



# Transgender Policy

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| <b>Person Responsible:</b> | Mrs H Mukherjee | <b>Frequency of Review:</b> | 1 Year     |
| <b>Authorisation By:</b>   | Headteacher     | <b>Notice Date:</b>         | 14/04/2022 |
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## 1 Purpose

The purpose of this policy is to embed Upper Wharfedale School’s good practice in the field of Transgender consideration to minimise the distress and disruption to all students by:

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

## 2 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 students 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 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.

Upper Wharfedale school will support the individual and families concerned in working with other external organisations.

Upper Wharfedale School has written this policy with guidance from Trans charities to ensure we fully support every student. We have also used the Cornwall Transgender Guidance for schools ([Guidance Here](#)) which is the first set guidance to support schools with Transgender students.

## 3 Legislation

### 3.1 General Data Protection Regulation 2018

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 student 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 protected characteristic at a disadvantage, and it cannot be justified as a proportionate means of meeting a legitimate aim. An example might be an inflexible school uniform rule which offers no 'unisex' options such as trousers for girls, and which would therefore create a difficulty for a F2M student.

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

### **3.2 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

### **3.3 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.

### **3.4 School Attendance**

Upper Wharfedale 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.

### **3.5 Transphobia and Bullying**

Upper Wharfedale 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.

### **3.6 Staff Training**

To ensure all staff and Governors have the skills to deal with Transgender issues, Upper Wharfedale School provides the appropriate provision on topics such as:

- Safeguarding

- Confidentiality
- Gender Identity
- Tackling transphobia
- Relevant legislation

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

### **3.7 The Curriculum**

The issues connected to Transgender are covered for all students during curriculum time through the PSHCE curriculum programme and Deep Learning Days. These issues will also be touched upon during other subjects.

### **3.8 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 students' 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.

Regarding 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 school would consider whether a Transgender person participating in full contact lessons is appropriate towards the latter stages of puberty. This is something that Upper Wharfedale School will take a view on prior to the delivery of those lessons, in discussion with parents or guardians.

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

### **3.9 Changing/Toilet Facilities**

This will always be a very sensitive area for all students. At Upper Wharfedale School we have made provision for toileting and changing facilities. Transgender students will be able to use these facilities which have been labelled sensitively and appropriately as accessible, unisex amenities. Again, each Transgender student will be treated sensitively, and we will support their individual needs.

### **3.10 School Uniform**

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

There is a generally broad range of uniform available for both genders (i.e. girls and boys can wear trousers and all students must wear a polo shirt and sweatshirt).

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

If a Transgender student 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 student is taking steps to, or proposing to move towards a gender they feel they wish to live in.

Technically, students 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 Upper Wharfedale School and parents or guardians to ensure the best way forward.

Prior to examinations the school will ensure a strategy is agreed with the student and their parents or guardians, then agreed with the various Examination Boards prior to starting GCSE courses. Schools will also need to be aware that the DfE analysis of school performance may still present the student 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 mainways 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.

### **3.12 Vaccinations**

Upper Wharfedale School will allow any gender specific vaccinations to be carried out at the GP's surgery to eliminate any embarrassment.

### **3.13 School Visits**

Learning about different cultures and lives and taking part in activities may lead to overnight stays, both at home and abroad. Issues may arise for both young Transgender students and other students, but this must not mean Transgender students cannot be included on the visit. Upper Wharfedale School will give consideration well in advance of any additional school visit to ensure the Transgender student is fully included.

The sleeping arrangements will be considered before a visit is undertaken; it is possible that the Transgender student 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. Upper Wharfedale School will contact the relevant border control or agency in advance to ensure that any policy or risk assessment completed by the school is accurate for that visit.

There are countries that are not as legally and culturally open as the UK. In fact, some have laws that make it illegal to be part of the Transgender community. Some countries even make it an offence not to report to the authorities that someone is part of the Transgender community. Upper Wharfedale school will consider and investigate the laws regarding Transgender communities in any country considered for a school visit.

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

## **4 Supporting our Transgender Students**

'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

### **4.1 Whole school**

To support our students, 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 school newsletters and websites by for example:

- Support for all LGBTQ students
- Having an anti-bullying week focus on transphobia
- Celebrating LGBT History Month
- Providing information about PSHE lessons on gender stereotyping, gender identity trans\* issues

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.

## 4.2 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 student and as far as possible we ensure the wishes of the student are considered, 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 students. It is to be used in conjunction with all Upper Wharfedale School's other policies, not as a standalone policy.**

## 5 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 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 Female.

**Packing** – a F2M person may wear a prosthetic item in their pants that will give a 'bulge' in their trousers 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.