

Transgender Guidance

In accordance with advice from a variety of sources detailed in section 11, page 5 of this guidance

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Revisions

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1 Rationale

This guidance is to inform schools and enable them to support and protect pupils who are questioning their identity and to help them to 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 for all students within education by improving services for transgender pupils.
- Ensuring that governors and teachers are able to deal with Trans matters inclusively
- Provide practical guidance to schools on specific issues

2 Challenges for Transgender children?

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.

Gender dysphoria is a strong, persistent discomfort and distress with one's gender, anatomy, birth sex, and even societal attitudes toward their gender variance. Transgender young 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.

Transgender feelings can take place 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 behaviour incongruent with and dissatisfaction related to 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 that they are unhappy as members of their assigned gender.

Body esteem has been identified as a key issue for transgender young people in three categories

- personal satisfaction of appearance
- personal satisfaction of weight
- perceived satisfaction of others of one's body appearance.

It has been found that those transgender young people who experienced less personal satisfaction with their weight and who perceived others' satisfaction with their body as worse were more likely to practice life-threatening behaviours than those who were more satisfied with their weight and thought that others view their body more positively.

3 Legislation

The legislation states that schools must not discriminate against a pupil because of their transgender 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 gender pupils are catered for. This guidance will outline the adjustments and steps that schools may need to take to meet the needs of transgender pupils. The practicalities and arrangements for such adjustments will vary from school to school.

4 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:

- The disclosure of personal information that is used, held or disclosed unfairly, or without proper security
- The failure to ensure personal information is accurate and up-to-date
- The processing of data in a way that is likely to cause distress to the individual

5 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

6 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.

7 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. The Academy Council has a responsibility to ensure that the school is complying with its requirements under the Equality Act.

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 F2M student.

8 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.

9 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; www.gires.org.uk/schools.php

10 Resources and further support

Equality Advisory Service www.equalityadvisoryservice.com

Gender Identity Research and Education Society (GIRES) www.gires.org.uk

Manchester LGBT www.lgbtcentremcr.co.uk

Mermaids- Family and Individual Support for Teenagers and Children with Gender Identity Issues www.mermaidsuk.org.uk

NHS- Live Well. Support for Young People_ www.nhs.uk/Livewell/Transhealth/Pages/Transyoungpeople.aspx

Press for Change- The UK's Leading Expert in Transgender Law www.pfc.org.uk

SecEd- Supporting transgender pupils (Accessed July 2018) <http://www.sec-ed.co.uk/best-practice/supporting-transgender-pupils/>

Tavistock and Portman Clinic- Gender Identity Development Service_ www.tavistockandportman.nhs.uk/childreyoungpeoplegenderidentityissues

11 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 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 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.

12 CMAT specific guidance

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.

Practice to support Trans children is embedded across school policies and curriculum to build on best practice already in place 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 transgender children and their families.

13 Principles

In developing practice to support Trans children, schools should try to 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 PSHE

14 Early Help Process

It is important that any support offered to a Transgender child or young person starts with identifying their individual needs. It must be understood that some Trans people 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 Trans people (and their families) will need some expert/ specialist support as they grow up and develop.

A Trans child may benefit from an Early Help Assessment (EHA) in line with the relevant Safeguarding Board procedures to identify any additional needs arising from transgender issues. CMAT schools would (with agreement and in consultation with the pupil and parent/carers) complete an Early Help Assessment to identify specific information that the young person would like to be shared with those working with them to avoid them having to repeat themselves.

When completing the assessment particular attention should be paid to the sections on emotional health and wellbeing, family and social relationships, behaviour and an action plan put in place to address these issues and ensure the young person has a robust support plan. The allocated Lead Professional should always be someone who knows and gets on well with the child.

15 Further guidance on the Early Help Process

15.1 Terminology and language

The correct terminology and language should be used and in order to do this there may need to be some education in lessons around sexual orientation and gender so that staff and pupils have a clear understanding that sexual orientation and gender identity are two completely different

things. For the matter of fairness and inclusion it is extremely important that the correct gender, name and pronouns are used correctly to address transgender pupils.

15.2 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 transgender children and young people may wish to change their name to make it in line 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.

More information on changing names on birth certificates can be found at www.deedpoll.org.uk/CanABirthCertificateBeChanged.html

15.3 School Attendance

CMAT schools will make reasonable adjustments to accommodate absence requests for any treatment or appointments with external sources in line with the Attendance Policy.

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

15.4 School Photos

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

15.5 Transphobia and Bullying

CMAT schools have 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.

15.6 Physical Education

Sports and Physical Education are a key aspect of the national curriculum and the physical and mental well-being of young people. Physical Education develops pupil's 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 true gender.

There may be sports where, as puberty develops, male to female (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).

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 discretely.

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.

15.7 Changing Room Facilities

The use of changing room facilities will also be carefully considered. Facilities for Transgender pupils 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 there is appropriate sensitive provision available. CMAT schools will take a view prior to the delivery of those lessons, in discussion with parents or guardians.

15.8 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.

15.9 Toilet Facilities

There is provision in CMAT schools for uni-sex toilets. Transgender students will be able to use these facilities which have been labelled sensitively and appropriately.

15.10 School Uniform

Transgender students will 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 students must wear a jumper, shirt and tie etc.).

15.11 Residential Trips

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

The sleeping arrangements will need to 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.

15.12 Work Experience

Where CMAT schools are considering a work experience placement, the school will complete a suitable assessment on the potential placement to establish if there is any risk to the young Transgender person, taking account of the young Transgender person's right to privacy – as a general principle, personal information on the young Transgender person must not be shared.

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

15.13 Vaccinations

CMAT schools will allow any gender specific vaccinations to be carried out at the GP's surgery in order to eliminate any embarrassment.

15.14 Media Interest

Confidential information about pupils will not be shared with other parents. The following suggested suitable response for staff to offer should they be asked questions in relation to trans 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."

School will not engage with the press over this issue 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.

15.15 Confidentiality

All people have a right to privacy. This includes the right to keep private one'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.

School staff should not disclose information that may reveal a child or young person's transgender 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. Staff need to be careful about discussing the trans gender child beyond the confines of the school.

Trans children and staff have the right to discuss and express their gender identity openly and to decide when, with whom, and how much to share information. 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.