

## Transgender Policy

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## **1. Introduction**

This policy explains UKAT practice in cases of Transgender. It seeks to minimise the distress and disruption to any student involved by:

- Ensuring teachers and Trustees 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

## **2. Transgender Identity**

A Transgender person feels that their external appearance 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 and body of a female and identify their gender as male; a Male to Female (M2F) person will have the external appearance and body of a male and identify their gender as female.

Gender Dysphoria (or gender identity disorder) is a clinical condition that can present from as early as age 2. It 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. 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.

### 3. Legislation

#### a) Data Protection Act 2018

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 after a formal request could constitute one of 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

#### b) 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.

#### c) The Equality Act 2010

- The Equality Act 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 makes it clear that the Act specifically refers to School and young people.
- 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.

#### d) 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 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.

#### **4. School Attendance**

UKAT 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.

#### **5. Transphobia and Bullying**

UKAT has 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. Brompton Academy site has a dedicated anti-harassment email for reporting issues and incidents relating to prejudice:

BA - [harrassment@universityofkentacademiestrust.org.uk](mailto:harrassment@universityofkentacademiestrust.org.uk)

CG - [valueyourvoice@universityofkentacademiestrust](mailto:valueyourvoice@universityofkentacademiestrust)

All incidents of transphobia will be dealt with as outlined in the UKAT Equality and Diversity Policy.

#### **6. Training**

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

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

All topics will be covered during the school's Safeguarding training will be re-visited every year. Staff will be updated in briefings should the need arise.

#### **7. The Curriculum**

1. a) The issues related to Transgender will be visited for all students during the PSHE programme. These issues will also be touched upon during other courses.
2. b) Physical Education

A young Transgender person has the same right to Physical Education as other young people. There should be few, if any, issues regarding participation in 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 by preventing young Transgender people from participating (which, in any case, 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's participating in full contact sports is appropriate during the latter stages of puberty. This is something that the school will take a view on prior to the delivery of those lessons, in discussion with parents or carers.

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 an outside venue, school staff must ensure there is appropriate and sensitive provision available.

## **8. 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. When 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. This assessment should take 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.

UKAT 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 or carers, will occur to find the most suitable way forward to ensure the placement is successful.

## **9. Changing/Toilet Facilities**

There is provision at the School for unisex toilets. Transgender students will be able to use these facilities which have been labelled sensitively and appropriately.

## **10. School Uniform**

Transgender students will be expected to follow the UKAT 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 blazer).

## **11. 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 appear on 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.

Technically, students can be entered for an external examination under any name. However, the implications are very complex. Once a result is accredited it will need to be linked with the Unique Pupil Number (UPN) or Unique Learner Number (ULN) which appeared in the school census submitted in January of the examination year. UPNs and ULNs are only linked with legal names, not preferred names. It may still be possible for an examination certificate to be issued in the preferred name, but any young person finding themselves in this position should discuss this issue with the school in good time and preferably in Year 10.

Schools 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 any school document to be changed to reflect the chosen name of the young person. Changing the gender recorded on a birth certificate, however, 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 of age cannot change their name legally without the consent of a parent.

### **13. School Visits**

Normal school visits and activities may lead to overnight stays, both at home or abroad. Issues may arise for both Transgender students and other students but this must not mean Transgender students are excluded from the visit. The School will assess any additional needs well in advance. It may be necessary to have a parent, carer or a member of staff accompanying the visit to ensure the Transgender student can be fully included.

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 carefully and well in advance, with advice from all appropriate bodies.

In the course of a visit abroad, a student could be searched at a border or other places. The School will contact any relevant border control or other agency in advance to ensure that the risk assessment being prepared by the school is accurate for the visit in question.

In some countries, for example, it is illegal to be part of the Transgender community; in some it is an offence not to report to the authorities that a person is part of the Transgender community.

UKAT will investigate the laws regarding Transgender people in any country considered for a school visit.

## GLOSSARY OF TERMS

**Binding** – a F2M adolescent who is developing breasts may strap down their chest so that it is less obvious. This can be hot, uncomfortable and restrictive, but is very important to their psychological and emotional wellbeing. It might make it difficult for them to participate in certain PE lessons 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 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.