currently only possible through a specialist team from the Tavistock clinic in London 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.

Hope View School will support the individual and families concerned in working with other external organisations. Hope View School has written this policy with guidance from many Trans charities to ensure we fully support every pupil.

## **Legislation Data Protection Act 1998 (UK)**

Information about a person's Transgender status is considered 'sensitive personal data' and is subject to tighter controls than other personal data. Explicit consent is required before it can be processed.

- 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 legislation states that a school 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.

Legislation that informs the participation of trans pupils in schools include the Human Rights Act 1998 and the Equality Act 2010.

## **The Human Rights Act 1998**

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

- Article 3; protection against degrading treatment
- Article 8: right to respect for private life and family life
- Article 10: freedom of expression
- Article 14: the prohibition of discrimination

## **The Equality Act 2010**

The Equality Act 2010 ensures legal protection against discrimination (direct or indirect) for everyone under the nine protected characteristics defined in the Act, one of which is Gender Reassignment. It states that:

“A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.”

Part 6 of the Equality Act 2010 makes it clear that the Act specifically refers to Schools and young people.

The Act applies to employment, education and a range of other areas where discrimination may take place. In order to be protected under the Act, a pupil will not necessarily have to be undergoing a medical procedure to change their sex, but they must be taking steps to live in the opposite gender, or be proposing to do so.

There is also protection in place from discrimination by association. For example, parents and siblings are legally protected from harassment due to their relationship with their transgender child/ sibling and a child who is associated with a transgender person, for example a parent, is also protected.

### **School Attendance**

Hope View School 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 Hope View School has 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.

### **Staff Training**

In order to ensure all staff and Proprietors have the skills to deal with Transgender issues, Hope View School provides the appropriate provision on topics such as:

- Safe Guarding
- Confidentiality
- Gender Identity
- Tackling transphobia
- Relevant legislation

All topics are covered through appropriate information, policies and INSET which is revisited annually.

### **The Curriculum**

The issues connected to Transgender are covered for all pupils during curriculum time through the pastoral curriculum programme. These issues will also be touched upon during other subjects.

### **Physical Education**

Sports and Physical Education is a key aspect of the national curriculum and the physical and mental well-being of young people. Physical Education develops pupils' 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.

### **Changing/Toilet Facilities**

This will always be a very sensitive area for all pupils. At Hope View School we have made provision for toileting and changing facilities. Transgender pupils will be able to use these facilities which have been labelled sensitively and appropriately as accessible, unisex amenities. Again, each Transgender pupil will be treated sensitively and we will support their individual needs. This approach is underpinned by the Equality Act 2010, whereby refusing a child or young person access to the changing room of their true gender identity would constitute an act of discrimination.

### **School Uniform**

Transgender pupils will be expected to follow the School Uniform Policy, which covers uniform, make-up and jewellery.

### **Name Changing and Exam Certification**

If a Transgender pupil wishes to have their preferred name recognised on school 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 school. 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 school 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 Hope View School and parents or carers to ensure the best way forward.

Prior to examinations the Hope View School will ensure a strategy is agreed with the pupil and their parents or carers, then agreed with the various Examination Boards prior to starting GCSE courses.

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**

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

This policy is written in conjunction with the schools equality policy and is will be made available to all stakeholders at the school

Supporting our Transgender Pupil 'Transition' can mean different things to different people, so it is important to find out what this means to the child or young person you are supporting. Broadly speaking, most aspects of transition can be divided into 'social' or 'medical'. Social transition is choosing to live your life as your preferred gender. This could include:

- A name change
- A change in pronoun (he, she, they, zie etc.)
- Wearing clothes that are associated with their gender identity
- Use of toilets/changing rooms appropriate to their gender identity rather than biological sex

## **Whole school**

To support our pupils we have implemented a robust whole school approach to develop an understanding of trans\* issues and prevention of transphobia and homophobic issues. This will minimise the potential of issues or concerns being raised by cisgender members of the school community, including parents and carers, about trans\* children and young people accessing toilets, residential facilities etc, according to their gender identity rather than their biological sex.

Raising awareness of the school's approach to transphobia and supporting trans\* and gender questioning children and young people can be done through:

- Celebrating LGBT History Month
- Providing information about PSHE lessons on gender stereotyping, gender identity and trans\* issues
- Including an equality objective (Public Sector Duty of the Equality Act) which supports the needs of trans\* children and young people.

There will be cases where a child or young person's trans\* identity is not widely known and the school should seek to protect this information, unless the trans\* child or young person wishes it to be known.

Where a child's trans\* identity is known to the wider school community, schools will need to ensure that they have a robust language, using the Equality Act and a Human Rights approach, to counteract any prejudice expressed or concerns raised. Additionally, when a parent or carer raises a concern about the feelings of their child when spending time in the company of a trans\* identified pupil or staff member, support work should be aimed at answering the question: 'how can we make your child feel better?' rather than compromising the rights of the trans\* person.

### **Working with parents and carers**

Many parents and carers of a child or young person who identifies as trans or gender questioning will be supportive of their child's gender identity; however, this is not always the case. When we work with parents and carers, we are representing the interests of our pupil and as far as possible we ensure the wishes of the pupil are taken into account, with a view to supporting them during potential transition. Confidential information may not be shared, even with the parents and carers, without the child or young person's permission, unless there are safeguarding reasons for doing so.

This policy has been written to support transgender pupils. It is to be used in conjunction with all Hope View School's other policies, not as a standalone 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.

**Crossdresser** - People who wear clothes, make-up commonly associated with the 'opposite' sex, but who do not necessarily identify as that gender.

**Cis** - A cis person is someone who identifies as the same gender they were designated at birth. So if someone is born female and identifies as a woman, they are cis. It is an easy way to refer to someone who is not trans. The word 'cis' comes from the latin for 'same'.

**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'.

**Genderqueer** - 'Genderqueer' is a word some people use to describe having a gender identity other than male or female. They may identify as both genders, neither gender, or something else entirely.

**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.

**Intersex** - Someone whose genitalia, reproductive organs, chromosomal or hormonal makeup cannot be clearly defined as 'female' or 'male' M2F – Male to Female, a person that was identified as Male at birth but came to feel that their true gender is actually Female.

**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

**Links with other policies and practices**

Anti-bullying Policy

Child Protection Policy

**The named contact for this policy is: Mrs C Lorne – Headteacher**

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