

Transgender Inclusion Policy

Supporting Trans Children and Young People in Education Settings

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1) Introduction

Bath and Wells Multi Academy Trust is committed to ensuring equal attitudes and behaviour of all its employees, pupils and any others involved in the school community, regardless of gender.

Education settings are diverse communities that reflect wider society and are places where children and young people learn about valuing and respecting themselves and others. Children and young people spend a great deal of time in these settings and should feel able to be themselves. Schools and education settings have a responsibility to ensure that all children and young people in their care feel safe and supported to reach their potential and be the best version of themselves. Trans and non-binary children and young people are a small group within a school community, but a potentially vulnerable one.

Young people who identify as transgender are treated with the respect, understanding and dignity that is provided to all young people in our schools. Church of England schools are communities that nurture human dignity and are dedicated to both the spiritual and human development for all. Church of England schools consciously create an environment where young people who feel marginalized, rejected, or vulnerable can experience a safe, nurturing, inclusive community where support and guidance for each individual is sought where necessary. Church of England schools seek to create and promote a school environment where loving respect is reflected throughout its ethos ensuring that they reach out to all young people with unconditional love. Those teaching in our Church of England schools must have a clear understanding about their Church's teaching, accompanied by a similarly clear understanding about their duty of pastoral care, to enable all young people to be supported to grow and flourish as whole persons. This policy can be reference to the Church of England's publication 'Valuing All God's Children' [Education Publications | The Church of England](#).

'Transgender' or 'trans' is an umbrella term for people whose gender identity is different from the sex assigned [registered] at birth. ([Office for National Statistics](#)). This policy uses the phrase 'sex registered at birth' to bring the toolkit in line with the [Census 2021](#). A person's sex registered at birth is based on physical characteristics in utero and at birth.

Trans inclusion is one part of a much wider equality agenda for schools. This policy focuses on trans children and young people however, supporting trans pupils forms just one vital part of efforts to celebrate difference and tackle all forms of discrimination, including homophobia, biphobia, sexism, racism, religiously based prejudice and ableism.

1.2 Aim and purpose

This policy is aimed at supporting, informing, protecting, and enabling pupils to question their gender identity in a safe and non-judgemental atmosphere ensuring all pupils achieve their full potential while at school by:

- Ensuring teachers and Governors are dealing with Transgender matters inclusively and sensitively
- Providing an inclusive environment for any Transgender pupil
- Ensuring all pupils are aware of and educated on issues of Transgender

1.3 Who it applies too

The policy applies to the individual children, their parent/carers, Headteachers, school staff, Local Governing Committees and The Trust.

2) Transgender Identity

For a fuller list of definitions please go to one of these glossaries:

- [GIDS glossary](#)
- [Stonewall glossary](#)

Language is constantly changing and not everyone agrees with the definitions used.

Identity is personal and individual and may be subject to change. The umbrella terms 'trans*' (as used in this policy), and 'non-binary' are generally accepted, however it is important to avoid making any assumptions about an individual based on how they look, their clothes or their voice and allow the pupil to self-describe.

There is a difference between the sex registered at birth and gender identity. Sex is normally assigned at birth based on the external genitalia of a child, but is also used to reference chromosomes, as well as hormones and secondary sex characteristics that won't become apparent until the child is older. Hormone levels, genitalia and secondary sex characteristics change throughout a course of a person's lifetime, and some trans people use medical intervention to make or direct these changes down a path they find most comfortable. Gender identity concerns the internal sense of gendered self, for example whether a person feels they are a boy, girl, neither, both or without a gender at all.

[Trans Inclusion Schools Toolkit 2021 \(brighton-hove.gov.uk\)](#) is a useful resource for school leaders and governors in shaping Transgender inclusive culture.

3) Legislation

3.1 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.

- 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.
- 3.2 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

3.3 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.

3.4 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 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.

3.5 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:

- the treatment is less favourable than if it had been due to sickness or injury
- 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.

Less favourable treatment includes the arrangements relating to terms and conditions or arrangements under which employment, education or vocational training is offered.

4) 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 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 F2M pupil.

5) School Attendance

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.

6) Transphobia and Bullying

Each BWMAT 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. Schools will need to ensure that the curriculum, assemblies and whole school environment is used to challenge gender stereotypes and binary notions of gender to create a safe learning environment for all children and young people and to prevent bullying and transphobia.

7) Language

Members of the school community should strive to use the preferred pronoun for a trans* child, young person or adult. In addition, staff should think carefully about the language they use and where appropriate attempt to use language which does not reinforce a binary approach to gender (ie there are just males and females). Staff could reflect on the use of language such as ‘ladies’ and ‘gents’, ‘girls’ and ‘boys’ to describe groups of pupils or pupils. Firstly, a trans* boy who is referred to as a girl or a trans* girl who is called a boy will feel excluded by this language. Secondly, the language of ‘ladies’ or ‘gents’ may give an implicit message about what it is to be a woman/man and therefore reinforces certain stereotypical ideas of femaleness/maleness. It may be preferable to say ‘come on Year 6’s, off to your lesson now’ or ‘come on pupils, time to get on with your learning’. The purpose of this is not to deny gender as an important part of our identity, in fact this can be explored as part of learning in lessons such as PSHE; however, care needs to be taken to avoid excluding those who do not see themselves as male or female or make assumptions about someone’s gender identity because of how they appear.

8) Training

School will endeavour to ensure all school staff receive appropriate training in order to deliver appropriate teaching and learning.

9) In school considerations

Every trans child and young person's view, experience, needs and journey will be different, and they should be consulted and involved in the support they are offered. The Gender Identity Development Service (GIDS) recommends a non-judgemental and respectful approach which involves listening to the child or young person in order to understand and support them to come up with their own solutions.

Creating safe, inclusive learning environments is crucial therefore to reduce and prevent harm to vulnerable trans and non-binary children and young people such that they can learn and thrive at school.

The Curriculum

The issues related to Transgender will be visited for pupils during the PSHE programme.

Physical Education

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

There should be few, if any, issues regarding participation in 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 by preventing young Transgender people from participating (which, in any case, 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's participating in full contact sports is appropriate during the latter stages of puberty. This is something that the 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 and also recognise the needs and sensitivities of other pupils. When competing at another school or an outside venue, school staff must ensure there is appropriate and sensitive provision available.

Changing/Toilet Facilities

The school must take reasonable, practical steps to create access to toilets that corresponds to

the pupil's gender identity. Any pupils or pupil who has a need or desire for increased privacy, regardless of the underlying reason, should be provided access to a single stall toilet, but no pupil or pupil shall be required to use such a toilet. In most cases, trans* pupils or pupils 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 true gender identity would constitute an act of discrimination. Any pupil or pupil who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with a reasonable alternative changing area such as the use of a private area.

School Uniform

At BWMAT schools, all pupils are expected to follow the school uniform policy. There is generally a broad range of uniform available and pupils may select their uniform based on their gender identity.

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 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 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, 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 school and parents or guardians to ensure the best way forward.

Respecting a child or young person's request to change name and pronoun is a pivotal part of supporting and validating that young person's identity. It is also important to consistently use preferred pronouns and names in order to protect a child or young person's confidentiality and to not 'out' them in ways that may be unsafe and exposing.

School Visits

Normal school visits and activities may lead to overnight stays, either at home or abroad. Issues may arise for both Transgender pupils and other pupils, but this must not mean Transgender pupils are excluded from the visit. The school will assess any additional needs well in advance. It may be necessary to have a parent, carer or a member of staff accompanying the visit to ensure the Transgender pupil can be fully included.

Sleeping arrangements will be considered before a visit is undertaken; it is possible that the Transgender pupil would prefer to have a separate room. Each individual case and visit needs to be considered carefully and well in advance, with advice from all appropriate bodies.

In the course of a visit abroad, a pupil could be searched at a border or other places. The school will contact any relevant border control or other agency in advance to ensure that the risk assessment being prepared by the school is accurate for the visit in question.

In some countries, for example, it is illegal to be part of the Transgender community; in some it is an offence not to report to the authorities that a person is part of the Transgender community. The School will investigate the laws regarding Transgender people in any country considered for a school visit.

10) Risk Assessments

Risk assessment will be completed for any activity impacted by this policy.

11) Supporting the whole school community to have a positive understanding of transgender people

All schools need to work towards a robust whole school approach towards developing an understanding of trans* issues and prevention of transphobia, which will minimise the potential of issues or concerns being raised by cisgender members of the school community including parents and carers about trans* children and young people accessing toilets, residential facilities etc according to their gender identity rather than their biological sex. Raising awareness of the school's approach to transphobia and supporting trans* and gender questioning children and young people can be done through school newsletters and websites by for example:

- Providing information about PSHE lessons on gender stereotyping, gender identity and trans* issues

There will be cases where a child or young person's trans* identity is not widely known and the school should seek to protect this information, unless the trans* child or young person wishes it to be known. Where a child's trans* identity is known to the wider school community schools will need to ensure that they have a robust language using the Equality Act and a Human Rights approach to counteract any prejudice expressed or concerns raised. Additionally, when a parent or carer raises a concern about the safety of their child when spending time in the company of a trans* identified pupil or staff member it is vital that staff focus on the 'problem' being with the person who raises the concern and not with the trans* individual. Therefore, support work should be aimed at answering the question 'how can we make your child feel safer?' rather than compromising the rights of the trans* person.

Scenario 1)

My daughter doesn't want a boy changing next to her, what if he looks at her body?

For example, in this scenario it would not be appropriate to remove the trans* person from the changing rooms if a concern is raised by a parent or carer. In this situation, it would be far more appropriate to look at offering an alternative changing arrangement for the child who feels uncomfortable around the trans* person. A Human Rights response would be to state that although the individual in question may have the body of a boy, they are in every other respect a girl and as such have the right under the Equality Act to change with the girls and to be treated fairly as such. It is the responsibility of members of staff to support both trans* pupils and cisgender pupils to feel comfortable around one another.

Appendix 1: Template for school level statement on good practice in working with trans children and young people in our school

Some settings may want to provide key messages for all staff outlining how trans children and young people will be supported.

This statement can therefore be adapted to reflect school-based practice and shared with staff following training and as one aspect of the setting's practice to improve equality and inclusion.

It is recommended that there is a named member of staff with training and expertise in supporting trans children and young people.

- Disclosures of trans identity will be shared with [named member of staff] to ensure appropriate decisions are made to support the child or young person
- We will take our lead from children and young people and involve them in making decisions that will affect them
- We will involve family members, with the agreement of the trans pupil or pupil, in making decisions about their child
- We will apply a watch and wait policy, which does not place any pressure on children / young people to live or behave in accordance with their sex registered at birth or to move rapidly to gender transition
- We will respect and use the pupil's / pupil's new name, pronouns and title (and apologise for any mistakes made)
- We will update our records. [Named member of staff] will be responsible for this and communicating changes made)
- We will provide access to a range of appropriate toilets and changing facilities recognising that trans people (as defined under gender reassignment in the Equality Act) can use facilities of their self-identified gender
- We will support all pupils / pupils to wear uniform and PE kit in line with their gender identity
- We will only divide pupils / pupils by gender when there is an educational reason for doing so
- We will enable full access to enrichment activities for trans pupils and pupils
- We will support trans pupils and pupils to access medical appointments if required
- We will take confidentiality seriously and not 'out' a trans child or young person without their permission
- We will provide additional support to a trans child or young person and or their parents, carers and siblings by referring them to Allsorts Youth Project and other services as appropriate
- We will use the curriculum and other opportunities to challenge gender stereotyping, sexism, homophobia, biphobia and transphobia and will represent diversity as part of our wider equality work
- We will identify, record and challenge all prejudiced incidents and bullying including those which are sexist, homophobic, biphobic and transphobic

([Based on a document](#) produced by Gendered Intelligence)

Appendix 2: A guide to ensuring other school policies are Trans* inclusive

Equality Policy

This should be in line with the Equality Act, 2010 and reference gender reassignment as a protected group. All policies should include the protected characteristic of sex as well as gender reassignment.

Anti-Bullying Policy

Include reference to sexist, homophobic, biphobic and transphobic bullying (alongside bullying of all groups with protected characteristics) and explain how both bullying and prejudice-based incidents are recorded by type, analysed and monitored.

PE and Physical Activity Policy

Include detail on what is in place to ensure all those using changing rooms are kept safe. Include how trans pupils and pupils will be supported to participate in PE and physical activity (including swimming) and enabled to access changing facilities where they feel safe. Include how changing facilities will be managed for away fixtures.

School visits, trips and residential policies

Include how pupils and pupils will be supported to participate in residential trips. Include how discussions will be had with trans children and young people and their families to support this.

PSHE Education policies

Include how the PSHE curriculum (including statutory relationships, sex and health education) will support understanding of trans identities and be inclusive of trans children and young people.

Uniform Policy

Uniform items are listed, rather than listed by gender. A statement is included to cover approved changes to swimming costumes for trans pupils and pupils and others for whom adjustments are needed such as those from faith backgrounds.

Safeguarding, Confidentiality, Data Protection

As appropriate these explain how changes are made to personal information and make clear that:

- being trans is not a safeguarding issue
- commitment to not 'outing' trans members of the community without their permission unless there are safeguarding reasons for doing so

Special educational needs and disabilities policies / School Offer

Include the statement that SEND pupil or pupil is just as likely to be trans or gender exploring as any other person and signpost to support their needs.

Teaching and learning/behaviour policies

These actively discourage unnecessary grouping or seating by gender, whilst making clear how single gender groupings will be sensitively managed when deemed necessary to support learning or needs of a particular group.

These policies will also encourage approaches which are:

- inclusive
- representative of the community
- prevent and challenge:
 - sexism
 - homophobia
 - biphobia
 - transphobia

