

Transgender Policy

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Last review date: June 2021

Next review date: June 2022

The purpose of this policy is to explain good practice in the field of transgender consideration in order to:

- ensure staff and governors are dealing with transgender matters inclusively and sensitively
- provide an inclusive environment for any transgender student
- ensure all students are aware of and educated on issues of transgender

Transgender Identity

The terminology used in this section is taken from Stonewall's glossary, which can be accessed here: <https://www.stonewall.org.uk/help-advice/glossary-terms>

Trans is an umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth.

Trans people may describe themselves using one or more of a wide variety of terms, including (but not limited to) transgender, transsexual, gender-queer (gq), gender-fluid, non-binary, gender-variant, crossdresser, genderless, agender, nongender, third gender, two-spirit, bi-gender, trans man, trans woman, trans masculine, trans feminine and neutrois.

Transgender man is a term used to describe someone who is assigned female at birth but identifies and lives as a man. This may be shortened to trans man, or FTM, an abbreviation for female-to-male.

Transgender woman is a term used to describe someone who is assigned male at birth but identifies and lives as a woman. This may be shortened to trans woman, or MTF, an abbreviation for male-to-female.

Transitioning consists of the steps a trans person may take to live in the gender with which they identify. Each person's transition will involve different things. For some this involves medical intervention, such as hormone therapy and surgeries, but not all trans people want or are able to have this.

Transitioning also might involve things such as telling friends and family, dressing differently and changing official documents.

DLD College will use the preferred pronoun of the student (for example she/he) in documents referring to the student.

Legislation

DLD recognises its responsibility to process sensitive data in accordance with the Data Protection Act 2018. This includes data about a person's identify, their sexual orientation and/or sex life.

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 Trans people are able to receive legal recognition of their acquired gender through a process set out in the Gender Recognition Act (GRA) 2004

Equality Act 2010 (Great Britain) The Equality Act 2010 ensures legal protection against discrimination 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 (1)) 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.

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 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.

College Attendance

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

Transphobia and Bullying

DLD College 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, DLD College will hold training sessions on topics such as:

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

All topics will be covered during the DLD College INSET programme and 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 subjects.

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 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, 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 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 DLD College will take a view on prior to the delivery of those lessons, in discussion with parents or guardians.

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 students. When competing at another school or outside venue, school staff must ensure there is appropriate sensitive provision available.

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 DLD College 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.

DLD College 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 guardians, will occur to find the most suitable way forward to ensure the placement is successful.

Changing/Toilet Facilities

There is provision at College for unisex toilets. Transgender students will be able to use these facilities, which have been labelled appropriately.

College Dress Code

Transgender students will be expected to follow the College Dress Code Policy, which covers standards of dress. It does not specify particular items of clothing that may or may not be worn for any gender identity.

Boarding

In the boarding house, students will be treated as the gender with which they identify. Boarders will be housed on the floor they identify with.

Name Changing and Exam Certification

If a transgender student wishes to have their preferred name recognised on college systems, this will be supported and will feed on to letters home, reports 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 DLD College and parents or guardians to ensure the best way forward.

DLD will ensure a strategy is agreed with the student and their parents or guardians, then agreed with the various Examination Boards, hopefully prior to starting examination courses as the process of re-registering may be lengthy. The DfE analysis of school performance may still present the student in the gender registered by their UPN.

Vaccinations

Should a transgender student wish, DLD College will allow any gender specific vaccinations to be carried out at a GP's surgery.

College 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. DLD College 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, washing facilities and toilet. Each individual case and visit needs to be considered separately and risk assessed. 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. There are countries that are not as legally and culturally open as the UK. For example, 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. Organisers of overseas visits will consider and investigate the laws regarding transgender communities in any country considered for a school visit.

Appendix 1

Legal change of name

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.

Appendix 2

Glossary of terms

Stonewall have an up-to-date online glossary, here:

<https://www.stonewall.org.uk/help-advice/glossary-terms>

Appendix 3

References

This policy has been written with reference to “Schools Transgender Guidance 2015” which can be accessed here: <https://www.intercomtrust.org.uk/item/55>