



## **Stockport School**

### **Transgender Policy**

The purpose of this policy is to explain Stockport School's good practice in the field of transgender consideration in order 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 (*F2M*) person will have the external appearance or body of a female and identify their gender as male; a Male to Female (*M2F*) person will have the external appearance or body of a male and identify their gender as female.

The word transgender is sometimes used interchangeably with the term *gender-variant* but usually has a narrower meaning and different connotations than gender variant, including non-identification with the gender assigned at birth. Children and students that experience or show gender variance may or may not be transsexual, as some will not retain their gender variance following puberty because gender variance can be fluid.

Gender Dysphoria (*or Gender Identity Disorder*) is a clinical condition that can present from as early as age 2 and can only be diagnosed by a medical and/or psychiatric expert. A person diagnosed with Gender Dysphoria may require treatment, e.g. hormone blockers, to ameliorate the symptoms associated with being transgender. A transgender person may live their life without being or needing to be diagnosed as having Gender Dysphoria.

### **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 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.
  - o Disclosure of personal information that is used, held or disclosed unfairly, or without proper security
  - o Failure to ensure personal information is accurate and up-to-date
  - o 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:
  - o The treatment is less favourable than if it had been due to sickness or injury.
  - o 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.

## **School Attendance**

Stockport 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.

## **Gender Equality Duties**

Stockport School will give due regard to the need to eliminate unlawful discrimination and harassment on the grounds of sex. (***Equality Policy***)

## **Transphobia and Bullying**

Stockport 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, Stockport School will hold training sessions on topics such as:

- Safeguarding
- Confidentiality
- Equality
- Anti-bullying
- Relevant legislation

## **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 student 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.

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.

## **Changing/Toilet Facilities**

Stockport School will provide appropriate unisex toilets and changing facilities.

## **School Uniform**

All Stockport School students are expected to follow the ***School Uniform & Appearance Policy***.

## **Pastoral Care**

Stockport School recognises that a young transgender person may at times, require additional pastoral support. Good pastoral care for all our students is paramount and we tailor all support to the individual needs of each student; key pastoral staff will work with parents/carers and other appropriate agencies to ensure the best possible support for the young person in school. Pastoral staff have received additional training and have experience in supporting Transgender students and are also aware of the relevant additional access routes for external professional support or referrals where necessary. All staff at Stockport School are asked to liaise directly with the relevant Pastoral Head of Year and/or Designated Safeguarding Lead (DSL) where any queries or issues arise in support of Transgender students so that the most appropriate support, advice and guidance can be provided.

## **Name Changing and Exam Certification**

All accredited public examination results are linked to 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.

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 (in some cases 18) years of age cannot change their name legally without the consent of everyone who holds parental responsibility. Further information about how to legally change a name is available at the following links:

<http://childlawadvice.org.uk/tag/deed-poll/>

<https://www.ukdeedpolloffice.org/trans-name-change-info/>

<https://www.ukdeedpolloffice.org/parental-responsibility-info/>

## **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. Stockport School will give consideration well in advance of any additional needs 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.

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. Every effort will be made to ensure that any young person is able to attend a school trip, however, this may not always be possible.

## **Glossary of Terms**

**F2M** – Female to Male, a person that was identified 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 both.

**Gender Dysphoria** – the medical condition that describes the symptoms of being transgender.

**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 Role** – the social role/interaction with others, which gives expression to the inner gender identity and reinforces it.

**M2F** – Male to Female, a person that was identified as male at birth but came to feel that their true gender is actually female.

**Transgender** – a person that feels the assigned gender and sex at birth conflicts with their true gender.

**Transsexual** – a transgender person who lives full-time in their true gender.

**True Gender** – the gender that a person truly feels they are inside.

## **Policy Review**

**Last Review Date:** October 2023

**Review:** This policy will be reviewed at least once every three years or earlier if necessary due to changes in the law.

