



HILBRE HIGH SCHOOL HUMANITIES COLLEGE

TRANSGENDER POLICY

Author:
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The purpose of this Transgender policy is 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 (FTM) person will have the external appearance or body of a female and identify their gender as male; a Male to Female (MTF) person will have the external appearance or body of a male and identify their gender as female.

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 by the parents and student could lead to 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 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 to be treated less favourably;
 3. 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 (also known as Transgender).

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.

School attendance

Hilbre High School 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.

Transphobia and Bullying

Hilbre High 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.

Training

In order to ensure all staff and Governors have the skills to deal with transgender issues, Hilbre High School will hold training sessions which will cover such areas as:

- ✓ Safeguarding;
- ✓ Confidentiality;
- ✓ Gender Identity;
- ✓ Tackling transphobia;
- ✓ Relevant legislation.

All topics will be revisited annually.

The curriculum

The issues connected to transgender will be visited for all students during curriculum time during the PSHE programme. These issues will also be touched upon during other times in the year through the pastoral care system.

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 school. A young transgender person has the same right to Physical Education as other young people.

With regards 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, MTF 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, 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 Hilbre High 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. When competing at another school or outside venue, school staff must try to ensure there is appropriate sensitive provision available.

Work experience

As already stated, the Equality Act 2010 encompasses every environment that students will be working in; therefore, all placements should be aware of their duties and responsibilities. Where Hilbre High School is 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, 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.

Hilbre High 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.

Changing/toilet facilities

There is provision in Hilbre High School for access toilets, which have now been labelled also as 'Gender Neutral'. 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. There is a generally broad range of uniform available (i.e. students can wear trousers, skirt and all students must wear a school jacket and shirt/blouse).

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, 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 Hilbre High School and parents or carers to ensure the best way forward.

Schools and colleges are encouraged to ensure a strategy is agreed with the student and their parents or 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 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.

Vaccinations

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

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 both young transgender students and other students but this must not mean transgender students cannot be included on the visit. Hilbre High School will give consideration well in advance of 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 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. Hilbre High School 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. Hilbre High School will consider and investigate the laws regarding Transgender communities in any country considered for a school visit.