

Salendine Nook High School (Academy)

Transgender Policy (Non-Statutory)

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The purpose of this policy is to explain Salendine Nook High School's good practice in the field of transgender consideration in order to minimise the distress and disruption to all students by:

- ensuring teachers and governors are dealing with transgender matters inclusively and sensitively
- providing an inclusive environment for any transgender student
- ensuring all students are aware of and educated on issues of transgender

GENDER IDENTITY

Gender is a spectrum, which is not limited to male or female – but can span anywhere between these two binary points. 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 (*FTM, or trans male*) person will have been assigned as female at birth, but will identify their gender as male; a male to female (*MTF, or trans female*) person will have been assigned as male at birth, but will identify their gender as female.

The word transgender is a term used to describe people who identify with the opposite gender to which they were assigned at birth; however, it is also an umbrella term which can include people who do not feel exclusively male or female (*non-binary*) (as is the term *genderqueer*). Gender can be fluid, and some children and students that do not relate to their assigned gender may never fully transition into the opposite gender but may choose to use alternative pronouns. For example, someone who is gender fluid but chooses to keep their sex as male, may prefer to be known by 'she/her/hers' pronouns. Others may prefer to be known by 'they/them/theirs'.

Gender Dysphoria is a clinical condition that can present from a very early age and can only be diagnosed by a medical expert. A person diagnosed with Gender Dysphoria may require treatment, e.g. hormone blockers to delay puberty, before being prescribed hormones of their desired gender. 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 available from specialist Gender Identity Clinics (*GICs*) – of which are available in many locations across the UK. 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.

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 Human Rights Act

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 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 student 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.

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 favorable 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 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 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 FTM student.

SCHOOL ATTENDANCE

Salendine Nook High 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

Salendine Nook High School has a robust anti-bullying policy. In line with this policy, transphobic 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.

SUPPORT

Salendine Nook High School will offer students emotional support through specific members of staff in school who the student feels comfortable with and by signposting to specific organisations and websites such as The Brunswick Centre. Support will also be offered to parents.

TRAINING

In order to ensure all staff and governors have the skills to deal with transgender issues, Salendine Nook High School will hold training sessions on topics such as:

- Safeguarding
- Confidentiality
- Gender Identity
- Tackling transphobia
- Relevant legislation

THE CURRICULUM

The issues connected to transgender will be visited for all students during curriculum time during the PSHE 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 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.

With regard to young transgender people at school, there should be reasonably few, if any, issues regarding participation within the sports of their gender identity. There may be sports where, as puberty develops, MTF 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 Salendine Nook High 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 needs and also recognise the needs and sensitivities of other students. When competing at another school or outside venue, school staff must ensure their appropriate sensitive provision available.

CHANGING/TOILET FACILITIES

There is provision in Salendine Nook High School for accessible toilets. Transgender students will be able to use these facilities which have been labelled sensitively and appropriately.

SCHOOL UNIFORM

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

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

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.

Changing the gender recorded on a birth certificate is not possible until a Gender Recognition Certificate has been issued. A person under 16 years of age cannot change their name legally without the consent of a parent.

All examination certificates will be issued in the name that appears on the student's birth certificate.

VACCINATIONS

Salendine Nook High School will allow any gender specific vaccinations to be carried out at the GP's surgery in order to eliminate any anxiety issues.

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.

Salendine Nook High School will give consideration well in advance of any additional needs which may include having a parent or guardian (or member of staff) accompanying the 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. Salendine Nook High 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. Salendine Nook High School will consider and investigate the laws regarding transgender communities in any country considered for a school visit.

Appendix 1

GLOSSARY OF TERMS

AFAB – assigned female at birth.

Agender – Not relating to any particular gender.

AMAB – Assigned male at birth.

Binary/Non-binary – Refers to the gender spectrum: Binary refers to the two fixed ends of the spectrum – male and female; non-binary can be used to describe someone who identifies not solely with either of these genders, but somewhere in between.

Binding – a FTM 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.

Cisgender – Someone who identifies completely with their assigned gender at birth (which also corresponds to their sex).

FTM – 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 somewhere else on the spectrum.

Gender Dysphoria – the medical condition that describes the symptoms of being transgender.

Gender Fluid – Someone who identifies as gender fluid will identify with a different gender on a varying basis. They may feel more feminine some days and more masculine on other days; or feel that neither male nor female describes them fully.

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

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 Spectrum – the continuum between the two binary points of male or female. This is vast and many people identify at different points.

Hormone Suppressors/Puberty Blockers – drugs that are given in order to delay that process of puberty. These can be prescribed before a child is old enough to start taking

hormones such as estrogen or testosterone.

MTF – 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 FTM 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.

Trans Female – Someone who was assigned male at birth but identifies as female.

Trans Feminine – A person who was assigned male at birth but identifies with the more feminine side of the spectrum.

Trans Male – Someone who was assigned female at birth but identifies as male.

Trans Masculine – A person who was assigned female at birth but identifies with the more masculine side of the spectrum.

Transition – The process of changing gender. This may be by having surgery to change sex organs, or by taking hormones.

Tucking – AMTF person may tuck (and sometimes tape) their genitals between their legs so that it does not show at the front.

Supporting Transgender Students at Salendine Nook High School

Salendine Nook High School prides itself on making the school as inclusive as possible. As part of this aim, we are wanting to ensure any students who identify as transgender, gender fluid or have questions about gender, feel valued and a part of our community.

Guidance for Students

If you would like to talk about any issues or have any questions about gender identity, several members of staff are very happy to talk to you. These staff are:

Mrs Johnson sj@snhs.uk

Mrs Wilson slw@snhs.uk

You can contact them directly.

You can also get external support from www.mermaidsuk.org.uk and <http://genderintelligence.co.uk>

Practicalities

Self-identification - If you wish to be called by a name that is different from the one that appears on SIMS, please talk to your HoY as this can be arranged - we do want you to be aware that sometimes staff might forget despite best intentions until they get used to your new name.

Please be aware that legally exam certificates must be issued with the name on your birth certificate.

Changing rooms for PE – if you don't feel comfortable changing for PE, speak to Mr Smith or Mrs Watts and we can arrange facilities for you.

Toilets – there are accessible toilets that are gender neutral for you to use. Please speak to your Head of Year about this.

Guidance for Parents

If you wish to speak to school about your child please email Mrs Johnson sj@snhs.uk and we will meet.

Both www.mermaidsuk.org.uk and <http://genderintelligence.co.uk> offer information and guidance for parents and families.