

# Gender Identity Policy

**Approved by committee**

**Approved by full governors 16<sup>th</sup> September 2018**

**Reviewed 3<sup>rd</sup> November 2020**

## **Introduction**

This policy is designed to provide an overview of our whole school approach in ensuring that staff and students identifying as trans are supported and fully included within the school community. It also includes links to further sources of information and support for use in signposting and supporting students.

## **Key Terminology**

These are only some of the key terms, there are also many more not listed here. Some of the toolkits and resources listed within this policy also have lists of other key terms.

**Binary Gender System:** A system that forces all people into only two categories – either man or woman, boy or girl. In this system men and women are expected to look and behave in a particular way that is different to one another.

**Cisgender:** A match between your biological sex and your gender. Gender identity: How someone interprets their gender. This is not necessarily the gender the person was assigned at birth. Everyone has a gender identity; it is how we feel about our gender and is unique to each individual.

**Gender expression:** how someone expresses and portrays their gender. This is often based on social norms and stereotypes, and is therefore relative to different cultures, eras or societies.

**Gender dysphoria:** A medical term for the condition whereby a person feels discomfort or distress because there is a mismatch between their assigned gender and their gender identity.

**Gender Fluid:** Gender fluid individuals have different gender identities at different times. A gender fluid individual's gender identity could be multiple genders at once, and then switch to none at all, or move between single gender identities.

**Genderless:** No gender identity.

**Non-Binary:** Gender identities that are not exclusively male or female.

**LGBTQ:** Acronym for Lesbian, Gay, Bisexual, Trans, Questioning.

**Pronouns:** The way someone wants to be addressed. Binary pronouns include 'he' or 'she'. Some trans people identify with binary pronouns other people prefer non-binary pronouns such as 'they' (which is used in the singular form). If you aren't sure it is best to ask someone how they prefer to be addressed.

**Trans person:** An umbrella term which covers the entire trans community, encompassing anyone whose gender identity does not match the gender they were born with, and/or people who identify as gender variant with regards to gender identity and/or gender expression.

**Transsexual person:** A person who feels a consistent and overwhelming desire to medically transition and live their life as a member of the opposite gender. The term transsexual is becoming less commonly used: it has potential negative connotations due to historic medical terminology (being classified as a mental illness) and terms such as 'trans' can be seen as more inclusive as they include identities such as non-binary or gender fluid.

**Transgender Person:** Someone whose gender identity does not match the gender they were assigned at birth. For example, someone who was assigned male at birth but identifies as female, or vice versa. Transgender people may choose to transition, either medically (through cross sex hormones, surgery etc.) and/or socially (presentation, clothes, hairstyle etc.)

### **What the law says**

The Equality Act 2010 This act made gender reassignment a protected characteristic for pupils and staff. It includes not only those going through medical procedures to change their sex but also those taking steps to live in the opposite gender or proposing to do so.

The act makes it unlawful to discriminate against, harass or victimise pupils or potential pupils:

- In regards to admissions
- In the way education is provided to pupils
- In the provision of access to any benefit, facility or service, or

- By excluding a pupil or subjecting them to any other detriment

[Information from The Equality Act 2010 and schools – Departmental advice for school leaders, school staff, governing bodies and local authorities]

### **Transphobic Hate Crime**

Parliament passed legislation in the Legal Aid, Sentencing and Punishment of Offenders Act 2012 to provide harsher sentences for transphobic hate crime. Sentencing can be enhanced where prosecutors can provide evidence of the offender's hostility towards transgender people.

This mirrors provisions in Section 145 and 146 of the Criminal Justice Act 2003 and provides similar provisions to protect Transgender victims of hate crime.

### **Transition**

Transition refers to the social, psychological, emotional and economic processes by which a person moves from their gender assigned at birth to the gender they identify with. This does not have to involve surgery.

Any guidance needs to be tailored to the individual as there is no single path or experience of transition. We will always start with a conversation with the person and plan with them how school can best support their transition.

### **Key areas to consider could include:**

#### **Name and Pronouns**

A young person may wish to change the pronouns (he/she/they) by which they are referred. This will be supported by school and if the young person wishes to be referred to by different pronouns throughout school, then this will be communicated to all staff and registers/records changed accordingly (this includes letters home etc.). Names can be changed on SIMS without the need for a Deed Poll document. The young person will also be consulted about if and how they wish their name/pronoun change to be communicated to other pupils. Deliberate refusal to use someone's new name or preferred pronouns would be classed as transphobic bullying.

#### **Residential Trips**

Trans young people will be able to sleep in dorms appropriate to their gender identity unless they do not feel comfortable staying in dorms of their gender

identity, in which case alternative arrangements will be made. As always, we will speak to the young person and have a discussion with them. To exclude trans pupils from residential trips would be contravening the Equality Act.

### **PE, including changing facilities.**

Trans young people have the legal right to use the changing facilities of their acquired gender. We will speak to the young person and see how they feel about using the changing rooms of their gender, and consider potential problematic reactions from others. Pupil toilets across the school are not gender labelled and cubicles can effectively be a 'gender neutral' private changing room.

### **Other facilities including toilets**

As above, young people have the legal right to use toilets of their acquired gender. Whilst promoting that right and supporting young people to live as their gender, young trans people could also be concerned about their vulnerability when using toilet facilities, and fear they risk unwanted attention, leading to bullying and abuse. At Hedon Primary School, whilst male toilets do have urinals, cubicles are present in all toilets. Toilets are not gender labelled and use of the term 'toilet' rather than 'girls/boys toilet' should help reduce stigma. As always, we will speak to the young person and listen to their concerns and how comfortable they feel using certain facilities

### **Uniform**

School uniform should not be a barrier for trans young people living as their acquired gender. Hedon Primary School's uniforms has a range of options; for example a choice between skirts or trousers but is not assigned to a gender. Our PE Kit is gender neutral.

### **Exams**

Technically, a pupil can be entered under any name with the Examination Board. The school would speak to the NCA prior to SATs tests and discuss name changes.

Pupils under 16 name changes by deed poll can only take place with consent from those with parental responsibility.

Whilst names can be changed through a deed poll, gender is linked to the gender on a birth certificate, which can only be changed using a Gender

Recognition certificate. This means that whilst exam boards may be able to enter a pupil under a specific name, their gender will remain linked to the gender on their birth certificate.

### **Further Considerations**

This list is in no way exhaustive and in all of these areas consideration will be given to what 'transition' means to the individual, timing of transition and what the young person feels right for them.

### **Supporting Staff Members**

Supporting staff will always be done with consistent and open discussion with the staff member: their needs will always be the priority, and they will be consulted on how they wish the school to respond to issues that may arise. A staff member who has previously been known to the school community as a different name and/or gender may wish to inform the school community in different ways, depending on which they feel most comfortable with. If a staff member wishes for this to be communicated to the whole school community, methods such as emails, letters to families and whole school assemblies will be considered.

We will always inform the members of staff before the wider school community so that colleagues can support the staff member and are better placed to appropriately respond to any questions or issues that arise. This may be done through a whole staff meeting. A discussion will take place with the staff member to explore whether they would like to be present at this meeting.

This whole school approach ensures that pupils understand gender identity and how this is distinctly different from biological sex, and the two things can sometimes correlate but sometimes do not. From this start point pupils will then have a greater understanding of name changes, potential changes in presentation and pronoun changes.

Staff can be given time off for reasons related to their transition in accordance with East Riding of Yorkshire Policy; whether this is for Gender Identity Clinic appointments, medical procedures or a period of space in order to commence a social transition.

ACAS state the following regarding time off work:

*“Medical appointments and absences. Make sure the employer knows about what time off work will be needed. Remember that it is discrimination for an employer to treat a person worse if they are absent from work for a reason related to gender reassignment than you would be treated if you were absent because you are ill or injured, or if you were absent for some other reason.”*

## **Transphobia and bullying**

Transphobic bullying is motivated by a prejudice against trans or questioning people. As with all bullying, it can be carried out; physically, verbally, emotionally and through cyberspace.

It can be targeted towards:

- people known to identify as trans
- people who are perceived to be trans, or,
- people who have friends or family that identify as trans.

The school’s anti-bullying policy will be followed as it would be with any other form of bullying. Transphobic language will be challenged consistently as will pupils who intentionally misgender each other (using pronouns that express the wrong gender, accidentally or deliberately).

The police may also need to be consulted where the incident may constitute a hate crime. True Vision define a Transphobic Hate Crime as:

**“Any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice against a person who is transgender or perceived to be transgender.”**

**Inclusion within the curriculum will contribute to a wider understanding of trans issues within the school and therefore should reduce incidents of transphobic bullying.**

## **Prejudice from parents**

If parents express concern over the schools’ actions in including trans young people, then this will not affect the schools’ actions regarding that young person – in a similar way in which a parent’s sexist or racist views would not influence school to change their equality policy. Due to a lack of understanding about gender variance and trans people, there may be negative reactions from parents

around use of changing or toilet facilities. This could be handled in an informative and educative manner (for example, explaining what gender identity is and what trans means), and without ever disclosing personal information and identities of young trans pupils. The Equality Act can be referred to, as can schools' equality policy.

The Brighton and Hove Trans Inclusion Schools Toolkit includes examples of scenarios involving parents who object to schools' actions in including young trans people, and examples of an appropriate response.

### **Visibility**

Visibility of trans issues within school is important, both to ensure young people who may be questioning their gender have a clearer understanding of this and of where they can access support, but also to reduce stigma, transphobia and bullying around school. There are two different types of visibility:

### **Usualising**

“Usualising” (a word used in place of ‘normalising’, which can be seen as problematic due to ideas of what is ‘normal’) means including something related to trans people within an unrelated topic: the issue does not become the focus, merely a piece of information which relates to trans people sitting inside a wider subject.

For example: in a history lesson, including the horrific abuse, murder and torture transgender people suffered at the hands of the Nazi's, alongside many other groups.

Or, in a geography lesson, include the fact that Sweden was the first country to allow people to legally change their gender, amongst other facts about the country.

E.g. • Sweden is a country with around 9million people.

- It uses the Swedish Krona.
- It is nearly 70% covered by forest.
- It was one of the first countries to allow people to legally change their gender.
- It is a largely secular state.

## **Actualising**

“Actualising” is including trans issues as the centre point of a lesson: the specific objective is the greater understanding of gender identity/trans issues. This could be a PSHE lesson based around gender stereotyping and gender identities, or an assembly on trans rights and legal protection from discrimination. Our jigsaw and Relationship and Sex Education curriculum ensure gender identity is discussed with pupils as part of our curriculum.

The more trans young people are represented in the curriculum, and gender identity is covered in school, the more young people will feel that questioning their gender identity is not something negative or “different”, and through visibility and education stigma can be greatly reduced.

For more information on Usualising and Actualising, please see the guidance on the subject published by The Classroom: <http://the-classroom.org.uk/how-to-do-it/usualising-andactualising/>

## **Named person(s)**

Mrs Barnett is the named person for Hedon Primary School and all pupils and staff can approach her for advice and support around gender identity. As well as being a point of reference for students and staff, she will also work with staff around the visibility of trans people and of gender variance within the school curriculum and ensure the equality policy is enacted (see section 6).

Whilst Mrs Barnett is the named person, pupils and parents are welcome to approach any member of staff. Staff have been trained through Barnardos and have a good understanding of gender identity.



## **Information and Resources**

National Support Organisations

Mermaids – <http://mermaidsuk.org.uk/>

Gires – <http://www.gires.org.uk/>

National Trans Youth Network –

<http://www.lgbtconsortium.org.uk/directory/national-transyouth-network>

Gendered Intelligence – <http://genderedintelligence.co.uk/> True Vision (Hate Crime) – <http://www.report-it.org.uk/home>

Information and Toolkits

Cornwall Schools Transgender Guidance

[http://www.lgbtqyouthcornwall.co.uk/images/TransGuidance/Transgender\\_Guidance\\_booklet.pdf](http://www.lgbtqyouthcornwall.co.uk/images/TransGuidance/Transgender_Guidance_booklet.pdf)

Brighton and Hove Trans Inclusion Schools Toolkit

<https://www.schoolportal.co.uk/GroupDownloadFile.asp?GroupId=891984&ResourceId=4950802>

Department of Education Equality Act 2010 Advice for Schools

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/315587/Equality\\_Act\\_Advice\\_Final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/315587/Equality_Act_Advice_Final.pdf)

GALOP <http://www.galop.org.uk/wp-content/uploads/2011/11/Transphobia-A4.pdf>

Gendered Intelligence: A Guide for Parents and Family Members

<http://cdn0.genderedintelligence.co.uk/2013/01/21/17-05-54-booklet2013FINAL3.pdf>

## **Books for young people**

Chris Beam, I am J

Sara Farizan, If you could be mine

David Walliams, The Boy in the Dress

Alyssa Brugman, Alex as Well

### **Books for younger children**

Marcus Ewert, 10,000 dresses

Charlotte Zolotow, William's Doll

Cheryl Kilodavis, My Princess Boy

Todd Parr, It's ok to be different

Sarah and Ian Hoffman, Jacob's new dress

Jennifer Carr, Be who you are!

### **Video clips**

National Trans Youth Conference: My Genderation

<https://www.youtube.com/watch?v=OVucTNLDjNo>

National Trans Youth Conference: What Trans Young People Need Today

<https://www.youtube.com/watch?v=nsXxkaQ4LCY>

BBC 3, Things not to say to a trans person

<https://www.youtube.com/watch?v=pvBwWeG4Rpc>