Luxulyan CP ACADEMY TRANSGENDER POLICY

Adopted by the Governing body	Sept 2020
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The purpose of this policy is to explain Luxulyan Academy's good practice in the field of Transgender consideration in order to minimise the distress and disruption to all students 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

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 who 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.

Diagnosis and treatment for young people is currently only possible through a specialist team from the Tavistock clinic in London *(the Tavistock hold regular satellite clinics in Exeter).* 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.

1. Disclosure of personal information that is used, held or disclosed unfairly, or without proper security
2. Failure to ensure personal information is accurate and up-to-date
3. 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:
    1. the treatment is less favourable than if it had been due to sickness or injury
    2. 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.

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 F2M student.

School Attendance

Luxulyan CP Academy will make reasonable adjustments to accommodate absence requests for treatment and external sources in line with its attendance policy. Sensitive care will be taken when recording the reason for absence.

Terminology and Language

It is good practice to focus on correct terminology and the use of language in the Academy. In addition there may be a need to focus some education in class around sexual orientation and gender, so that everyone has a clear understanding that sexual orientation (being homosexual, bisexual, gay or lesbian) and gender identity (being male or female), are completely different things

Terminology and language can be confusing around Trans issues. Different individuals and organisations sometimes prefer different terms to identify themselves and the nature of being Trans.

Often Trans people choose a different first name for their new identities and want documentation and records to reflect this, for example the school roll and register.

It is extremely important as a matter of fairness, respect and inclusion, to ensure that the correct gender, name and pronouns are used uniformly to address Trans people. Hearing people use "him" or "her" incorrectly can be uncomfortable or seriously detrimental for a Trans person to hear, especially when they are trying to confirm people's awareness of their true identity.

It can be difficult for the teachers and other students in the Academy to get used to the change of name or gender if the pupil has not been known by that name since the start of their school career. There may well be times when a mistake is made and this can be embarrassing for all parties. If there is difficulty in "getting it right", the use of the chosen first name will help overcome this.

Transphobia and Bullying

Luxulyan CP 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.

Training

In order to ensure all staff and Governors have the skills to deal with Transgender issues, Luxulyan CP Academy will hold training sessions on topics such as:

- Safeguarding
- Confidentiality
- Gender Identity
- Privacy and Dignity
- Tackling transphobia
- Relevant legislation

All topics will be covered during the Luxulyan CP Academy CPD programme and will be revisited regularly.

The Curriculum

The issues connected to Transgender will be visited for all students during the PSHE 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 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 the Academy. A young Transgender person has the same right to Physical Education as other young people.

With regard to young Transgender people at Luxulyan CP Academy, 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 Academy would consider whether a Transgender person participating in full contact lessons is appropriate towards the latter stages of puberty. This is something that

Luxulyan CP Academy will take a view on prior to the delivery of those lessons, in discussion with parents or carers.

The use of changing 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 outside venue, Academy staff must ensure there is appropriate sensitive provision available.

Transition from one school to another

Changing schools can be seen as a new start so this may well be the point at which young Trans people make a conscious decision to be known by their true gender. At times this may be problematic, negatively affecting friendships, behaviours and reputation in the school. However, changing schools can also be a very empowering time if the correct support and preparation is in place. It must be remembered that in school transition young trans people may, for the first time, find they are able to express themselves and be truly happy, and thus contribute positively and successfully both to their own academic development and to the school's and college's learning environment.

The management of a move between schools and colleges needs consideration and good communication between the old and new school or college. The rights, thoughts, concerns and wishes of the young Trans person and their family or carers need to be established and considered at the earliest opportunity.

Preparations might include identifying a single point of contact in the next school so that the young Trans person has the opportunity to develop a relationship with that single contact prior to arrival. This will help make the transition from one school or college to the other as seamless as possible. The new school then takes on a responsibility for preparing their school community in a safe and secure way so that the child is supported in the most appropriate way for them.

Dealing with the concerns of Staff, Families and Carers

Staff concerns can be dealt with by providing appropriate training and having a clear policy (Equality and Diversity Policy) for the Academy to address the issues that are most commonly raised. Showing that the social, moral, spiritual and cultural considerations and also any legal and financial issues, and issues of confidentiality, have all been addressed can reduce the anxieties that develop amongst staff e.g. around disclosure. There are a number of factors that determine how much information schools and colleges may disclose. Confidential information about pupils must not be shared with other parents.

The following suggested statement has been used and will be suitable in most circumstances in relation to Trans issues:

As this issue involves the personal circumstances of a young child we are unable to make any comment on this individual case.

Our Academy is committed to working with families and other agencies to ensure that the needs of all children and young people in our care are met and they can achieve their full potential.

Recommendations for press interest

- In general members of the Academy should not engage with the press over this issue. Any questions around media concerns should be directed towards the appropriate press officer or media relations officer.

- Early contact is made with the local press officer to obtain advice and guidance regarding possible press interest into the Academy and the young Trans person so that all school staff are aware of the potential interest and that they are prepared. This will allow staff to remain professional and calm throughout and remain clear about the message that the Academy endorses.

- 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.

It must be recognised that people have their own prejudices. A parent or carer may not always be the most supportive or appropriate person to assist the young person through transitioning. It may not be necessary for a parent or care to provide permission for a Trans pupil or student to take steps to transition as there may be issues raised of Fraser competence if parents will not consent.

Everyone's experience of life, particularly in respect to diversity, is different. Sometimes this can be because they do not know, or have not needed to think about what it means or how it feels to have issues with gender identity or development. Sometimes concerns can arise from the fear of wanting to get things right but not knowing how to approach the subject, or even what to say and what words to use. This can be addressed through Academy policies and specific awareness sessions to help staff feel more supported and comfortable in dealing with these issues.

Academy Uniform

Transgender students will be expected to follow the Academy 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) so that students having gender issues can have "gender neutral" option.

Name Changing and Exam Certification

If a Transgender student wishes to have their preferred name recognised on Academy 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.

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.

School Trips, exchanges and over night stays

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

The sleeping arrangements will need to 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 any and all appropriate bodies.

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. Luxulyan CP Academy 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 or trip.

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

A risk assessment should be conducted to include Trans pupils and students.

Any risks identified from the assessment should be managed so that any reasonable adjustments can be considered to facilitate the participation of the Trans pupils and students.

GLOSSARY OF TERMS

Binding – a F2M adolescent who 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 who 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 who 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 who feels the gender and sex assigned at birth conflict with their true gender.

Transsexual – a Transgender person who lives fulltime in their true gender.

True Gender – the gender that a person truly feels themselves to be.