

**Gender Identity Policy**

**Introduction**

This policy is designed to provide an overview of our whole school approach in ensuring that staff and students identifying as trans are supported and fully included within the school community. It also includes links to further sources of information and support for use in signposting and supporting students.

**Key Terminology**

These are only some of the key terms, there are also many more not listed here.

**LGBTQ:** Acronym for Lesbian, Gay, Bisexual, Trans, Questioning.

**Gender identity:** How someone interprets their gender. This is not necessarily the gender the person was assigned at birth. Everyone has a gender identity; it is how we feel about our gender and is unique to each individual.

**Binary Gender System:** A system that forces all people into only two categories – either man or woman, boy or girl. In this system men and women are expected to look and behave in a particular way that are different to one another.

**Cisgender:** A match between your biological sex and your gender.

**Trans or Transgender:** Someone whose gender identity does not match the gender they were assigned at birth. Transgender people may choose to transition, either medically (through cross sex hormones, surgery etc.) and/or socially (presentation, clothes, hairstyle etc.)

**Gender expression:** how someone expresses and portrays their gender. This is often based on social norms and stereotypes, and is therefore relative to different cultures, eras or societies.

**Gender dysphoria:** A medical term for the condition whereby a person feels discomfort or distress because there is a mismatch between their assigned gender and their gender identity.

**Gender Fluid:** Gender fluid individuals have different gender identities at different times. A gender fluid individual's gender identity could be multiple genders at once, and then switch to none at all, or move between single gender identities.

**Genderless:** No gender identity.

**Non-Binary:** An umbrella or identifying term for a person whose gender identity may not fit the male or female gender binary.

**Pronouns:** The way someone wants to be addressed. Binary pronouns include ‘he’ or ‘she’. Some trans people identify with binary pronouns other people prefer non-binary pronouns such as ‘they’ (which is used in the singular form). If you aren’t sure it is best to ask someone how they prefer to be addressed.

**What The Law Says**

**The Equality Act 2010**

This act made gender reassignment a protected characteristic for pupils and staff. It includes not only those going through medical procedures to change their sex but also those taking steps to live in the opposite gender or proposing to do so.

The act makes it unlawful to discriminate against, harass or victimise pupils or potential pupils:

* In regards to admissions
* In the way education is provided to pupils
* In the provision of access to any benefit, facility or service, or
* By excluding a pupil or subjecting them to any other detriment

[Information from The Equality Act 2010 and schools – Departmental advice for school leaders, school staff, governing bodies and local authorities].

**Transphobic Hate Crime**

Parliament passed legislation in the Legal Aid, Sentencing and Punishment of Offenders Act 2012 to provide harsher sentences for transphobic hate crime. Sentencing can be enhanced where prosecutors can provide evidence of the offender’s hostility towards transgender people.

This mirrors provisions in Section 145 and 146 of the Criminal Justice Act 2003 and provides similar provisions to protect Transgender victims of hate crime.

**Transition**

Transition refers to the social, psychological, emotional and economic processes by which a person moves from their gender assigned at birth to the gender they identify with. This does not have to involve surgery.

Any guidance needs to be tailored to the individual as there is no single path or experience of transition. It is suggested that a good place to start is with a conversation with the person and planning with them how school can best support their transition.

**Key Areas Include:**

**Name and Pronouns**

A young person may wish to change the pronouns (he/she/they) by which they are referred. This will be supported by school and if the young person wishes to be referred to by different pronouns throughout school, then this will be communicated to all staff and registers/records changed accordingly (this includes letters home etc.). Names can be changed on SIMS without the need for a Deed Poll document. The young person should also be consulted about if and how they wish their name/pronoun change to be communicated to other pupils. Deliberate refusal to use someone’s new name or preferred pronouns would be classed as transphobic bullying.

**Residential Trips**

The equality act states that trans young people should be able to sleep in dorms appropriate to their gender identity. However, some trans young people may not feel comfortable staying in dorms of their gender identity, in which case alternative arrangements should be made. As always, speaking to the young person and having that discussion with them will be essential. To exclude trans pupils from residential trips would be contravening the Equality Act.

**PE, including changing facilities.**

Trans young people have the legal right to use the changing facilities of their acquired gender. It is good practice to speak to the young person and see how they feel about using the changing rooms of their gender, and consider potential problematic reactions from others. If so, this can effectively be a ‘gender neutral’ private changing room. Guidance suggests that young people should be allowed to attend the single sex class or group which aligns with their gender, should PE activities be separated between male and female pupils.

**Other facilities including toilets**

As above, young people have the legal right to use toilets of their acquired gender. Whilst promoting that right and supporting young people to live as their gender, young trans people could also be concerned about their vulnerability when using toilet facilities, and fear they risk unwanted attention, leading to bullying and abuse. Young trans people are often encouraged to use the accessibility toilets, however there is also a stigma attached to using toilets (commonly referred to as “disabled toilets”). Renaming and resigning these toilets could help reduce the stigma, for example “unisex toilet” or simply “toilet”. As always, we will speak to the young person and listen to their concerns and how comfortable they feel using certain facilities.

**Uniform**

School uniform should not be a barrier for trans young people living as their acquired gender. Our school uniforms have a range of options; for example a choice between skirts or trousers, jumpers or cardigans.

**Exams**

Technically, a pupil can be entered under any name with the Examination Board. Once results are accredited it will need to be linked with a Unique Pupil Number (UPN) or Unique Learner Number (ULN) which links to the school census information, submitted in the January of the examination year. UPN’s and ULN’s are linked with legal names, not preferred names, so in order to use a preferred name a pupil will need to have changed their name by deed poll. Whilst names can be changed through a deed poll, gender is linked to the gender on a birth certificate, which can only be changed using a Gender Recognition certificate. This means that whilst exam boards may be able to enter a pupil under a specific name, their gender will remain linked to the gender on their birth certificate.

Exam certificates and other documents can be changed retrospectively after a name has been changed by deed poll. Exam boards should be contacted for further information on this process.

**Supporting Staff Members**

Supporting staff will be carried out with consistent and open discussion with the staff member: their needs would be the school’s priority, and they should be consulted on how they wish the school to respond to issues that may arise.

A staff member who has previously been known to the school community as a different name and/or gender may wish to inform the school community in different ways, depending on which they feel most comfortable with.

If a staff member wishes for this to be communicated to the whole school community, methods such as emails, letters to families and whole school assemblies would be considered. Staff would be informed before the wider school community so that colleagues can support the staff member and are better placed to appropriately respond to any questions or issues that arise. This could be done through a whole staff meeting. A discussion would be had with the staff member to explore whether they would like to be present at this meeting.

A whole school approach will ensure that pupils understand gender identity and how this is distinctly different from biological sex, and the two things can sometimes correlate but sometimes do not. From this start point pupils will then have a greater understanding of name changes, potential changes in presentation and pronoun changes.

Staff will be given time off for reasons related to their transition; whether this is for Gender Identity Clinic appointments, medical procedures or a period of space in order to commence a social transition. ACAS state the following regarding time off work:

**“** Make sure the employer knows about what time off work will be needed. Remember that it is discrimination for an employer to treat a person worse if they are absent from work for a reason related to gender reassignment than you would be treated if you were absent because you are ill or injured, or if you were absent for some other reason.”

**Transphobia and Bullying**

See Anti Homophobic, Biphobic and Transphobic Policy

**Inclusion within the curriculum will contribute to a wider understanding of trans issues within the school and therefore should reduce incidents of transphobic bullying.**

**Prejudice from Parents**

If parents express concern over the schools’ actions in including trans young people, then this should not affect the schools’ actions regarding that young person – in a similar way in which a parent’s sexist or racist views would not influence school to change their equality policy. Due to a lack of understanding about gender variance and trans people, there may be negative reactions from parents around use of changing or toilet facilities. This will be handled in an informative and educative manner (for example, explaining what gender identity is and what trans means), and without ever disclosing personal information and identities of young trans pupils. The Equality Act can be referred to, as can schools’ equality and diversity policy and the Anti Homophobic, Biphobic and Transphobic Policy.

**Named Person(s)**

One exemplary initiative is to name specific staff members who have a good knowledge of trans issues, who all pupils and staff can then approach for advice and support around gender identity. These staff members will attend specific training sessions. As well as being a point of reference for students and staff. Named staff members will also work with school around visibility of trans people and of gender variance within the school curriculum (see LGBT in the Curriculum).

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