

Sawston Village College

Transgender Policy



Introduction

In accordance with the College's ethos and values all young people and staff are treated with due respect regardless of race, ethnicity or sexuality. This commitment includes those young people or staff who are going through a process of re-gender identity.

The College is committed to ensuring that:

- staff and governors are dealing with Transgender matters inclusively and sensitively;
- pupils are aware of and educated on issues of Transgender and;
- pupils and staff are offered the correct support from additional agencies if requested.

1. Transgender Identity

A Transgender person feels that their external appearance (sex) does not match up with the way they feel internally about their gender identity. A Female to Male (F2M) person will have the external appearance or body of a female and identify their gender as male; a Male to Female (M2F) person will have the external appearance or body of a male and identify their gender as female.

The word 'Transgender' is sometimes used interchangeably with the term 'gender-variant' but usually has a narrower meaning and different connotations than gender variant, including non-identification with the gender assigned at birth. Children and students that experience or show gender variance may or may not be transsexual, as some will not retain their gender variance following puberty because gender variance can be fluid.

2. Legislation

2.1. Data Protection Act 2018 (UK)

Information about a person's Transgender status is considered 'sensitive personal data' and is subject to tighter controls than other personal data. Explicit consent is required before it can be processed.

- Personal data must be looked after properly following the eight data protection principles, which include ensuring personal data is accurate, secure and processed fairly and lawfully.
- Failure to change a person's title, name and gender when requested could lead to the following offences under the Act:

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

2.2. 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.

2.3. 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 college 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 pupil 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.

2.4. Sex Discrimination (Gender Reassignment) Regulations 1999

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

- Less favourable treatment includes the arrangements relating to terms and conditions or arrangements under which employment, education or vocational training is offered.

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

4. College Attendance

Sawston Village College agree that they will make reasonable adjustments to accommodate absence requests for treatment and external sources in line with their absence policy. Sensitive care will be taken when recording the reason for absence.

5. Transphobia and Bullying

The College takes bullying very seriously. In line with the College's policy, transphobia incidents will be recorded and dealt with in the same manner as other incidents that are motivated by prejudice, e.g. racist or homophobic incidents.

6. Training

In order to ensure all staff and governors have the skills to deal with Transgender issues, the College will ensure that through future safeguarding training definitions of transgender adjustment are included.

7. The Curriculum

The issues connected to Transgender will be visited for all students during curriculum time during the PSHE programme. These issues may also be referenced during other subjects.

8. Physical Education

The use of changing room facilities will also be carefully considered. Facilities for Transgender pupils will be sensitive to their needs and also recognise the needs and sensitivities of other pupils. When competing at another school or outside venue, College staff must ensure there is appropriate sensitive provision available.

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

9. 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. The College will be sensitive to the planning of a placement before any young Transgender person 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.

10. College Uniform

Transgender pupils will be expected to follow the College Uniform Policy, which covers uniform, make-up and jewellery. The College Uniform Policy allows for the generic wearing of trousers.

11. Name Changing and Exam Certification

If a Transgender pupil wishes to have their preferred name recognised on College 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 College. It is a real indicator that the Transgender pupil is taking steps to, or proposing to move towards a gender they feel they wish to live in.

Technically, pupils 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 College 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 person finding themselves in this position should discuss this issue with the pupil's Year Lead/Head of House and parents or guardians to ensure the best way forward. This should be agreed prior to examinations and with the examination boards. The College is aware that the DfE analysis of college performance may still present the student in the gender registered by their UPN.

A person under 16 years of age cannot change their name legally without the consent of a parent.

12. Vaccinations

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

13. College Visits

The College is committed to encouraging all pupils to learn 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 pupils and other pupils but this must not mean Transgender pupils cannot be included on the visit. The College, in consultation with parents, will give careful 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 pupil is fully included.

The sleeping arrangements will be considered before a visit is undertaken; it is possible that the Transgender pupil 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 including parents or guardians and those staff 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. The College will review border control requirements to ensure that any policy or risk assessment completed by the College 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. The College will consider and investigate the laws regarding Transgender communities in any country considered for a college visit.

14. Review of the Policy

Because of the nature of the content, its sensitivity and the potential impact upon the wellbeing of young people, this policy will be kept under review by the Local Governing Body every two years.

Policy approved by the Local Governing Body on 4 December 2018

Review: Autumn 2020

GLOSSARY OF TERMS

Binding	A F2M 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.
F2M	Female to Male, a person that was identified as Female at birth but came to feel that their true gender is actually Male.
Gender	The way that a person feels about themselves in relation to their physical and mental self; the basis of their identifying as male, or female, or neither, or either, or both.
Gender Dysphoria	The medical condition that describes the symptoms of being Transgender.
Gender Identity Disorder	GID is a medical term describing being Transgender, this tends not to be used owing to the subtext around the word 'disorder'.
Gender Recognition Certificate	An official document presented by a Gender Recognition Panel that enables all official documents and records (including birth certificate) to be amended to the true gender of the individual thereby providing full legal recognition.
Gender Role	The social role/interaction with others, which gives expression to the inner gender identity and reinforces it.
M2F	Male to Female, a person that was identified as Male at birth but came to feel that their true gender is actually Female.
Packing	F2M person may wear a prosthetic item in their pants that will give a 'bulge' in their trousers so as to appear more male.
Sex	The way a person's body appears, sometimes wrongly, to indicate their gender.
Transgender	A person that feels the assigned gender and sex at birth conflicts with their true gender.
Transsexual	Transgender person who lives fulltime in their true gender.
True Gender	The gender that a person truly feels they are inside