



The Hinckley SCHOOL

Transgender Policy 2023-24

Date of Last Review:	September 2023
Reviewed by:	Mrs Claire Wright, Director of Safeguarding and Student Welfare
Frequency of Review:	Annually
Date of Next Review:	September 2024

1. Introduction

This policy explains The Hinckley School practice in cases of Transgender. It seeks to minimise the distress and disruption to any student involved by:

- Ensuring teachers and 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 Transgender.

2. Transgender Identity

A Transgender person feels that their external appearance 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 and body of a female and identify their gender as male; a Male to Female (M2F) person will have the external appearance and body of a male and identify their gender as female.

Gender Dysphoria (or Gender Identity Disorder) is a clinical condition that can present from as early as age 2. It can only be diagnosed by a medical and/or psychiatric expert. A person diagnosed with Gender Dysphoria may require treatment, e.g. hormone blockers (currently not available in the UK under the age of 16), 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.

Diagnosis and treatment for young people is currently only possible through a specialist team. 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 Transgender people (and their families) will need some expert support as they grow up and develop.

The Hinckley School will ask the individual themselves with regards to what they would like to be called allowing their voices to be heard. To address the individuals by their chosen names and not "it" or "they" to promote inclusion and antidiscriminatory practice. This is encouraged by inviting the young person to an informal meeting to discuss how they would like to be addressed.

If the individuals are under 14, to involve parents and ask parents' permission to call the child by the name they have chosen. Then provide a record account of the meeting stating the key information. Although we do encourage young people of all ages who are under 18 to include their parents/carers where appropriate.

3. Legislation

a) Data Protection Act 1998, (UK)

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 eight data protection principles, which include ensuring personal data is accurate, secure and processed fairly and lawfully.

Failure to change a person's title, name and gender after a formal could constitute one of the following offences under the Act:

- Disclosure of personal information that is used, held or disclosed unfairly, or without proper security.
- Failure to ensure personal information is accurate and up-to-date.
- Processing of data likely to cause distress to the individual.

b) The Gender Recognition Act, 2004

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.

c) The Equality Act, 2010

- The Equality Act ensures legal protection against discrimination, harassment and victimisation (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 makes it clear that the Act specifically refers to School and young people.
- 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 student 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.

d) Sex Discrimination (Gender Reassignment) Regulations 1999

- Individuals who intend to undergo, are undergoing or have undergone gender reassignment are protected from discrimination in work, school and vocational training (including higher education study).
- Less favourable treatment relating to absences arising from gender reassignment is unlawful if:
 - The treatment is less favourable than if it had been due to sickness or injury,
 - The treatment is less favourable than if it had been due to some other cause and, having regard to the circumstances of the case, it is reasonable not to be treated less favourably.

Discrimination can be direct or indirect. Indirect discrimination occurs when a provision, criterion or practice applies to everyone but puts a person with a particular protected characteristic at a particular disadvantage, and it cannot be justified as a proportionate means of meeting a legitimate aim. An example might be an inflexible school uniform rule which offers no “unisex” options such as trousers for girls, and which would therefore create a particular difficulty for a F2M student.

4. School Attendance

The Hinckley School will make reasonable adjustments to accommodate absence requests for treatment and external sources in line with their absence policy. Sensitive care will be taken when recording the reason for absence.

5. Transphobia and Bullying

The Hinckley School has a robust anti-bullying policy. 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.

All staff that work within the school understand and know that it is all of our responsibility and is a legal obligation to follow the bullying procedures within school for these students.

Any incidents should be reported directly to Pastoral Lead in the first instance. In addition, our Anti- Bullying Champion will be involved in supporting the process in any event.

6. Training

LGBTQ+ Ambassadors within The Hinckley School will work closely with the Leicestershire County Council Youth Workers (finalise at a later date) to ensure the relevant training and discussions are being held and are up to date.

Training days on safeguarding and relevant legislation will be applied.

All topics will be covered during the school’s Safeguarding training will be re-visited every year. Staff will be updated in briefings should the need arise.

7. The Curriculum

The issues related to Transgender will be visited for all students during the PSHE programme. These issues will also be touched upon during other courses.

Physical Education

A young Transgender person has the same right to Physical Education as other young people.

It may be due to the nature of contact and physicality of sports such as rugby, the school would consider whether a Transgender person’s participating in full contact sports is appropriate during

the latter stages of puberty. This is something that the school will take a view on prior to the delivery of those lessons, in discussion with parents or carers.

The use of changing room facilities will also be carefully considered. Facilities for Transgender participants will be sensitive to their needs and also recognise the needs and sensitivities of other students. Students will be able to change in the Health and Wellbeing toilet.

When competing at another school or an outside venue, school staff must ensure there is appropriate and sensitive provision available.

We provide inclusive interventions and resources to support all learners to progress and achieve through a number of programmes such as:

- Counselling
- School Nurse
- LGBTQ+ Drop in
- Anxiety mentoring
- Mediation
- Library books and information leaflets available from HAJC6 Library.

Any appointments need to be arranged through the Head of Year

8. Work Experience

As already stated, the Equality Act 2010 encompasses every environment that students will be working in, therefore all placements should be aware of their duties and responsibilities. When considering allowing a Transgender young person to attend a work experience placement the school will complete a suitable assessment on the potential placement to establish if there is any risk to the young Transgender person. This assessment should take account of the young Transgender person's right to privacy; as a general principle, personal information on the young Transgender person must not be shared.

The School will be sensitive to this in their planning before any young Transgender person is placed in any business or organisation. Careful discussion about the placement with the student and parents or carers, will occur to find the most suitable way forward to ensure the placement is successful.

9. Changing/Toilet Facilities

Students will be allowed to use the Health and Wellbeing Suite Toilet to change and use the toilet.

10. Uniform

Transgender students will be expected to follow the School Uniform Policy, which covers uniform, make-up and jewellery. There is a generally broad range of uniform available for both genders (i.e. girls and boys can wear trousers and all students must wear a blazer).

11. Name Changing and Exam Certification

If a Transgender student wishes to have their preferred name recognised on school systems, this will be supported and will appear on letters home, report cycles, bus pass information etc. Furthermore, the change of name and associated gender identity will be respected and accommodated by the school. It is a real indicator that the Transgender student is taking steps to, or proposing to move towards a gender they feel they wish to live in.

It is possible for any school document to be changed to reflect the chosen name of the young person. Changing the gender recorded on a birth certificate, however, is not possible until a Gender Recognition Certificate has been issued. In order to change a name on other official documents such as a passport, it might be necessary for evidence of change of name to be produced: there are two main ways in which this can be done, by deed poll and by statutory declaration. A person under 16 years of age cannot change their name legally without the consent of a parent.

12. Vaccinations

The School will allow any gender specific vaccinations to be carried out at the GP's surgery in order to eliminate any embarrassment.

13. School Visits

Normal school visits and activities may lead to overnight stays, both at home or abroad. Issues may arise for both Transgender students and other students but this must not mean Transgender students are excluded from the visit. The School will assess any additional needs well in advance. It may be necessary to have a parent, carer or a member of staff accompanying the visit to ensure the Transgender student can be fully included.

Sleeping arrangements will be considered before a visit is undertaken; it is possible that the Transgender student would prefer to have a separate room. Each individual case and visit needs to be considered carefully and well in advance, with advice from all appropriate bodies.

In the course of a visit abroad, a student could be searched at a border or other places. The School will contact any relevant border control or other agency in advance to ensure that the risk assessment being prepared by the school is accurate for the visit in question.

In some countries, for example, it is illegal to be part of the Transgender community; in some it is an offence not to report to the authorities that a person is part of the Transgender community.

The School will investigate the laws regarding Transgender people in any country considered for a school visit.

14. In addition

At The Hinckley School we as a school will offer internal support through Year Teams, our Anti-Bullying Champion, Health and Wellbeing Officer and Mentors to students where necessary. Parents

and carers must be involved with this if the student/young person is under the age of 14. Care and provision that is being offered by HAJC will be made transparent and communication will be recorded as minutes. Parents will be included in their child's support.

Appropriate use of the terms 'he', she, they and them are made available according to the individual's preference. Every effort will be made to ensure all staff are informed of individual's preference.

Within assemblies it has been made aware to all students and staff in regards to who the LGBT champion is at the school and how they can be recognised (rainbow lanyard) and where they can access this support service.

This policy will be made available to the public domain via our website. This policy is subject to change.

GLOSSARY OF TERMS

Binding – a F2M adolescent who is developing breasts may strap down their chest so that it is less obvious. This can be hot, uncomfortable and restrictive, but is very important to their psychological and emotional wellbeing. It might make it difficult for them to participate in certain PE lessons and could sometimes lead to breathing difficulties, skeletal problems and fainting.

F2M – Female to Male, a person that was identified as Female at birth but came to feel that their true gender is actually Male.

Gender – the way that a person feels about themselves in relation to their physical and mental self; the basis of their identifying as male, or female, or neither, or both.

Gender Dysphoria – the medical condition that describes the symptoms of being Transgender.

Gender Identity Disorder – GID is a medical term describing being Transgender, this tends not to be used owing to the subtext around the word disorder.

Gender Recognition Certificate – an official document presented by a Gender Recognition Panel that enables all official documents and records (including birth certificate) to be amended to the true gender of the individual thereby providing full legal recognition.

Gender Role – the social role/interaction with others, which gives expression to the inner gender identity and reinforces it.

M2F – Male to Female, a person that was identified as Male at birth but came to feel that their true gender is actually Female.

Packing – a F2M person may wear a prosthetic item in their pants that will give a bulge in their trousers so as to appear more male.

Sex – the way a person's body appears, sometimes wrongly, to indicate their gender.

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

Transsexual – a Transgender person who lives fulltime in their true gender.

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