

Davenham Church of England Primary School

“Working Together, Playing Together, Serving God and Serving Others”

“...encourage one another and build each other up...”

1 Thessalonians 5:11

TRANSGENDER POLICY

The purpose of this policy is to explain Davenham C of E Primary School’s approach to gender identity by:

- ensuring teachers and governors are dealing with transgender matters inclusively and sensitively
- providing an inclusive environment for any transgender pupil
- ensuring pupils are aware of and educated on issues of gender identity

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.

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.

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 gender identity .

- 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 apply for a Gender Recognition Certificate, to change their legal gender and obtain a birth certificate showing their recognised legal sex. This can only occur after a person reaches 18 years of age but is something that many younger people may aspire to obtain.

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 pupil 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 pupil 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 pupil.

DIALOGUE

At all times dialogue between the school and the transgender pupil and their parents / carers will be of the utmost importance. Discussions will be conducted with at least two members of staff, one of whom will have received training.

SCHOOL ATTENDANCE

Davenham will make reasonable adjustments to accommodate absence requests for treatment in line with their absence policy. Sensitive care will be taken when recording the reason for absence.

TRANSPHOBIA AND BULLYING

Davenham 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.

TRAINING

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

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

We will ensure that at least one member of staff attends training and cascades this information down to other staff. Whole school training may also take place from time to time.

THE CURRICULUM

Issues connected to gender identity will be visited for pupils through our Relationship and Sex Education Programme in an age appropriate manner. These issues may also be touched upon during other subjects and through class discussion. Age appropriate books and stories may be used with the children.

PHYSICAL EDUCATION

Physical Education is a key aspect of the national curriculum and the physical and mental well-being of young people. Physical Education develops pupils' 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.

All pupils at Davenham are required to come to school wearing a PE kit on the day of their PE lessons, which avoids any issues around the use of changing room facilities.

Swimming lessons take place in Year 5 and 6. Discussion with any transgender pupil and the venue should take place before these sessions begin to ensure that consideration has been given around the type of costume to be worn, the use of changing rooms and the use of showers.

CHANGING/TOILET FACILITIES

Transgender students will be able to use a unisex toilet which has been labelled sensitively and appropriately. Davenham has conducted an audit of the appropriateness of the facilities. The single, unisex toilet along the Year 5 /6 corridor has been deemed appropriate for this use.

SCHOOL UNIFORM

Transgender students will be expected to follow the School Uniform Policy. There is a generally broad range of uniform available for all genders.

NAME CHANGING AND EXAM CERTIFICATION

If a transgender pupil wishes to have their preferred name recognised on school systems, this will be supported and will be reflected on books, tray and peg labels, letters home, reports etc. Furthermore, the change of name and associated gender identity will be respected and accommodated by the school. A wish to change name is a real indicator that the transgender pupil is taking steps to, or proposing to move towards a gender they feel they wish to live in.

Technically, pupils can be entered under any name with an Examination Board. However, this 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 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 (from the age of 18) . 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.

SCHOOL VISITS

Learning about different cultures and lives and taking part in activities may lead to overnight stays. Issues may arise for both young transgender pupils and other pupils but this must not mean transgender students cannot be included on the visit.

Davenham 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 pupil is fully included. Consideration will also be given to allay any issues arising for other pupils.

The sleeping arrangements will be considered before a visit is undertaken; it is possible that the transgender pupil would prefer to have a separate room for example. Each individual case and visit will be considered separately. In-depth discussions will take place well in advance, with the transgender pupil, their parents / carers and any other appropriate bodies, linked to the accommodation available.

Appendix 1

GLOSSARY OF TERMS

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.

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 distress and symptoms a person feels due to a mismatch between their gender identity and their sex assigned at birth.

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 reflect the sex appropriate to the individual's gender identity** 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.

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.

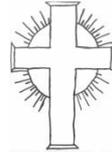
Trans Female – Someone who was assigned male at birth but identifies as female.

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.

EQUALITY STATEMENT

Davenham Primary School is committed to ensuring equality of opportunity for all children, staff, parents, carers and visitors irrespective of their race, gender, gender identity, disability, religion or belief, sexual orientation, marital status, age or pregnancy and maternity. We tackle discrimination through the positive promotion of equality, by valuing diversity, challenging bullying and stereotypes and by creating an inclusive environment which champions fairness and respect for a



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POLICY FOR TRANSGENDER

Effective Date		October 2020	
Review		Every two years	
Person Responsible		Joanne Hyslop	
Signed Headteacher	Signed Chair of Governors	of	Date Ratified
J Hyslop	D Mercer		21.10.20

Review Date	Signed Headteacher	Signed Chair of Governors