

Staffordshire University Academies Trust		Trust Policy Document			
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	Parents <input checked="" type="checkbox"/>	General Public <input checked="" type="checkbox"/>			

Whole Trust Policy for supporting transgender pupils

The Academies covered by this policy are:

All Saints CE Academy, Denstone
 All Saints Primary School, Bednall
 Boney Hay Primary Academy, Burntwood
 Charnwood Primary Academy, Lichfield
 Church Eaton Primary School, Church Eaton
 Dove CE First School, Rocester
 John Wheeldon Primary Academy, Stafford
 Little Aston Primary School, Sutton Coldfield
 Littleton Green Community School, Huntington
 Moorgate Primary Academy, Tamworth
 Perton Primary Academy, Perton
 Staffordshire University Academy, Hednesford
 St Augustine's CE Academy, Draycott-in-the-Clay
 St Luke's CE Academy, Endon
 Horton St Michaels CE First School, Horton
 St Edward's CE Academy, Cheddleton
 St Leonard's First School, Dunston
 St Peters CE Academy, Alton
 St Paul's CE First School, Coven
 Tynsel Parkes CE Primary Academy, Uttoxeter

This generic policy is available on the Trust's web site. It covers all of the academies listed above. A hard copy of the policy can be obtained on request from the academy's office. Individual academies inform parents and carers about SUAT's policies when their children join that academy and also through the academy's newsletter and appropriate use of social media.

Introduction

The purpose of this guidance is to embed SUAT's good practice in the field of Transgender work in our academies. In this way we seek to minimise the distress and disruption to pupils by

- Ensuring staff and members of the Local Academy Council are dealing with Trans matters inclusively; benefiting from professional advice and guidance
- Promoting inclusion for all within education in SUAT academies by improving services for Trans children and students
- Empowering supporters of Trans pupils and pupils themselves by providing practical guidance to their experiences so that a consistent approach to Trans matters can be adopted throughout the Trust's academies

This guidance informs our academies so that they can support, inform, protect and enable pupils questioning their gender identity to achieve their full potential whilst in education in our family of schools.

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 pupils 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.

It must be understood that some people with Gender Dysphoria may not want any treatment. Some may choose to be known by a different name or to wear different clothes. However, most or all young Trans people (and their families) will need some expert support as they grow up and develop.

SUAT recognises that there is a rich diversity of vocabulary that different stakeholders will prefer to use and have deliberately chosen a vocabulary that is suitable for use in practice in our academies.

Legal responsibilities towards transgender pupils

The Equality Act 2010 ensures legal protection against direct or indirect discrimination for everyone under the nine protected characteristics defined in the Act. Gender reassignment is one of these protected characteristics.

Part 6 of the Act specifies that it applies to schools and young people.

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 he/she must be taking steps to live in the opposite gender, or be proposing to do so.

This means that a SUAT academy must not discriminate against a pupil because of his/her transgender status, either directly or indirectly.

The Equality Act places further duties on schools through the public sector equality duty (PSED). This duty requires the academy to operate with “due regard” to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people

Absence from School

SUAT academies must make reasonable adjustments to accommodate absence requests for treatment and support from external sources in line with their absence policy. Care must be taken to accurately and sensitively record the reason for the absence e.g. the pupil may need time off for a medical appointment which does not merit being recorded as sick.

Duty to prevent all forms of bullying

All SUAT academies must have measures in place to prevent all forms of bullying, in line with the section 89 of the Education and Inspections Act 2006 and the SUAT Anti-bullying policy.

Other pupils should not be informed without permission

The Gender Identity Research and Education Society (GIREs), in association with the Home Office, has produced guidance on combating transphobic bullying in schools. The guidance contains a model transgender policy for schools. On page 69, it says:

“It is the right of the individuals to choose whether they wish to be open about their gender identity. To 'out' someone, whether staff or pupil, without that person's permission is a form of harassment, and will be treated as such.”

Use of language and terminology

It is important to use the correct language and terminology that reflects the pupil's self-identified gender, also referred to as their ‘correct’ or ‘true’ gender.

It is extremely important, as a matter of fairness, respect and inclusion, to ensure that the correct gender, name and pronouns are used uniformly to address transgender people. It explains that hearing people use ‘him’ or ‘her’ incorrectly can be uncomfortable or seriously detrimental for transgender pupils.

Accommodating a change of name

A change of name and associated gender should be respected and accommodated. SUAT academies should support transgender pupils who wish to have their preferred name recognised on school systems.

It is relatively simple to change a pupil's name on the register and school roll, and the new name should be used in letters home and reports. Academies should support young people about changing names on exam certificates.

Use of toilets and changing facilities

Transgender pupils often use accessible toilet and changing facilities, such as a disabled toilet, to avoid finding themselves in situation where they could be the victim of bullying. Our academies should rename the relevant facilities (for example, as a 'Unisex accessible toilet') to reduce stigma. Staff toilet and changing facilities could also be used to ensure the transgender pupil's safety.

Participation in PE

Transgender pupils have the same right to participate in PE as other pupils.

The issue of physical risk within certain sports should be managed properly within the lesson context rather than by preventing young transgender people from participating, (which would be discriminatory).

Academies may have concerns about the participation of transgender pupils in full contact sports such as rugby. Under these circumstances our academies should consider the risks and discuss concerns with parents. They must also consult the Trust's Operations Manager about any Risk Assessments.

School uniform regulations

In SUAT academies school uniform should not present an issue for transgender pupils, as they should be able to wear the uniform of their self-identified gender.

SUAT academies must allow transgender pupils to wear the uniform of their self-identified gender, or a unisex alternative.

Training

SUAT academies should be aware of any knowledge and understanding need amongst staff, members of the Local Academy Council, volunteers and other stakeholders in the subject of Transgender in which case it will be necessary to source training in the subject. SUAT can help with identifying and supporting the school's identified training need. To develop the skills of stakeholders to support and teach Trans pupils the following training topics should be considered in training needs assessment: Confidentiality, Gender identity, Privacy and dignity, Tackling trans phobia and Relevant legislation

Transition from one school to another

Changing schools can be seen as a new start so this may well be the point at which young Trans people make a conscious decision to be known by their true gender. At times this may be problematic, negatively effecting friendships, behaviours and reputation in the school. However, changing schools can also be a very empowering time if the correct support and preparation is in place. It must be remembered that in school transition young trans people may, for the first time, find they are able to express themselves and be truly happy, and thus contribute positively and successfully both to their own academic development and to the school's learning environment. SUAT academies should be aware that the management of a move between schools needs consideration and good communication between themselves and the new school or college. The thoughts, concerns and wishes of the young Trans person and their family or carers need to be sought and considered at the earliest opportunity. Preparations might include identifying a single point of contact in the next school or college so that the young Trans person has the opportunity to develop a relationship with that single contact prior to arrival. This will help make the transition from your school to the other as seamless as possible.

Dealing with the Concerns of Staff, Families and Carers

Staff concerns can be dealt with by providing appropriate training and being aware of SUAT's Equality and Diversity Policy. SUAT academies should show that the social, moral, spiritual and cultural considerations, and also any legal and financial issues, have all been addressed as this can reduce the anxieties that develop amongst staff e.g. disclosure.

Staff involved should be aware that there are a number of factors that determine how much information they may disclose. Confidential information about pupils must **not** be shared with other parents. If it becomes necessary to issue a press release you must contact the Chief Executive Officer of the Trust.

In SUAT, in general, academies should not engage with the press over this issue. Please ensure that early contact is made with the CEO to obtain advice and guidance regarding possible press interest into the academy and the young Trans person so that all staff are aware of the potential interest and that they are prepared. This will allow staff to remain professional and calm throughout and remain clear about the message that the academy endorses. In all academies senior leaders 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. If unsure about GDPR implications, please contact the SUAT Operations Manager.

It must be recognised that people have their own prejudices. A parent or guardian may not always be the most supportive or appropriate person to assist the young person through transitioning. It may not be necessary for a parent or carer to provide their permission for a Trans pupil or student to take steps to transition. Please remember that everyone's experience of life, particularly in respect to diversity, is different.

Work Experience

There is an obligation on the part of SUAT secondary academies, when arranging work experience placements, to keep pupils safe. 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 an academy is considering allowing a trans young person to attend a work experience placement they must complete a suitable assessment on the potential placement to establish if there is any risk to the young Trans person taking account of the young Trans persons right to privacy - as a general principle personal information on the young Trans person must not to be shared. SUAT expects its academies to be sensitive to this in their planning before any young Trans person is placed in any business or organisation. Careful discussion about the placement with the pupil, parents or carers needs to occur to find the most suitable way forward to ensure the placement is successful

Vaccinations

Historically vaccinations have been given to young people of all genders together in a large space such as sports hall. More recently, GP surgeries provide some schools with their vaccinations at the surgery while some vaccinations are given in school. SUAT believes that consideration should be given to allowing the young Trans person to receive their vaccinations from their GP if the vaccination is gender specific. It should also be recognised that vaccinations are not always separated by gender (male / female) and if it is still necessary to have mass vaccination sessions in the academy, then a mixed gender queue could be used, as well as screens for the person receiving the vaccination be supplied to promote privacy whilst being included in the mainstream.

School Trips, Exchanges and Overnight Stays

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 Trans pupils but this must not mean that they cannot be included on the trip. Consideration should be given well in advance to any additional needs which may include having a parent or guardian (as a member of staff) accompany the trip to ensure that the student is fully included. The sleeping arrangements will need to be thought about before a trip is undertaken; it is possible that the pupil would prefer to have a separate room etc. Each individual case and trip needs to be thought of separately and in depth discussions should happen well in advance with any and all appropriate bodies.

SUAT asks its academies to remember that, just as anyone can be searched, Trans pupils may be searched at borders and other places. Different countries will have policies and procedures that they will follow. Academies should contact the relevant border control or agency in advance in order to ensure that any policy or risk assessment completed by the school is accurate for that visit or trip. There are countries that are not as legally and culturally open as the UK.

It is vital that prior to any of these arrangements the academy contacts SUAT's Operations Manager.

Academies should ensure that a detailed risk assessment for the school visit/trip has been conducted to include Trans pupils and students. Any risks identified from the assessment should be managed so that any reasonable adjustments can be considered to facilitate the participation of the Trans pupil/s.

Appendix 1: Public Sector Equality Duty

(1) A public authority must, in the exercise of its functions, have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) tackle prejudice, and
- (b) promote understanding.

(6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(7) The relevant protected characteristics are—

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Appendix 2 - Legislation

Legislation that informs the participation of Trans (including gender variant) pupils and students in schools and colleges include the Human Rights Act 1998, Gender Recognition Act 2004 and the Equality Act 2010. The Human Rights Act 1998.

The following Articles from **The Human Rights Act 1998** support the rights and needs of Trans 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 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.

The Equality Act 2010 ensures legal protection against discrimination (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 Schools 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