



Transgender Guidance for Ceredigion Schools



FOREWORD

It is my experience that all school staff across Ceredigion work daily to create an ethos in their school that respects and values all pupils, ensuring that they feel safe and supported. Recently this work has led to staff and pupils asking many questions as they consider how best to support transgender and gender questioning pupils and prevent transphobia.

The purpose of these guidelines is to provide information and current best practice to ensure fair and equal support for those pupils who may identify themselves as transgender or gender non-conforming. I appreciate that this is an evolving area for schools and that some of this guidance will undoubtedly change over time.

Our aim is that with the right support we can ensure that ALL pupils feel welcome in our schools, free from discrimination and harassment such that they enjoy their learning and achieve their potential.

In addition I would like to thank Wrexham County Council for initially sharing their model guidelines and who in turn acknowledge the important contribution of Brighton and Hove Council and Allsorts Youth Project. Thank you also to each of the Ceredigion Health, Social Care and Education professionals that contributed to adapting these guidelines for the needs of Ceredigion.

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Contents

1. Introduction
2. Definitions
3. Gender Identity and Sexual Orientation
4. Research
5. Legislation
6. A whole school approach to celebrating differences and preventing Transphobic Bullying and Incidents Language Curriculum, Teaching and Learning
7. Support for the Trans* Child or Young Person
8. Managing Specific Issues
Uniform and Dress
Confidentiality and Information Sharing Working with Parents and Carers Toilets
Changing Rooms PE and Fitness Residential Trips
Transition and Medical Intervention
9. Support for the Whole School Community
10. Trans* Staff and Governors

Appendix 1 – Gender descriptors, sexual descriptors and gender Trans* language

Appendix 2 – Resources – useful websites and literature Guide to Challenging Homo/Bi/Transphobic Language & Gender Stereotyping: A Range of Responses

Introduction

The purpose of this document is to:

- Provide information and guidance to schools, colleges and governors in Ceredigion to enable them to support, inform, protect and ensure that pupils questioning their gender identity achieve their full potential whilst in education..
- Increase the confidence of staff in providing support for transgender children and young people or those that are coming out as trans* or beginning to question their gender identity by providing an introduction to trans* identities and the issues trans* children and young people may face.
- Provide information that will allow schools to feel confident that they are complying with relevant legislation and meeting their Public Sector Equality Duty obligations.
- Highlight areas to consider when developing whole school policy and practice that will allow trans* children and young people to achieve at school and will reduce transphobic discrimination and bullying.

Underlying Principles

Practice to support trans* children and young people should be embedded across school policies and curriculum and build on best practice already in place to meet the Public Sector Duty of the Equality Act and eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations.

However, schools and other settings may be particularly challenged by the specific needs of trans* children and young people and this guidance document is intended to support settings to explore these challenges and find solutions in the best interests of the child or young person and the wider school community. This guidance can therefore support schools to review and develop policies related to equality, curriculum, anti-bullying and wider.

In developing practice to support trans* children and young people schools should try to follow these principles:

- Avoid seeing the child or young person as a problem and instead see an opportunity to enrich the school community and to challenge gender stereotypes and norms on a wider scale.
- Consider gender as a spectrum and take a non-binary approach to gender. Gender is often an important part of our 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 male and female.

- Listen to the child or young person and their parents and carers and wherever possible follow their lead and preferences.
- Providing support to a trans* child or young person at any particular point in time does not signal that they are or will conform to any single trans* identity or follow any particular path of transition.
- Avoid where possible gender segregated activities and where this cannot be avoided allow the child or young person to access the activity that corresponds to their gender identity.
- Work on how transphobia links closely to work on challenging and preventing sexism, homophobia and biphobia – ensure that the wider school community is aware of this in terms of curriculum content and the challenging of prejudice and bullying.
- In supporting a trans* or non-binary gender conforming child or young person, schools and individuals may have to re-think views and practices on gender and identity which have been accepted as 'standard' for a long time. This can be challenging, but no child or young person 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.

2. Definitions

The umbrella terms 'transgender' and trans* are viewed by many people as being acceptable terms to describe people whose sense of their gender or gender identity is seen as being different to typical gender norms. However, wherever possible individuals should be given opportunities to say how they identify or describe themselves rather than labels being ascribed to them.

Cisgender Person – A person whose biological sex matches their gender. For example, a female sexed person who identifies with their female gender. In other words, it is a term for non-trans* people.

Transgender/Trans/trans* – Umbrella terms used to describe people who identify as:

- Transgender
- Transsexual
- Transvestite
- Intersex
- Both male and female
- Neither male nor female
- Androgynous
- A third gender; or
- Who have a gender identity which we do not yet have words to describe

Transgender Person – A person whose gender identity is different from the biological sex they were assigned at birth. Some transgender people will choose to transition socially and some will also take medical steps to physically transition (with the help of hormone therapy and/or surgery) to live in the gender role of their choice.

Transsexual Person - A person with a consistent and overwhelming desire to transition and fulfil their life as the opposite gender. Many transsexual people actively desire and complete gender re-assignment surgery.

When considering trans* identities, it is important to understand that there is a difference between biological sex and gender. Biological sex refers to chromosomal make up, genitalia, hormones etc and as such would be used in reference to the physical anatomy of a person (for example, male, female or intersex). Gender concerns how an individual may feel internally about their gender identity .

Children and young people may question their gender identity for a range of reasons and this may not mean they are definitely trans* or will go on to transition. The important thing is to validate the young person's identity as it is now and support any changes that may arise as they come to explore their gender identity further.

Every individual is unique; each person will experience their gender variance to a different degree and will respond to social circumstances differently. For some people, it is not appropriate to think of gender identity as being totally female or totally male. They may consider their gender identity to be fluid, partially male and partially female or they may consider themselves to be ungendered.

Some people who consider their gender identity to be fluid may use the term 'GenderQueer' to describe themselves. They may also use gender neutral pronouns (for example, 'they' or 'zie') or prefer people to not use any pronouns to describe them. It can be difficult to identify as GenderQueer in a society that is very gendered. In particular, school environments may have lots of areas where boys and girls are separated or treated in ways that highlight a gender binary. This may be physical segregation for certain classes like PE or it could be more subtle ways of enforcing a gender divide through the acceptance of gender stereotyping in the classroom or curriculum or in gender neutral school uniform.

See also Appendix 1 – Terminology

2. Statistics

It is estimated that there are currently approximately 1% of Trans* people in the UK. However, due to lack of accurate statistical information about Trans* people it is likely that the number of trans* people is actually much higher than this.

The lack of accurate statistical information about trans* people is attributed to the fact that they are often not included in surveys, monitoring forms, research or the national census. Therefore estimates of the number of trans* people are often based on the number of trans* people who have contact with Gender Identity Clinics. However not all trans* people undergo medical transition or attend gender identity clinics, so these estimate figures won't include many trans* and gender questioning people.

In Ceredigion, School Nurses, CAMHS and the Named Child Protection Officer in the Education Services have information about some pupils in the County as they provide advice and guidance to pupils, their families and schools.

3. Gender Identity and Sexual Orientation

Whilst gender identity concerns your internal sense of self (male, female, neither or both) and how you choose to express yourself, this is completely different to sexual orientation which concerns who you are sexually attracted to, whether that be men, women, both or neither. Gender identity and sexual orientation are varied and complex and may change over time. Trans* people, like cisgender or non-trans* people, can have a range of sexual orientations. Trans* men may identify as straight (sexually attracted to women), gay (sexually attracted to men), bisexual (sexually attracted to women and men) or asexual (feeling no sexual attraction to anyone). Trans* women may identify as straight (sexually attracted to men), lesbian (sexually attracted to women), bisexual (sexually attracted to men and women) or asexual (feeling no sexual attraction to anyone). Some people will also identify as pansexual which means they have a sexual or romantic attraction towards people of all gender identities including those that don't fit into a gender binary.

While gender identity and sexual orientation are very different, there is a relationship between transphobia and homophobia. Trans* people often experience homophobic abuse and lesbian, gay and bisexual people will often experience discrimination based on their gender presentation.

See also appendix 1 – terminology

4. Research

No data are currently available on the number of transgender individuals in Wales. In addition there is a lack of evidence in relation to gender identity and inequality in education (Review of the Evidence on Inequality in Wales 2017).

Within education 83% of trans young people have experienced name calling or verbal abuse; 60% have experienced threats and intimidation and 35% of trans young people have experienced physical assault (Youth Chances 2014).

27% of trans young people have attempted to commit suicide and 89% have thought about it; 72% have self-harmed at least once (Youth Chances 2014).

One in ten young people reported that they have never learnt about trans issues within school in addition to not seeing their experience or gender identities reflected in the subjects that they learn (Metro, Youth Chances 2014).

Even when there are strategies in place to prevent and tackle bullying of young people who are Gay, Lesbian or Bisexual it is reported by transgender children and young people that they are still subject to targeted bullying in schools (LGBT Excellence Centre, 2012). They also appear to be at risk of dropping out of school due to these experiences. The same report indicates that some school staff are perceived to lack training, and that entry level and primary schools are reluctant to support transgender children.¹

Trans* children and young people are a particularly vulnerable group. According to Press for Change's survey 'Engendered Penalties'(2007), 64% of transgender men (female-to-male) experienced transphobic bullying at school and 44% of transgender women (male-to-female) experienced transphobic bullying at school. Someone whose gender presentation appears

different to their biological sex could be vulnerable to transphobic bullying but could also suffer from homophobic or sexist and sexual bullying. For example a trans* boy (someone who is born biologically female but identifies as male) may be assumed to be a masculine appearing girl and be called homophobic names like 'lezza' or 'dyke'. Similarly a trans* girl (someone who is born biologically male but identifies as a girl) may be called homophobic and sexist names like 'sissy' and 'poof'.

On average, transgender children and young people leave school earlier than any other group, and a recent survey² has shown that 25% have attempted suicide, and a further 25% have considered it, with many self-harming, suffering from depression and/or having eating disorders.

¹ Review of the Evidence on Inequality in Wales 2014, Welsh Government

² http://trans*kids.synthasite.com

Possible indicators that a trans* child or young person may need additional support include:

- Lack of concentration
- Poor educational performance
- Or conversely, total immersion in school work
- Reluctance to use the school toilets
- Reluctance to do physical exercise especially if it is strongly associated to the assigned birth gender, including a reluctance to use the showers and changing rooms
- Truancy
- Sickness and Absenteeism
- Self-harm
- Often at the receiving end of bullying, sometimes severe often homophobic bullying
- Few friends
- Depression
- Eating Disorders

Of course, some children and young people may exhibit many of the above signs for reasons other than gender identity issues; however they similarly show that the child or young person may be very unhappy and needs further support. Staff should be encouraged to be pro active in raising awareness of avenues of support within school for example HAFAN.

It is important to remember that while trans* and gender questioning children and young people may face problems in some areas of their lives, these problems are not caused by being trans* but by society's attitude towards people who are trans* or who do not conform to the commonly held idea of gender norms. Transphobia can be defined as an irrational fear, hatred and abuse of trans* people and people who do not conform to traditional gender norms. Transphobia can take many forms including direct or indirect pressure on trans* people to conform to their perceived birth sex.

Mermaids and Action for Children Association have produced a powerful collection of testimonies from trans* children and young people in a publication called 'Where do Mermaids Stand?' These can be used in **PSE** lessons and staff training to develop an understanding of the experiences of trans* children and young people; including those of primary school age.

See also appendix 2 - resources

5. Legislation

EQUALITY ACT 2010

Under the Equality Act, 2010 Schools must have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

The act refers to the following protected characteristics:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Part 6 of the Equality Act 2010 refers specifically 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.

This definition means that in order to be protected under the act, a child or young person will not necessarily have to be undertaking a medical procedure to change their sex but must be taking steps to live in the opposite gender, or proposing to do so.

See also appendix 2 - resources

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

See also appendix 2 - resources

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.

See also appendix 2 - resources

Safeguarding

There are no issues under child protection or safeguarding law or practice specific to trans* children and young people aside from what is in place to keep **all** children and young people safe. For example, there is nothing that would prohibit trans* children and young people using the changing rooms or toilets which reflect their gender identity. There may be occasions where transphobic bullying has wider safeguarding implications, or involve criminal behaviour, and in these cases schools need to engage the appropriate safeguarding agencies and or the police.

6. Celebrating differences - a Whole School Approach

As with any child or children and young people with a protected characteristic a whole school approach is needed to support and keep trans* and gender questioning children, young people, their families and staff safe. Many schools are already working to ensure that their whole school environment is supportive and inclusive by developing:

- A culture and whole school environment that celebrates difference and diversity and one in which all children and young people can see themselves reflected and valued

Systems and procedures in place which support vulnerable children and young people for example being proactive about support available in schools

- Effective anti-bullying and equality policies which ensure the whole school community challenges and tackles bullying and prejudice-based incidents effectively and are confident in challenging sexist and homophobic bullying
- Ensuring the curriculum provides opportunities to challenge stereotypes including those based on gender and avoids making assumptions about sex, gender, gender identity and sexual orientation

To further develop the whole school approach and promote inclusion for trans* and gender questioning children and young people schools should:

- Acknowledge there will be trans* people within the school community as parents and carers, staff, governors and children and young people and that they will positively enrich the school community
- Ensure trans* issues and transphobia is acknowledged across the school policy framework
- Closely monitor all areas of the curriculum and resources to ensure that they do not perpetuate gender stereotypes or transphobic material
- Ensure that the curriculum and in particular PSE is used to challenge gender stereotypes,

support the development of a positive sense of gender identity, develop understanding of trans* issues and prevent transphobia.

- Effectively challenge and deal with transphobic abuse, harassment and bullying (eg name-calling, derogatory jokes, graffiti, unacceptable or unwanted behaviour, intrusive questions) and then monitor incidence of transphobic abuse, harassment and bullying, and use this information to inform whole school developments.
- Include trans* issues in equality training for staff and governors
- Create an environment in which all children, young people, staff, governors, families and visitors to the school, whatever their gender identity, feel equally welcome and valued and in which transphobic behaviour is challenged
- Promote and participate in events such as LGBT History Month and ensure visibility of trans* people and their achievements
- Provide appropriate support to children and young people who identify as trans* and refer them and their families, when needed, to organisations providing appropriate support services.
- To use the support of professional staff within Ceredigion such as School Nurses, CAMHS, Health and Safety Officer, Named Child Protection Officer in the Learning Services, Education Psychologists, School Counsellors and Children's Services staff such as Team Around the Family, Looked After Children Teams, Child and Family Assessment Team and the Youth Justice Preventions Service.

Transphobic bullying and incidents

Any child or young person who does not conform to perceived gender norms and stereotypes are vulnerable to bullying this includes Trans* and gender questioning children and young people. Furthermore children and young people with trans* family members may also be transphobically bullied. Transphobic bullying therefore may be perpetrated by pupils, students, parents, carers or staff members and directed at:

- Trans* children, young people and adults inside and outside the school community
- Children, young people and adults who do not conform to perceived gender stereotypes
- Children and young people with trans* parents, relatives and friends
- Lesbian, gay and bisexual children young people and adults

Schools will need to ensure that the curriculum, assemblies and whole school environment is used to challenge gender stereotypes and binary notions of gender to create a safe learning environment for all children and young people and to prevent bullying and transphobia.

There is also a relationship between transphobia, homophobia and sexism. Sexist, sexual or transphobic bullying are the not the same as homophobic bullying. However, very often, sexist attitudes manifest themselves in homophobic bullying and any child or young person who is perceived as not expressing stereotypically masculine or feminine traits expected of their assigned sex, might experience homophobic or transphobic bullying. Sexist, sexual or transphobic bullying

may also occur in conjunction with other forms of bullying, such as racist bullying or bullying related to special educational needs or disabilities or cyberbullying.

If a transphobic incident occurs in public and the member of staff dealing with it is aware that the child or young person is trans* but they are not out to the rest of the community the member of staff must challenge the prejudice, but may need to take care not to label the incident as transphobic in front of other children and young people and then as a result 'out' the person being targeted.

Language

Members of the school community should strive to use the preferred pronoun for a trans* child, young person or adult. In addition, staff should think carefully about the language they use and when possible attempt to use language which does not reinforce a binary approach to gender (i.e. there are only males and females).

Staff could reflect on the use of language such as 'ladies' and 'gents', 'girls' and 'boys' to describe groups of children or young people. Firstly, a trans* boy who is referred to as a girl or a trans* girl who is called a boy will feel excluded by this language. Secondly, the language of 'ladies' or 'gents' may give an implicit message about what it is to be a woman/man and therefore reinforces certain stereotypical ideas of femaleness/maleness. It may be preferable to say 'come on Year 8's, off to your lesson now' or 'come on pupils, time to get on with your learning'.

The purpose of this is not to deny gender as an important part of our identity, in fact this can be explored as part of learning in lessons such as **PSE**; however, care needs to be taken to avoid excluding those who do not see themselves as male or female or make assumptions about someone's gender identity because of how they appear.

Curriculum, teaching and learning

The school environment, curriculum, assemblies can all be used to explore issues of sex, gender, gender identity and transphobia and to make visible and celebrate trans* people.

Staff will also want to consider teaching and learning approaches that they use which may have a bearing on making trans* children and young people feel confused, excluded or uncomfortable. For example, grouping children and young people by gender may have this impact and staff should consider whether this is vital, if and when an alternative approach could be used and how to make it clear that a child or young person who feels safe to do so can be grouped according to their gender identity rather than their biological sex.

On occasions it may be necessary to undertake single gender work. This may include aspects of sex and relationship education or to support the learning needs of particular groups (e.g. boys and literacy). Providing a clear need is identified, the Equality Act allows for such provision. However, for participants it needs to be made clear that they can participate according to their gender identity. For example, a trans* boy could attend a boys reading group if his literacy required targeted support.

7. Support for the Trans* Child or Young Person

Given the spectrum of trans* identities and experiences, it is important that any support you offer a trans* child or young person starts with identifying their individual needs. It is important that their identity is validated and supported in any work that you do. An initial conversation would be a good time to allow the child or young person to talk about how they identify or feel about their gender. Remember that any guidance in this document will need to be tailored for each individual child or young person.

‘Transition’ can mean different things to different people so it is important to find out what this means to the child or young person you are supporting. Broadly speaking, most aspects of transition can be divided into ‘social’ or ‘medical’.

Social transition is choosing to live your life as your preferred gender. This could include:

- A name change
- A change in pronoun (he, she, they, zie etc.)
- Wearing clothes that are associated with their gender identity
- Use of toilets/changing rooms appropriate to their gender identity rather than biological sex

Medical transition is the process by which a trans* person takes steps to physically alter their body. This may include:

- Taking hormones
- And/or having gender reassignment surgery

Some trans* children and young people will be hoping to undergo both social and medical aspects of transition while some will choose just the social aspects.

A child or young person’s needs in terms of transitioning may change over time and the support offered needs to reflect and support this. Once you have an understanding of the areas in which a child or young person is planning to transition you can think about how to facilitate these changes at school (see section 8 – Managing Specific Issues). It is important that the staff team provide informed and consistent support to individuals who choose to present in their chosen or preferred gender.

Some children and young people, with support from their families may choose to make a transition into their preferred gender identity at a point when they are changing schools. This may minimise the number of other members of the school community who are aware that the child or young person is trans*. Therefore there needs to be effective communication between old school and new school in order to raise awareness and to highlight the child or young person’s thoughts, concerns and wishes. In particular, the school may need to consider how to work with the child or young person and their families from the original primary school who may be aware of this change. This may include identifying a designated person as single point of contact in the next school or college so that the young person has the opportunity to develop a relationship prior to arrival. This will help make the transition from one school or college to the other as seamless as possible. The new school then takes on a responsibility for preparing their school community in a safe and secure way so that the child is supported in the most appropriate way for them.

Although a change of school may be a good time to transition for some, it should not be seen as the only opportunity. The right time to transition from one gender identity to another will be when the child or young person feels they are ready.⁸ **Managing Specific Issues**

Uniform and dress

Trans* and gender questioning children and young people have the right to dress in a manner consistent with their gender identity or gender expression. By providing a choice of approved items of uniform and allowing children and young people to choose what they wish to wear, schools will allow for regulated structure but without exclusion. Indeed, many female born children and young people prefer to wear trousers to school or may have religious or faith based reasons for doing so.

Depending on the individual, the choice to begin dressing in the clothes associated with preferred gender can be a very big step and potentially very daunting. This can often represent one of the earliest stages of transition and is a profound statement of acceptance of one's identity and commitment to it. In doing so though, these children and young people are making themselves more visibly different from much of the school community and effectively 'outing' themselves to the rest of the school as trans*.

Care must be taken to ensure that trans* identified children and young people are supported fully during this time. Staff training is paramount to ensure that all staff have an understanding of what it means to be trans* and exactly why a child or young person may be dressing differently. Remember that a child or young person who identifies as a trans* girl but was born a genetic male is not a 'boy dressed as a girl' but is a girl who outwardly at this point resembles a boy. By allowing a trans* child or young person to dress in clothes which they feel comfortable, schools empower them to express themselves by bringing their outward appearance in line with that of their internal gender identity at that point in time.

In schools which have uniform, there is generally a broad range available for both genders (i.e. girls can wear skirts, shorts or trousers and boys can wear trousers and shorts also) so that pupils that are having gender issues can have a 'gender neutral' option. There might need to be some consideration in relation to female to male pupils who are binding.

Particularly sensitivity may need to be shown in relation to swimwear however and would best be resolved through discussions with individual children or young people.

Names and pronoun change

Respecting a child or young person's request to change name and pronoun is a pivotal part of supporting and validating that young person's identity. It is also important to consistently use preferred pronouns and names in order to protect a child or young person's confidentiality and to not 'out' them in ways that may be unsafe and exposing.

Some trans* children and young people may wish to change their name to make it in line with their chosen gender identity. Although they may not have changed their name legally, individuals have the right to choose the name by which they are known to staff, friends and family. Any problems are likely to be the practical ones of proving that different names refer to the same person.

There's some useful information from the Citizens Advice Bureau at:

http://www.adviceguide.org.uk/wales/relationships_w/relationships_birth_certificates_and_changing_your_name_e/changing_your_name.htm

While a child or young person may legally be allowed to change their name without doing anything official, a name needs to be changed by deed poll in order to obtain a new birth certificate or passport.

More information on changing names on birth certificates can be found at:

www.ukdps.co.uk/CanABirthCertificateBeChanged.html#EnglandWales

A change of name by deed poll is not required, to make a change to school records on systems such as SIMS or Teacher Centre. Currently it is understood to be the case that the gender has to remain the one that was registered at the time of the Unique Pupil Number assignment, unless the birth certificate/legal gender is changed by way of a Gender Recognition Certificate.

However, entry for exams and exam certificates are more complex. The Joint Council for Qualifications paper work states that:

'The centre agrees to: enter candidates under names that can be verified against suitable identification such as a birth certificate, passport or driver's licence. You may need to check that the name the candidate is using within the centre is his/her legal name rather than a 'known as' name.'

Furthermore, once a result is accredited it will need to be linked with a Unique Pupil Number (UPN) or Unique Learner Number (ULN) which existed in the school census information submitted in January of the exam year. UPNs and ULNs are only linked with legal names, not preferred names. In order to use a chosen or preferred name on an exam document a child or young person will need to have changed their name by deed poll. If the child or young person is under 16 the consent of all people with parental responsibility is required. Once the young person is 16 they can apply for a deed poll in their own right. Parental consent is no longer required.

Although some children and young people may feel that they want to change their name by deed poll, others may not feel that this is a step that they are ready to take. This will unfortunately mean that although they may have established themselves within the school under a chosen name and gender identity when filling in exam documentation they will have to use their legal birth name and gender. This can be a source of distress for that individual and care should be taken by staff to support such a child or young person to accept that this is a necessary measure but that it does not invalidate their chosen identity. Emphasis could be put on the notion of them biding their time perhaps until they are finished with their exams before taking steps to change their name and gender identity officially. Staff should remain sensitive and supportive during such times.

Schools and colleges are encouraged to ensure a strategy is agreed with the child or young person and their parents and carers, then agreed with the various exam boards prior to starting GCSE courses as some exams may be sat in Year 10 and the need to consider the length of time the process of re-registering may take.

Confidentiality and information sharing

All people, including children and young people, have a **right to privacy**. This includes the right to keep private one's trans* status or gender nonconforming presentation at school. Information about a child or young person's transgender status, legal name, or gender assigned at birth may also constitute medical and confidential information under the Data Protection Act.

School staff should not disclose information that may reveal a child or young person's transgender status or gender nonconforming presentation to others, including parents, carers and other members of the school community unless legally required to do so or because the child or young person has asked them to do so. Staff should not discuss trans* children and young people outside of school with friends and so on, even when making no particular reference to their name or personal details. The trans* community is such a small one that even a casual reference to a 'certain pupil' may be enough to out that individual or, at the very least, compromise confidentiality. When a child or young person initially discloses their trans* status it is important to talk to them about confidentiality and who if anyone they would like information to be shared with.

Trans* and gender questioning children and young people 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 trans* or gender questioning child or young person, school personnel should use the individual's legal name and the pronoun corresponding to the child or young person's gender assigned at birth unless the child, young person, parent, or carer has specified otherwise.

Working with parents and carers

Many parents and carers of a child or young person who identifies as trans* or gender questioning will be supportive of their child's gender identity; however, this is not always the case. When working with parents and carers, schools should bear in mind that they are representing the interests of the child or young person. As far as possible, care should be taken to ensure the wishes of the individual child or young person are taken into account with a view to supporting them during potential transition. Confidential information must not be shared even with the parents and carers without the child or young person's permission unless there are safeguarding reasons for doing so.

Toilets

Children and young people have the right to access the toilet that corresponds to their gender identity. Any child or young person who has a need or desire for increased privacy, regardless of the underlying reason, should be provided access to a single stall toilet, such as a toilet accessible for people with a disability. However, no child or young person shall be required to use such a toilet unless they wish to or identify as having a disability.

Ideally schools would provide single stall toilets that can be used by all. Some schools have already begun to use this system with success. If need be, a member of staff or designated children or young people can be allocated as 'toilet monitor' during break times to ensure that children and young people feel safe while using the facilities. Some cisgendered or non-trans* females, however, have expressed concerns about these toilets and the fact others might know they have their periods because of time spent in the toilet – there may be a case for also exploring how this range of needs can be met.

If "disabled" toilets are used by the pupil, it should be considered whether it is appropriate to have a

“disabled” sign on this door. Schools can contact the County’s Health and Safety Officer for a ‘Risk and Needs’ Assessment in order to tailor needs for the requirement of individuals and their family.

Changing Rooms

The use of changing rooms by trans* children and young people should be assessed on a case-by-case basis in discussion with the individual. The goal should be to maximise social integration and promote an equal opportunity to participate in physical education classes and sports, ensuring the safety and comfort, and minimising stigmatisation of the child or young person. In most cases, trans* children or young people should have access to the changing room that corresponds to their gender identity. This approach is underpinned by the Equality Act 2010 whereby refusing a child or young person access to the changing room of their gender identity would constitute an act of discrimination.

Any child or young person who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with a reasonable alternative changing area such as the use of a private area a nearby toilet stall with a door, an area separated by a curtain or a nearby office), or with a separate time to change (e.g. using the changing room that corresponds to their gender identity before or after other children or young people). Any alternative arrangement should be provided in a way that protects the child or young person’s ability to keep his or her trans* status confidential.

PE and fitness

Schools should aim to reduce as far as possible segregating children and young people by gender. Trans* children and young people should be supported to enable equal access to PE and where lessons are segregated by gender should be enabled to participate in the activity which corresponds to their gender identity if this is what they request.

Concerns have been raised that some trans* children and young people may be at a competitive advantage, particularly young trans* women, whose bodies may well have developed slightly stronger than their genetic female class mates. This however should not be a problem if lessons are carefully structured, managed and learning appropriately differentiated. Similarly concerns have been raised about trans* young men playing contact sports like rugby and potentially being of a smaller build than some male students. PE teachers are used to differentiating their lessons and taking into account the range of size, build and ability in the class to keep all children and young people safe and so the same principles can be applied. These issues should be discussed with trans* children and young people themselves and if appropriate with their parents or carers.

Trans* and gender questioning children and young people should be permitted to participate in competitions and sports days in a manner consistent with their gender identity if they wish to do so. It is unlikely that pre-puberty there would be any issues with a trans* child or young person competing and representing the school. In the case of competitive secondary sports schools may need to seek advice from the relevant sporting body. The handling of changing facilities at an ‘away game’ would also have to be sensitively managed in advance of the event.

Residential trips

A degree of discussion, care and preparation is required to enable trans* children and young people to participate in residential trips. To exclude trans* children and young people from

residential trips would be discriminatory and contravene the Equality Act.

As far as possible, trans* children and young people should be able to sleep in dorms appropriate to their gender identity. Some trans* children and young people may not feel comfortable doing this and in such cases alternative sleeping and living arrangements should be made in advance of the event.

Similarly, the degree of participation in physical activities that a trans* child or young person feels comfortable with should be discussed prior to any residential trip with them and if appropriate their parents or carers. For example, young trans* men who are binding their breasts can often experience a great degree of discomfort when participating in activities such as climbing or canoeing. Where a trans* child or young person feels that they do not want to or cannot participate, alternative arrangements should be made to allow for those children or young people to participate in a more appropriate activity. Risk assessments can be carried out prior to residential trips in order to make reasonable adjustments which would enable the participation of trans* children or young people.

Schools and colleges should consider and investigate the laws regarding trans* communities in countries considered for school visits. The International Lesbian and Gay Association (ILGA) have information on their website about countries that pose a risk to trans* individuals.

Transition and medical intervention

While most support for young trans* people in schools will be around the social aspects of transition and only some trans* children and young people will want medical transition, it will be the case that for any child or young person undergoing medical transition, there will be an impact on their time at school. An understanding of some of the key stages of medical transition will enable school staff to be supportive.

Medical treatment is provided in a series of phases that include:

- A Psychological assessment and counselling. Initially this would happen locally with a GP or CAMHS worker who can then refer to a Gender Identity Clinic.
- Medication to block the production of the natural hormones that feminise or masculinise the body during puberty. This may be followed by prescribing hormones to masculinise or feminise the body.

Gender Reassignment Surgeries would not usually be carried out until a person is over 18 years. Coming to terms with your gender identity if you are trans* can be a difficult time for any person and starting the initial stages of medical transition can be particularly demanding for the young person and their family. It is a time where support could be needed.

It is important to ensure that there is a procedure in place to give the young person access to appropriate counselling (if applicable) in order to support them through their time at school. Any counsellor should be knowledgeable of trans* issues and the potential challenges the young person may face in school. Mental health can be impacted during transition for a multitude of reasons and adequate support must be in place around this.

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. 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.

9. Support for the Whole School Community

All schools need to work towards a robust whole school approach when developing an understanding of trans* issues and prevention of transphobia, to encourage communication and discussion regarding potential issues or concerns being raised by cisgender or non-trans* members of the school community, including parents and carers, about trans* children and young people accessing toilets, changing rooms, residential trips etc according to their gender identity rather than their biological sex. Raising awareness of the school's approach to transphobia and supporting trans* and gender questioning children and young people can be done through school newsletters and websites by for example:

- Having an anti-bullying week focus on transphobia
- Celebrating LGBT History Month;
- Celebration days which include displaying the rainbow flag;
- Celebrating positive role models within the LGBT community;
- Providing information/PSE lessons on gender stereotyping, gender identity and trans* issues
- Including an equality objective within the School Strategic Equality Plan (Public Sector Duty of the Equality Act) which supports the needs of trans* children and young people.

There will be cases where a child or young person's trans* identity is not widely known and the school should protect this information, unless the trans* child or young person wishes it to be known.

Where a child or young person's trans* identity is known to the wider school community, schools will need to ensure that they have a balanced approach to dealing with any issues and concerns raised either from children, young people, parents or carers, whilst not compromising the position or safety of the trans* child or young person. Support work should be aimed at making both the trans* child or young person and the cisgender or non-trans* child or young person and/or parent or carer feel more comfortable. This approach acknowledges that some individuals may struggle to understand trans* people or initially feel uncomfortable around them, but does not support the idea that trans* people should be treated any differently to cisgender or non-trans* people. It is vital that nothing is done to put the trans* child or young person into a more vulnerable position.

10. Trans* staff and governors

The support mechanisms and approaches mentioned in this guidance document can apply to pupils, students, staff and governors.

Appendix 1 -

Gender Descriptor- The internal sense of self

There are some of the ways in which young people may describe their gender to you. Remember to listen to the young person and use their language.

<p><u>Cisgender</u> Gets us away from the term 'normal'.</p>	<p>The person whose assigned sex and identity match.</p>
<p>Agender</p>	<p>The sense of not having a gender.</p>
<p>Genderfluid Can change depending on several factors.</p>	<p>An identity that describes a dynamic mix of boy and girl.</p>
<p>Genderqueer Someone would own this, this is appropriate for self-reference.</p>	<p>A way of describing gender identities other than a man and woman. It is about personal self-definition when using this term.</p>
<p>Bi-gender</p>	<p>The sense that one is <u>both</u> man and woman.</p>
<p>Female-To-Male (Trans man) Individually may want to capture both genders.</p>	<p>An identity label that is sometimes adopted by female-to-male transgender people to signify that they are men while still affirming their history as females.</p>
<p>Male-To-Female (Transwoman)</p>	<p>An identity label that is sometimes adopted by male-to-female transgender people to signify that they are women while still affirming their history as males.</p>
<p>Two Spirited *A high compliment in Native American culture.</p>	<p>A Native American term for people who have a gender identity outside of the socially expected man and woman, they are held in high regard.</p>
<p>Intersex Medical term</p>	<p>A medical term used to describe a combination of chromosomes, hormones, internal sex organs and genitals differ from the two expected patterns of male and female- Some people adopt this as a gender identity.</p>
<p>Third Gender</p>	<p>Some people consider themselves to have a gender that is not man or woman but define it as a third gender.</p>
<p>Non-binary</p>	<p>An umbrella term used to describe people who do not define as man or woman.</p>

Hate Crime	A criminal offence which is perceived, by the victim or any other person to be motivated by a hostility or prejudice based on a person's actual perceived disability, race, religion, and belief, sexual orientation, and gender identity.
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Sexual descriptors- Who a person may or may not be attracted to
 There are some of the way in which young people may describe their sexuality

Heterosexual Again helps us to move away from 'normal'	Sexual attraction to a person of the opposite gender.
Gay	Sexual attraction between two men.
Lesbian	Sexual attraction between two women.
Bisexual	Sexual attraction to both women and men.
Asexual	Not sexually attracted to others.
Aromantic	Not romantically attracted to others.
Homoromantic	Romantically attracted to people of your own gender.
Heteroromantic	Romantically attracted to people of the opposite gender.
Pansexual	Sexually attracted to all genders.
Demisexual	Someone who requires a deep romantic and emotional connection to be sexually attracted to someone.

<p>Polysexual *Gender is on a spectrum.</p>	<p>Sexually attracted to multiple genders.</p>
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General trans*language

<p>Gender Identity Clinic and Tavistock Gender Identity Development Service</p>	<p>A specialised centre to diagnose, provide medical intervention and support for a transgender person over the age of 17</p> <p>A specialised centre to diagnose, provide medical intervention and support for a transgender person up to the age of 18.</p>
<p>Testosterone, Oestrogen, Hormone Blockers,</p>	<p>Masculinising hormone, Feminising hormone and medication used to stop the production of hormones</p>
<p>Transition, Gender Reassignment Surgery, Hormone Replacement Therapy</p>	<p>A term used to refer to the process that a trans* person undergoes when changing their bodily appearance, name and gender pronoun.</p> <p>A medical term used to refer to a group of surgeries options that can alter a person's biological sex.</p> <p>To replace the hormones of a trans* persons assigned sex to those of their gender, to create the secondary sex characteristics resulting in masculinising or feminising characteristics.</p>
<p>Gender Dysmorphia</p>	<p>The medical condition where a person feels that their gender does not match their assigned sex.</p>
<p>Trans* To distinguish from transvestite</p>	<p>An umbrella term for people whose gender identity and/or gender expression differs from the sex they were assigned at birth.</p>
<p>Preferred Gender Pronouns Other pronouns are now being used- Some people want to be 'They' not him or her as they have more than one gender</p>	<p>A way to ask people how they would like to be referred to. Male pronouns: He, Him, His. Female pronouns: She, Her, Hers. Gender Neutral: They, Them, Theirs or Ze, Hir, Hirs.</p>
<p>Transphobia</p>	<p>The fear, hatred or intolerance of people who identify or are perceived as trans*.</p>
<p>Gender Recognition Act 2004 and Equality Act 2010</p>	<p>The legislation that allows a person to have their acquired gender recognised by law and can have a new birth certificate issued.</p> <p>The legislation that protects 9 characteristics from discrimination. The protected are.</p>

	<p>Sex, Sexuality, Gender reassignment, Age, Race, maternity and pregnancy, disability, religion or belief, marriage and civil partnership.</p>
<p>Cisnormativity</p> <p>*privilege as people see you as your gender and sex matching.</p>	<p>The assumption that everyone you meet is cisgender and the *privilege held by cisgender people</p>
<p>Being read as/ being seen as</p>	<p>Takes away the negative connotation of your passing or failing at being seen as yourself identified gender</p>
<p>She male/ He she/ Tranny</p>	<p><u>T</u>hese are just a few transphobic words used against trans* people.</p>

Appendix 2 – Resources



www.youngminds.org.uk/ - Young minds



www.intercomtrust.org.uk/ - Based in the south west of England providing support and advice to lesbian, gay, bisexual and transgender people and communities. The trust runs a free confidential helpline and links to resources such as guidelines for good practice in schools.



www.fflag.org.uk/ - Resources and information for families and friends for LGBT young people.



<http://www.stonewall.org.uk/> - Campaigns for the quality of LGBT people across the UK. Provide free resources including posters for schools and other organisations.



By Your Side

Placard A2 Poster



By Your Side

Placard A2 Poster



www.outandproudcardiff.co.uk/ - provides a social and support group for LGBTQ young people between 13 and 21 in Cardiff, plus links to other organisations.



www.youthcymru.org.uk/transform-cymru/ - Trans*form Cymru is a three year project funded by the Welsh Government to empower and support trans* young people to access their rights and to provide support to youth-facing organisations to address discrimination and exclusion often experienced by trans* young people.



www.mermaidsuk.org.uk/ - Mermaids is a support group originally started by a group of parents to support teachers, teenagers and their families who are trying to cope with gender identity issues. It offers support and information to parents, families, carers and others, including professionals, raises awareness about gender issues among professionals and the general public, campaigns for the recognition of this issue and an increase in professional services with trained gender identity disorder (GID) aware staff. It is the 'go to' place for gender identity (support families- parents and siblings).



Mermaid-Brochure.pdf



www.gires.org.uk/ - Gender Identity Research and Education Society: Contributing to policy development, deliver training and free e-learning modules. GIRES maintains a directory of local and national support groups for LGBTQ young people.



www.genderedintelligence.co.uk/ - Offers training and resources for professionals, mentoring and 1:1 support for young Trans* people (8-25) to meet and socialise.



YAY!- www.lgbtqyouthcornwall.co.uk



www.lgbtconsortium.org - LGBT Consortium-

www.educateandcelebrate.org - Trans Tips for Teachers-



www.allsortsyouth.org.uk - Trans Inclusion Schools Toolkit-



www.stonewall.org.uk - Stonewall's Primary Best Practice Guide-



www.lancashirechildrenstrust.org.uk - Lancashire schools transgender guidance



www.gendereducation.com - Gender Education Association Article-



www.uktrans.info - Top Tips for working with Trans* and Gender questioning young people

(can't access website)



www.schools-out.org.uk - Teaching resource pack for Primary schools-



<http://gov.wales/topics/people-and-communities/equality-diversity/rightsequality/transgender/?lang=en> Welsh Government Action Plan

to advance equality for transgender people



Gender Recognition Act -

WWW.LEGISLATION.GOV.UK/UKPGA/2004/7/PDFS/UKPGAEN_20040007_EN.PDF

WWW.PFC.ORG.UK/GRA2004.HTML

Equality and Human Rights Commission - ww.equalityhumanrights.com/advice-and-guidance/your-rights/transgender



Equalities Act 2010 (Part6 Education) <http://www.legislation.gov.uk/ukpga/2010/15/part/6>



Human Rights Article List - <http://www.legislation.gov.uk/ukpga/1998/42/schedule/1>

Useful books / Literature

Getting started – a toolkit for preventing and tackling homophobic, biphobic and transphobic bullying in Primary and Secondary Schools



getting_started_prim
ary_2016_english.pdf



getting_started_sec
ondary_2016_english



LGBT
advice
advice

The School Report- *The experiences of gay young people in Britain's schools (2012)*



The_School_Report_
2012.pdf

The Teachers Report- *Homophobic bullying in Britain's Schools (2014)*



teachers_report_201
4.pdf

Different Families- *The experiences of children with lesbian and gay parents (2010)*

Hwb Lesson Plans for KS 3 and 4 in relation to bullying on the basis of sexuality and transgender -
<http://hwb.wales.gov.uk/resources/resource/2ad1d407-3fbe-4222-9eff-a337aff95e7b/en>

Education guides- *Including different families, working with faith communities, Primary best practice, tackling homophobic language, staying safe online, 10 steps to tackling homophobic, biphobic, and transphobic language; Introduction to supporting LGBT young people.*

Celebrating difference- *Challenging homophobia in primary schools, and spells it out: Tackling homophobia in our schools. Stonewalls staff training DVD's for primary and secondary schools.*

FIT- *A film for key stage 3 and 4 students that tackle the issues of homophobic bullying and language.*

FREE- *a ground-breaking film for primary pupils that conveys powerful messages about difference, diversity, and So... you think your child is gay? A guide designed to answer some of the common questions that parents might have when they think their child is gay, or has just come out.*

Coming Out- *Answers to some of the questions you may have- A guide answering young people's questions about coming out*

Gay. Get over it! *A guide for students to help them recognise and challenge homophobic language amongst peers.*

www.core.ac.uk Academic Research paper on LGBT equality in primary schools



Cornwall Policy
2015.pdf

Cornwall Transgender Schools Guide