



# Rednock School

Quality, Partnership, Success

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Proposed Policy:	Transgender Policy	Responsibility Of:	Head Teacher
Date of Ratification:	November 2016	Date of Review:	November 2018

## Transgender Policy

### POLICY RATIONALE

The purpose of this policy is to explain Rednock School's practice in the consideration of Transgender 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.

### POLICY STATEMENT

Equal opportunities should permeate all aspects of school life and are the responsibility of every member of the school community. All members of the school community should be aware that every individual has a right to be considered of equal value and be given equal opportunity – this includes Transgender students. At Rednock School equal opportunity means that everyone has the right to equal chances and each individual is respected for who they are – including Transgender students.

### 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 (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 (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.

Diagnosis 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.

## **Legislation**

### 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 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 favourable treatment relating to absences arising from gender reassignment is unlawful if:
  - o the treatment is less favourable than if it had been due to sickness or injury;
  - o 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 F2M student.

### School Attendance

Rednock School will make reasonable adjustments to accommodate absence requests for treatment and external sources in line with their absence policy. Care will be taken to record the reason for absence in a sensitive way.

### Terminology & Language

Correct terminology should be used in school. It is recognised that sexual orientation (being heterosexual, bisexual, gay or lesbian) and gender identity (being male or female) are completely different things.

Some Transgender people choose a different first name for their new identities and want documentation and records to reflect this, for example, the school roll and register.

It is important to ensure that the correct gender, name and pronouns are used uniformly to address Transgender people. This can be difficult for teachers and other students to get used to the change of name or gender if the student has not been known by that identity since the start of their school career, but all should make every effort to comply.

### Transphobia and Bullying

Rednock School has a robust anti-bullying policy. Incidents of transphobia will be recorded and dealt with in the same manner as other incidents that are motivated by prejudice, e.g. racist or homophobic incidents.

### Training

In order to ensure all staff and Governors have the skills to deal with Transgender issues, Rednock School will hold training sessions on topics such as:

- Safeguarding;
- Confidentiality;
- Gender Identity;
- Tackling Transphobia;
- Relevant Legislation.

All topics will be covered during the Rednock School INSET programme and will be revisited annually.

### The Curriculum

The issues connected to Transgender will be visited for all students during curriculum time during the Life skills programme. These issues may 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 or college, 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, 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).

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 Rednock School will take a view on prior to the delivery of those lessons, in discussion with parents/carers.

### Changing/Toilet Facilities

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. Changing facilities will be discussed with the student and their parents/carers and take account of their views.

When competing at another school or outside venue, school staff must ensure there is appropriate sensitive provision available.

There is provision in Rednock School for unisex/accessible toilets. Transgender students will be able to use these facilities which are labelled sensitively and appropriately. Rednock School has conducted an audit of the appropriateness of the facilities.

### School Uniform

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

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 sweatshirt, shirt and tie). As regards PE kit the Transgender student should be allowed to wear the kit of their true gender.

### Work Experience

As already stated, the Equality Act 2010 encompasses every environment that students will be working in, therefore all placements should be aware of their duties and responsibilities. Where Rednock School is considering allowing a Transgender young person to attend 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.

Rednock 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 student and parents/carers, will occur to find the most suitable way forward to ensure the placement is successful.

### Changing Names 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.

Students can be entered under any name with an Examination 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 the school census information submitted in January of the examination year. UPNs and ULNs are only linked with legal names, not preferred names.

It is possible for examination certificates to be issued in the preferred name, but any young person finding themselves in this position should discuss this issue with Rednock School and parents/carers to ensure the best way forward.

Schools are encouraged to ensure a strategy is agreed with the student and their parents/carers, then agreed with the various Examination Boards prior to starting GCSE courses as some examinations may be sat in year 10 and the length of time the process re-registering may take has to be considered. Schools will also need to be aware that the DfE analysis of school performance may still present the student in the gender registered by their UPN.

It is possible for most documents to be changed to reflect the chosen name of the young person. 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. 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.

### Vaccinations

Rednock School will allow any gender specific vaccinations to be carried out at the GP's surgery in order to eliminate any embarrassment (e.g. a F2M Transgender student may find it difficult to stand in a queue of girls awaiting a female specific vaccination).

### 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. Rednock School will give consideration well in advance of any additional needs 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. 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. Rednock 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. Rednock School will consider and investigate the laws regarding Transgender communities in any country considered for a school visit.

### Dealing with concerns of staff, families and carers

Staff concerns can be dealt with by providing appropriate training and reference to the Transgender Policy and Equality & Diversity Policy. Confidential information about students must not be shared with other parents/carers. The following suggested statement is suitable in most circumstances in relation to Transgender issues:

*As this issue involves the personal circumstances of a young person we are unable to make any comment on this individual case. Our school is committed to working with families and other agencies to ensure that the needs of all students in our care are met and that they can achieve their full potential.*

## Complaints Process

It is important that the Transgender Policy works in practice and is fully implemented. Where the policy is found not to be working and results in unfair treatment of students, employees or the public, then a complaint of unfair discrimination should be made to the Head Teacher or Chair of Governors, following the procedure set out in the School's General Complaints Policy. All complaints of unfair discrimination, including harassment, will be investigated fully.

## **People Responsible for Implementation of Policy**

Senior Leadership Team

Middle Leaders

All members of our Community

## **Associated Policies and Other Relevant Documents**

Equality & Diversity Policy

Equality Objectives

Accessibility Plan

Curriculum Policy

## **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 who 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.