



Fylde Coast Academy Trust



The best we can be

(FCAT)

Gender equality / Gender Reassignment Policy (Student) 2018 – 2020 V1.1

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| Policy Version & Issue Date | Version 1.1 May 28 th 2018 Version 1 First Version – September 2017 |
| Policy Version / Issue Date and amendments | The General Data Protection Regulation (GDPR) is a new, Europe-wide law that replaces the Data Protection Act 1998 in the UK. |
| Electronic copies of this plan are available from | FCAT CENTRAL Academy group / shared drive |
| Hard copies of this plan are available from | FCAT CENTRAL |
| Date of next review | September 2020/ As Required |
| Staff responsible for Policy / review | Gary Fletcher |
| Checked by | Lead Equalities FCAT |

Equality Statement

FCAT is committed to equality and diversity, both in the provision of services and in its role as an employer. It is FCAT intention that all students have the right to be treated with fairness, dignity and respect, and those individuals with gender dysphoria and those who are undergoing or have undergone gender reassignment will receive the same respect and fairness in treatment as any other student.

This policy together with FCAT Equality Policy and Equality Scheme sets out how FCAT will meet its duties and requirements in respect of gender equality. This policy aims to assist FCAT academies in supporting students who have either changed their gender identity before joining FCAT or, who are changing their gender identity whilst attending an FCAT academy/school. Where this policy refers to 'trans people', it has in mind people living with any of these identities. When it refers to 'gender identity', it covers both the fixed identity of people living in the gender of their birth and the more fluid identities of many trans people.

This document has been assessed to ensure that no one receives less favourable treatment on the protected characteristics of their age, disability, sex (gender), gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy and maternity.

FCAT will;

- Listen to the child or young person, counsellors / support workers, their parents, carers and siblings.
- Take steps to meet the needs of transgender students using a similar approach to 'reasonable adjustments'
- Wherever possible follow their lead and preferences.
- If the child has not informed the parents or carers, FCAT will not do so without the young person's consent
- No child or young person will be made to feel that they are the ones who are causing problems or that they owe anything to their academy in return for being treated with the equality they deserve and are legally entitled to.
- 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 through training and support groups.
- Provide support to a trans child or young person at any particular point in time although this does not signal that they are or will conform to any single trans identity or follow any particular path of transition.
- Uniform of the gender a student identifies with and offer a 'gender neutral' option.
- 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.
- Challenge bullying and discrimination.
- Promote positive attitudes to gender diversity by including trans issues within activities relating to discrimination, hate crime, diversity, inclusion, and PSHE.

AIMS OF THE POLICY

This policy aims to:

- Ensure that trans people and individuals undergoing the gender reassignment process are treated with fairness.
- Provide Executive, Principals and SLT guidance on the status of trans people undergoing the gender reassignment process.
- Outline the appropriate procedure to be followed when a trans student is about to undergo the gender reassignment process whilst with FCAT.
- Explain what support should be provided to people undergoing gender reassignment.

RESPONSIBILITY

The overall responsibility for implementation of this policy lies with FCAT. The Trust has a legal responsibility for trust policies and for ensuring that they are carried out effectively. The corporate responsibility for this policy and managing gender equality lies with FCAT.

Principals and SLT need to be role models for behaviours required of others and must therefore behave according to the standards of fairness and equal treatment in the way that they recruit, communicate, manage performance, promote, and maintain discipline. They must identify problems and take action where they perceive it to be appropriate, maintaining good communication, listening carefully and investigating objectively. Principals and SLT also have a responsibility to ensure that their employees within their academy receive appropriate training and guidance in respect of gender equality and safeguarding. Equality and diversity must be included in the induction training for all new staff.

FCAT HR is responsible for ensuring FCAT related policies are up to date and reflect current legislation and good practice. They also have the responsibility for ensuring that appropriate training and development programmes are available for employees.

Every employee has a personal responsibility for their own behaviour and must treat all students with respect and fairness. All employees must act at all times in accordance with FCAT's Code of Conduct and any other relevant policies including the Equality Policy.

Signed.....FCAT Lead Equality May 28th 2018

GENDER IDENTITY

Gender is a spectrum, which is not limited to male or female – but can span anywhere between these two binary points. A transgender student feels that their external appearance (sex) does not match up with the way they feel internally about their gender identity. A female to male (FTM, or trans male) student will have been assigned as female at birth, but will identify their gender as male; a male to female (MTF, or trans female) student will be assigned as male at birth, but will identify their gender as female.

The word transgender is a term used to describe people who identify with the opposite gender to which they were assigned at birth; however it is also an umbrella term which can include people who do not feel exclusively male or female (non-binary)(as is the term genderqueer).

Gender can be fluid, and some children and students that do not relate to their assigned gender may never fully transition in to the opposite gender, but may choose to use alternative pronouns.

For example, someone who is gender fluid but chooses to keep their sex as male, may prefer to be known by 'she/her/hers' pronouns. Others may prefer to be known by 'they/them/theirs'.

Gender Dysphoria is a clinical condition that can present from a very early age and can only be diagnosed by a medical expert. A student diagnosed with Gender Dysphoria may require treatment, e.g. hormone blockers to delay puberty, before being prescribed hormones of their desired gender.

A transgender student may live their life without being, or needing to be diagnosed as having Gender Dysphoria.

Diagnosis and treatment for young people are available from specialist Gender Identity Clinics (GICs) – of which are available in many locations across the UK.

It must be understood that some people with Gender Dysphoria may not want any treatment. Some may choose to be known by a different name or to wear different clothes. However, most or all young transgender people (and their families) will need some expert support as they grow up and develop.

LEGISLATION

The General Data Protection Regulation (GDPR) is a new, Europe-wide law that replaces the Data Protection Act 1998 in the UK.

Information about a student'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.

- Student data must be looked after properly includes ensuring student data is accurate, secure and processed fairly and lawfully.
- Failure to change a student's title, name and gender when requested could lead to the following offences under the Act.
- Disclosure of student information that is used, held or disclosed unfairly, or without proper security
- Failure to ensure student information is accurate and up-to-date
- Processing of data likely to cause distress to the individual

Any disclosure of information about the individual could constitute a criminal offence

The Human Rights Act

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 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 student can get a Gender Recognition Certificate, and correct their original birth certificate to match their true gender. This can only occur after a student 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 student has the protected characteristic of gender reassignment if the student is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the student’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.

Sex Discrimination (Gender Reassignment) Regulations 1999

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

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 / academy 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 student 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 FTM student.

SCHOOL ATTENDANCE

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

TRANSPHOBIA AND BULLYING

FCAT have a robust anti-bullying policy. In line with this policy, transphobic 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.

TRAINING

In order to ensure all staff and Governors have the skills to deal with transgender issues, FCAT will hold training sessions on topics such as:

- Safe Guarding
- Confidentiality
- Gender Identity
- Tackling transphobia
- Relevant legislation

THE CURRICULUM

The issues connected to transgender will be visited for all students during curriculum time during the PSHE or equivalent programme within each academy. These issues will also be touched upon during other subjects.

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 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. A young transgender student 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 gender identity. There may be sports where, as puberty develops, MTF 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).

It may be that due to the nature of contact and physicality of sports such as rugby, the school would consider whether a transgender student participating in full contact lessons is appropriate towards the latter stages of puberty. This is something that FCAT will take a view on prior to the delivery of those lessons, in discussion with parents or guardians.

The use of changing room facilities will also be carefully considered. Facilities for transgender participants will be sensitive to their needs and also recognise FCAT staff will ensure there appropriate sensitive provision available.

WORK EXPERIENCE

As already stated, the Equality Act 2010 encompasses every environment that pupils will be working in; therefore all placements should be aware of their duties and responsibilities.

Where an academy within FCAT is considering allowing a transgender young student to attend a work experience placement the academy will complete a suitable assessment on the potential placement to establish if there is any risk to the young transgender student, taking account of the young transgender student's right to privacy – as a general principle, personal information on the young student must not be shared.

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

CHANGING/TOILET FACILITIES

There are no issues under child protection or safeguarding that prohibit transgender students from using the toilet which reflects their identity – the student will be consulted of their preference.

There is provision within FCAT for unisex (All Gender) toilets. Transgender students will be able to use these facilities which have been labelled sensitively and appropriately.

SCHOOL UNIFORM

Transgender students will be expected to follow the academy 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 skirts, and all students must wear a blazer, shirt and tie etc).

ACDEMY PHOTOS

Trans children and young people 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. Ask children, young people and their parents/ carers whether they wish images to be used on school websites or newsletters. If images and names are not protected, material can be used later in life to 'out' a trans person living in stealth. Journalists often seek out 'before' and 'after' pictures.

NAME CHANGING AND EXAM CERTIFICATION

If a transgender student wishes to have their preferred name recognised on school systems, this will be supported and will feed on to letters home, report cycles, bus pass information etc.

Furthermore, the change of name and associated gender identity will be respected and accommodated by the academy. It is a real indicator that the transgender student is taking steps to, or proposing to move towards a gender they feel they wish to live in.

Technically, students can be entered under any name with an Examination Board. However, it is a very complex matter. 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 examination year. UPNs and ULNs are only linked with legal names, not preferred names. It is possible for examination certificates to be issued in the preferred name, but any young student finding themselves in this position should discuss this issue with their academy / counsellor / support worker and parents or guardians to ensure the best way forward.

Academies are encouraged to ensure a strategy is agreed with the student and their counsellor / support worker / parents or guardians, then agreed with the various Examination Boards prior to starting GCSE courses as some examinations may be sat in year 10 and the length of time the process re- registering may take. Schools will also need to be aware that the DfE analysis of school performance may still present the student in the gender registered by their UPN.

It is possible for any documentation to be changed to reflect the chosen name of the young student. Changing the gender recorded 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 may be necessary for evidence of change of name to be produced. There are two ways in which this can be done: by deed poll and by statutory declaration. The Citizens Advice Bureau and other transgender support organisations will have more information on this subject. A student under 16 years of age cannot change their name legally without the consent of a parent.

VACCINATIONS

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

SCHOOL / ACADEMY VISITS

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 both young transgender students and other students but this must not mean transgender students cannot be included on the visit.

FCAT will give consideration well in advance of any additional needs which may include having a parent or guardian (or member of staff) accompanying the visit to ensure the transgender student is fully included.

The sleeping arrangements will be considered before a visit is undertaken; it is possible that the transgender student would prefer to have a separate room etc. Each individual case and visit needs to be considered separately and in depth discussions will happen well in advance, with all appropriate bodies, linked to the accommodation available.

With regards to a visit abroad, anyone can be searched at borders and other places. Different countries will have policies and procedures they will follow. FCAT will contact the relevant border control or agency in advance to ensure that any policy or risk assessment completed by the school is accurate for that visit.

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. FCAT will consider and investigate the laws regarding transgender communities in any country considered for a visit.

REVIEW

This policy will be subject to review as required / September 2020.

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|--------------------------|--|--|
| Date: May 2018 | Policy/Activity: Gender Reassignment Policy (Student) | Assessor: Gary Fletcher |
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| Number | Protected Characteristics | Any Concerns Arising? | Details of Concerns | Recommendations |
|--------|--|-----------------------|---------------------------|---|
| 1 | Disability | ✓ | Information accessibility | Make a range of accessibility tools available e.g. 'text to audio', large text, etc. as needed. |
| | Example: physical disabilities, learning difficulties or medical needs | ✓ | Accessibility | Keep accessibility arrangements under review |
| | Young carer/carer | | | |
| 2 | Gender | ✓ | Information | Gender Policy |
| | Females/Males | | | |
| 3 | Sexual Orientation | | | |
| | Example: Gay, Lesbian | | | |
| 4 | Gender Reassignment | | | |
| | Gender Reassignment | | | |
| 5 | Race/Ethnic Group | | | |
| | Example: Black, Asian, Chinese, etc. | | | |
| 6 | Pregnancy/Maternity | | | |
| | Pregnancy or maternity/paternity | | | |
| 7 | Marriage/Civil Partnership | | | |
| | Marriage/Civil Partnership | | | |
| 8 | Religion or Beliefs | | | |
| | Example: Jewish, Muslim, Christian etc. | | | |
| 9 | Age | | | |
| | Age | | | |

GLOSSARY OF TERMS

AFAB – assigned female at birth.

Agender – Not relating to any particular gender.

AMAB – Assigned male at birth.

Binary/Non-binary – Refers to the gender spectrum: Binary refers to the two fixed ends of the spectrum – male and female; non-binary can be used to describe someone who identifies not solely with either of these genders, but somewhere in between.

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

Cisgender – Someone who identifies completely with their assigned gender at birth (which also corresponds to their sex).

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

Gender – the way that a student feels about themselves in relation to their physical and mental self; the basis of their identifying as male, or female, or neither, or either, or somewhere else on the spectrum.

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

Gender Fluid – Someone who identifies as gender fluid will identify with a different gender on a varying basis. They may feel more feminine some days and more masculine on other days; or feel that neither male nor female describes them fully.

Gender Identity – the gender that a student truly feels they are inside.

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

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

Gender Spectrum – the continuum between the two binary points of male or female. This is vast and many people identify at different points.

Hormone Suppressors/Puberty Blockers – drugs that are given in order to delay that process of puberty. These can be prescribed before a child is old enough to start taking hormones such as oestrogen or testosterone.

MTF – Male to Female, a student that was identified as male at birth but came to feel that their true gender is actually female.

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

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

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

Trans Female – Someone who was assigned male at birth but identifies as female.

Trans Feminine – A student who was assigned male at birth but identifies with the more feminine side of the spectrum.

Trans Male – Someone who was assigned female at birth but identifies as male.

Trans Masculine – A student who was assigned female at birth but identifies with the more masculine side of the spectrum.

Transition – The process of changing gender. This may be by having surgery to change sex organs, or by taking hormones.

Tucking – AMTF student may tuck (and sometimes tape) their genitals between their legs so that it does not show at the front.