

# Testwood School Transgender Policy

Key Responsibility area:	DM
Last Review:	January 2024
Next Review:	January 2025



## Revision History

Version	Date	Amendments	Initials
1.0	10.01.23		DM
1.1	09.01.24	Revision dates updated	JB

\*Appendices follow on from policy

### 1. Purpose

The purpose of this policy is to explain Testwood School's approach to gender identity by:

- ensuring teachers and Trustees 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 gender identity

### 2. 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 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 as male; a male to female (MTF, or trans female) person will have been assigned as male at birth, but will identify as female.

The word transgender, often shortened to trans, is a term used to describe people who identify as a different gender to that 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). Gender can be fluid, and some people that do not relate to their assigned gender may never transition. Some people 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) – 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 young transgender people (and their families) will need support as they grow up and develop.

### **3. Legislation**

#### **Data Protection Act 2018/General Data Protection Regulation – GDPR**

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 data protection principles, which include ensuring personal data is accurate, secure and processed fairly and lawfully.

The Data Protection Act sits alongside the GDPR, and tailors how the GDPR applies in the UK. The GDPR applies to the processing of personal data; all IT records of the individual's personal life and medical history ("sensitive personal data") must be held in line with the GDPR, including password-protection, and should be "kept for no longer than is absolutely necessary". A named person who needs to access this private information, must still ask permission of the individual concerned, unless there is an emergency situation and the individual is unable to give permission.

Employers should note that an individual who suffers damage by reason of any contravention by a data controller of any of the requirements of the GDPR is entitled to compensation from the data controller for that damage.

#### **4. 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 private life and family life.
- Article 10: freedom of expression.
- Article 14: the prohibition of discrimination.

#### **5. 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.

#### **6. Equality Act 2010**

The Equality Act 2010 ensures legal protection against discrimination, harassment and victimisation for everyone under the nine protected characteristics defined in the Act, one of which is Gender Reassignment. Part 6 of the Equality Act 2010 makes it clear that the Act specifically refers to schools 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.

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.

### **7. School Attendance**

Testwood School will make reasonable adjustments to accommodate absence requests for treatment and support from external sources in line with their absence policy. Sensitive care will be taken when recording the reason for absence.

### **8. Transphobia and Bullying**

Testwood School has a robust anti-bullying policy. In line with this policy, transphobic 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.

### **9. Training**

In order to ensure all staff have the skills to deal with transgender issues, Testwood School will hold training sessions on topics such as:

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

All topics will be covered during the Testwood School INSET programme and will be revisited annually.

### **10. The Curriculum**

Issues connected to gender identity will be visited for all students during curriculum time during the PSHE programme. These issues will also be touched upon during other subjects.

### **11. 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 regard to young transgender people at school, there should be reasonably few, if any, issues regarding participation within the sports of their gender identity. 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 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 Testwood School will take a view on prior to the delivery of those lessons, in discussion with parents or guardians (or the student in cases where the young person has requested confidentiality).

The use of changing rooms by trans students will be assessed on a case- by-case basis in discussion with the individual. The goal is to maximise social integration and promote an equal opportunity to participate in physical education and sports, ensuring safety and comfort, and minimising stigmatisation. Trans students should have access to the changing room that corresponds to their gender identity. This approach is underpinned by the Equality Act 2010, whereby refusing a child or young person access to the changing room of their chosen gender identity might constitute an act of discrimination.

Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with a reasonable alternative, such as the use of a private area. When competing at another school or outside venue, school staff must ensure there is appropriate sensitive provision available. Alternative arrangements should be provided in a way that protects the student's ability to keep their trans status confidential if that is what they request.

## **12. Changing/Toilet Facilities**

Students have the right to access the toilet that corresponds to their gender identity. Any student who has a need or desire for increased privacy, regardless of the underlying reason, will be provided access to a single stall toilet, but no student shall be required to use such a toilet.

## **13. 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 for all genders (i.e. girls and boys can wear trousers and skirts, and all students must wear a blazer, shirt and tie).

## **14. 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 Testwood School 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 as some examinations may be sat in year 10 and the length of time the process of 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 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.

## **15. Vaccinations**

Testwood School will allow any gender specific vaccinations to be carried out at the GP's surgery in order to eliminate any anxiety issues.

## **16. 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.

Testwood School 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. Testwood 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. Testwood School will consider and investigate the laws regarding transgender communities in any country considered for a school visit.

This policy will be regularly reviewed in line with Government guidance.

This policy was approved by the Board of Trustees and will be reviewed annually.

## Appendix 1

### GLOSSARY OF TERMS

**AFAB** – assigned female at birth.

**AMAB** – Assigned male at birth.

**Binary/Non-binary** – Refers to the gender spectrum: Binary refers to the two 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 assigned 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 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 the 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 assigned 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 Male** – Someone who was assigned female at birth but identifies as male.

**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.