



# Transgender Policy

## BASE Academy Trust

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## **Context**

This is best practice guidance to aid schools in supporting and protecting pupils who are exploring their identity, helping them achieve their full potential whilst in education.

The guidance aims to minimise distress and disruption to pupils and embed good practice in schools by;

- Promoting inclusion and equality for all pupils within education by improving services for Trans pupils
- Ensuring governors and teachers are able to effectively offer support with Trans matters
- Provide practical guidance to schools on specific issues

## **Introduction**

Gender is often an important part of an individual's identity and developing a positive sense of gender identity is part of growing up. However, gender identity is often complex and there is a spectrum of gender which is wider than just boy/man or girl/ woman.

Practices to support Trans children should be embedded across school policies and curriculum to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations.

This guidance seeks to provide a broad overview of the needs of Trans children and their families.

## **Principles**

In developing practices to support Trans children, schools should follow these principles:

- Listen to the child, their parents, carers and siblings. Wherever possible follow their lead and preferences.
- No child should be made to feel that they are the ones who are causing problems or that they owe anything to their school in return for being treated with the equality they deserve and are legally entitled to.
- Avoid seeing the child as a problem and instead see an opportunity to enrich the school community and to challenge gender stereotypes and norms on a wider scale.
- Avoid, where possible, gender segregated activities and where this cannot be avoided, allow the child to access the activity that corresponds to their gender identity.
- Challenge bullying and discrimination.
- Promote positive attitudes to gender diversity by including Trans issues within activities relating to discrimination, hate crime, diversity, inclusion and RSE.

## **What is Transgender?**

Transgender children and young people are usually dependent on their parents for care, shelter, financial support, and other needs, and because most doctors are reluctant to provide medical treatments to them, Transgender children and young people face different challenges compared to adults. Transgender issues manifest at different times in life in different individuals. In most cases of [gender dysphoria](#), the condition is often apparent in early childhood, when such a child may express dissatisfaction and behaviour incongruent with their assigned gender. However, many of these children experience rejection as a result of their differences

and quickly attempt to repress them. Therefore, people who see these children regularly may be unaware they are unhappy as members of their assigned gender.

[Gender dysphoria](#) is a strong, persistent discomfort and distress with one's gender, anatomy, birth sex, and even societal attitudes toward their gender variance. Young Trans people who experience gender dysphoria tend to be very conscious of their body; appearance, weight, and other people's opinions of their body may become very important.

### **Legislation**

The legislation states that schools must not discriminate against a pupil because of their Trans status. There is no legal requirement for schools, as there is with disability, to make 'reasonable adjustments' for Trans pupils but schools may take a similar approach to ensure that the needs of Trans pupils are catered for. This guidance will outline the adjustments and steps that schools may need to take to meet the needs of Trans pupils. The practicalities and arrangements for such adjustments will vary from school to school.

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

Information about a person's Trans 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 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.

## **Equality Act 2010 (Great Britain)**

The Equality Act 2010 ensures legal protection against discrimination, harassment and victimisation (direct or indirect) for everyone under the nine protected characteristics defined in the Act, one of which is Gender Reassignment (also known as Transgender).

Part 6 of the Equality Act 2010 makes it clear that the Act specifically refers to School and young people. The Equality Act 2010 (2:1:7) 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.”

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. The school governing body has a responsibility to ensure that the school is complying with its requirements under the Equality Act.

## **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 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 school uniform rule which offers no “unisex” options such as trousers for girls, and which would therefore create a particular difficulty for a F2M pupil.

## **Names and pronoun change**

Respecting a child or young person’s request to change name and pronoun is crucial in supporting and validating that young person’s identity. Some Trans children and young people may wish to change their name to fit with

their chosen identity. Although they may not have changed their name legally, individuals have the right to choose the name by which they are known to by staff and fellow pupils

In regard to schools recording this data, section 5.2.9 of the 'School census 2017 to 2018 (2017) Department for Education guidance indicates that the gender of a pupil is recorded in the format of male or female. However, *"In exceptional circumstances, a school may be unsure as to which gender should be recorded for a particular pupil. Where this occurs, gender is recorded according to the wishes of the pupil and/or parent."* This can be found at: [School census 2017 to 2018 Guide, version 1.3 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/625212/school-census-2017-to-2018-guide-version-1.3.pdf).

It remains open for the school to amend the gender of any pupil, within their own management information systems, at any time, and the department does not specify that this indicator must remain static within any technical requirements. Changing name is a real indicator that the Trans pupil is taking steps to, or proposing to move towards a gender they feel they wish to live in. It is possible to change a name on a school or college roll or register for a preferred name and when sending details of young people to exam boards. Pupils can be entered under any name with an exam board. However, 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 information submitted in January of the exam year. UPNs and ULNs are only linked with legal names, not preferred names. It is possible for exam certificates to be issued in the preferred name. Schools and colleges are encouraged to ensure a strategy is agreed with the pupil and their parents or carers, then agreed with the various exam boards prior to starting the process to accredited courses as some exams may be sat in Year 10 and the length of time the process of reregistering may take has to be considered. Exam boards may be very experienced in Gender Identity issues so they may be able to guide the school or college through the process. It is possible for most documents to be changed to reflect the chosen name or gender identity of the young person. Changing details 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. A person under 16 years cannot change their name legally without the consent of a parent and simply changing name does not change a legal gender identity in the school census.

Where young people wish to change their name without their parents knowledge they should be actively encouraged to speak to their parents with support of their allocated trusted adult.

More information on changing names on birth certificates can be found at [www.deedpoll.org.uk/CanABirthCertificateBeChanged.html](http://www.deedpoll.org.uk/CanABirthCertificateBeChanged.html)

### **Dealing with the questions of staff, children, families and the wider community**

There may be many questions that are asked by various people and it is important to be as clear and informative as possible. However, every circumstance is different, due to the unique experience of individual children and their families.

The Gender Identity Research and Education Society (GIRES) have produced some helpful training tools which can be used in school. Staff and governors can also use the materials as part of their Continuing Professional Development. The resources can be found at;

<https://www.gires.org.uk/category/education/>

Teaching and learning should be carried out with all children and young people regarding LGBTQ+ which includes equality and inclusion.

### **Media Interest**

The following is a suggested suitable response for staff to offer should they be asked questions in relation to Transgender issues:

*"We value all our pupils and care for them, whatever their personal circumstances. Our main job is to give them a good education in a happy school environment. That is what we are focusing on, and we would ask everyone to respect the privacy of all our pupils."*

Schools should not engage with the press over this without seeking the advice of the LA press officer or media relations officer.

Staff must know their duties and responsibilities around data protection so that they fully understand why information is protected and when, how and to whom certain information can be released.

### **Early Help**

It is important that any support offered to a Trans child starts with identifying their individual needs. It must be understood that some Trans children may not want any treatment. Some may choose to be known by a different name or to wear different clothes. However, most or all Trans children (and their families) will need some expert/specialist support as they grow up and develop.

A Trans child would benefit from having a trusted adult allocated and an Early Help Assessment in line with Bolton Safeguarding Children Partnership Framework for Action procedures [framework-for-action \(boltonsafeguardingchildren.org.uk\)](https://www.boltonsafeguardingchildren.org.uk/framework-for-action) to identify any additional needs arising. Schools should (with agreement and in consultation with the pupil and parent/carers) consider completing an Early Help Assessment to identify specific information that the child would like to be shared with those working with them. When completing the assessment, particular attention should be paid to the sections on emotional health and wellbeing, family and social relationships, and behaviour. An action plan should be put in place to ensure the child has a robust support plan in place. The allocated Lead Professional should always be someone who knows and gets on well with the child.

Further guidance on the Early Help Process;

<https://www.boltonsafeguardingchildren.org.uk/early-help-working-together>

Telephone the Early Help Access Point on 01204 335100 Option 1.

### **Terminology and language**

Schools should recognise that for the matter of fairness and inclusion it is extremely important that the correct gender, name and pronouns are used to address Trans pupils. The correct terminology and language should be used and in order to achieve this, education in lessons around sexual orientation and gender should take place



so that staff and pupils have a clear understanding that sexual orientation and gender identity are two completely different things.

### **School Attendance**

Schools should make reasonable adjustments to accommodate absence requests for any treatment or appointments with external sources in line with the absence policy.

It is possible that the young person may be accessing support from outside of school so provisions must be made in order for the pupil to be absent from school but confidentiality must be maintained at all times when complying with absence procedures. Sensitive care should be taken when recording the reason for absence. The child may need time off for a medical appointment and it will be recorded as an M code rather than being off sick.

### **School Photos**

Trans children may feel fine with having their photograph taken at school but steps should be taken to ensure that these images do not reveal any confidential information. Schools should always seek parental/carer permission to publish photos in line with school policy.

### **Transphobia and Bullying**

Bullying should be treated in line with the bullying policy. Transphobic incidents should be recorded and dealt with in the same manner as other incidents that are motivated by prejudice, e.g., racist or homophobic incidents.

Deadnaming is the act of referring to a transgender or non-binary person by a name they used prior to transitioning, such as their birth name. Deadnaming may be accidental but if this is deemed an intentional attempt to deny, mock or invalidate gender identity then the behaviour and bullying policy should be followed.

### **Physical Education**

Sports and Physical Education is a key aspect of the curriculum and the physical and mental well-being of children.

A Trans child has the same right to Physical Education as any other child. With regard to Trans children 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, male to female (M2F) Trans participants may have a physical advantage over other girls but this should not present a problem within our 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 Trans children from participating (which would be discriminatory).

Some children may experience discomfort or distress because their gender identity is different from their biological sex. Older children may feel anxious or uncomfortable about this and the changes they experience during puberty, such as starting their periods, developing breasts or voice deepening. In response to developing

breasts some children may bind their chests with constrictive materials such as cloth strips or specialist undergarments.

If a school becomes aware a pupil is binding their chest, they should explore this sensitively with the child. It will be important to get a better understanding of the reasons for this, how it affects the child (emotionally and physically) and to consider whether any more specialist help and support is needed either from within the school or from other agencies.

It should be noted that there is a clear distinction between the voluntary chest binding by a child and breast ironing/flattening perpetrated by an adult which is a form of physical abuse. If you have concerns that a child is experiencing breast ironing/flattening an immediate child protection referral should be made in accordance with your safeguarding/child protection policy.

If a child has been significantly harmed or is at risk of significant harm you should make a referral to the Integrated Front Door [Worried about a child? – Bolton Council](#)

If you suspect someone is in immediate danger, call [999](#).

### **Changing Room Facilities**

The use of changing room facilities should also be carefully considered. Facilities for Trans pupils should be sensitive to their needs and also recognise the needs and sensitivities of other pupils. When visiting another school or outside venue, school staff must ensure there is appropriate sensitive provision available. Schools should take a view on this prior to the delivery of those lessons, in discussion with parents or guardians.

### **Swimming lessons**

The pupil should be given the choice as to whether they wish to partake in swimming lessons or not. If the Trans pupil wishes to partake in swimming lessons then a risk assessment of the changing facilities should be completed. There must be careful consideration, in consultation with the pupil and in line with the health and safety policy of the leisure centre or swimming pools health and safety procedures. For example, it may be against health and safety regulations to wear a t-shirt in the swimming pool and therefore would be more appropriate for a F2M pupil to wear an all-in-one wetsuit or similar.

### **Toilet Facilities**

There should be provision for unisex toilets. Trans children should be able to use these facilities which have been labelled sensitively and appropriately. *\*\*Advisable that the school conducts an audit of the appropriateness of the facilities\*\**

### **School Uniform**

Trans children should be expected to follow the School Uniform Policy, which covers uniform, make-up and jewellery and hairstyles.

There is a generally broad range of uniform available for both genders (i.e. girls and boys can wear trousers and all pupils must wear a \*blazer, jumper, shirt and tie\*).

### **Residential Trips**

Careful consideration and preparation is needed where a Trans pupil is taking part in a residential trip – to exclude a Trans pupil would be contravening the Equality Act.

The sleeping arrangements should be thought about carefully before the trip takes place.

Risk assessments should be carried out prior to residential trips so that reasonable adjustments can be made to allow the pupil to participate.

### **Work Experience**

Where considering a work experience placement the school should complete a suitable assessment on the potential placement to establish if there is any risk to the Trans child, taking account of the Trans child's right to privacy – as a general principle, personal information on the Trans child must not be shared.

School should be sensitive to this in their planning before any Trans child is placed in any business or organisation. Careful discussion about the placement with the pupil and parents or guardians, should occur to find the most suitable way forward to ensure the placement is successful.

### **Vaccinations**

In the first instance, schools should contact the Immunisation Team to discuss and agree the most appropriate service for the pupil and should work with the child and parent/carers to agree how any gender specific vaccinations should be carried out.

### **Transition in a Single Sex School**

A young Trans person will be clearly more identifiable in a single sex school. If the young Trans person is transitioning, outside that of the school's or college's single sex status, then clear and concise communication should be made with the new school or college if they intend to leave. However most importantly transitioning by a pupil is not a threat to the school's single-sex status because; A girl's school which permits a pupil who is undergoing gender reassignment to remain after they adopt a male gender role would not lose its single-sex status. (Taken from - Department for Education, March 2012, "Equality Act 2010: Advice for School Leaders, School Staff, Governing Bodies and Local Authorities", 2.2 'Single-Sex Schools')

### **Religious beliefs**

Major religions are so big that there are usually lots of different perspectives on LGBT+ people within them. A Trans young person may have only heard of one perspective because that's the perspective of their family, religious leader or prominent community members. The young person may wish to research and look into this further. There are groups in pretty much every religious tradition that believe being LGBT+ is compatible with their faith. Schools can support young people to explore this further.

## **Confidentiality**

All people have a right to privacy. This includes the right to keep private information regarding a person's Trans status or gender non-conforming presentation at school. Information about a child, young person or staff member's Trans status, legal name, or gender assigned at birth also constitutes confidential medical information. Confidential information about pupils should not be shared with other parents. School staff should not disclose information that may reveal a child or young person's Trans status or gender non-conforming presentation to others, including parents/carers and other members of the school community unless legally required to do so or because the child or parent/carer has given permission for them to do so.

Trans children and staff have the right to discuss and express their gender identity openly and to decide when, with whom, and how much information to share. When contacting the parent or carer of a Trans child or young person, school personnel should use the child or young person's legal name and the pronoun corresponding to their gender assigned at birth unless the child, young person, parent, or carer has specified otherwise.

## **Appendix 1**

### **GLOSSARY OF TERMS**

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

**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.

**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.

**Blockers** - Gonadotrophin inhibiting agents are not hormones that will give the body changes associated with cross-sex hormone therapy. Rather they block the body from releasing the hormones that change the body of boys and girls during puberty to either a more male or more female form and keep it at pre-puberty stage of development. Stopping treatment allows the body to go through the normal puberty for that child - or

alternatively, if the child wishes, he or she can elect to have cross-hormone therapy when they have reached an age where they can give their informed consent to such treatment.

**Cis Gender** – ‘not trans’ this would be a person that has no conflict between their assigned sex at birth and their gender as it develops.

**Gender Fluid** - moving between genders or with a fluctuating gender identity.

**Gender Queer** - is a catch-all category for gender identities other than man and woman, thus outside of the gender binary and cisnormativity.[1] having an overlap of, or indefinite lines between, gender identity, two or more genders or without a gender.

**Non-binary** - refers to a spectrum of people who do not welcome or accept the gender label of ‘male’ or ‘female’ the gender identity of a man or a woman. The gender identities within the spectrum can be presented or revolved around terms such as masculine and feminine as they please but they define as neither male nor female.

**Pronoun** – the descriptor relating to gender that identifies an individual – such as ‘she’ ‘him’ or ‘his’. Sex – the way a person’s body appears, sometimes wrongly, to indicate their gender. It is the assigned determiner on a persons birth certificate.

**Transitioning** – the process by which a person starts to live in their true gender.

**Trans** – a word used as an umbrella term to encompass all forms of Transgender, Transsexual, Transitioning etc.  
**Transsexual** – a Transgender person who lives full time in their true gender

**Deadnaming**- is the act of referring to a transgender or non-binary person by a name they used prior to transitioning, such as their birth name. Deadnaming may be accidental, or an intentional attempt to deny, mock or invalidate a person's gender identity.

## **Appendix 2**

## **Resources and further support**

- Tavistock and Portman Clinic- Gender Identity Development Service [Gender Identity Development Service \(GIDS\) \(tavistockandportman.nhs.uk\)](http://tavistockandportman.nhs.uk/Gender-Identity-Development-Service-GIDS)
- Mermaids- Family and Individual Support for Teenagers and Children with Gender Identity Issues <https://mermaidsuk.org.uk/>
- Gender Identity Research and Education Society (GIRES) [www.gires.org.uk](http://www.gires.org.uk)
- Press for Change- The UK's Leading Expert in Transgender Law [www.pfc.org.uk](http://www.pfc.org.uk)
- NHS- Live Well. Support for Young People [Gender dysphoria - NHS \(www.nhs.uk\)](http://www.nhs.uk/Gender-dysphoria)
- Manchester LGBT [www.lgbtcentremcr.co.uk](http://www.lgbtcentremcr.co.uk)
- Equality Advisory Service [www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com)
- Equality & Human Rights Commission [www.equalityhumanrights.com](http://www.equalityhumanrights.com) Gender Recognition Certificate <https://www.gov.uk/apply-gender-recognition-certificate>
- LGBT Collective [www.lgbtcollective.org.uk](http://www.lgbtcollective.org.uk) Human Rights Article List [www.legislation.gov.uk/ukpga/1998/42/schedule/1](http://www.legislation.gov.uk/ukpga/1998/42/schedule/1)
- Equalities Act 2010 (Part6 Education) [www.legislation.gov.uk/ukpga/2010/15/part/6](http://www.legislation.gov.uk/ukpga/2010/15/part/6)
- True Vision Online Hate Crime Reporting <http://www.report-it.org.uk>
- Anti Bullying Alliance [Homophobic, biphobic and transphobic bullying \(anti-bullyingalliance.org.uk\)](http://anti-bullyingalliance.org.uk/Homophobic_biphobic_and_transphobic_bullying)
- HBT bullying and SEN/disability [HBT Bullying and SEND Final Draft and Exec Summary - FINAL.pdf \(anti-bullyingalliance.org.uk\)](http://anti-bullyingalliance.org.uk/HBT_Bullying_and_SEND_Final_Draft_and_Exec_Summary_-_FINAL.pdf)
- Stonewall [www.stonewall.org.uk/our-work/education-resources](http://www.stonewall.org.uk/our-work/education-resources)
- Support U [www.supportu.org.uk](http://www.supportu.org.uk) LGBT awareness workshops for school staff and a weekly support group for young people.
- Schools out [www.Schools-out.org.uk](http://www.Schools-out.org.uk) there are lesson plans, items about LGBT History Month (February), Transphobic bullying and info for teachers
- Department for Education – Equality Act for Schools [Equality Act 2010: advice for schools - GOV.UK \(www.gov.uk\)](http://www.gov.uk/Equality-Act-2010-advice-for-schools)
- [Proud Connections provides digital support for LGBT+ young people including a web chat available 12pm-6pm on Tuesdays and Thursdays Proud Connections - The Proud Trust](http://www.proudconnections.org.uk)
- Your school can obtain a Rainbow flag award. [The Classroom – Rainbow Flag Award](http://www.classroom-rainbow.org.uk)

