

St Oswald's C of E Primary School



Transgender Policy and Procedures

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| Policy Approved: | April 2019 |
| Next reviewed: | April 2021 |

INTRODUCTION

St Oswald's C of E Primary School is committed to safeguarding and promoting the wellbeing of all children. We require our staff, governors and volunteers to share this commitment. This policy should be read in conjunction with all other school policies, including our Safeguarding & Child Protection Policy.

TRANSGENDER PROCEDURES

St Oswald's C of E Primary School is committed to ensuring equal attitudes and behaviour of all its employees, students and any others involved in the school community, regardless of gender. We will ensure that neither males nor females are treated less favourably in any procedures, practices or aspects of our school environment.

St Oswald's C of E Primary School will not tolerate harassment or ill treatment of people based on their gender or transgender status. We have a responsibility to educate non-transgender pupils whilst effectively supporting transgender and transgender-questioning pupils in order to prevent transphobia.

The purpose of this guidance is to deeper embed good practice in the field on Transgender work at St Oswald's C of E Primary School to minimise and ensure an inclusive, positive environment is achieved.

This guidance is aimed at supporting, informing, protecting and enabling students to question their gender identity in a safe and non-judgemental atmosphere ensuring all pupils achieve their full potential while at St Oswald's C of E Primary School.

At St Oswald's C of E Primary School we believe that diversity is a strength, which should be respected and celebrated by all those who learn, teach and visit here.

Legislation

Legislation informs the participation of Trans (including gender variant) students in schools and colleges including the Human Rights Act 1998, Gender Recognition Act 2004 and the Equality Act 2010.

The Human Rights Act 1998

The following Articles from the Human Rights Act 1998 support the rights and needs of Trans 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.

The Equality Act 2010

The Equality Act 2010 ensures legal protection against discrimination (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 Schools 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.

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 (FtoM) person will have been assigned a female sex at birth yet identifies their gender as male; a Male to Female (MtoF) person will have been assigned as male at birth yet identify their gender as female.

The word transgender is sometimes used interchangeably with terms such as transsexual or gender-variant but usually has a narrower meaning and different connotations than gender variant, including non-identification with the gender assigned at birth. Students who experience issues with their gender development or are gender non-conforming may or may not be trans-sexual, as some will not retain their gender variance following puberty because this can be fluid.

Gender Dysphoria (or Gender Identity Disorder) is a clinical condition that can present from as early as age two 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) to ameliorate the symptoms associated with being Transgender. A Transgender person can live their life without being or needing to be diagnosed as having Gender Dysphoria.

Diagnoses and treatment for young people is currently only possible through a specialist team from a Gender Identity Clinic this is via a referral from a GP. It must be understood that some people with Gender Dysphoria or those who identify as Non Binary or Gender Variant may not want any treatment. Some may wish to be known by a gender-neutral name or to wear different clothes. However, most or all young Trans people (and their families) will need some support or information as they grow up and develop.

Terminology and Language

It is good practice to focus on correct terminology and the use of language in school. The school will focus some teaching in class around sexual orientation and gender so that everyone has a clear understanding that sexual orientation (being heterosexual, bisexual, gay or lesbian) and gender identity (being male or female), are completely different things.

Terminology and language can be confusing around Trans issues. Different individuals and organisations sometimes prefer different terms to identify themselves and the nature of being Trans.

Often Trans 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 extremely important, as a matter of fairness, respect and inclusion, to ensure that the correct gender, name and pronouns are used uniformly to address Trans people. Hearing people use 'him' or 'her' incorrectly can be uncomfortable or seriously detrimental for a Trans person to hear, especially when trying hard to confirm people's awareness of their true identity.

It can be difficult for the teachers and other pupils in school to get used to the change of name or gender if the pupil has not been known by that identity since the start of their school career.

There may well be times when a mistake is made and this can be embarrassing for all parties. If there is difficulty in 'getting it right,' the use of the chosen first name will help to overcome this.

Whole school approach to preventing Transphobia and supporting Trans children

As with any child or children with a protected characteristic, a whole school approach is needed to support and keep safe Trans and gender questioning children, young people and staff. At St Oswald's C of E Primary School we will:

- Acknowledge there will be Trans people within the school community as parents and carers, staff, governors and students, and that they will positively enrich the school community.
- Ensure Trans issues and transphobia is acknowledged across the school policy framework.
- Closely monitor all areas of the curriculum and resources to ensure that they do not contain gender stereotypes or transphobic material.
- Ensure that the curriculum and in particular PSHE is used to challenge gender stereotypes, support the development of a positive sense of gender identity, develop understanding and Trans issues and prevent transphobia.
- Effectively challenge, record and deal with transphobic abuse, harassment and bullying (eg name-calling, derogatory jokes, graffiti, unacceptable or unwanted behaviour, intrusive questions) and then monitor incidence of transphobic abuse, harassment and bullying, and use this information to inform whole school developments.
- Develop a variety of methods of students and staff to report transphobic bullying and incidents.
- Include Trans issues in equality training for staff and governors.
- Create an environment in which all staff and students, whatever their gender identify, feel equally welcome and valued and in which transphobic behaviour is challenged.
- Provide appropriate support to pupils who identify as Trans and refer them and their families to the appropriate professionals/support groups.

Transphobia and bullying

Students and staff identifying as transgender or gender fluid may experience bullying. This might take various forms for example deliberately using the incorrect pronoun, first name or gender identifier in an attempt to belittle the person or bully them. Such instances of bullying and transphobia will be dealt with according to the school's anti-bullying policy, where incidents are motivated by prejudice and hate in the same way as the school currently deals with racist, homophobic etc incidents.

Trans people often find themselves the subject of prejudice and the target of bullying because of their "difference". This can be compounded by a lack of understanding and clear explanation which in turn can generate confusion causing people to revert to learnt negative gender stereotyping.

The school also recognises that upset and hurt may be caused by ignorance for example, through comments made by young students who repeat what they may have heard elsewhere without fully understanding what they have said. As an educational establishment St Oswald's C of E Primary School will work with such students to educate them and help them to understand the upset and offence that their comments and actions have caused.

Sports and Physical Education

Sports and Physical Education is a key aspect of the national curriculum and of the physical and mental well-being of young people. Physical education develops a 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.

With regard to young Trans people in PE lessons, there should be reasonably few, if any, issues regarding participation within sports. There may be sports where, as puberty develops, M to F Trans 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 will be managed within the lesson context rather than by preventing young Trans people from participating, (which would be discriminatory).

The use of changing room facilities will be carefully considered. Facilities for Trans participants should be sensitive to their needs and also recognise the needs and sensitivities of other students. Within the competitive and representative aspects of school sports (outside of PE lessons), St Oswald's C of E Primary School will seek the advice of the various sporting governing bodies, which are beginning to attend to Trans issues bearing in mind the Equality Act 2010. That said, in the legislative framework of some sporting governing bodies, there is currently little clarity regarding Trans participation particularly around competition and representation at school level.

Certainly, FtoM young people may not gain a physical advantage in some sports, so there should be no issue regarding their participation (except those sports where there may be an issue regarding physical risk in high contact sports, where the school will carefully consider it's approach).

The issues of competitive sport in relation to MtoF is a little more complex, as there may be a physical advantage gain by MtoF Trans participants in some sporting contexts. Whilst the various sporting bodies have not given specific advice about this at school level, St Oswald's C of E Primary School will take a common sense approach to the issue and deal with specific circumstances on an individual basis.

Whilst being considerate of the advice of the various sporting bodies, which do have more issues with MtoF participation than FtoM, St Oswald's C of E Primary School will treat each case individually and sensitively, and to have close liaison with families and carers through this process. Changing facilities will need to be managed sensitively at competitive or representative level. When competing at another school or outside venue, staff will need to make sure appropriate and sensitive provision is made for changing which respects both the dignity of a young Trans participant and also their privacy.

A situation where a Trans pupil arrived in another school as part of a team and found that no appropriate provision had been made in advance for changing and showering could be both distressing and detrimental.

Where it is clear that participation in sport gives no physical advantage then the school sees no reason why a Trans pupils should not represent the school.

Dealing with concerns of Staff, Families and Carers

Staff concerns can be dealt with by providing appropriate training and having clear guidance for the school to address the issues that are most commonly raised. Showing that the social, moral, spiritual and cultural considerations and also any legal issues of confidentiality, have all been addressed can reduce the anxieties that develop amongst staff e.g. around disclosure. There are a number of factors that determine how much information schools and colleges may disclose. Confidential information about students must not be shared with other parents. The following suggested statement has been used and will be suitable in most circumstances in relation to Trans issued: *as this involves the personal circumstances of a young child we are unable to make any comment on this individual case.*

St Oswald's C of E Primary 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.

Staff must be aware of 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 shared.

It must be recognised that people have their own prejudices and parents/carers may not always be the most supportive person to assist the young person through transitioning. The school's role in this situation is to offer guidance, support and refer to agencies where appropriate, to ensure concerns and any questions can be answered with the aim of agreeing a way forward that is open and transparent.

St Oswald's C of E Primary School has agreed that young people who identify as Trans have a Gender Identify Transition Plan. This plan is completed with the young person and their parents/carers. It enable the young person to identify their current feelings, anxieties and the next stage they would like to consider. These plans are personalised and are a tool to pre-empt situations and how best deal with them. Parent feedback is that this approach gives all involved a clear understanding of the stage a young person is at, but also an opportunity to agree timescales to ensure no kneejerk reactions are put into place without some thinking time. This plan also allows longer-term practical issue.

Children are encouraged to speak to staff with regards to concerns they may have but as a parent If you would like to discuss any concerns you may have with regards to the policy or support which can be offered through school, please contact Miss Golden/Mrs Batty on 01943 873570 or on the school mobile 07712 216141.

St Oswald's C of E Primary School

Gender Identity Transition Plan

| Date | Current Stage | Next Stage | Support Required | Outcome |
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