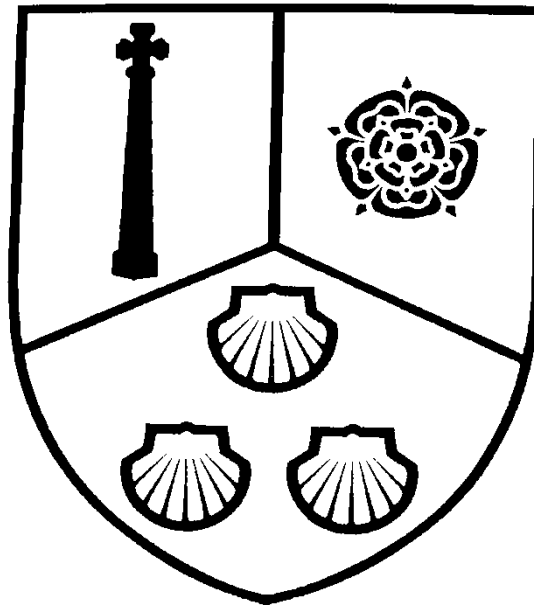


## *Transgender Policy*

Policy Created: Autumn 2018

Reviewed: Autumn 2021

To be reviewed Autumn 2024



Leyland St. James' Primary School – a Christian family where all are valued,  
children achieve and the future begins.

Our mission is to serve the community through serving our children. Every child is welcomed regardless of need for 'who so ever welcomes one such child in my name welcomes me' (Matthew 18.5). Everyone is valued; everyone has worth.  
We ensure that every child develops within God's love.



# ST JAMES' CE PRIMARY SCHOOL

Before reading this behaviour for learning policy please reflect on both our vision (above) and our principles that:

Leyland St. James' CE (Aided) Primary School is a place of love and a place of learning. It is a haven for children and families and supports all kinds of learning and development. At St. James', we believe that all children are made in the image of God without exception. All are loved and called in Christ, without exception, without exclusion.

*At Leyland St. James' Primary, we believe that all people are made in the image of God and, as such, we offer a safe and welcoming place for all God's children.*

St James' believes it is the first principle for all children and their families to be treated with dignity and respect.

No child should be made to feel that they are the ones who are causing problems or that they owe anything to their school in return for being treated with the equality and respect they deserve and are legally entitled to.

## Introduction

Gender is often an important part of an individual's identity and developing a positive sense of gender identity is part of growing up. However, gender identity is often complex and there is a spectrum of gender which is wider than just boy/ man or girl/ woman.

Practice to support transgender children is embedded across school policies and curriculum and build on best practice already in place to eliminate discrimination, harassment and victimisation; advance equality of opportunity and foster good relations.

This Policy seeks to provide a broad overview of the needs of transgender children and their families.

## Principles

In developing practice to support transgender children, schools should try to follow these principles:

- Listen to the child, their parents, carers and siblings. Wherever possible follow their lead and preferences.
- No child should be made to feel that they are the ones who are causing problems or that they owe anything to their school in return for being treated with the equality they deserve and are legally entitled to.
- Avoid seeing the child as a problem and instead see an opportunity to enrich the school community and to challenge gender stereotypes and norms on a wider scale.
- Avoid where possible gender segregated activities and where this cannot be avoided, allow the child to access the activity that corresponds to their gender identity.
- Challenge bullying and discrimination.

- Promote positive attitudes to gender diversity by including transgender issues within activities relating to discrimination, hate crime, diversity, inclusion, SRE and PSHE.

## Legislation

- **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 when requested could lead to 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.

- **The Human Rights Act 1998**

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

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.

- **Equality Act 2010 (Great Britain)**

The Equality Act 2010 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 of the Equality Act 2010 makes it clear that the Act specifically refers to School 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 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.

## Discrimination

As stated, The Equality Act 2010 ensures legal protection against discrimination in employment, education, the provision of services and the delivery of public functions, in

relation to the nine protected characteristics defined in the Act, one of which is Gender Reassignment.

The legislation states that a school must not discriminate against a student because of their Transgender status. 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. To address this we have unisex option of trousers and jumpers for all.

Language used by staff/pupils/parents should be non-gender specific in order to limit distress to LGBT children. Terms such as "I need two big strong boys to help" "that's so gay" "please line up girls in one line boys in another" will be addressed by SLT.

### **Roles and responsibilities**

It is the responsibility of all staff to be alert to possible harassment of pupils, both inside and outside of the school, and to deal with incidents of harassment/discrimination as the highest priority.

All staff will ensure they meet the unique needs of transgender pupils and assess any measures put in place on a case-by-case, individual basis.

The headteacher will hold regular meetings with parents/carers of transgender pupils and discuss the success of support in place, including feeding this information back to the governing body. The governing body will evaluate and review the success of support available to individual transgender pupils on a termly basis.

The head teacher will make any necessary and appropriate changes to the support available to ensure the happiness and development of the pupil. St James' Primary will respect all pupils' right to privacy and will not disclose a pupil's transgender status at school to any other pupils, staff members or third parties without their permission.

St James' Primary will adopt secure controls on sensitive personal data, ensuring all data is accurate, secure and is processed fairly and lawfully. We will gain consent from the pupil and parents/caregivers before any sensitive personal data is processed.

The headteacher/ and or PSHE Lead will conduct regular training sessions to ensure all members of staff are aware of their responsibilities, as well as to develop their skills and knowledge. We will establish a protocol for response when a transgender pupil comes out, is outed, or experiences bullying.

We will put measures in place to ensure that appropriate counselling is made available for transgender pupils who require immediate interventions, parental assistance and/or personal counselling.

The governing body will evaluate and review this Transgender Policy, and will make sure it is non-discriminatory.

The headteacher and/or will review and amend this policy, taking into account new legislation and government guidance, and previously reported incidents in order to improve procedures.

The headteacher will keep a record of any reported incidents and we will work to put measures in place which prevent these reoccurring.

### **Early Help Process**

It is important that any support offered to a transgender child or young person starts with identifying their individual needs. It must be understood that some trans people 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/ specialist support as they grow up and develop.

A transgender child would benefit from early help from

<https://www.lancashire.gov.uk/youthzone> and any Safeguarding Board procedures to identify any additional needs arising from transgender issues.

St James' Primary School would (with agreement and in consultation with the pupil and parent/carer) complete an early help assessment to identify specific information that the young person would like to be shared with those working with them to avoid them having to repeat themselves. When completing the assessment particular attention should be paid to the sections on emotional health and wellbeing, family and social relationships, behaviour and an action plan put in place to address these issues and ensure the young person has a robust support plan. The allocated Lead Professional (EO) should always be someone who knows and gets on well with the child.

### **Terminology and language**

The correct terminology and language should be used and in order to do this there may need to be some education in lessons around sexual orientation and gender so that staff and pupils have a clear understanding that sexual orientation and gender identity are two completely different things. For the matter of fairness and inclusion it is extremely important that the correct gender, name and pronouns are used correctly to address transgender pupils.

### **Names and pronoun change**

Respecting a child or young person's request to change name and pronoun is crucial in supporting and validating that young person's identity. Some transgender children and young people may wish to change their name to make it in line with their chosen identity. Although they may not have changed their name legally, individuals have the right to choose the name by which they are known to by staff and fellow pupils.

### **School Attendance**

St James' Primary School will make reasonable adjustments to accommodate absence requests for any treatment or appointments with external sources in line with their absence policy.

It is possible that the young person may be accessing support from outside of school so provision must be made in order for the student to be absent from school but confidentiality must be maintained at all times when complying with absence procedures.

Sensitive care will be taken when recording the reason for absence. The young person may need time off for a medical appointment and it should be recorded as an M code rather than being off sick.

### **School Photos**

Transgender children may feel fine with having their photograph taken at school but steps must be taken to ensure that these images do not reveal any confidential information. St

James' Primary School will always seek parental/carer permission to publish photos in line with the school policy.

### **Transphobia and Bullying**

St James' Primary 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.

### **Physical Education**

Sports and Physical Education is a key aspect of the national curriculum and the physical and mental well-being of young people. Physical Education develops pupil's competence and confidence to take part in a range of physical activities that become a central part of their lives, both in and out of school.

A young transgender person has the same right to Physical Education as other young people. With regard to young transgender people at school, 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 (M2F) transgender participants may have a physical advantage over other girls but this should not present a problem within a 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 young Transgender people from participating (which would be discriminatory).

If a pupil is binding their chest, they should be monitored carefully during particularly physical activities and in hot weather. There is a chance that the binding could cause discomfort or even impair breathing. Short breaks from activity could be offered discretely. It may be that due to the nature of contact and physicality of sports such as rugby, the school would consider whether a Transgender person participating in full contact lessons is appropriate towards the latter stages of puberty.

### **Changing Room Facilities**

The use of changing room facilities will also be carefully considered. Facilities for transgender pupils will be sensitive to their needs and also recognise the needs and sensitivities of other pupils. When competing at another school or outside venue, school staff must ensure there is appropriate sensitive provision available. St James' Primary School will view on prior to the delivery of those lessons, in discussion with parents or guardians.

### **Swimming lessons**

The pupil should be given the choice as to whether they wish to partake in swimming lessons or not. If the transgender pupil wishes to partake in swimming lessons then a risk assessment of the changing facilities should be completed. There must be careful consideration, in consultation with the pupil and in line with the health and safety policy of the leisure centre or swimming pools health and safety procedures. For example, it may be against health and safety regulations to wear a t-shirt in the swimming pool and therefore would be more appropriate for a F2M pupil to wear an all in one wetsuit or similar.

### **Toilet Facilities**

Should a pupil wish to use a unisex toilet, St James' Primary will provide these facilities which will be labelled sensitively and appropriately in both KS1 and KS2.

### **School Uniform**

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

### **Residential Trips**

Careful consideration and preparation is needed where a transgender pupil is taking part in a residential trip – to exclude a transgender pupil would be contravening the Equality Act. The sleeping arrangements will need to be thought about carefully before the trip takes place. Risk assessments should be carried out prior to residential trips so that reasonable adjustments can be made to allow the pupil to participate.

### **Vaccinations**

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

Staff 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.

### **Confidentiality**

All people have a right to privacy. This includes the right to keep private one's transgender status or gender non-conforming presentation at school. Information about a child, young person or staff member's transgender status, legal name, or gender assigned at birth also constitutes confidential medical information. School staff should not disclose information that may reveal a child or young person's transgender status or gender non-conforming presentation to others, including parents/carers and other members of the school community unless legally required to do so or because the child or parent/carer has given permission for them to do so. Staff need to be careful about discussing the transgender child beyond the confines of the school.

Transgender children and staff have the right to discuss and express their gender identity openly and to decide when, with whom, and how much to share information. When contacting the parent or carer of a transgender child or young person, school personnel should use the child or young person's legal name and the pronoun corresponding to their gender assigned at birth unless the child, young person, parent, or carer has specified otherwise.

### **Local community**

St James' Primary will engage with any local transgender groups these to ensure access to information is available for transgender pupils and their parents/guardians.

St James' Primary recognises the need for support out of the school environment and will encourage every transgender pupil to become involved in these communities, and will ensure



that appropriate training/workshops are ran for parents to raise their awareness and reiterate the school's expectations and principles in the policy.

### **Bereavement**

The school recognises the need to address bereavement when a child chooses to change their gender. Some families may find it difficult to cope with the 'loss' of their child and as a school, we recognise that we must deliver the five outcomes outlined in the Children Act 2004, by being proactive in preparing all staff and pupils for loss and grief and being proactive in supporting them through loss and grief. For further guidance, please refer to the school Bereavement Policy.

### **Review**

This policy will be reviewed in three years, or earlier if necessary.

**Dawn Lawell (PSHE Co-ordinator)**  
**Autumn 2021**