



West Melton
Primary School

Transgender Policy

Written by: J Key

March 2017

Signed by:

_____ Headteacher

Date: _____

_____ Chair of governors

Date: _____

The purpose of this policy is to explain West Melton's Primary Schools good practice in the field of Transgender consideration 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

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 (*the Tavistock hold regular satellite clinics in Exeter*). 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

Data Protection Act 1998 (UK)

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 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 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:

- 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.

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. To address this we have unisex option of trousers and jumpers for all.

Language used by staff/pupils/parents should be non-gender specific in order to limit distress to LGBT children. Terms such as "I need two big strong boys to help" "that's so gay" "please line up girls in one line boys in another" will be addressed by SLT.

Roles and responsibilities

It is the responsibility of all staff to be alert to possible harassment of pupils, both inside and outside of the [school/academy], and to deal with incidents of harassment/discrimination as the highest priority.

All staff will ensure they meet the unique needs of trans* pupils and assess any measures put in place on a case-by-case, individual basis.

The headteacher will hold regular meetings with parents/carers of trans* pupils and discuss the success of support in place, including feeding this information back to the governing body. The

governing body will evaluate and review the success of support available to individual trans* pupils on a termly basis.

The head teacher will make any necessary and appropriate changes to the support available to ensure the happiness and development of the pupil. West Melton Primary will respect all pupils' right to privacy and will not disclose a pupil's trans* status at school to any other pupils, staff members or third parties.

West Melton Primary will adopt secure controls on sensitive personal data, ensuring all data is accurate, secure and is processed fairly and lawfully. We will gain consent from the pupil and parents/caregivers before any sensitive personal data is processed.

The headteacher/ and or PSHE Lead will conduct regular training sessions to ensure all members of staff are aware of their responsibilities, as well as to develop their skills and knowledge. We will establish a protocol for response when a trans* pupil comes out, is outed, or experiences bullying.

We will put measures in place to ensure that appropriate counselling is made available for trans* pupils who require immediate interventions, parental assistance and/or personal counselling.

The governing body will evaluate and review this Transgender Policy, and will make sure it is non-discriminatory.

The headteacher and/or will review and amend this policy, taking into account new legislation and government guidance, and previously reported incidents in order to improve procedures.

The headteacher will keep a record of any reported incidents and we will work to put measures in place which prevent these reoccurring.

School Attendance

West Melton Primary School 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.

Transphobia and Bullying

West Melton Primary School 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.

Teachers have the power to discipline pupils who engage in misbehaviour outside the school premises. This can relate to any transphobia or bullying incident that occurs anywhere outside of the school premises.

Any occurrence of these incidents should be reported to a member of school staff, who will then issue punishment to the pupil once he/she is on school premises.

These incidents will be dealt with following the process in our Anti-bullying Policy. The headteacher will decide whether it is appropriate to notify the police or anti-social behaviour coordinator in their LA of the action taken against a pupil.

Training

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

- Safe Guarding
- Confidentiality
- Gender Identity
- Tackling transphobia
- Relevant legislation

All topics will be covered throughout the school year; any issues raised during the school year will be looked at and addressed further.

The Curriculum

The issues connected to Transgender will be visited for all students during curriculum time during the PSHE programme. These issues will 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, 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 Brine Leas School will take a view on prior to the delivery of those lessons, in discussion with parents or guardians.

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.

Changing/Toilet Facilities

There is provision in West Melton Primary School for unisex toilets. Transgender students will be able to use these facilities which have been labelled sensitively and appropriately. West Melton Primary 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).

Name Changing

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, 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

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. West Melton Primary School will consider and investigate the laws regarding Transgender communities in any country considered for a school visit.

Local community

West Melton Primary will engage with any local trans* groups these to ensure access to information is available for trans* pupils and their parents/guardians.

West Melton Primary recognises the need for support out of the school environment and will encourage every trans* pupil to become involved in these communities, and will ensure that appropriate training/workshops are ran for parents to raise their awareness and reiterate the school's expectations and principles in the 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 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.