



Reviewer: Judith Evans

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THORNDEN SCHOOL TRANSGENDER POLICY

PURPOSE

The purpose of this policy is to explain our practice in specifically supporting transgender students and their families. Thornden School aims to ensure that staff and the governors are dealing with transgender matters sensitively and provide an inclusive environment for any transgender student or member of staff.

AIMS & VALUES

Thornden is an inclusive school where we aim to promote equality and tackle any form of discrimination; everyone is valued and tolerance, honesty, co-operation, and mutual respect for others are fostered. We are committed to the development of the whole person within a supportive, secure and caring environment. An appropriate curriculum provides equal opportunity for all students to maximise their potential regardless of age, sex, race, colour, religion, or disability. We endeavour to promote positive relationships with parents, carers, governors and members of the wider community.

RESPONSIBILITY

All staff should be made aware of this document as part of their induction and ongoing advice.

It is the responsibility of all staff to:

- be vigilant in all areas of the school for any type of harassment and bullying;
- deal effectively with all incidents from overt name-calling to the subtler forms of victimisation caused by perceived differences;
- identify and challenge bias and stereotyping within the curriculum and in the school's culture;
- promote equality and good relations and not discriminate on grounds of race, gender, religion, age and sexual orientation;
- promote an inclusive curriculum and ethos, which reflects our diverse society;
- plan for and offer care, guidance, and support (as appropriate) in an individual curriculum area where topic-related issues could cause anxiety or unnecessary upset.

It is the Academy Committee's responsibility to ensure that the school complies with equality legislation.

RELATED DOCUMENTS

Equality Policy
Child Protection & Safeguarding Policy
Anti-Bullying Policy
The Human Rights Act 1998
Education and Inspections Act 2006
The Equality Act 2010

THORNDEN SCHOOL TRANSGENDER POLICY

KEY PRINCIPLES

Supporting staff:

Names and pronouns: All students and staff will need to use the staff member's preferred name and pronoun. Initially, there may be mistakes made and the wrong name/pronoun may be used unintentionally. We will watch out for and respond to any staff or students that deliberately use the wrong name/pronoun – this could be considered harassment under the Equality Act 2010, or a hate crime. We will use the DfE's template action plan, to help us a trans staff member cover points around sharing information with colleagues, changing names on official documentation, etc.

Toilet facilities: If a staff member requests to use the toilet or changing facility that corresponds to their gender identity (e.g., if a trans woman wants to use the 'female' facilities), legislation doesn't specify that we have to oblige. However, as mentioned above, this is currently untested in law, so refusing could be found to be discriminatory. We have unisex toilets in the Tech and History departments and a disabled toilet in Thornden Hall.

Supporting students:

Physical Education (P.E.): P.E. is a key aspect of the national curriculum and the physical and mental well-being of young people. P.E. 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. has the same right to P.E. as other young people. For young transgender people at school, there should be reasonably few, if any, issues regarding participation within the sports of their gender identity. It is important to remember that all students, irrespective of whether they are cisgender or transgender, differ in size, build and ability, and PE teachers should be accustomed to differentiating their lessons to account for this. 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 P.E. department would consider whether a transgender person participating in full contact lessons is appropriate towards the latter stages of puberty. This is something we will take a view on prior to the delivery of those lessons, in discussion with parents or carers.

A young transgender person should be able to participate in sports teams consistent with their gender identity unless there are reasonable safety concerns. However, safety concerns are unlikely for most sports. There is no reason why similar principles should not apply to allow transgender students to participate in the team of their choice. As ever, it is important to treat this area with sensitivity and listen to the needs of the student. For competitions, staff should seek advice from relevant sporting bodies.

P.E. /Dance changing room facilities: Changing room facilities will also be carefully considered and facilities for transgender students will be sensitive to their needs whilst recognising the needs and sensitivities of other students. It may be appropriate for transgender students to change separately e.g., in the alternative changing room/disabled toilet or the toilet in the History block. When competing at another school or outside venue, Thornden staff must ensure an appropriate and sensitive provision.

Toilet facilities: Currently, we have a unit of gender-neutral toilets off the downstairs cloakroom. There is also provision of the alternative changing room/disabled toilet, which is located by the P.E. Office and the Hall. Transgender students will be able to use this toilet, which has been labelled appropriately.

School uniform: Our uniform list is non-gender specific; transgender students can follow the school uniform policy, which covers uniform, make-up, and jewellery, for their acquired gender.

THORNDEN SCHOOL TRANSGENDER POLICY

Name changing and exam certification: If a transgender student wishes to have their preferred name recognised on Arbor, this will be supported and acted upon in consultation with parents and carers. Although we wish to work with parents/carers and support the student, the Equality Act 2010 prohibits discrimination of anyone with a protected characteristic. The protected characteristic of gender reassignment covers trans people. Therefore, students who want to use a new name, wear new clothes or ask for a new pronoun to be used are protected under the law, regardless of whether they have, or want to have, any medical treatment and therefore, we are legally required to support a students' wishes with regards to how they wish to be recognised and, in some cases, identified. Furthermore, the change of name and associated gender identity will be respected and accommodated by the school. It is a real indicator that a 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 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 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. 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. This can be done in two ways: 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.

Vaccinations: Thornden will allow any gender specific vaccinations to be carried out at the GP surgery, with the agreement of parents and carers, to eliminate any anxiety issues.

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 both young transgender students and other students, but this must not mean transgender students cannot be included on the visit.

Thornden will give consideration well in advance of any additional needs, which may include having a parent or carer accompanying the visit to ensure a transgender student is fully included. The sleeping arrangements will be considered before a visit is undertaken; it is possible that a transgender student would prefer to have a separate room. We will consult with the transgender parent/carer first and then consult with other parents/carers of students on the trip. There are countries that are not as legally and culturally open as the UK. Some have laws that make it illegal to be part of the transgender community. Some countries make it an offence not to report to the authorities that someone is part of the transgender community. Thornden will consider and investigate the laws regarding transgender communities in any country considered for a school visit. If we are in doubt, expert advice should be sought.

Use of photographs/historical data: When a student transitions, school records should be updated with their new name, gender marker and preferred title. Electronic resources should not indicate the previous name nor refer historically to the transition. Going forwards, the trans person should be referred to exclusively in their acquired gender.

Absence for medical appointments: These will be granted in the normal way according to our established policy, ensuring the privacy of the young person.

Curriculum: Equalities should be embedded in the curriculum, and gender should be covered along with other protected characteristics. Staff may need specific training to deliver lessons effectively.

Pride Group: a room in the school is allocated to our Pride Group which runs every Monday lunchtime. This is a safe space for all LGBT students run by student ambassadors and supported by a team of staff allies, external agencies (Just Like us) and ex-students.

ADDITIONAL INFORMATION

1. 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 be assigned as male at birth but will identify their gender as female.

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

Gender Dysphoria is a clinical condition that 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 for 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 specialist Gender Identity Clinics. 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.

2. 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 private life and family life;
- Article 10: freedom of expression;
- Article 14: the prohibition of discrimination.

3. Education and Inspections Act 2006:

Schools must have measures in place to prevent all forms of bullying. Including bullying in line with section 89 of this Act.

4. The Equality Act 2010:

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).

THORNDEN SCHOOL TRANSGENDER POLICY

Part 6 of the Equality Act 2010 makes it clear that the Act specifically refers to school and young people. The Equality Act 2010 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.

5. Public Sector Equality Duty (PSED)

Under the PSED, you must have due regard to the need to:

- Eliminate discrimination, harassment, and victimisation
- Advance equality of opportunity (between those who share a certain protected characteristic and those who don't)
- Foster good relations (between those who share a certain protected characteristic and those who don't)

6. The Gender Recognition Act 2004

If an individual has applied to change or has changed their legal gender, it's a criminal offence to disclose information that:

- Concerns the application
- Otherwise concerns the person's gender before it becomes their legal gender

There are a number of exceptions, including if the individual has agreed to the disclosure or if it's needed to comply with a court order.

Check the full list outlined in Section 22 of the legislation before making any such disclosure and if you're unsure, seek legal advice.

7. UK General Data Protection Regulation (UK GDPR)

Under the UK GDPR, gender isn't considered 'special category' data. However, information about someone's gender identity could reveal or concern other special category data (like data relating to health, sex life or sexual orientation). Because of this, you'll need to treat data about someone's transgender history with extra care.

Useful documents:

- <https://www.nasuwat.org.uk/uploads/assets/uploaded/085066bb-c224-40de-b79e2a1358801ee9.pdf>
- <https://neu.org.uk/media/1836/view>
- Pages 26 to 28 of [Recruiting and retaining transgender staff: a guide for employers - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/614441/Recruiting_and_retaining_transgender_staff_a_guide_for_employers.pdf)