

Ashgate Primary School



Supporting Transgender Pupils and
Families

Providing emotional / physical support and education to embed inclusivity for all across
the school community

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

1. Support the equality and equity needs of all
2. Ensuring teachers and Governors are dealing with Transgender matters inclusively and sensitively
3. Providing an inclusive environment for any Transgender student
4. 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.

Formal identification 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.

Ashgate Primary School will support the individual and families concerned in working with other external organisations.

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.

3.3 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.

3.4 School Attendance

Ashgate Primary 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

Ashgate Primary School has a robust Acceptable Pupil Conduct Policy (including anti-bullying actions) . 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 (CPOMS entries)

3.6 Staff Awareness

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

- Safeguarding Transgender Policy
- Confidentiality

- Gender Identity
- Tackling transphobia
- Relevant legislation

All topics are covered through appropriate information, policies and information sharing practices

3.7 The Curriculum

The issues connected to personal identity and 'self' are covered in the PSHE /RSE curriculum and this covers a wider range of personal preferences and self-identification. However, whilst Trans gender matters will be discussed sensitively and when appropriate, the school does not seek to spotlight any individual or group as a point of discussion. (See section 4L Relationships and Sex Education Policy).

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 will likely 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.

Likewise, as a primary school, all sporting activities that are curricular based are mixed by nature and gender identity is not a category for selection within any sports activity, unless specifically stated within the curriculum or by external agencies working within the school.

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

Owing to the nature of the school facilities and the sensitive nature of shared toileting facilities for children of such a young age, Trans children will be required to use the toilets assigned to their biological gender. However, reasonable provision can be made for Trans gender pupils who wish to change or toilet individually. This can be within a staff toilet or another non gender specific toilet facility.

3.10 School Uniform

The school uniform policy is designed deliberately and consciously with the aim of allowing children to select the uniform best fitting to their identified identity. It is not gender specific. There is a generally broad range of uniform available for both genders and Transgender students will be expected to follow the School Uniform Policy, which covers uniform, make-up, and jewellery.

3.11 Name Changing

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, etc. Furthermore, the change of name and associated gender identity will be respected and accommodated by the school.

Technically, students can be entered under any name within the school system, referred to as 'known as/chosen name' classification and the system caters for preferred pronoun alteration. Any pupil or parent finding themselves in this position should discuss this issue with Ashgate Primary School and parents or guardians to ensure the best way forward.

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.

3.12 Vaccinations

Ashgate Primary School does not enforce any vaccination status and therefore perceived or evidenced gender related preferences will not normally require consideration.

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. Ashgate Primary 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. However, where facilities are not available at a venue do not accommodate a preference, it will be deemed suitable and appropriate practice that the child is accommodated with pupils of the same birth gender / that of their birth certificate.

4 Directly Supporting 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:

4.1

- A name change
- A change in pronoun (he, she, they, or similar)
- Wearing clothes that are associated with their chosen gender identity

Whole school

To support our students, we have a whole school approach to developing and 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:

- Support for all LGBTQ students and their families
- Being open to questions around gender stereotyping, gender identity trans* issues when they arise.
- 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, school 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.

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.

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.

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

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