



CHATHAM & CLARENDON GRAMMAR SCHOOL

Transgender Policy

Agreed by Governors February 2022

Transgender Policy

This policy has been drawn up to support transgender students in order to minimise the distress and disruption to all students.

It is applicable to all current students and will be reviewed by students, staff, parents and governors. It aims to build on best practice already in place to meet its legal obligations under the Equality Act 2010. Additionally, it aims to meet its obligations under the Gender Recognition Act 2004. The policy also references guidance from the 'Technical Guidance for Schools in England' Document from the Equality and Human Rights Commission.

What do we mean by Transgender and Gender Questioning young people?

The umbrella terms transgender and trans are viewed by many people as being acceptable terms to describe people whose sense of their gender or gender identity is seen as being different to typical gender norms. However, wherever possible individuals should be given opportunities to say how they identify or describe themselves rather than labels being ascribed to them. Children and young people may question their gender identity for a range of reasons, and this does not mean they are definitely transgender or will go on into transition. It is important to validate the young person's identity as it is now and support any changes that may arise as they come to explore their identity further. Gender identity concerns one's internal sense of self (male, female, neither or both) and how one chooses to express oneself. This is completely different from sexual orientation which concerns who one is sexually attracted to. Please see the 'Glossary of Terms' at Appendix 1.

We aim to:

- Support the exploration of the challenges posed by the specific needs of transgender children and find solutions in the best interest of the student **and** the wider School community
- See the transgender child or young person as an opportunity to enrich the School community and to challenge gender stereotypes and norms on a wider scale
- Provide support and listen to the child or young person and their Parents and, wherever possible, follow their lead and preferences
- Support the health and wellbeing of transgender students, supporting them through transition and enabling them to achieve their potential in their study and work
- Provide an individual action plan following discussion and agreement with the Parents of the student who announces their intention to transition and the student themselves
- Work on challenging and preventing sexism, transphobia, homophobia and biphobia and

ensure that the School community is aware of these in terms of curriculum content and the challenging of prejudice and bullying (as laid out in the School's Anti-Bullying Policy)

Create an inclusive environment, demonstrating respect to the transgender student, as well as their family members and friends, in terms of:

- their gender identity
- their right to work and study with dignity
- their name and personal identity
- their privacy and confidentiality.

Legislation

Data Protection Act 2018

The School will comply with its statutory obligation under data protection legislation in force from time to time.

The Gender Recognition Act 2004

The Gender Recognition Act 2004 contains provisions for the process by which a person can obtain a Gender Recognition Certificate, in order to amend their original birth certificate to reflect their acquired 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

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 specifically refers to schools and young people and provides that it is unlawful for the 'responsible body' of a school to discriminate against, harass or victimise a Student or prospective Student:

- In relation to admissions
- In the way it provides education for students
- In the way it provides students access to any benefit, facility or service
- By excluding a student or subjecting them to any other detriment.

This means that it is unlawful for the School to treat students less favourably because of their gender reassignment. The School will therefore have to factor in gender reassignment when considering its obligations as part of its wider equality duty.

The Equality Act 2010 (Part 2: Chapter 1: Section 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.

The School will also consider the following guidance and best practice resources:

- The Equality Act 2010 and Schools, DfE (May 2014)
- Keeping Children Safe in Education (KCSIE), DfE (September 2021)
- Gender Reassignment Discrimination, Equality and Human Rights Commission (2016), www.equalityhumanrights.com/en/advice-and-guidance.

Exemptions

Technical Guidance for School in England section 5.10 states:

Gender segregation is permitted for a few specifically defined purposes. For example there is an exemption permitting gender segregation in certain situations where it is necessary to preserve privacy and decency.

5.32-5.38 Indirect Discrimination - What is a 'proportionate means of achieving a legitimate aim'?

If a school can show that the provision, criterion or practice is justifiable – that is, that it is 'a proportionate means of achieving a legitimate aim' – then it will not amount to unlawful indirect discrimination. This is often known as the 'objective justification' test. This justification test also applies to other areas of discrimination law, for example discrimination arising from disability.

To be legitimate, the aim of the provision, criterion or practice must be legal and non-discriminatory, and must represent a real objective consideration.

In the context of school education, examples of legitimate aims might include:

- ensuring that education, benefits, facilities and services are targeted at those who most need them;
- the fair exercise of powers;
- ensuring the health and safety of pupils and staff, provided that risks are clearly specified;
- maintaining academic and behaviour standards; and
- ensuring the wellbeing and dignity of pupils.

Even if the aim is legitimate, the means of achieving it must be proportionate. 'Proportionate' means appropriate and necessary, but 'necessary' does not mean that the provision, criterion or practice is the only possible way of achieving the legitimate aim.

Although the financial cost of using a less discriminatory approach cannot, by itself, provide a justification, cost can be taken into account as part of the school's justification if there are other good reasons for adopting the chosen practice.

The more serious the disadvantage caused by the discriminatory provision, criterion or practice, the more convincing the justification must be.

Confidentiality

The School will respect the confidentiality of all transgender students and will not reveal sensitive personal information without prior agreement of the individual except to protect their

vital interests.

If a child or young person notifies the School about their intention to transition during their education, the School will agree with them (if it is in accordance with their wishes) the date from which their details will be changed on records, as far as is possible. A transgender student's file should reflect their current name and gender. Any material related to that student's transgender status will be stored confidentially and no records will be changed without the student's permission.

There may be situations in which a student identifies as transgender but does not wish this information to be disclosed more widely. If a student has sufficient age and understanding to provide instructions about their status then, until they have given consent for information to be shared their legal name and gender assigned at birth should be used. However, the school's legal obligation to disclose a student's status in accordance with its safeguarding duties will prevail over the student's own request.

On receipt of a Gender Recognition Certificate the student has the right to request all references to their former name and gender to be removed and replaced with their current name and gender. The School will update all records promptly.

Safeguarding and Child Protection

The School is clear that being transgender does not in itself constitute a safeguarding risk, however KCSIE (2021) recognises that gender-based violence is a specific safeguarding issue and this can include violence towards transgender people.

Students should know that they can talk to members of staff about their gender identity in confidence through appropriate pastoral staff within the School, and the counselling services that are available

Staff should treat student transgender issues with sensitivity. If a member of staff considers that a student is in immediate danger or at risk of harm referral should be made to children's social care and/or the police immediately. Please see the School's Safeguarding Policy for further details on the formal process for referral where this is appropriate.

Attendance

The School will consider requests for absence requests for any treatment or other external appointments 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 student may need time off for a medical appointment and it should be recorded as a M code rather than being off sick.

While the School will comply with its legal obligations and will take all reasonable steps to accommodate transgender students, it reserves the right to review a student's ability to continue to attend the School in view of the welfare and needs of the student and the School community as these develop over time.

If a transgender student expresses a desire to transfer to a Boys'/Girls' class, the School, will initiate a discussion with the student and their Parents, about a possible transfer. All individual requests will be dealt with on a case by case basis. Students who request a move to a different class will have a settling in period of one new term (usually 6/7 weeks) before the move becomes permanent. Students will be expected to fully participate in all elements of the curriculum, once any appropriate risk assessments have been completed to ensure everyone's safety.

Guidance, Support and Training for Staff

Guidance, support and training will be provided to staff to ensure that they have the skills to deal with transgender issues and that the School's obligations to transgender students and the wider school community are met. Training might include

- Safeguarding
- Confidentiality
- Gender Identity
- Tackling transphobia
- Relevant legislation

All topics will be covered during the INSET time (National College?) and will be revisited annually. Members of staff may be required attend any relevant, multi-agency meetings about the transgender student.

Notes on Guidance for Accommodating the Needs of Transgender Students

As with common practice for all the School's students, the School will aim to provide a safe and nurturing environment for transgender students in which they can:

- Feel comfortable with being themselves and valued for who they are
- Feel included within the whole School community
- Have access to resources and information relevant to them
- Know how to access relevant support services both inside and outside School.

Outlined below are some more practical points to ensure that the School has thought about the possible transgender related issues facing a transgender student and ensuring that their needs are being met.

Curriculum

The School will ensure the curriculum provides opportunities to challenge stereotypes, including those based on gender, and avoid making assumptions about sex, gender, gender identity and sexual orientation. The issues connected to transgender will be visited for all students during curriculum time during the PSHE programme in order to foster a positive sense of gender identity and understanding of transgender issues and prevent transphobia. LGBTQ issues should be explicitly addressed in PHSE lessons.

E-Safety

It is likely that young people questioning their gender identity will use the internet and social media to search for information and share experiences. It is important to reinforce the principles of e-safety and to signpost access to relevant safe websites with accurate information. Transgender students, in line with the E-Safety policy of the School, are encouraged to report to a member of staff any concerns they have arising from the use of the internet. IT systems should be checked regularly to ensure age appropriate websites on trans issues are not blocked.

Language

Members of the School community should strive to use the preferred pronoun for a transgender child, young person or adult, with the consent of the parent. In addition, staff should think carefully about the language they use and when possible, attempt to use gender neutral language which does not reinforce a binary approach to gender (i.e. there are just males and females).

Name Changes

Changing name and gender identity is a pivotal point for many transgender people. If a transgender student wishes to have their preferred name recognised on School systems, this should be supported and will feed into letters home, reports, bus pass information etc where it is possible to do so. Furthermore, the change of name and associated gender identity should be respected and accommodated in the School. In regard to schools recording this data, section 4.2.7 of the 'School census 2014 to 2015' (2015) Department for Education guidance indicates that the gender of a student is recorded in the format of male or female. However, in exceptional circumstances, a school may be unsure as to which gender should be recorded for a particular student. Where this occurs, gender is recorded according to the wishes of the student and/or Parent. It remains open for the School to amend the gender of any student, within their own management information systems, at any time.

Exam Certification

Entry for exams and exam certificates are more complex. The Joint Council for Qualifications requires that centres must enter candidates under names that can be verified against suitable identification such as a birth certificate, passport or driving licence. Once a result is accredited it will need to be linked with a Unique Student Number (UPN) or Unique Learner Number (ULN) which existed in the School census information submitted in January of the exam year. UPNs and ULNs are only linked with legal names (the name in which a student or student arrives in education for the first time; this is often the name on their birth certificate), not preferred names.

In order to use a chosen or preferred name on an exam document a student will need to have changed their name by deed poll. A person under 16 years cannot change their name legally without the consent of all those with parental responsibility and simply changing name does not change a legal gender identity. In order to change a name on other official documents such as a passport for those over 16 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 or by statutory declaration.

More information on changing names on birth certificates can be found at <https://www.gov.uk/change-name-deed-poll/change-a-childs-name>.

The School will ensure a strategy is agreed with the student and their Parents, and then agreed with the various exam boards prior to starting the process to accredited courses. Exam boards may be very experienced in Gender Identity issues, so they may be able to guide the School through the process. It is possible for most documents to be changed to reflect the chosen name or gender identity of the young person, even if a Gender Recognition Certificate has not been issued. Changing details on a birth certificate is not, however, possible until a Gender Recognition Certificate has been issued.

Sports and Physical Education

Sports and Physical Education is an integral part of the School's curriculum incorporating the physical and mental well-being of students. A young transgender person has the same right to Physical Education as other young people. With regard to transgender students, there should be reasonably few issues regarding participation within the sports of their acquired gender. There may be sports where, as puberty develops, male to female (M2F) transgender participants may have a physical advantage over other students 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. Careful consideration of other sports may also have to be made (such as Gymnastics) and where necessary, a risk assessment completed using the individual sports governing bodies policy on trans people for guidance. This is something that CCGS will take a view on prior to the delivery of those lessons, in discussion with parents or guardians.

If a student 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. When competing at another school or outside venue, School staff must try to ensure there is appropriate sensitive provision available. The School may also refer to the relevant governing sporting body for further advice and guidance.

Use of Toilets and Changing Facilities

There is the potential that transgender students may find themselves in vulnerable situations such as a toilet or changing room where they could fall victim to unwanted attention, that could (if escalated), lead to sexual bullying, assault or other physical or emotional harm, but equally, that they are seen and treated as a member of their acquired gender. There is provision at CCGS for transgender students to use the gender- neutral toilet at the Chatham site and the disabled toilet at the Clarendon site as due to the nature of the age of the school there are no unisex toilets. Transgender students will be able to use these facilities which have been labelled sensitively and appropriately.

Safe Space

Many young transgender people express the need for a safe space where they feel they can be themselves. The School's LGBTQ Club will offer a safe and supportive environment. The Designated Safeguarding Lead for Lower/Upper school will speak to the transgender student to ascertain if there is a member of staff the student feels particularly comfortable with. The DSL Lower/Upper will meet with the transgender student and the transgender student's family to create an action plan for the student which will be reviewed as required.

School Uniform

Transgender students will be expected to adhere to the School's policy on School uniform Policy, which covers uniform, make-up and jewellery. Students may wear trousers or a skirt if preferred.

School Visits

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 transgender students, but this must not mean transgender students cannot be included on the visit. Consideration should be given in advance of any additional needs, which may include having a parent/carer accompanying the trip 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 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. 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. Therefore, where a transgender student is travelling abroad as part of a visit the School will consult with the relevant authorities to obtain guidance around any cultural and/or social issues which may

require further consideration.

Vaccinations

Transgender students should be able to opt out of gender specific vaccinations unobtrusively if they do not feel they are appropriate and will allow any gender specific vaccinations to be carried out at the GP's surgery in order to eliminate any anxiety issues.

Vulnerability

Being transgender is not a mental health issue but distressing feelings relating to gender identity mean that some transgender students may experience mental distress. Statistically there is a higher incidence of bullying, self-harm and suicide attempts in transgender students. The School should be alert to this vulnerability and offer appropriate support through the pastoral team, counselling or information about therapy.

Work Experience

As already stated, the Equality Act 2010 encompasses every environment that pupils will be working in, therefore all placements should be aware of their duties and responsibilities. Where CCGS is considering allowing a transgender young person to attend a work experience placement, CCGS will be sensitive in their planning before any young person is placed in a business or organisation. Careful discussion with the student and parent/carer will occur. 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 person must not be shared.

Glossary Of Terms

AFAB – assigned female at birth. Agender – Not relating to any particular gender.

AMAB – Assigned male at birth. 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).

FTM – 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

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 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 develop.

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.