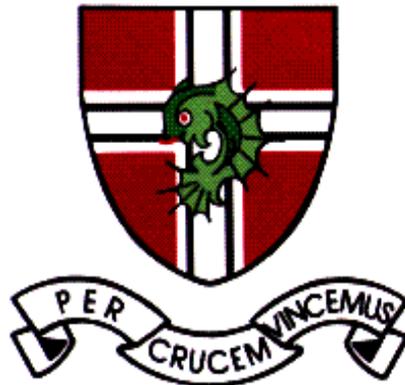


# St John Fisher Catholic Voluntary Academy



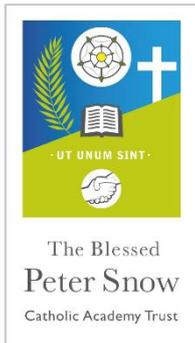
## Transgender Policy

January 2020

Commitment - Aspiration - Respect - Excellence  
#proudtobefishers



St John Fisher  
Catholic Voluntary Academy



## **The Blessed Peter Snow Catholic Academy Trust**

The Catholic Voluntary Academies which form the Blessed Peter Snow Catholic Academy Trust are distinctive as we provide grounding in the Catholic Faith for all our children. The special character of our Catholic academies is the quality of the religious teaching, integrated into the overall education of our children. Our beliefs, which are Gospel centred, affect the way we live, making our academies living examples of Christ and His teachings.

*"Education is not and must never be considered as purely utilitarian. It is about forming the human person, equipping him or her to live life to the full – in short it is about imparting wisdom. And true wisdom is inseparable from knowledge of the Creator." (Pope Benedict XVI, Address to Teachers and Religious, Twickenham, September 2010).*

**Our Academies therefore operate and are informed by the following four key principles of Christian formation:**

- **Places of Discipleship**
- **Places where Communities are created**
- **Places of Learning**
- **Places where we treasure God's World**

**In light of the above principles, the Trust aims to:**

- ensure secure, welcoming and engaging environments in which all individuals learn to value and respect both themselves and others
- provide all individuals with the opportunities to achieve excellence, to develop their full potential as human beings and to encourage and challenge them to do so
- uphold the unshakable belief in the unique potential of each child, student and member of staff
- provide a curriculum that initiates students into the knowledge, values, attitudes and skills they need to become mature Christian adults in their personal, social, family and working lives.

At St John Fisher, faith, learning and service are at the core of everything we do to ensure that every child fulfils their God given potential. We strive to achieve excellence and overcome challenges through mutual respect, care and consideration, underpinned by Gospel values. We are committed to be at the heart of our community; to foster pride and a joy for learning in our young people.

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## **1. Transgender Identities**

A Transgender person feels that their external appearance (sex) does not match up with the way they feel internally about their gender identity. A Transgender Male will have been assigned a female sex at birth yet identifies their gender as male; a Transgender Female will have been assigned as male at birth yet identify their gender as female.

The word Transgender is sometimes used interchangeably with terms such as Trans-sexual or gender-variant but usually has a narrower meaning and different connotations than gender variant, including non-identification with the gender assigned at birth. Students who experience issues with their gender development or are gender non-conforming may or may not be Transgender, as some will not retain their gender variance following puberty because this can be fluid.

Gender Dysphoria (or Gender Identity Disorder) is a clinical condition that can present from as early as age two and can only be diagnosed by a medical and/or psychiatric expert. A person diagnosed with Gender Dysphoria may require treatment (e.g. hormone blockers) to improve the symptoms associated with being Transgender. A Transgender person can 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 from a Gender Identify Clinic this is via a referral from a professional. It must be understood that some people with Gender Dysphoria or those who identify as Non Binary or Gender Variant may not want any treatment. Some may choose to be known by a gender neutral name or to wear different clothes. However, most or all young Transgender people (and their families) will need some support or information as they grow up and develop.

## **2. Legislation**

Legislation that informs the participation of Transgender (including gender variant) students in schools and colleges including the Human Rights Act 1998, Gender Recognition Act 2004 and the Equality Act 2010.

### **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.

### **The Equality Act 2010**

The Equality Act 2010 ensures legal protection against discrimination (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 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. 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.

### **General Data Protection Regulation 2018**

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

### **3. School Approach**

We will:

- Acknowledge there will be Transgender people within the school community as parents and carers, staff, governors and students, and they will be included in all that we do
- Ensure Transgender issues and Transphobia is acknowledged across the school
- Monitor all areas of the curriculum and resources to ensure that gender stereotypes or Transphobic material is minimised or removed wherever possible. When this is beyond our control we will seek to educate students about stereotypes and difference.
- Ensure that the curriculum and in particular PSHCE is used to challenge gender stereotypes, support the development of a positive sense of gender identity, develop understanding of Transgender issues and prevent Transphobia
- Effectively challenge, record 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
- Develop a variety of methods for students and staff to report Transphobic bullying and incidents
- Include Transgender issues in equality training for staff and governors
- Create an environment in which all staff and students, whatever their gender identity, feel equally welcome and valued and in which Transphobic behaviour is challenged
- Provide appropriate support to students who identify as Transgender and refer them and their families when needed to services (e.g. LGBT group)
- Make reasonable adjustments to accommodate absence requests for treatment and external sources in line with our absence policy. Sensitive care will be taken when recording the reason for absence

## **Transphobia and bullying**

Students identifying as Transgender or gender fluid may experience bullying. This might take various forms for example deliberately using the incorrect pronoun, first name or gender identifier in an attempt to belittle the person or bully them. Such instances of bullying and Transphobia will be dealt with according to the school's anti-bullying policy, where incidents are motivated by prejudice and hate in the same way as the school currently deals with racist, homophobic etc incidents. Transgender people often find themselves the subject of prejudice and the target of bullying because of their "difference".

We recognise that upset and hurt may be caused by ignorance for example, through comments made by young students who repeat what they may have heard elsewhere without fully understanding what they have said. It is our responsibility to work with such students to educate them and help them to understand the upset and offence that their comments and actions have caused.

## **Physical Education**

Physical Education is a key aspect of the national curriculum and the physical and mental well-being of students. Physical education develops a students' 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.

The use of changing room facilities will be carefully considered. Facilities for Transgender students should be sensitive to their needs - a Transgender student should not be expected to change elsewhere unless they wish to. Alternative arrangements can be made for students if they have issues with their Transgender peers.

## **Use of Toilets and Changing Facilities in School**

The use of toilets and changing facilities often causes the most amount of debate around inclusion of Transgender students. Concerns of Transgender students are that they may find themselves in vulnerable situations such as a toilet or changing room where they could fall victim to unwanted attention, that could (if escalated), lead to sexual bullying, assault or other physical or emotional harm, but equally, that they are seen and treated as a member of their true gender. Transgender students will be offered the use of the gender neutral toilet next to the medical room, but this must be done as part of a full discussion to include the student.

## **School Trips**

Learning about different cultures and lives and taking part in activities may lead to overnight stays, both at home and abroad. Issues may arise for Transgender students but this must not mean that they cannot be included on the trip. Consideration should be given well in advance to any additional needs which may include having a parent or carer (as a member of staff) accompany the trip to ensure that the student is fully included. The sleeping arrangements will need to be thought about before a trip is undertaken; it is possible that the student would prefer to have a separate room for example. Each individual case and trip needs to be thought of separately and in depth discussions should happen well in advance with any and all appropriate bodies. Staff organising trips should discuss arrangements with the school's Designated Safeguarding Lead. Trip organisers should consider, just as anyone can be searched, Transgender students may be searched at borders and other places. Different countries will have policies and procedures that they will follow. Contacting the relevant border control or agency in advance will ensure that any policy or risk assessment completed by the school is accurate for that visit or trip. There are countries that are not as legally and culturally open as the UK. In fact some have laws that make it illegal to be part of the Transgender community. Some countries even make it an offence not to report to the authorities that someone is part of the Transgender community. Trip organisers should

investigate the laws regarding Transgender communities in countries considered for school visits or seek advice from the safeguarding team. The International Lesbian and Gay Association (ILGA) have more information on their website about countries that pose a risk to Transgender individuals. In relation to passports the passport office has a confidential service for people that are Transgender (0800 448 8484) and more advice can be found here: <https://www.gov.uk/government/publications/>

### **Vaccinations**

We will allow any gender specific vaccinations to be carried out at the GP surgery in order to eliminate any anxiety issues.

### **School 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 all genders (i.e. girls and boys can wear trousers, and all students must wear a blazer, shirt and tie).

### **Changing Names, Gender and Exam Certificates**

Changing their name and gender identity is a pivotal point for many Transgender people. If a Transgender student wishes to have their personal data recognised on school systems, this needs supporting and will feed on to letters home, report cycles, bus pass information etc. The change of name and associated gender identity will be respected and accommodated in the school.

In regards to schools recording this data, Section 4.2.7 of the 'School Census 2014 to 2015' (2015) Department for Education guidance indicates that the gender of a pupil is recorded in the format of male or female. However, "In exceptional circumstances, a school may be unsure as to which gender should be recorded for a particular student. Where this occurs, gender is recorded according to the wishes of the pupil and/or parent."

This can be found at:

**[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/396890/2014\\_to\\_2015\\_School\\_Census\\_Guide\\_V\\_1\\_9.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/396890/2014_to_2015_School_Census_Guide_V_1_9.pdf)**

It remains open for the school to amend the gender of any student, within their own management information systems, at any time, and the department does not specify that this indicator must remain static within any technical requirements.

Changing name is a real indicator that a Transgender student is taking steps to, or proposing to, move towards a gender they feel they wish to live in. It is possible to change a name on a school or college roll or register for a preferred name and when sending details of young people to exam boards. Students can be entered under any name with an exam board. However, 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. However, it is possible for exam certificates to be issued in the preferred name.

St John Fisher Catholic Voluntary Academy will ensure a strategy is agreed with the student and their parents or carers and exam officer, then agreed with the various exam boards prior to starting the process to accredited courses as some exams may be sat in Year 9&10 and the length of time the process of re-registering may take has to be considered. Exam boards may be very experienced in Gender Identity issues so they may be able to guide the school through the process.

It is possible for most documents to be changed to reflect the chosen name or gender identity of the young person. Changing details on a birth certificate 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.

The Government advice is published here:

**[www.gov.uk/change-name-deed-poll/overview](http://www.gov.uk/change-name-deed-poll/overview)**

Discussions relating the use of the correct name for exam certificate and a strategy for presenting the correct information to the examination boards will be noted on the Gender Identify plan.

### **3. Transition Plans**

When a Transgender student discloses that they wish to attend school in their true gender identity, the school will put a Transition plan in place to support the student. If necessary, the student can request that their parents/carers are not involved in this process, although the school would always encourage parental involvement. When creating the plan, the following will be considered:

- Time frame for each aspect of Transition (if known)
- Support required to ensure to ensure the student is happy within the school environment
- How the student wishes for their Transition to be communicated to staff
- Whether it is necessary to communicate the student's Transition to parents of other students at the school
- The student's wishes for uniform, toilet and changing rooms
- Any arrangements for additional student and/or staff training
- The process in place to ensure the student's preferred pronoun and name is in place on school documents, databases etc
- Include external agencies which can offer support for student and parents/carers

Discussions about disclosures may include communication to class teacher, pastoral staff, and school nurse and *may* include other staff; governors; possibly parents of children in class; children in peer group. It also may include disclosure to children in the year-group, or whole school, ***but information should only be given when necessary***, whilst **respecting confidentiality and privacy** and led by the student. A new pupil who has already transitioned need not disclose.

## Equality Impact Assessment

<b>School</b>	<b>St John Fisher Catholic Voluntary Academy</b>
<b>Date</b>	<b>January 2020</b>
<b>Lead member of staff</b>	<b>C Kernan</b>
<b>Other involved staff/role</b>	

### **Proposed Plan**

Background/ how this proposal has come about

Reason for proposal – to introduce new practice/provision  
to change or reduce practice/provision  
to remove practice/provision

Main stakeholders

Any legislation or guidance that informs the proposals

### **Is the proposal likely to have an adverse impact on compliance with the Equality Duty?**

Eliminating unlawful discrimination, harassment and victimisation

Y/N

Promoting equality of opportunity

Y/N

Fostering good relations

Y/N

Please explain

### Consultation Process

With whom do you plan to consult?

How?

Where is the evidence of the consultation?

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### Potential Issues

<b>Characteristic</b>	<b>Impact of proposal (specify if impact is to pupil, parent/carer, staff, academy councillor, other)</b>	<b>Positive Negative Neutral</b>	<b>Can barrier be removed? Y/N</b>
Disability		<b>Neutral</b>	
Race		<b>Neutral</b>	
Sex		<b>Neutral</b>	
Gender reassignment		<b>Neutral</b>	
Pregnancy, maternity		<b>Neutral</b>	
Religion/belief		<b>Neutral</b>	
Sexual orientation		<b>Neutral</b>	
Marriage, civil partnership		<b>Neutral</b>	
Age		<b>Neutral</b>	

Explain in more detail

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