

Ormiston Academies Trust

Cowes Enterprise College, an Ormiston Academy

## Transgender policy

### Policy version control

Policy type	Strongly recommended
Author/s	Aron Whiles, Broadland High Ormiston Academy Dawn Allen, Ormiston Victory Academy
Approved by	Rachel Kitley 2 <sup>nd</sup> July 2020
Release date	July 2020
Next release date	July 2023
Description of changes	None, new policy

# Contents

<b>1. Introduction.....</b>	<b>3</b>
1.1. What does “transgender” mean?.....	3
1.2. Gender Dysphoria (or Gender Identity Disorder).....	3
<b>2. Associated legislation .....</b>	<b>3</b>
2.1. The Human Rights Act 1988 .....	3
2.2. GDPR 2018 .....	3
2.3. The Equality Act 2010.....	4
2.4. The Gender Recognition Act 2014.....	4
2.5. Sex Discrimination (Gender Reassignment) Regulations 1999 .....	4
2.6. Ofsted School Inspection Framework 2018.....	5
2.7. The Common Inspection Framework 2015 .....	5
<b>3. Key Principles .....</b>	<b>5</b>
3.1. Every person is different.....	5
3.2. Confidentiality.....	5
3.3. Mis-gendering.....	6
3.4. Re-thinking of traditional views and practices in gender and identity .....	6
3.5. Anti-bullying .....	6
<b>4. Practical considerations .....</b>	<b>6</b>
4.1. Single-sex facilities.....	6
4.2. Uniform/Dress Code .....	7
4.3. Academy-wide education and training on transgender.....	7
4.4. Attendance .....	7
4.5. Name changes & Language.....	7
4.6. School Visits.....	8
4.7. Physical Education (PE) .....	8
4.8. Work Experience.....	8
4.9. Gender specific vaccinations.....	9
4.10. Teaching and Learning.....	9
<b>Appendix – Glossary.....</b>	<b>10</b>

# 1. Introduction

This policy has been prepared to set out Cowes Enterprise College, an Ormiston Academy best practice in terms of fully supporting students either identifying as transgender or otherwise questioning their gender identity.

Cowes Enterprise College, an Ormiston Academy is fully committed to promoting, maintaining and supporting equality and diversity in all aspects of academy life. We aim to create an environment where all individuals have the best possible opportunities to achieve their full potential within a supportive climate where self-esteem is high and mutual respect underpins everything we do. Cowes Enterprise College, an Ormiston Academy is explicitly opposed to all forms of inequality and discrimination. Having transgender staff and students within our academy community is an opportunity to enrich the school community, celebrate diversity and to positively challenge gender stereotypes and “norms”.

## 1.1. What does “transgender” mean?

- 1.1.1. A person who is transgender feels that they do not identify with their biological sex assigned at birth. They may identify completely with the opposite sex, in which case they may choose to take steps to transition to live in that opposite gender, either medically or otherwise.
- 1.1.2. The term transgender also encompasses people whose gender identities are not exclusively male or female. Gender is an important part of our identity and developing a positive sense of gender identity is part of growing up and working out who we are. However gender identity is often complex and there is a spectrum of gender which is wider than just male and female and may involve people rejecting the traditional binary system and instead choosing to identify as “pan-gender”, “poly-gender”, “third gender”, “gender queer”, “gender fluid” and so on.

## 1.2. Gender Dysphoria (or Gender Identity Disorder)

- 1.2.1. Gender Dysphoria is a clinical condition which has been reported in children as young as 2 years of age and can only be diagnosed by a medical/psychiatric expert. A person diagnosed with Gender Dysphoria may require treatment such as hormone blockers but it is important to recognise that some people may not want any treatment. Some may choose to be known by a different name or to wear different clothes. Equally, a transgender person may live their life without being, or feeling the need to be, diagnosed as having Gender Dysphoria. However, most transgender young people (and their families) will benefit from some expert support as they undertake the process of transitioning.

# 2. Associated legislation

## 2.1. The Human Rights Act 1988

The following articles from the Human Rights Act 1988 directly support the rights of transgender individuals to live their lives in their chosen identified gender.

- Article 8: The right to respect for private life
- Article 10: Freedom of expression
- Article 14: The prohibition of discrimination in respect to these rights and freedoms

## 2.2. GDPR 2018

- 2.2.1. Details relating to an employee’s gender transition, their transgender status or sexual orientation are classed as “sensitive personal data” under the General Data Protection Regulations (GDPR) 2018

- 2.2.2. This means that such data can only be processed in certain limited circumstances, such as where the employee gives explicit consent or where it is necessary for carrying out rights and obligations under employment law.
- 2.2.3. It is important to consider who has access to employee records and how much information actually needs to be stored (and for how long). Information regarding a person's previous gender is incredibly sensitive and access to that information should be restricted.
- 2.2.4. There is also a duty to keep records accurate, so it is important to ensure that if an employee undergoes gender transition, that their records are updated with their new gender and new name (where applicable) as soon as possible.

## 2.3. The Equality Act 2010

- 2.3.1. The Equality Act ensures legal protection against discrimination, harassment and victimisation (direct or indirect) for everyone under nine protected characteristics defined in the Act. Part 6 of the Equality Act 2010 makes it clear that the Act specifically covers schools and young people as well as other organisations and environments.
- 2.3.2. "Gender reassignment", also known as transgender, is a protected characteristic under the Equality Act. This extends protection to those who are proposing to or taking steps to transition into a new gender, which could include processes (or parts of processes) to change physiological or other attributes of sex such as facial surgery or hormone therapy, as well as genital surgery. It could also arguably include taking steps such as growing longer hair or having facial hair electrolysis if this is for the purposes of reassigning gender (2:1:7)
- 2.3.3. In order to be protected under the Act, a student or staff member will not necessarily have to be planning, or undergoing, a medical procedure to change their sex but they must be taking steps to live in an alternative gender, or be proposing to do so.
- 2.3.4. As an example, it is important to note that under the Equality Act, it is discriminatory to treat a transgender person less favourably because of any absence due to gender reassignment than they would treat another student or member of staff for any other kind of absence (including, for example, sickness absence).
- 2.3.5. Whilst being transgender is not in itself a disability, any associated health difficulties (including mental health issues) that a transgender person may experience could mean that the person is "disabled" and therefore also has protection from disability discrimination.

## 2.4. The Gender Recognition Act 2014

- 2.4.1. The Gender recognition Act is mostly concerned with the official processes necessary for a transgender person to acquire a Gender Recognition Certificate and subsequent correction of their original birth certificate to match their true, identified gender. This can only occur once a person is 18+ years old but is something younger transgender people may aspire to. More information on how to apply for a Gender Recognition Certificate can be found at [www.gov.uk/apply-gender-recognition-certificate](http://www.gov.uk/apply-gender-recognition-certificate)

## 2.5. Sex Discrimination (Gender Reassignment) Regulations 1999

- 2.5.1. Individuals who intend to undergo, are in the process of, or have had gender reassignment are protected from discrimination at work and school (including Higher Education settings). Less favourable treatment relating to absences arising from gender reassignment is unlawful if treatment is less favourable than if it had been due to sickness or injury, some other cause for which is not reasonable to be treated less favourably. Less favourable treatment also includes the arrangements relating to terms and conditions of which employment, education or training are offered.

## 2.6. Ofsted School Inspection Framework 2018

- 2.6.1. The School Inspection Framework clearly states that inspections will evaluate how well leaders and governors promote all forms of equality and foster greater understanding of and respect for people of all faiths (and those of no faith), races, genders, ages, disability and sexual orientations (and other groups with protected characteristics), through their words, actions and influence within the school and more widely in the community
- 2.6.2. They will also judge whether leaders have the highest expectations for social behaviour among pupils and staff, so that respect and courtesy are the norm.
- 2.6.3. In a school judged as “outstanding”, it is expected that “leaders promote equality of opportunity and diversity exceptionally well, for pupils and staff, so that the ethos and culture of the whole school prevents any form of direct or indirect discriminatory behaviour. Leaders, staff and pupils do not tolerate prejudiced behaviour”.
- 2.6.4. Inspectors will also consider types, rates and patterns of bullying and the effectiveness of the school’s actions to prevent all forms of bullying and harassment – this included cyber-bullying and prejudiced bullying related to special educational need, sexual orientation, sex, race, religion and beliefs, gender reassignment or disability.

## 2.7. The Common Inspection Framework 2015

- 2.7.1. This document specifically refers to Transgender children and learners (14) and also states that “Inspectors will assess the extent to which the school or provider complies with relevant legal duties as set out in the Equality Act 2010 and the Human Rights Act 1998, promotes equality of opportunity and takes positive steps to prevent any form of discrimination, either direct or indirect, against those with protected characteristics in all aspects of their work” (15).

# 3. Key Principles

## 3.1. Every person is different

- 3.1.1. It is important to recognise that every transgender person is different and will want to approach their transition differently. Ensure that the individual is consulted with and asked about how they want to approach different issues, such as how to announce their gender transition to their peers or colleagues. For example, whilst one person may wish to undergo their gender transition publicly, another may wish to do so in the most discreet way possible.
- 3.1.2. When a difficult issue arises, work with the individual and discuss it with them directly. Ask what they are comfortable with. There may be compromises on certain issues that can be explored that will help smooth the transition for both the individual and the rest of the academy community.

## 3.2. Confidentiality

- 3.2.1. Cowes Enterprise College, an Ormiston Academy will respect the confidentiality of all transgender staff and students and will not reveal information without the prior consent of the individual. Staff should not discuss transgender members of the academy community outside of school, even if not mentioning names or other details. The trans community is such a small one that even a casual reference to a “certain” student may be enough to “out” that individual or at the very least, compromise confidentiality. When a member of staff or a student initially discloses their trans status, a conversation needs to be had to ascertain who, if anyone, they would like the information to be shared with.

- 3.2.2. In terms of safeguarding, provided there are no other concerns around a student, a disclosure that a student is transgender, or questioning their gender or sexuality, this would not warrant parental notification.
- 3.2.3. Many parents and carers of a student who is identifying as transgender or questioning will be supportive of their child's gender identity. However, this is not always the case. When working with parents and carers, Cowes Enterprise College, an Ormiston Academy will keep in mind that we are representing the interests and well-being of the young person and as far as possible, care will be taken to ensure the wishes of the young person are taken into account with a view to sharing them during potential transition. Confidential information must not be shared even with the parents or carers without the student's permission, unless there are safeguarding reasons to do so.
- 3.2.4. When contacting parents or carers of a transgender student, academy staff should use the student's legal name and gender assigned at birth unless the student or their parent or carer has specified otherwise.

### 3.3. Mis-gendering

- 3.3.1. To "mis-gender" a person means referring to them in a way that does not reflect the gender they identify as. This can happen accidentally by people who knew the person before their transition, as well as maliciously. In both cases, it can be extremely hurtful to a transgender person. The importance of not mis-gendering is covered in any staff training and if it is discovered that any mis-gendering is happening maliciously, that it is dealt with appropriately under normal disciplinary procedures.

### 3.4. Re-thinking of traditional views and practices in gender and identity

- 3.4.1. In supporting a transgender or non-binary gender conforming student or member of staff, schools and individuals may have to re-think views and practices on gender and identity which have been accepted as "the norm" for a long time. This can sometimes be challenging but Cowes Enterprise College, an Ormiston Academy are fully committed to ensuring that no student is made to feel that they are the ones who are causing problems or that they feel they need to behave any differently to ensure that they are treated with the equality they deserve and are legally entitled to.
- 3.4.2. Some transgender people may never fully transition into the opposite gender, but may choose to use alternative pronouns e.g. someone who is gender fluid but chooses to keep their sex as male may prefer to be known by female pronouns such as "she", "her" etc. Other may prefer to be known by "they", "them" or "their", whilst some transgender individuals may be more comfortable being referred to by gender neutral pronouns such as "ze", "hir" or "hirs".

### 3.5. Anti-bullying

- 3.5.1. Cowes Enterprise College, an Ormiston Academy has a robust anti-bullying policy and zero-tolerance approach to Transphobic, bi-phobic and homophobic abuse or harassment, sexism and racism eg. name calling, derogatory jokes or comments, graffiti, unacceptable or unwanted behaviour and intrusive questions. All staff receive training in tackling and dealing with any incidents which may occur and the academy has robust record keeping processes for such issues. Offences such as these are serious disciplinary issues and will be strictly dealt with following the appropriate policies and procedures (see Anti-bullying Policy and Staff Code of Conduct)

## 4. Practical considerations

### 4.1. Single-sex facilities

- 4.1.1. It is likely that a person transitioning will no longer want to use single-sex facilities that are incompatible with the gender they identify with. Transgender people have a legal right to use the facilities which match

the gender with which they identify. As a general rule, it is not acceptable to require a transgender person to use the facilities of their previous gender if they no longer want to and it is unlikely to be considered good practice to require a transgender person to use the disabled facilities, especially on a permanent basis.

- 4.1.2. At Cowes Enterprise College, an Ormiston Academy, following consultation with Governors and the student body, the student toilet facilities on the ground floor of the main building have been designated as gender neutral and students and staff have all been made aware of this. However, should a transgender student wish to use the single sex facilities for the gender they identify with this will be accommodated. It may be in this case that parents will be consulted with and a signs of safety meeting held in advance of these arrangements being put in place.

## 4.2. Uniform/Dress Code

- 4.2.1. All students are expected to adhere to the academy uniform rules. However the academy uniform provides options for students of any gender to wear trousers or skirts and as of September 2018, all students are required to wear blazers and ties.

## 4.3. Academy-wide education and training on transgender

- 4.3.1. Issues connected to transgender identity will be considered by students during SMSC (Spiritual, Moral, Social and Cultural) lessons, in an age appropriate way and also via our form time Citizenship programme. Students learn about topics such as safeguarding, gender identity, transphobia, biphobia and homophobia and anti-bullying. Staff also undergo training on tackling homophobia, transphobia and racism as part of the scheduled CPD (Continuous Professional Development) programme.

## 4.4. Attendance

- 4.4.1. Cowes Enterprise College, an Ormiston Academy will always make reasonable adjustments to accommodate absence requests for treatment or other external transgender support in line with academy policy. Sensitive care will be taken when recording the reason for absence.

## 4.5. Name changes & Language

- 4.5.1. If a transgender student wishes to use their preferred name during the school day and have this on academy systems, this will be supported. Students will be able to be called by their preferred name, recognised informally by their chosen gender identity (unless a Gender Recognition Certificate has been granted) and their preferred name will be noted on internal systems such as registers. If the student is under 16 then the change of name and new preferred pronouns will have to be supported by parents and their permission given for this to happen.
- 4.5.2. It is very important, as a matter of respect and inclusion, to ensure that correct gender, name and pronouns are used consistently to address transgender people. Hearing people use “him” or “her” incorrectly can be uncomfortable or even seriously detrimental for a transgender person to hear, especially when they are trying hard to confirm people’s awareness of their chosen gender identity. Cowes Enterprise College, an Ormiston Academy staff are fully committed to doing their very best to endeavour to call transgender students (and staff) by their preferred name and pronouns. However, if genuine mistakes are made (possibly due to having known the student by another name and gender since the start of their school career) staff will correct themselves and apologise for any offence which may have been caused. In addition staff should carefully consider the language they use and when possible, attempt to use language that does not reinforce a binary approach to gender (i.e. there are only males and females) e.g. “ladies and gentlemen”, “guys” etc.
- 4.5.3. As stated in 2.4 (above) changing the gender recorded on a birth certificate is not possible until a Gender Recognition Certificate has been issued. Examination results are linked with a Unique Pupil Number

(UPN) and only legal names, not preferred names, are permitted to be matched with these UPNs. For this reason, unfortunately examination certificates cannot be issued in a student's preferred name, only their legal name as per their birth certificate, unless an official change of name by deed poll has been granted. Persons under 16 years of age cannot change their name legally without the consent of a parent.

#### 4.6. School Visits

- 4.6.1. Some school trips to learn about experience different cultures, spending time in different countries or taking part in certain activities may necessitate overnight stays, both in this country and abroad. This may raise issues for both transgender students and their peers but this will certainly not mean that transgender students are excluded from such visits.
- 4.6.2. Cowes Enterprise College, an Ormiston Academy will thoroughly think through, well in advance, any additional arrangements necessary to ensure that transgender students can be fully included. Sleeping arrangements will need to be considered before a visit is undertaken; it is possible that a transgender student may prefer to have a separate room to themselves. However, transgender students have a legal right to use single sex facilities of any kind in line with the gender with which they identify should they choose to do so.
- 4.6.3. Each individual case and visit needs to be discussed separately, in a timely manner, with all appropriate parties, including the student and their family, linked to the accommodation available.
- 4.6.4. With regard to overseas trips, different countries have their own policies and procedures and there are countries which are not as culturally nor legally accepting as the UK. In fact, some have laws which make it illegal to be part of the transgender community or ones where it is an offence not to report a transgender individual to the relevant authorities. Cowes Enterprise College, an Ormiston Academy will ensure that we carefully investigate the laws around transgender communities in any country considered for a school visit and take action as appropriate.

#### 4.7. Physical Education (PE)

- 4.7.1. A transgender young person has the same right to Physical Education as their peers and 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 transgender students may have a physical advantage over other girls but this should not present a problem with 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 transgender young people from participating (which would be discriminatory). It may be due to the nature of contact and physicality of sports such as rugby, the academy would consider whether permitting a transgender person participating in full contact lessons, during the latter stages of puberty, is appropriate. Issues such as this will be considered on an individual basis, prior to the activity taking place, in discussion between the academy and parents or carers.
- 4.7.2. The use of changing room facilities will also be carefully considered. Facilities for transgender students will be sensitive to their needs as far as the possible restrictions of the physical environment permit. When competing at another school or external venue, PE staff will ensure that alternative sensitive provision is available. Transgender students have a legal right to use the changing facilities of the gender with which they identify, should they wish to do so. In this case discussions may be held with parents/carers and the student themselves and a signs of safety mapping undertaken in advance.

#### 4.8. Work Experience

- 4.8.1. The Equality Act 2010 covers every environment which students maybe working in and therefore work experience placements must be mindful of their duties and responsibilities with regard to transgender young people. Risk assessments will be carried out where appropriate to ensure that a work experience placement is safe for a transgender student to attend. The assessment must take into account the young

person's right to privacy and as a general guide, personal information on the young transgender person must not be shared. Cowes Enterprise College, an Ormiston Academy will be sensitive to a transgender young person's feelings and needs when planning any potential work experience placement with businesses or external organisation. Careful discussion prior to placement will occur with the student and their parents or carers to find the most suitable way forward to ensure that the placement is successful.

#### 4.9. Gender specific vaccinations

- 4.9.1. These can easily be carried out at a GP surgery rather than at school to avoid any possible embarrassment.

#### 4.10. Teaching and Learning

- 4.10.1. Staff need to consider whether any of the teaching and learning approaches they use may impact on transgender students and make them feel confused, uncomfortable or excluded e.g. is grouping students by gender vital and if and when alternative strategies could be used. Transgender students need to know that if they feel safe to do so, they may be grouped according to their gender identity rather than their biological sex. At times single gender education may be desirable e.g. for Sex and Relationships Education (SRE) or to support the specific learning needs of one gender e.g. boys' literacy. Provided a clear need can be demonstrated this is permitted under the Equality Act 2010. However, students should be made aware that they are able to participate in such groups according to their gender identity if their learning need fits the profile of the group.

## Appendix – Glossary

**Binding** – a female to male adolescent (F2M) who is developing breasts may strap their chest area so that it is less obvious. This can be hot, uncomfortable and restrictive but is often very important to their psychological and emotional well-being. It can cause difficulties during PE lessons and can sometimes lead to breathing difficulties, skeletal problems and fainting.

**Cis gender** – someone who identifies completely with their assigned gender at birth which also matches their sex.

**F2M or Trans male/man** – a person who was identified as female at birth but has come to feel that their true gender is male.

**FAAB** – Female assigned at birth

**Gender** – the way that a person feels about themselves in relation to their physical and mental self; the basis of their identifying as male, female or somewhere else on the gender spectrum. A person's gender may be directly contrary to their sexual organs and therefore socially accepted gender at birth.

**Gender Confirmation Treatment** – those transitioning may choose to have gender confirmation treatment that includes hormone therapies and/or surgery to bring the sex characteristics of the body more in line with the gender identity. Such surgery is referred to as Gender (or Sex) Reassignment Surgery (the term “Sex Change” is not considered appropriate nor polite).

**Gender fluid** – someone who identifies as gender fluid will identify with different genders on a varying basis. They may feel more female than male on any given day, or vice versa or equally feel that neither male nor female describes them fully.

**Gender Identity Disorder (GID)/Gender Dysphoria (GD)** – a medical term describing being transgender, often not used as a term as “disorder” implies that something is wrong.

**Gender queer** – a person who does not subscribe to conventional gender distinctions but identifies with neither, both, or a combination of male and female genders

**Gender Role** – the social norms/interactions with others which give expression to the inner gender identities and reinforce them.

**GIC** – Gender Identity Clinic

**Intersex Conditions** – there are a number of intersex conditions (recently renamed Disorders of Sex Development) which may lead individuals to experience inconsistency between their gender identity and the gender assigned to them at birth. Inconsistencies may be due to atypical sex chromosomes, such as Klinefelter Syndrome (XXY), Jacob's Syndrome (XYY) or other genetic anomalies where unusual hormone levels are present.

**M2F or trans female/woman** – a person who was identified as male at birth but has come to feel that their true gender is actually female.

**MAAB** – Male assigned at birth.

**Outed** – when a trans gender person's gender status is made public without their consent. This can happen deliberately or by careless breaches of confidentiality.

**Packing** – a female to male (F2M) person may wear a prosthetic item in their underwear that provides a “bulge” and gives them a more male appearance.

**Pansexual** – a sexual or romantic attraction towards people of all gender identities including those who do not fit into a gender binary.

**Questioning** - a term used to describe anyone who is in the process of deciding which gender identity suits them best. Transgender people may undergo a period of questioning in which they reflect upon their preferred gender expression, their personal definitions of masculinity and femininity, and their feelings about their assigned sex.

**Sex** – the way a person’s body (sexual organs) appears, sometimes wrongly, which indicates their gender.

**Sexual Orientation** – this is a separate issue from gender identity. Sexual orientation is associated with the sexual attraction between one person and another. This is quite different from the knowledge of one’s own gender identity.

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

**Trans sexual** – a transgender person who lives fulltime in their true gender.

**Transitioning** – the term used to describe the permanent change of gender identity in all aspects of life; in the family, at work or school, during leisure pursuits and in society generally. A few people make this change overnight but many do so gradually over time.

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

**Tucking** – used within the male to female (M2F) transgender community which involves tucking back the penis so that it is not outwardly visible. This can cause some discomfort