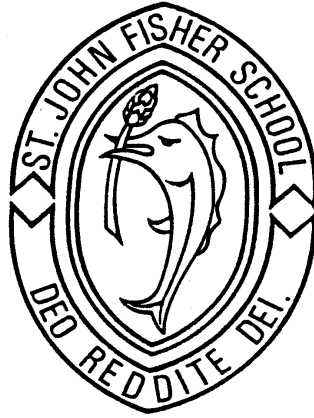


# ST JOHN FISHER CATHOLIC COMPREHENSIVE SCHOOL



## TRANSGENDER POLICY

### The Mission statement:

“St John Fisher Catholic Comprehensive School inspires students, spiritually and educationally forming them through Faith, so that they can achieve their aspirations and contribute to their community”

Date of Policy: September 2022

Date of Ratification: September 2022

Date of Review: September 2024

Owner: St John Fisher Catholic Secondary School

## **Purpose**

The purpose of this policy is to embed St John Fisher School's good practice in the field of Transgender consideration to minimise the distress and disruption to all students by:

- Ensuring all staff 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

## **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)(as is the term genderqueer). Gender can be fluid, and some children and students that do not relate to their assigned gender may never fully transition in to 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 of 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 (GICs) – of which are available in many locations across the UK. 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

## **Principles**

- In developing practice to support trans children, schools should try to follow the following principles:
- Listen to the child, their parents, carers, and siblings. Wherever possible follow their lead and preferences.
- No child should be made to feel that they are the ones who are causing problems or that they owe anything to their school in return for being treated with the equality they deserve and are legally entitled to.
- Avoid seeing the child as a problem and instead see an opportunity to enrich the school community and to challenge gender stereotypes and norms on a wider scale.
- Avoid where possible gender segregated activities and where this cannot be avoided, allow the child to access the activity that corresponds to their gender identity.
- Challenge bullying and discrimination.
- Promote positive attitudes to gender diversity by including trans issues within activities relating to discrimination, hate crime, diversity, inclusion, SRE and PSHE.

## **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**

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.

## **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 FTM student.

## **Early Help Process**

It is important that any support offered to a transgender child or young person starts with identifying their individual needs. It must be understood that some trans people 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 trans people (and their families) will need some expert/ specialist support as they grow up and develop.

A trans child would benefit from an Early Help Assessment in line with Medway’s Children’s Safeguarding Board procedures to identify any additional needs arising from transgender issues. St John Fisher School would (with agreement and in consultation with the pupil and parent/carer and the Diocese of Southwark) complete an Early Help Assessment to identify specific information that the young person would like to be shared with those working with them to avoid them having to repeat themselves.

When completing the assessment particular attention should be paid to the sections on emotional health and wellbeing, family and social relationships, behaviour and an action plan put in place to address these issues and ensure the young person has a robust support plan. The allocated Lead Professional should always be someone who knows and gets on well with the child.

Further guidance on the Early Help; [ehsupport@medway.gov.uk](mailto:ehsupport@medway.gov.uk)

## **Terminology and language**

The correct terminology and language should be used and in order to do this there may need to be some education in lessons around sexual orientation and gender so that staff and pupils have a clear understanding that sexual orientation and gender identity are two completely different things. For the matter of fairness and inclusion it is extremely important that the correct gender, name and pronouns are used correctly to address transgender pupils.

## **Names and pronoun change**

Respecting a child or young person's request to change name and pronoun is crucial in supporting and validating that young person's identity. Some transgender children and young people may wish to change their name to make it in line with their chosen identity. Although they may not have changed their name legally, individuals have the right to choose the name by which they are known to by staff and fellow pupils.

More information on changing names on birth certificates can be found at [www.deedpoll.org.uk/CanABirthCertificateBeChanged.html](http://www.deedpoll.org.uk/CanABirthCertificateBeChanged.html)

## **School Attendance**

St John Fisher School will make reasonable adjustments to accommodate absence requests for any treatment or appointments with external sources in line with their absence policy.

It is possible that the young person may be accessing support from outside of school so provision must be made in order for the student to be absent from school, but confidentiality must be maintained at all times when complying with absence procedures. Sensitive care will be taken when recording the reason for absence. The young person may need time off for a medical appointment and it should be recorded as an M code rather than being off sick.

## **School Photos**

Trans children may feel fine with having their photograph taken at school, but steps must be taken to ensure that these images do not reveal any confidential information. St John Fisher School will always seek parental/carers permission to publish photos in line with the school policy.

## **Transphobia and Bullying**

St John Fisher's 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.

## **The Curriculum**

The issues connected to transgender will be visited for all students during curriculum time during the PSHRE 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 pupil's 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, male to female (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).

If a pupil is binding their chest, they should be monitored carefully during particularly physical activities and in hot weather. There is a chance that the binding could cause discomfort or even impair breathing. Short breaks from activity could be offered discretely.

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.

## **Changing Room Facilities**

The use of changing room facilities will also be carefully considered. Facilities for Transgender pupils 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. St John Fisher will take a view on prior to the delivery of those lessons, in discussion with

parents or guardians.

### **Toilet Facilities**

There is provision at St John Fisher for unisex toilets. Transgender students will be able to use these facilities.

### **School Uniform**

Transgender students will be expected to follow the School Uniform Policy, which covers uniform, make-up and jewellery and hairstyles.

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 and shirt).

### **Residential Trips**

Careful consideration and preparation is needed where a transgender pupil is taking part in a residential trip – to exclude a transgender pupil would be contravening the Equality Act 2010.

The sleeping arrangements will need to be thought about carefully before the trip takes place

Risk assessments should be carried out prior to residential trips so that reasonable adjustments can be made to allow the pupil to participate.

### **Work Experience**

Where St John Fisher is considering work experience the school will complete a suitable assessment on the potential placement to establish if there is any risk to the young Transgender person, taking 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.

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 pupil and parents or guardians, will occur to find the most suitable way forward to ensure the placement is successful.

### **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 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 St John Fisher and parents /carers to ensure the best way forward.

Schools and colleges are encouraged to ensure a strategy is agreed with the student and their parents/ carers, then agreed with the various Examination Boards prior to starting GCSE courses as some examinations may be sat in year 10 and 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 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. In order 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. There are two 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

### **Vaccinations**

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

### **Media Interest**

Confidential information about pupils will not be shared with other parents. The following suggested suitable response for staff to offer should they be asked questions in relation to trans issues:

*"We value all our pupils and care for them, whatever their personal circumstances. Our main job is to give them a good education in a happy school environment. That is what we are focusing on, and we would ask everyone to respect the privacy of all our pupils."*

School will not engage with the press over this issue without seeking the advice of the LA press officer or media relations officer.

Staff must know their duties and responsibilities around data protection so that they fully understand why information is protected, and when, how and to whom certain information can be released.

## **Confidentiality**

All people have a right to privacy. This includes the right to keep private one's trans status or gender non-conforming presentation at school. Information about a child, young person or staff member's trans status, legal name, or gender assigned at birth also constitutes confidential medical information.

School staff should not disclose information that may reveal a child or young person's transgender status or gender non-conforming presentation to others, including parents/carers and other members of the school community unless legally required to do so or because the child or parent/carer has given permission for them to do so. Staff need to be careful about discussing the trans gender child beyond the confines of the school.

Trans children and staff have the right to discuss and express their gender identity openly and to decide when, with whom, and how much to share information. When contacting the parent or carer of a trans child or young person, school personnel should use the child or young person's legal name and the pronoun corresponding to their gender assigned at birth unless the child, young person, parent, or carer has specified otherwise.

## **Glossary of terms**

**AFAB** – assigned female at birth.

**Agender** – Not relating to any particular gender.

**AMAB** – Assigned male at birth.

**FTM** – Female to Male, a person that was identified as Female at birth but came to feel that their true gender is actually Male.

**Binary/Non-binary** – Refers to the gender spectrum: Binary refers to the two fixed ends of the spectrum – male and female; non-binary can be used to describe someone who identifies not solely with either of these genders, but somewhere in between.

**Binding** – a FTM 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.

**Cisgender** – Someone who identifies completely with their assigned gender at birth (which also corresponds to their sex).

**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 somewhere else on the spectrum.

**Gender Dysphoria** – the medical condition that describes the symptoms of being transgender.

**Gender Fluid** – Someone who identifies as gender fluid will identify with a different gender on a varying basis. They may feel more feminine some days and more masculine on other days; or feel that neither male nor female describes them fully.

**Gender Identity** – the gender that a person truly feels they are inside.

**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 Spectrum** – the continuum between the two binary points of male or female. This is vast and many people identify at different points.

**Hormone Suppressors/Puberty Blockers** – drugs that are given in order to delay that process of puberty. These can be prescribed before a child is old enough to start taking hormones such as oestrogen or testosterone.

**MTF** – 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 FTM 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.

**Trans Female** – Someone who was assigned male at birth but identifies as female.

**Trans Feminine** – A person who was assigned male at birth but identifies with the more feminine side of the spectrum.

**Trans Male** – Someone who was assigned female at birth but identifies as male.

**Trans Masculine** – A person who was assigned female at birth but identifies with the more masculine side of the spectrum.

**Transition** – The process of changing gender. This may be by having surgery to change sex organs, or by taking hormones.

**Tucking** – AMTF person may tuck (and sometimes tape) their genitals between their legs so that it does not show at the front