



Transgender Policy

2022-24

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Written by	Nicole Zoylinos – RSE Lead James Powell – Assistant Principal; Personal Development
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PURPOSE

The purpose of this policy is for Longsands Academy to ensure that:

- School staff and Governors are dealing with transgender matters inclusively and sensitively.
- We provide an inclusive environment for any transgender student.
- We ensure all students are aware of and educated on transgender issues.

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 following terms expand on the Equality Act 2010 and Protected Characteristics as referenced in the Equality Policy.

Transgender

This is a term used to describe people who identify with a gender that was not assigned to them at birth; however, it is also an umbrella term which can include people who do not feel exclusively male or female (*non-binary, gender fluid or genderqueer*). Gender can be fluid, and some children and students that do not relate to their assigned gender may never fully transition into another 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' pronouns. Others may prefer to be known by 'they/them'.

Gender Dysphoria

Gender dysphoria is a term that describes a sense of unease that a person may have because of a mismatch between their biological sex and their gender identity.

This 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 the specialist Gender Identity Development Service (*GIDS*) –which are available in several 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.

Gender expression refers to the way a person expresses gender, such as clothing, hairstyles, activities, or mannerisms.

Gender nonconforming describes people whose gender expression differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous.

LEGISLATION

Data Protection Act 1998 (UK)

Information about a person's transgender status is sensitive personal data and is considered as 'special category data' in accordance with Article 9 GDPR (UK) which must be treated with extra security. Explicit consent is required before it can be processed in accordance with Schedule 1 of the DPA (UK) 1998.

- Personal data must be looked after properly following the seven data protection principles of GDPR UK, 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 (which protects transgender people). 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 as a gender that was not assigned to them at birth or be proposing to do so.

Sex Discrimination (Gender Reassignment) Regulations 1999

- Individuals who intend to undergo, are undergoing or have undergone gender transition are protected from discrimination in work, school, and vocational training (including higher education study).

- Less favourable treatment relating to absences arising from gender transition 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 (which protects transgender people).

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 gender-neutral options such as trousers for girls, and which would therefore create a particular difficulty for a FTM student.

SCHOOL ATTENDANCE

The Academy will make reasonable adjustments to accommodate absence requests for treatment and external sources in line with our Absence Policy 4.3 Medical or dental appointments. Sensitive care will be taken when recording the reason for absence for all students.

TRANSPHOBIA AND BULLYING

The Academy has a robust Anti-Bullying Policy, in line with Sections 2. Defining Bullying and 4. Recording and monitoring procedures, transphobic incidents will be recorded and dealt with in the same manner as other incidents that are motivated by prejudice, e.g., racist or LGB phobic (lesbian, gay and bisexual phobic) incidents.

TRAINING

In order to ensure all staff and Governors have the skills to deal with transgender issues, the Academy will hold annual training to ensure coverage of topics such as:

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

THE CURRICULUM

Transgender issues and experiences will be visited for all students through the PSHE programme. These issues will also be touched upon during other subjects and annually through the assembly programme.

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 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 gender identity. 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).

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.

WORK EXPERIENCE

As stated in the CEIAG Policy 'We have a duty under the Equalities Act 2010, to ensure that our provision is inclusive of all students. We understand that a proportion of our students will not identify as heterosexual or cisgender (where their birth sex correlates to their gender identity)'

Where the Academy is considering allowing a transgender young person to attend a work experience placement the Academy 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 person must not be shared.

The Academy 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 guardians, will occur to find the most suitable way forward to ensure the placement is successful.

CHANGING/TOILET FACILITIES

There is provision at the Academy of gender-neutral toilets. Transgender students will be able to use these facilities.

SCHOOL UNIFORM

Transgender students will be expected to follow Academy uniform expectations as stated on the Longsands website, which covers uniform, make-up, and jewellery. There is a generally broad range of uniform available for all genders (ie, everyone can wear trousers and skirts).

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 Academy. It is a real indicator that the transgender student is taking steps to or proposing to move towards their true gender.

Technically, students can be entered under any name with an Examination Board. However, it is a very complex matter. 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 the exams officer and parents or guardians to ensure the best way forward. Schools and colleges are encouraged to ensure a strategy is agreed with the student and their parents or guardians, 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. 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 any documentation 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 may be necessary for evidence of change of name to be produced. There are two ways in which this can be done: by deed poll and by statutory declaration. The Citizens Advice Bureau and other 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.

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 young transgender students, but this must not mean transgender students cannot be included on the visit. Trip leaders will work with transgender students and their parents/carers to ensure that students are able to take part in any school visit.

SUPPORT IN SCHOOL

Members of school staff have undertaken training in order to assist them in supporting students who identify as being LGBTQ+ (lesbian, gay, bisexual, transgender or questioning) and a club was set up in September 2017 in order to provide help and guidance for students. We are also working towards the Rainbow Flag Award and regularly consult with the Kite Trust.

POLICY REVIEW

This policy will be reviewed by Longsands Local Governance Committee every two years or earlier where changes are required.