

Edward Peake C of E (VC) Middle School

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Transgender and Gender Questioning Policy

1 Related Information

1.1 Statutory Guidance

This statutory policy has been reviewed in accordance with the following Guidance:

- Equality Act 2010
- Gender Recognition Act 2004

1.2 Supporting Documents

The following related information is referred to in this policy:

- Admissions Policy
- Anti-Bullying Policy
- ICT Acceptable Use & E-Safety Policy
- Equality and Diversity Policy for Staff
- Safeguarding and Child Protection Policy
- Sex, Relationships and Health Education Policy

2 Introduction

This policy is drawn up to support transgender and gender questioning children and young people. It is applicable to all current and prospective pupils and will be reviewed by staff and governors. It aims to build on best practice already in place to meet its legal obligations under the Equality Act 2010. Additionally, it aims to meet its obligations under the Gender Recognition Act 2004.

3 Overview

3.1 What do we mean by transgender and gender questioning young people?

The umbrella terms transgender and trans are viewed by many people as being acceptable terms to describe people whose sense of their gender or gender identity is seen as being different to typical gender norms. However, wherever possible individuals should be given opportunities to say how they identify or describe themselves rather than labels being ascribed to them. Children and young people may question their gender identity for a range of reasons, and this does not

mean they are definitely transgender or will go on into transition. It is important to validate the young person's identity as it is now and support any changes that may arise as they come to explore their identity further. Gender identity concerns one's internal sense of self (male, female, neither or both) and how one chooses to express oneself. This is completely different from sexual orientation which concerns who one is sexually attracted to.

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, 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 Gender Identity and Development Service (GIDS). 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.

Please see the 'Glossary of Terms' at Appendix 1.

3.2 Aims of the policy

We aim to:

- Support the exploration of the challenges posed by the specific needs of transgender children and find solutions in the best interest of the pupil.
- Avoid seeing the transgender child or young person as a problem but instead see them as an opportunity to enrich our school community and to challenge gender stereotypes and norms on a wider scale.
- Provide support and listen to the child or young person and their parents and, wherever possible, follow their lead and preferences.
- Support the health and wellbeing of transgender pupils, supporting them through transition and enabling them to achieve their potential in their study, work and wider interests.
- Provide an individual action plan following discussion and agreement with the parents of the pupils who announces their intention to transition and the pupil themselves.
- Work on challenging and preventing sexism, transphobia, homophobia and biphobia and ensure that the school community is aware of these in terms of curriculum content and the challenging of prejudice and bullying (as laid out in the Anti-Bullying Policy).
- Create an inclusive environment, demonstrating respect to the transgender pupil, as well as their family members and friends, in terms of:
 - their gender identity
 - their right to work and study with dignity
 - their name and personal identity
 - their privacy and confidentiality

4 Legislation

4.1 Data Protection Act 2018

The School will comply with its statutory obligation under data protection legislation in force from time to time.

4.2 The Gender Recognition Act 2004

The Gender Recognition Act 2004 contains provisions for the process by which a person can obtain a Gender Recognition Certificate, in order to amend their original birth certificate to reflect their acquired gender. This can only occur after a person reaches 18 years of age but is something that many younger people may aspire to.

4.3 Equality Act 2010

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 specifically refers to schools and young people and provides that it is unlawful for the 'responsible body' of a school to discriminate against, harass or victimise a pupil or prospective pupil:

- In relation to admissions
- In the way it provides education for pupils
- In the way it provides pupils access to any benefit, facility or service
- By excluding a pupil or subjecting them to any other detriment

This means that it is unlawful for the school to treat pupils less favourably because of their gender reassignment. The School will therefore have to factor in gender reassignment when considering its obligations as part of its wider equality duty.

The Equality Act 2010 (Part 2: Chapter 1: Section 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 will also consider the following guidance and best practice resources:

- The Equality Act 2010 and Schools, DfE (May 2014)
- Keeping Children Safe in Education (KCSIE), DfE (September 2023)
- Gender Reassignment Discrimination, Equality and Human Rights Commission (2016), [Iwww.equalityhumanrights.com/en/aICdvice-and-guidance](http://www.equalityhumanrights.com/en/aICdvice-and-guidance).

4.4 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

5 Confidentiality

The school will respect the confidentiality of all transgender pupils and will not reveal sensitive personal information without prior agreement of the individual except to protect their vital interests.

If a child or young person notifies the school about their intention to transition during their education, the school will agree with them (if it is in accordance with their wishes) the date from which their details will be changed on records, as far as is possible. A transgender pupil's file should reflect their current name and gender. Any material related to that pupil's transgender status will be stored confidentially and no records will be changed without the pupil's permission.

There may be situations in which a pupil identifies as transgender but does not wish this information to be disclosed more widely. If a pupil has sufficient age and understanding to provide instructions about their status then, until they have given consent for information to be shared their legal name and gender assigned at birth should be used. However, the school's legal obligation to disclose the status in accordance with its safeguarding duties will prevail over the pupil's own request.

On receipt of a Gender Recognition Certificate the pupil has the right to request all references to their former name and gender to be removed and replaced with their current name and gender. The School will update all records promptly.

6 Safeguarding and Child Protection

The School is clear that being transgender does not in itself constitute a safeguarding risk, however KCSIE (2023) recognises that gender-based violence is a specific safeguarding issue and this can include violence towards transgender people.

Pupils should know that they can talk to members of staff about their gender identity in confidence through appropriate pastoral staff within the school.

Pupils should treat transgender issues with sensitivity. If a member of staff considers that a pupil is in immediate danger or at risk of harm referral should be made to children's social care and/or the police immediately. Please see the Safeguarding Policy for further details on the formal process for referral where this is appropriate.

7 Admissions and School Attendance

The school accepts applications for, and admits pupils irrespective of their gender reassignment, race, disability, sexual orientation, pregnancy or maternity, religion or belief or special educational needs and will not discriminate on these grounds in the terms on which a place is offered. The school will treat every application in a fair, open-minded way.

The school attendance policy will be adhered to irrespective of the personal choices of the pupils within the community. If the individual is at risk of missing education the school attendance policy and 'Keeping Children Safe in Education' will be followed and arrangements made to safeguard and promote the welfare of the child.

8 Guidance, Support and Training for Staff

Guidance, support and training will be provided to staff to ensure that the school obligations to transgender pupils are met.

Individual staff (teaching and non-teaching) will be encouraged to attend appropriate training session to be able to support the needs of the transgender pupils and the wider School community.

Members of staff may be required attend any relevant, multi-agency meetings about transgender young people.

9 Guidance for accommodating the needs of transgender young people

The School will aim to provide a safe and nurturing environment for transgender pupils in which they can:

- Feel comfortable with being themselves and valued for who they are
- Feel included within the whole school community
- Have access to resources and information relevant to them
- Know how to access relevant support services both inside and outside school.

Outlined below are some more practical points to ensure that the school has thought about the possible transgender related issues facing a transgender pupil and ensuring that their needs are being met.

10 Curriculum

The school will ensure the curriculum provides opportunities to challenge stereotypes, including those based on gender, and avoids making assumptions about sex, gender, gender identity and sexual orientation. The school will closely monitor all areas of the curriculum and resources to ensure that they do not contain gender stereotypes or transphobic material. The school will aim to foster a positive sense of gender identity and develop an understanding of transgender issues and prevent transphobia. LGBTQ+ issues should be explicitly addressed in PSHCE lessons.

11 E - Safety

It is likely that young people questioning their gender identity will use the internet and social media to search for information and share experiences. It is important to reinforce the principles of e-safety and to signpost access to relevant safe websites with accurate information. Transgender pupils, in line with the E-Safety policy of the School, are encouraged to report to a member of staff any concerns they have arising from the use of the internet. IT systems should be checked regularly to ensure age appropriate websites on trans issues are not blocked.

12 Language

Members of the school community should strive to use the preferred pronoun for a transgender child, young person or adult. In addition, staff should think carefully about the language they use and when possible, attempt to use gender neutral language which does not reinforce a binary approach to gender (i.e. there are just males and females). It is appreciated that as we move towards a more gender neutral community, there may be times when staff make an error in the language used. Under these circumstances, staff should acknowledge their mistake, apologise and rectify their language.

13 Name Changes

Changing name and gender identity is a pivotal point for many transgender people. If a transgender pupil wishes to have their personal data recognised on school systems, this

should be supported and will feed into letters home, reports, transport information etc where it is possible to do so. Furthermore, the change of name and associated gender identity should be respected and accommodated in the School.

14 Sports and Physical Education

Sports and Physical Education is an integral part of our curriculum incorporating the physical and mental well-being of all young people. A young transgender person has the same right to Physical Education as other young people. With regard to transgender pupils there should be reasonably few, if any, issues regarding participation within the sports of their acquired gender.

There may be sports where, as puberty develops, male to female (M2F) transgender participants may have a physical advantage over other pupils 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).

If a pupil is binding their chest, they should be monitored carefully during particularly physical activities and in hot weather. There is a chance that the binding could cause discomfort or even impair breathing. Short breaks from activity could be offered discreetly.

When competing at another school or outside venue, school staff must try to ensure there is appropriate sensitive provision available. The school may also refer to the relevant governing sporting body for further advice and guidance.

15 Use of Toilets and Changing Facilities

There is the potential that transgender pupils may find themselves in vulnerable situations such as a toilet or changing room where they could fall victim to unwanted attention, that could (if escalated), lead to sexual bullying, assault or other physical or emotional harm, but equally, that they are seen and treated as a member of their acquired gender. Transgender pupils may prefer to use the gender-neutral/unisex facilities which are labelled appropriately.

16 Safe Space

It is very important to us that you feel supported during this challenging time. The HIVE and inclusion team will provide opportunities for support and advice throughout this time and beyond. Allowing the pupil, a safe place to speak and just be. Strategies for coping and personalised interventions will be put in place to support the pupil.

17 School Uniform

School uniform is gender-neutral. Pupils may select their clothing from the choices open to them on the uniform list. There are no separate uniform expectations for girls or boys.

18 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 transgender pupils, but this must not mean transgender pupils cannot be included on the visit. Consideration should be given in advance of any additional needs 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 discussions will happen well in advance, with all

appropriate bodies, linked to the accommodation available. Where a transgender pupil is travelling abroad as part of a visit the School will consult with the relevant authorities to obtain guidance around any cultural and/or social issues which may require further consideration.

19 Vulnerability

Being transgender is not a mental health issue but distressing feelings relating to gender identity mean that some transgender pupils may experience mental distress. Statistically there is a higher incidence of bullying, self-harm and suicide attempts in transgender pupils. The school should be alert to this vulnerability and offer appropriate support through the pastoral team, counselling or information about therapy.

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Appendix 1 - 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 acquired 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 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 acquired 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 acquired 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 acquired gender.

Transsexual – a Transgender person who lives fulltime in their acquired gender.

Acquired or true Gender – the gender that a person truly feels they are inside.