

## **TRANSGENDER POLICY**

*This policy is drawn up to support transgender and gender questioning pupils and should be read in conjunction with our Equal Opportunities, Anti-Bullying, PSHE/RSE and Child Protection and Safeguarding policies. It aims to build on best practice already in place to meet the School's legal obligations under the Equality Act 2010 and Education (Independent School Standards Regulations) 2014, read in conjunction with the Gender Recognition Act 2004.*

Gender identity concerns one's internal sense of self (male, female, neither or both) and how one chooses to express oneself. 'Transgender' and 'trans' are acceptable terms to describe people whose gender identity is seen as different to gender norms. These are umbrella terms used to describe pupils who identify as (but not limited to): transgender, transsexual, transvestite, intersex, both male and female, neither male nor female, androgynous or a third gender. Wherever possible pupils should be given opportunities to say how they identify or describe themselves rather than labels being ascribed to them. Children and young people may question their gender identity for a range of reasons, and this does not mean they are transgender, or will go on to have medical treatment. However, it is important to validate the young person's identity as it is now.

We aim to:

- Meet the challenges posed by the needs of transgender pupils in the School community;
- Provide support for transgender pupils and their parents, respecting their preferences where possible;
- Help transgender pupils feel safe, comfortable and valued in the School community;
- Support the mental health of transgender pupils, enabling them to achieve their potential academically and in other areas of School life;
- Challenge prejudice, particularly through the RSE curriculum;
- Demonstrate respect to transgender pupils in terms of their gender identity, their name and personal identity and their privacy.

### **Legislation**

The Equality Act 2010 ('the Act') ensures legal protection against discrimination, harassment and victimisation (direct or indirect) for everyone who has a protected characteristic, one of which is gender reassignment (also referred to as transgender). A person has this characteristic if he or she is proposing to undergo, or 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 provides protection for those individuals undergoing or intending to undergo gender reassignment, regardless of whether they are receiving medical treatment. There is no definitive point at which a pupil will become a transgender person, however where a pupil expresses a preference or asks to be referred to by another name this is usually considered a trigger point for the School to provide support for that pupil as part of its duties under the Act.

The Act provides that it is unlawful for the 'responsible body' of a school to discriminate against, harass or victimise a pupil or prospective pupil in relation to: admissions; the way it provides education; the way it provides pupils access to any benefit, facility or service; not providing education for a pupil; by not affording the pupil access to a benefit, facility or service; by excluding a pupil or by subjecting them to any other detriment.

**Safeguarding**Keeping Children Safe in Education (2020) (KCSIE)

Where any member of staff has any concerns about a child's welfare, they will act on them immediately, or if this is not possible, as soon as possible. All members of staff will follow the School's Child Protection and Safeguarding policy and procedures and speak to the designated safeguarding lead (or deputy).

KCSIE recognises that peer on peer abuse and sexual violence and sexual harassment are specific safeguarding issues. Sexual violence and sexual harassment can include violence and harassment towards transgender pupils and KCSIE recognises that evidence shows that pupils who are girls; have SEND and/or who are LGBT are at greater risk.

**Confidentiality**

The School will respect the confidentiality of transgender pupils and will not reveal sensitive personal information without prior agreement of the individual, except where it is in accordance with its safeguarding duties. If a pupil has sufficient age and understanding (generally 12 years or over but to be assessed on a case by case basis) to provide their own instructions about their status, then until they have given consent for information to be shared, their legal name and gender assigned at birth should be used save in pursuance to the safeguarding obligations referred to above. This is the case notwithstanding the right of those with parental responsibility to certain information about their child (including information which relates to their health and well-being).

**Admissions**

The School admits pupils whose birth sex is female, irrespective of the gender with which they identify. Applications will be considered on a case by case basis within the School's Admissions Policy.

**Guidance, Support and Training**

Guidance, support and training will be provided to all staff to ensure that the School's obligations to transgender pupils are met. Individual staff will be required to attend appropriate training, as determined by the school, to be able to support the transgender pupil and other members of the School community on a case by case basis.

**Curriculum**

The School will ensure the curriculum provides opportunities to challenge stereotypes, including those based on gender, and avoids making assumptions about sex, gender, gender identity and sexual orientation, in particular through the RSE curriculum. The School will not discriminate (directly or indirectly), victimise or harass transgender pupils in the way the curriculum is delivered.

**E-Safety**

It is possible that young people questioning their gender identity will use the internet and social media to search for information. It is important to reinforce the principles of e-safety and to signpost access to relevant safe websites.

**Language**

Members of the School community must use the preferred name and pronoun for a transgender pupil. Staff should be mindful of the language they use and must comply with the School's duties under the Act **Preferred Names**.

Changing name and gender identity is a pivotal point for many transgender people. Where a pupil wishes to have their personal data altered on school systems, their change of name(s) and associated gender identity should be respected and accommodated where possible and this can be recognised on letters home and in school reports. Generally when contacting the parents or carer of a transgender pupil, School personnel should use the pupil's legal name and pronoun relating to the pupil's gender assigned at

birth unless the pupil, parent or carer has specified otherwise. Each case should be approached on a case by case basis.

### **Use of Toilets and Changing Facilities**

The signage of toilets in School is gender neutral. Staff are aware that transgender pupils may find themselves in uncomfortable situations such as in a toilet or changing room, where they could fall victim to unwanted attention, bullying, or physical or emotional harm. Use of toilets and changing facilities will therefore be discussed with the pupil and alternative facilities offered if requested.

### **Support**

The Designated Safeguarding Lead will speak to the transgender pupil to ascertain if there is a member of staff with whom they feel comfortable. This designated member of staff will meet regularly with the transgender pupil and their family to create an action plan to be reviewed on a termly basis, or as required, for example as determined by any welfare issues. The School system of support for transgender pupils and the particular arrangements to support each transgender pupil will be carefully documented and regularly reviewed.

### **School Uniform**

Transgender Students will be expected to adhere to the School's policy on School uniform and may wear tailored trousers, if preferred to the kilt up to Year 11. Trousers are an option in the Sixth Form dress code.

### **School Visits**

Consideration should be given in well in advance of any School visit of additional needs to ensure the transgender pupil is fully included. It is possible, for instance, that the transgender pupil may prefer to have a separate room on residential trips. These matters will be dealt with on a case by case basis, after taking into account the wishes and feelings of the pupil.

### **Vulnerability**

While being transgender does not in itself constitute a safeguarding risk, gender-based violence is a specific safeguarding issue. Equally, being transgender is not a mental health issue but transgender pupils may experience mental distress and there is a higher incidence of bullying, self-harm and suicide attempts in transgender pupils. The School is aware of this vulnerability and will offer appropriate support through the pastoral team, counselling or by providing information. Specific safeguarding concerns should be reported according to the School's Child Protection and Safeguarding policy.

*September 2020*