

**Pinewood School Academy Trust  
Transgender Policy**

<b>Approved by</b>	Resources Committee	<b>Date of Last Review</b>	Aug 2023
<b>Frequency of Review</b>	3 Years	<b>Next Review</b>	Aug 2026

### What does this Policy cover?

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

- Ensuring teachers and Trustees/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 gender identity.

### Why should you read this policy?

Intended Audience: Staff, Governors, Parents/Carers, Community, Pupils

## **Introduction/Background**

Gender is often an important part of an individual's identity and developing a positive sense of gender identity is part of growing up. However, gender identity is often complex and there is a spectrum of gender which is wider than just boy/man or girl/woman. At Pinewood School, practice to support transgender children is embedded across school policies and curriculum and builds on best practice already in place to eliminate discrimination, harassment, and victimisation; advance equality of opportunity and foster good relations. This policy seeks to provide a broad overview of the needs of transgender children and their families.

## **What is Transgender?**

Transgender issues manifest at different times in life in different individuals. In most cases of gender dysphoria, the condition is often apparent in early childhood, when such a child may express behaviour incongruent with and dissatisfaction related to their assigned gender. However, many of these children experience rejection because of their differences and quickly attempt to repress them.

Gender dysphoria is a strong, persistent discomfort and distress with one's gender, anatomy, birth sex, and even societal attitudes toward their gender variance. Transgender young people who experience gender dysphoria tend to be very conscious of their body; appearance, weight, and other people's opinions of their body may become very important.

## **Legislation**

The legislation states that schools must not discriminate against a child because of their transgender status. There is no legal requirement for schools, as there is with disability, to make 'reasonable adjustments' for transgender children but schools may take a similar approach to ensure that the needs of transgender children are catered for.

## **The Equality Act 2010**

The Equality Act 2010 applies in England, Scotland and Wales and protects against direct and indirect discrimination, harassment, and victimisation under nine protected characteristics, including gender reassignment. It is illegal to treat someone less favourably because they intend to transition or they have transitioned in the past, and someone remains protected even if they do not proceed with their transition. The Act covers all types of employment, including contract workers and temporary workers, as well as the provision of goods and services by a business.

## **The Gender Recognition Act 2004**

The Gender Recognition Act 2004 (GRA) enables adults over the age of 18 to gain full legal recognition of their acquired gender. Under this Act, the Gender Recognition Panel (GRP), comprising lawyers and doctors, was established to consider applications for a Gender Recognition Certificate (GRC). The criteria for awarding a GRC include a medical diagnosis of gender dysphoria, at least two years living in the acquired gender and a declaration that the change of social gender role is permanent; medical treatment is not required. Once a person has been granted a GRC, the sex indicated on their birth certificate is changed and they must be legally considered to be a member of that sex for all purposes.

Many transgender people never apply for a GRC. Some may be ineligible under the criteria; others may be eligible but perceive no benefit. It is a personal matter, and the GRC does not affect their rights in their school or college. It is never appropriate for anyone else to ask to see a GRC, though they may ask to see a birth certificate if required to do so – for example, for pension purposes.

**The Human Rights Act 1998 and Data Protection Act 1998 Article 8 of the Human Rights Act** gives transgender people the same rights as everyone else to privacy and family life. 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.

## **Principles in developing practice to support transgender children:**

At Pinewood School:

- We will listen to the child, their parents, carers and siblings. Wherever possible we will follow their lead and preferences.
- No child should be made to feel that they are the ones who are causing problems or that they owe anything to their school in return for being treated with the equality they deserve and are legally entitled to.
- We will avoid seeing the child as a problem and instead see an opportunity to enrich the school community and to challenge gender stereotypes and norms on a wider scale.
- We will avoid where possible gender segregated activities and allow the child to access the activity that corresponds to their gender identity
- We will challenge bullying and discrimination.

- We will promote positive attitudes to gender diversity by including transgender issues within activities relating to discrimination, hate crime, diversity, inclusion, SRE and PSHE

### **Terminology and language - Names and pronoun change**

Respecting a child's request to change name and pronoun is crucial in supporting and validating that child's identity. Some transgender children and young people may wish to change their name to make it in line with their gender identity. Although they may not have changed their name legally, individuals have the right to choose the name by which they are known to by staff and fellow children. More information on changing names on birth certificates can be found at [www.deedpoll.org.uk/CanABirthCertificateBeChanged.html](http://www.deedpoll.org.uk/CanABirthCertificateBeChanged.html). The child's chosen name should be recorded on SIMS and this name checked as the name for registers and migration to sites such as Spelling Shed, Carrot Rewards and Timestables Rockstars so that the child's preferred name is always used.

### **Attendance**

As a school we will make reasonable adjustments to accommodate absence requests for any treatment or appointments with external sources in line with our absence policy. It is possible that the child may be accessing support from outside of school so provision will be made in order for the child to be absent from school, but confidentiality will be maintained at all times when complying with absence procedures. Sensitive care will be taken when recording the reason for absence. The child may need time off for a medical appointment and it should be recorded as an M code rather than being off sick.

### **School Photos**

Transgender children may feel fine with having their photograph taken at school, but steps must be taken to ensure that these images do not reveal any confidential information. We will always seek parental/carers permission to publish photos in line with the school policy.

## **Transphobia and Bullying**

We have a robust anti-bullying policy in place. 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. The correct terminology and language should be used and in order to do this there may need to be some education in lessons around sexual orientation and gender so that staff and children have a clear understanding that sexual orientation and gender identity are two completely different things. For the matter of fairness and inclusion it is extremely important that the correct gender, name and pronouns are used correctly to address transgender children.

## **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 a child's 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 transgender child has the same right to Physical Education as any other child. With regards to transgender children at school, 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, male to female (M2F) transgender children 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 will also be managed properly within the lesson context rather than preventing a transgender child from participating (which would be discriminatory).

If a child is binding their chest, they should be monitored carefully during particularly physical activities and in hot weather. There is a chance that the binding could cause discomfort or even impair breathing. Short breaks from activity could be offered discreetly.

## **Changing Room Facilities**

The use of changing room facilities will also be carefully considered. Facilities for transgender children will be sensitive to their needs and recognise the needs and sensitivities of other children. When competing at another school or outside venue, school staff will ensure there is appropriate sensitive provision available. We will take a view prior to the delivery of those lessons, in discussion with parents or carers.

## **Swimming lessons**

The transgender child should be given the choice as to whether they wish to partake in swimming lessons or not. Parents/Carers will be made aware of the statutory responsibility for all children to be able to swim 25 metres by the end of Key Stage 2. If the transgender child wishes to partake in swimming lessons, then a risk assessment of the changing facilities should be completed. There must be careful consideration, in consultation with the child and parents/carers and in line with the health and safety policy of the leisure centre or swimming pools health and safety procedures. For example, it may be against health and safety regulations to wear a t-shirt in the swimming pool and therefore would be more appropriate for a F2M child to wear an all-in-one wetsuit or similar.

## **Toilet Facilities**

There is provision in school for unisex toilets. These toilets are located outside Fry classroom as well as in the medical room. If they wish to, transgender children will be able to use these facilities which have been labelled sensitively and appropriately. Otherwise, transgender children will use the toilets that are appropriate to their gender identity.

## **School Uniform**

Transgender students will be expected to follow the School Uniform Policy, which covers uniform, make-up, jewellery and hairstyles. There is a broad range of uniform available for both genders.

## **Residential Visits**

Careful consideration and preparation are needed where a transgender child is taking part in a residential visit – transgender children will not be excluded from the visit. The sleeping arrangements will need to be thought about carefully before the visit takes place. Risk assessments should be carried out prior to the residential visit so that reasonable adjustments can be made to allow the child to participate.

## **Confidentiality**

Confidential information about children will not be shared with other parents. The following suggested suitable response for staff to offer should they be asked questions in relation to transgender issues: "We value all our children and care for them, whatever their personal circumstances. Our main job is to give them a good education in a happy school environment. That is what we are focusing on, and we would ask everyone to respect the privacy of all our children." School will not engage with the press over this issue without seeking the advice of the LA press officer or media relations officer. Staff must know their duties and responsibilities around data protection so that they fully understand why information is protected, and when, how and to whom certain information can be released.

## **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.

## Appendix 1: External Support and Resources

Organisations that exist to provide support to pupils, staff and parents:

**Support U** Support for Trans children and young people [www.supportu.org.uk](http://www.supportu.org.uk)

**Schools out** LGBT awareness workshops for school staff and a weekly support group for young people.

[www.Schools-out.org.uk](http://www.Schools-out.org.uk)

**The Intercom Trust** There are lesson plans, items about LGBT History Month (February), Transphobic bullying and info for teachers.

[www.intercomtrust.org.uk](http://www.intercomtrust.org.uk)

**Mermaids** National body that examines the science around gender and Transgender individuals produces a wide range of resources for schools and other public bodies, including a toolkit on combating Transphobic bullying and an e-learning package.

[www.mermaidsuk.org.uk](http://www.mermaidsuk.org.uk)

**The Tavistock and Portman Clinic** National charity that connects and supports young Trans people and their families

[www.tavistockandportman.nhs.uk](http://www.tavistockandportman.nhs.uk)

**LGBT Consortium** For children and young people (up to the age of 18) and their families experiencing difficulties in the development of their gender identity including children unhappy with their biological sex.

[www.lgbtconsortium.org.uk](http://www.lgbtconsortium.org.uk)



## Appendix 2: Resources Links and Guidance

The external links, books & DVDs listed below are not an exhaustive list of resources that are available to support young Trans people. They are merely a guide to the range of resources available and should at all times be assessed and screened for their appropriateness and validity.

It should be noted that the content of external websites and other resources, sometimes vary over time. Therefore the content of these resources may need checking periodically to ensure that they are current and remain suitable.

### **Department for Education – Equality Act for Schools**

[www.education.gov.uk/schools/pupilsupport/inclusionandlearnersupport/inclusion/equalityanddiversity/a0064570/the-equality-act-2010](http://www.education.gov.uk/schools/pupilsupport/inclusionandlearnersupport/inclusion/equalityanddiversity/a0064570/the-equality-act-2010)

### **Equality & Human Rights Commission**

[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

### **Gender Recognition Certificate**

<https://www.gov.uk/apply-gender-recognition-certificate>

### **LGBT Collective**

[www.lgbtcollective.org.uk](http://www.lgbtcollective.org.uk)

### **Human Rights Article List**

[www.legislation.gov.uk/ukpga/1998/42/schedule/1](http://www.legislation.gov.uk/ukpga/1998/42/schedule/1)

### **Equalities Act 2010 (Part 6 Education)**

[www.legislation.gov.uk/ukpga/2010/15/part/6](http://www.legislation.gov.uk/ukpga/2010/15/part/6)

### **Gires Trans**

[www.gires.org.uk/whatwedo](http://www.gires.org.uk/whatwedo)

### **AQA Education Board**

<http://web.aqa.org.uk>

### **True Vision Online Crime Reporting**

<http://www.report-it.org.uk>

### **Ofqual**

[www.gov.uk/government/organisations/ofqual](http://www.gov.uk/government/organisations/ofqual)

### **Church of England Anti Bullying Advice for schools**

<https://www.churchofengland.org/more/media-centre/comment-and-features/why-our-guidance-combating-bullying-part-our-vision>

### **Anti Bullying Alliance**

<https://www.anti-bullyingalliance.org.uk/tools-information/all-about-bullying/homophobic-biphobic-and-transphobic-bullying>

### **HBT bullying and SEN/disability**

<https://www.anti-bullyingalliance.org.uk/tools-information/all-about-bullying/homophobic-biphobic-and-transphobic-bullying/hbt-bullying-and>

### **Stonewall**

[www.stonewall.org.uk/our-work/education-resources](http://www.stonewall.org.uk/our-work/education-resources)