

## TRANSGENDER POLICY

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Owner	Vice Principal – Welfare & Wellbeing
Approver	Principal

### 1. Aim of the Policy

This policy explains Airedale Academy's practice in cases of Transgender. It seeks to minimise the distress and disruption to any student involved 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.

### 2. Transgender Identity

A Transgender person feels that their external appearance 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 and body of a female and identify their gender as male; a Male to Female (M2F) person will have the external appearance and body of a male and identify their gender as female. Gender Dysphoria (or Gender Identity Disorder) is a clinical condition that can present from as early as age 2.

It 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.

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.

### 3. 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 after a formal request could constitute one of 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 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** 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 makes it clear that the Act specifically refers to School and young people.

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 can be direct or indirect. Indirect discrimination occurs when a provision 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.

#### **4. School Attendance**

Airedale Academy 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.

#### **5. Transphobia and Bullying**

Airedale Academy 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.

#### **6. Training In order to ensure all staff and Governors have the skills to deal with Transgender issues**

Airedale Academy will hold training sessions on topics such as:

- Safeguarding
- Confidentiality
- Gender Identity
- Tackling transphobia

All topics will be covered during the school's Safeguarding training and will be re-visited every three years. Staff will be updated in briefings should the need arise.

## **7. The Curriculum**

The issues related to Transgender will be visited for all students during the RSE / Wellbeing programme. These issues will also be touched upon during other courses.

### **Physical Education**

A young Transgender person has the same right to Physical Education as other young people. There should be few, if any, issues regarding participation in 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 by preventing young Transgender people from participating (which, in any case, 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's participating in full contact sports is appropriate during the latter stages of puberty. This is something that the school will take a view on prior to the delivery of those lessons, in discussion with parents or carers.

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 an outside venue, school staff must ensure there is appropriate and sensitive provision available.

## **8. Work Experience (if applicable)**

The Equality Act 2010 encompasses every environment that students will be working in, therefore all placements should be aware of their duties and responsibilities. When considering allowing a Transgender young person to attend a work experience placement the school will complete a suitable assessment on the potential placement to establish if there is any risk to the young Transgender person.

This assessment should take account of the young Transgender person's right to privacy; as a general principle, personal information on the young Transgender person must not be shared. The School will be sensitive to this in their planning before any young Transgender person is placed in any business or organisation. Careful discussion about the placement with the student and parents or carers, will occur to find the most suitable way forward to ensure the placement is successful.

## **9. Changing/Toilet Facilities**

There is provision at the School for unisex toilets. Transgender students will be able to use these facilities which have been labelled sensitively and appropriately.

## **10. 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 and all students must wear a blazer).

## **11. Name Changing and Exam Certification**

If a Transgender student wishes to have their preferred name recognised on school systems, this will be supported and will appear on letters home, report cycles, 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 feel they wish to live in.

Technically, students can be entered for an external examination under any name. However, the implications are very complex. Once a result is accredited it will need to be linked with the Unique Pupil Number (UPN) or Unique Learner Number (ULN) which appeared in the school census submitted in January of the examination year.

UPNs and ULNs are only linked with legal names, not preferred names.

It may still be possible for an examination certificate to be issued in the preferred name, but any young person finding themselves in this position should discuss this issue with the school in good time and preferably in Year 10.

Schools need to be aware that the DfE analysis of school performance may still present the student in the gender registered by their UPN. It is possible for any school document to be changed to reflect the chosen name of the young person. Changing the gender recorded on a birth certificate, however, 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.

A person under 16 years of age cannot change their name legally without the consent of a parent.

## **12. Vaccinations**

The School will allow any gender specific vaccinations to be carried out at the GP's surgery in order to eliminate any embarrassment.

## **13. School Visits and activities which may lead to overnight stays, both at home or abroad.**

Issues may arise for both Transgender students and other students but this must not mean Transgender students are excluded from the visit.

The School will assess any additional needs well in advance.

It may be necessary to have a parent, carer or a member of staff accompanying the visit to ensure the Transgender student can be fully included.

Sleeping arrangements will be considered before a visit is undertaken; it is possible that the Transgender student would prefer to have a separate room. Each individual case and visit needs to be considered carefully and well in advance, with advice from all appropriate bodies.

In some countries, for example, it is illegal to be part of the Transgender community; in some it is an offence not to report to the authorities that a person is part of the Transgender community. The School will investigate the laws regarding Transgender people in any country considered for a school visit.