

Transgender Policy

Queen's College, Taunton

June 2018 (v.1)

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1. Introduction

Gender reassignment is one of the nine protected characteristics within the Equality Act 2010 and is also included in the Public Sector Equality Duty. The Equality Act 2010 provides protection against direct and indirect discrimination, discrimination by association, discrimination by perception, discrimination in cases of related absence from work, and all forms of harassment and victimisation.

2. Aims

Queen's College is committed to being fair and inclusive and will not discriminate against an applicant, employee or student who is undergoing dysphoria, or who has undergone, gender reassignment.

Queen's College views harassment or discrimination against any pupil or member of staff on any grounds as a serious disciplinary offence.

Queen's College seeks to achieve our aim of being a community that is supportive to individual needs and one which expects all staff and pupils to be treated with fairness, dignity and respect.

3. Principles

In developing practice to support trans pupils, Queen's College will follow these principles:

- 3.1 Listen to the pupil, their parents, carers and siblings. Wherever possible follow their lead and preferences.
- 3.2 No pupil should be made to feel that they are the ones who are causing problems or that they owe anything to the school in return for being treated with the equality they deserve and are legally entitled to.
- 3.3
- 3.4 Avoid seeing the pupil as a problem and instead see an opportunity to enrich the school community and to challenge gender stereotypes and norms on a wider scale.
- 3.5
- 3.6 Avoid where possible gender segregated activities and where this cannot be avoided, allow the pupil to access the activity that corresponds to their gender identity.
- 3.7 Challenge bullying and discrimination.
- 3.8 Promote positive attitudes to gender diversity by including trans issues within activities relating to discrimination, hate crime, diversity, inclusion, and PSHE.
- 3.9 Healthy negotiations at all stages with all concerned are beneficial for all concerned

4. Responsibilities

All members of the school community are responsible for helping to ensure that individuals do not suffer any form of discrimination as a result of their gender dysphoria or reassignment, and that they are supportive of individual needs.

5. Staff Training

Queen's College will hold training sessions on related topics such as:

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

All topics will be covered during the Queen's College INSET programme and will form part of the induction process for any new staff.

6. Supporting Pupils

The school fully supports any pupil going through issues to do with gender dysphoria. The school will work with all groups inside and outside of school, to support pupils and to ensure that their education is not adversely affected during what can be a stressful time for pupils and families. The school will also ensure that pupils are protected and safe in school. Confidentiality will be maintained at all times.

Any pupil with gender dysphoria issues can seek support in the first instance from their tutor, safeguarding team, the nursing staff in the Medical Centre, The School Chaplain or The Deputy Head.

Complaints from pupils relating to harassment and bullying will be dealt using the school's behaviour, peer on peer abuse and anti-bullying policies in conjunction with this policy.

6.1 Transition Action Plan for pupils

In conjunction with the pupil, parents and any outside agencies, an action plan or Early Help Assessment will be drawn up to manage any transition within school. These action plans, together with any other notes of meetings must be kept strictly confidential in the individual's pupil file on CPOMS. **This Action Plan should include a detailed Timeline of key events.**

6.2 Absence from School

In putting together the transition action plan the time a pupil may need in order to attend counselling, psychotherapy, support meetings etc should be discussed and agreed as far as possible. Queen's College will undertake to ensure any work missed can be readily accessed and any notification of absence will be sensitively recorded.

6.3 Communication

Trans and gender questioning students 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 or gender questioning student, school personnel should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, students, parent, or carer has specified otherwise.

6.4 Language

Staff should think carefully about the language they use and when possible, attempt to use language which does not reinforce a binary approach to gender (i.e. there are just males and females)

6.5 Confidentiality

School staff should not disclose information that may reveal a member of staff or student's transgender status or gender- nonconforming presentation to others, including parents, carers and other members of the school community, unless legally required to do so or because the pupil or young person has asked them to do so. Staff should not discuss trans students outside of school with friends and so on, even when making no particular reference to their name or personal details.

6.6 Media Interest

Staff and pupils are advised to maintain strict confidentiality and not provide any information. Any media queries should be addressed to the Headteacher.

6.7 **Recording gender**

Department for Education guidance indicates that the gender of a student is recorded in the format of male or female. However, "In exceptional circumstances, a school may be unsure as to which gender should be recorded for a particular student. Where this occurs, gender is recorded according to the wishes of the student and/or parent."

6.8 **Use of single sex facilities**

An action plan and a discussion with the individual may agree the point at which the use of facilities such as toilets should change from one sex to the other.

Unisex toilet - Transgender students will be able to use these facilities which have been labelled sensitively and appropriately

A transsexual employee should not be invited to use disabled toilet facilities, nor facilities of their former gender.

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 there is appropriate sensitive provision available.

6.9 **Physical Education**

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 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.

Consultation with the sport's Governing Body is advised

6.10 **Physical Risk**

The issue of physical risk within certain sports should also be managed properly within the lesson context rather than preventing 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 Queen's College will take a view on prior to the delivery of those lessons, in discussion with parents or guardians.

6.11 **Swimming lessons**

The pupil should be given the choice as to whether they wish to partake in swimming lessons or not. An agreement will be made in the Action Plan.

6.12 **School Uniform**

An action plan and a discussion with the individual will agree the point at which any change in uniform is made. Transgender students will be expected to follow the School Uniform Policy of their gender identity.

6.13 **Teaching and Learning**

Staff will want to consider teaching and learning approaches that they use which may have the impact of making trans pupils and young people feel confused, excluded or uncomfortable. For example, grouping students by gender may have this impact and staff should consider whether this is vital, if and when an alternative approach could be used, and how to make it clear that a pupil who feels safe to do so can be grouped according to their gender identity, rather than their biological sex. There may be times when single

gender work is needed. This may include aspects of sex and relationship education. Providing a clear need is identified, the Equality Act allows for such provision. However, for participants it needs to be made clear that they can participate according to their gender identity.

6.14 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.

6.15 Work Experience

Queen's College will complete a suitable assessment on the potential placement to establish if there is any risk to the transgender person, taking account of the transgender person's right to privacy.

As a general principle, personal information on the transgender person must not be shared. Queen's College will be sensitive to this in their planning before any 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.

7. STAFF - Supporting Employees

A member of staff going through the process of gender reassignment can seek support from their line manager, the nursing staff in the Medical Centre, The Deputy Head or any member of the School's management team. It is a matter of personal choice as to who should be contacted.

An action plan to cover the period of their transition will then be drafted. Confidentiality will be maintained at all times, for staff who may be undergoing transition, or have in the past undergone gender reassignment.

All members of staff should try to refer to the transsexual person by their new name and use pronouns appropriate to their new gender role.

If a member of staff is in a possession of a gender recognition certificate it is unlawful to disclose their transgendered status without their consent.

7.1 Transition Action Plan for Staff

The staff member and the Head teacher/Deputy Head will write an action plan together for managing the transition to the opposite gender from the one assigned at birth, whilst they are at the school. This will include agreeing dates of transition and communication plans; the school being guided at all times by the individual's preferences.

Under no circumstances should any communication or actions be taken without the explicit consent of the individual. These action plans, together with any other notes of the meeting, must be kept strictly confidential in the individual's personnel file. After a person has successfully transitioned into their new gender role, or obtained a gender recognition certificate, these records will be destroyed.

7.2 **Sickness and Absence**

In putting together the transition action plan the time the member of staff will need in order to undergo gender reassignment treatment should be discussed. When the individual is absent for treatment or surgery then normal sick pay arrangements or absence arrangements should apply. The normal policy for medical appointments should also apply and flexibility should be offered. A sick note will be required in the normal way, but the sick note does not need to state the procedures performed.

7.3 **Additional Relevant Documents:**

- Child Protection and Safeguarding Policy
- Anti-bullying policy
- Peer on peer abuse policy
- Behaviour policy
- Risk Assessment for Transgender Transitioning
- Equality Act 2010

Effective date of the policy	8 June 2018
SLG Responsible Member	Andrew Free, Deputy Head

Authorised by	Board of Governors
Signed	Mark Edwards, Chair of Governors
Date	8 June 2018

Appendix 1 Additional Advice for staff on LGBT issues

Don't make assumptions about a young person's sexual orientation. Be careful of the language you use e.g. 'do you have a boyfriend/girlfriend?'

- Challenge homophobic, biphobic and transphobic bullying whenever it arises
- Report any anti-LGBT bullying to the Deputy Head
- Challenge stereotypes of lesbian, gay, bisexual and transgender people (e.g. 'all sporty girls are lesbians', 'all gay men are promiscuous' etc)
- Challenge homophobic, biphobic and transphobic language (including the negative use of the word 'gay') whenever it arises
- Refer to sexual orientation as a spectrum which includes homosexual, bisexual and heterosexual and emphasize that everyone will identify as being somewhere on this spectrum and that their position may change over time
- Refer to gender as fluid and socially constructed rather than as a fixed and rigid identity

How should staff respond in general at school if a person makes an inappropriate comment?

The main purpose of challenging homophobic, biphobic and transphobic language is to signal the unacceptability of prejudiced language use and to encourage learning. The purpose is not necessarily to shame individuals.

- Be calm and constructive (responding and helping build skills). Take time, remain silent if you are upset or angry until you regain control
- If appropriate remove the perpetrator from an audience or the scene of the incident
- Be mindful of what happens next with friendships and other spin-offs
- Show that you are delaying judgement (in some cases) by asking questions (e.g. "Come on... what was that about?")
- Allow them space to reflect on what they have just said or done
- Give them a chance to back-track: self-justify, own or modify their behaviour
- Be critical of behaviour and language, but not of individuals and so allowing the criticised child/person to still feel OK and able to move on
- Remember, young people are voicing the prejudice that they have learnt from the adults around them and society in general. Help them to explore where that prejudice comes from and why it has developed.
- Build a sense of empathy, co-operation and shared rules – "we all agreed..." Linking back to ground rules at all times. In particular, help them to empathise with how an LGBT young person must feel when encountering homophobic language and behaviour – "how would you feel if that were you..."
- Be firm and clear about diversity and rights – and what is not acceptable.
- Search for the personal, individual concerns which may lie behind their words or reflect
- Use stories/scenarios as distancing techniques – to help find solutions to issues that have arisen within the group

- Ensure that the person targeted by the language is appropriately supported

Useful professional bodies for advice:

- Allsorts (and other LGBTU support groups)
- CAMHS
- GIRES (legal / medical aspects)
- Stonewall

Appendix 2 Action Plan to support staff transitioning gender

Does the staff member feel comfortable continuing in their current role?

Are there any temporary or permanent changes to the role which should be considered to support the employee?

What is the expected timescale of the medical and surgical procedures, if known? Is any time off required for medical treatment? If so how will this be dealt with? What will the employee's new title and name be?

When do they wish to start using this name and title? Will there be any phasing?

When do they wish to start dressing and presenting as their acquired gender? Again will this be phased? (This may not necessarily be the same date as above.)

Are there any dress codes which need to be considered?

When does the employee wish to use toilet and changing facilities appropriate to their acquired gender? Please note disabled toilets should not be suggested as an alternative.

When, how and which Human Resources records and or systems will need amending? When and how should colleagues be informed of the transition?

Is there any education material which could be used?

If this action plan is not drawn up with input from line manager/and or Human Resources consider how and when they might need to be involved.

If any bullying or harassment occurs how will it be dealt with?

Actions Agreed

Date of next meeting

Appendix 3 Glossary of terms

Gender dysphoria – A recognised medical term which refers to the physical/mental/ social discomfort of being perceived and living as one’s assigned sex.

GIC – Gender Identity Clinic.

Intersex – A term for a variety of conditions in which a person is born with a reproductive or sexual anatomy that doesn’t seem to fit the typical definitions of male and female.

MTF/Trans woman – Someone assigned as male at birth who identifies as a woman.

MAAB – Male assigned at birth.

FAAB – Female assigned at birth.

Non binary – To not identify within the binary male or female ideologies in Western Society.

Oestrogen – Sex hormone which may be prescribed to some trans women.

Outed – When a trans person’s gender status is made public knowledge without their consent. This can happen either by people deliberately talking about this person being trans or by careless violation of confidentiality.

Pansexual – A sexual or romantic attraction towards people of all gender identities including those that don’t fit into a gender binary.

Passing – Being seen or read as the gender you present yourself as, e.g. a male identifying person being read as male.

Sex – Assigned at birth in relation to ones genitals, chromosomes etc.

Sexual Orientation – Attraction to people i.e. gay, straight, bisexual, pansexual etc.

Stealth – Living in one’s acquired gender without anyone knowing about one’s trans status. A person may choose to be stealth in some areas of their lives but not others.

Testosterone – Sex hormone prescribed to some trans men.

To gender – To assign someone else a gender by noticing behaviour and body presentation.

Top surgery – Known term that trans men use when referring to chest surgery which produces a male contoured chest.

Transgender Person – A person whose gender identity is different from the sex they were assigned at birth. Some trans people will choose to transition socially and some will take medical steps to physically transition (with the help of hormone therapy and/or surgery) to live in the gender role of their choice.

Transgender Man – Someone who was born female but identifies as male. They will often change their name to one more commonly used by men, use the male pronoun ('he') and wear clothes that are typically worn by men. They will sometimes undergo medical procedures to change their physical appearance, for example taking hormones or undergoing surgery.

Transgender Woman – Someone who was born male but identifies as female. They will often change their name to one more commonly used by women, use the female pronoun ('she') and wear clothes that are typically worn by women. They will sometimes undergo medical procedures to change their physical appearance, for example taking hormones or undergoing surgery.

Transgender/Trans – An umbrella term which can be used to describe people who are:

- Transgender
- Transsexual
- Cross-dresser
- Neither male nor female
- Androgynous
- A third gender
- Or who have a gender identity which we do not yet have words to describe.

Transition – What constitutes as transitioning may be different for many trans people, e.g. medical transition, social transition, etc.

Transphobia - Irrational fear, hatred, abuse etc. of trans people and people who do not conform to traditional gender norms.

Transsexual Person – A person with a consistent and overwhelming desire to transition and fulfil their life as the opposite gender. Most Transsexual people actively desire and complete gender re-assignment surgery.

Appendix 4 Name Changing and Exam Certification

Changing their name and gender identity is a pivotal point for many Trans people.

If a Trans student or student wishes to have their personal data recognised on school systems, this needs supporting and will feed on to letters home, report cycles,. Furthermore the change of name and associated gender identity should be respected and accommodated in the school. In regards to schools recording this data, section 4.2.7 of the 'School census 2014 to 2015' (2015) Department for Education guidance indicates that the gender of a student is recorded in the format of male or female. However, "In exceptional circumstances, a school may be unsure as to which gender should be recorded for a particular student. Where this occurs, gender is recorded according to the wishes of the student and/or parent." It remains open for the school to amend the gender of any student, within their own management information systems, at any time, and the department does not specify that this indicator must remain static within any technical requirements. Changing name is a real indicator that the Trans student or student is taking steps to, or proposing to move towards a gender they feel they wish to live in. It is possible to change a name on a school or college roll or register for a preferred name and when sending details of young people to exam boards. Students can be entered under any name with an exam board. However, once a result is accredited it will need to be linked with a Unique Student Number (UPN) or Unique candidate identification (UCI) which existed in the school census information submitted in January of the exam year. UPNs and ULNs are only linked with legal names, not preferred names.

It is possible for exam certificates to be issued in the preferred name. Schools and colleges are encouraged to ensure a strategy is agreed with the student or student and their parents or carers, then agreed with the various exam boards prior to starting the process to accredited courses as some exams may be sat in Year 10 and the length of time the process of re-registering may take has to be considered. Exam boards may be very experienced in Gender Identity issues so they may be able to guide the school or college through the process. It is possible for most documents to be changed to reflect the chosen name or gender identity of the young person. Changing details 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.