MATTHEW MOSS HIGH SCHOOL
*Learning for Life*

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| Policy No.: DRAFT |
| Policy: Transgender Policy DRAFT |
| Review Date: DRAFT |

Policy Name: Transgender Policy - DRAFT VERSION ONLY

Nominated Lead Member of Staff: Assistant Headteacher responsible for Safeguarding

Review Cycle:

Authorisation:

Review Date:

**Matthew Moss High School Transgender Policy Draft January 2016**

**Introduction:**

All learners and staff at Matthew Moss High School regardless of culture, background, sexuality, gender identity and ability have the right to be treated fairly and equally with respect.

The purpose of this policy is to explain MMHS good practice in the field of Transgender consideration in order to minimise the distress and disruption to all learners by:

- ensuring teachers and Governors are dealing with Transgender matters inclusively and sensitively
- providing an inclusive environment for any Transgender student
- ensuring all learners are aware of and educated on issues of Transgender

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**Section A: Legislation**

**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.

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 or 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 be 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.

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.

## Section B: School Policy

### Nominated Person(s)

The Nominated Person(s) for Transgender issues is the Assistant Headteacher responsible for Safeguarding: Chris Jennings. However, learners may prefer to speak to one of the Learning Mentors or the Assistant Headteacher may delegate to a Learning Mentor.

The Assistant Headteacher, however, remains responsible for implementing this policy.

At all times the nominated person or relevant member of staff will work closely with the learner(s) parents, carer and other professionals to ensure the safety, confidentiality and emotional well being of the learner.

### Anti-Bullying Policy

The school's Anti-Bullying policy includes references to Homophobic Bullying which explicitly includes all issues that LGBT students may encounter.

### Curriculum

Opportunities for learning about Gender and Transgender will be included in the Learning for Life Curriculum, Assemblies and throughout the wider curriculum.

### Names (Official Documentation) and Pronoun Changes

If a Transgender student wishes to have their preferred name recognised on school systems (SIMS), this will be supported and will feed on to 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 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 examination certificates to be issued in the preferred name, but any young person finding themselves in this position should discuss this issue with MMHS and parents or guardians to ensure the best way forward.

Schools and colleges are encouraged to ensure a strategy is agreed with the student and their parents or guardians, then agreed with the various Examination Boards prior to starting GCSE

courses due to the length of time the process re-registering may take. Schools will also 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 document 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. 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. The Citizens Advice Bureau and other Transgender support organisations will have more information on this subject. A person under 16 years of age cannot change their name legally without the consent of a parent.

**Attendance**

All learners are expected to attend school on a regular basis and the consequences for non-attendance are clear in the school's Attendance and Punctuality Policy. However, as part of MMHS commitment to supporting transgendered learners the nominated person(s) will work with parents, carers and other professionals in ensuring that the appropriate support is given.

**Uniform and Dress**

Transgender learners will be expected to follow the school's uniform policy which is non-gender specific.

**Toilets**

Transgender learners are entitled to use the toilet of their identified gender. The facilities at MMHS include single stall toilets and at most times a toilet attendant is on duty.

There is provision in MMHS for unisex, single stall toilets. Transgender students will be able to use these facilities and they will be labeled in a sensitive and appropriate manner.

**Changing Rooms**

The use of changing rooms by transgender learners should be assessed on a case-by-case basis in discussion with the transgender learner(s). Transgender learners should have access to the changing room that corresponds to their gender and this is underpinned by the Equalities Act (2010).

If any alternative arrangements are made then they should be provided in a way that protects the learner's ability to keep their transgender status confidential.

**PE and Fitness**

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 learners' 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 or college, 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 MMHS will take a view on prior to the delivery of those lessons, in discussion with parents or guardians.

**Residential and School Trips**

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. MMHS will give consideration well in advance of any additional needs which may include having a parent or guardian (or member of staff) accompanying the visit to ensure the Transgender student is fully included.

The sleeping arrangements will be considered before a visit is undertaken; it is possible that the Transgender student would prefer to have a separate room etc. Each individual case and visit needs to be considered separately and in depth discussions will happen well in advance, with all appropriate bodies, linked to the accommodation available.

With regards to a visit abroad, anyone can be searched at borders and other places. Different countries will have policies and procedures they will follow. MMHS will contact the relevant border control or agency in advance to ensure that any policy or risk assessment completed by the school is accurate for that visit.

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. MMHS will consider and investigate the laws regarding Transgender communities in any country considered for a school visit.

**Transition and Medical Intervention**

MMHS will support learners who are having medical intervention and / or gender reassignment surgery on a case-by- case basis. The nominated person(s) will work with parents, carers and other professionals in ensuring that the appropriate support is given.

**Next steps:**

- Staff Training
- Governor Training
- Yearly Policy Review: amend all documentation
- Labelling of unisex toilets
- Circulation for discussion with stakeholders.

**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.

**External References / Support Materials**

http://rainbowteaching.co.uk/index.php/resources/
http://www.gires.org.uk/education/information-for-educators
http://www.mermaidsuk.org.uk/
http://www.lgbtyouthnorthwest.org.uk/