



**MELBOURN VILLAGE COLLEGE
TRANSGENDER POLICY**

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Document Control		
Edition	Issued	Changes from previous
1	October 2022	

Policies/Documents referred to in this policy	Post holders/Persons named in this policy
<p>This policy links to other school policies on:</p> <p>Personal, Social, Health and Economic Education programme</p> <p>Relationships and Sex Education</p> <p>Attendance</p> <p>Behaviour</p> <p>Uniform</p> <p>Legislation:</p> <p>Data Protection Act 2018 (UK)</p> <p>Human Rights Act 1988</p> <p>The Gender Recognition Act 2004</p> <p>Equality Act 2010 (Great Britain)</p> <p>Sex Discrimination (Gender Reassignment) Regulations 1999</p> <p>DfE Statutory Guidance: Keeping Children Safe in Education, (updated 2021)</p> <p>DfE Guidance: Sexual Violence and Sexual Harassment between children in schools and colleges 2017 (updated 2021)</p>	<p>Counsellor</p> <p>Lead Professional</p> <p>Principal</p> <p>Trust Publicity Officer</p>

Aims and Principles

Melbourn Village College values diversity and fosters mutual respect for all members of our school community, in line with our motto/value statement, “Everybody is Somebody”. We seek to model and inspire attributes such as tolerance, courtesy and honesty which underpin all our relationships. We seek to support fully those who are questioning their gender identity or going through a process of gender re-assignment, so that these students are able confidently to embrace the outstanding educational opportunities we offer, in an environment that is open and accepting of all.

National and Local Context

- The Stonewall School Report 2017 shows that whilst the national picture for LGBT+ young people is gradually improving, nearly 9% of Trans students have received death threats at school, while 84% say they have self-harmed and 45% have tried to take their own lives.
- The Cambridgeshire Health Related Behaviours Survey 2018 showed that ‘LGBT+ students in Year 10 engage in more risky behaviours, are bullied more than others, have higher anxiety and lower self-esteem and perceive that they are not helped to achieve their goals to the same extent as their peers.’
- Research by the charity Barnados and local data show that young people who are LGBT+ are more likely to be at risk of Child Sexual and Criminal Exploitation.
- Research by the organisation ‘Ditch the Label’ suggests that homophobic cyber-bullying is endemic and that gay young people find themselves targeted because of their sexual orientation; LGBT+ young people experience nearly three times as much bullying and harassment online as those not identifying as LGBT+.

Melbourn Village College seeks to address these issues through an active programme of education via its Personal, Social, Health and Economic Education programme, through the teaching of Relationships and Sex Education, and through a zero-tolerance approach to bullying and cyber bullying of LGBT+ students.

Meeting Our Duties: Legislation

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.

Human Rights Act 1988

The Human Rights Act 1998 support the rights and needs of Transgender people to live their lives in their true gender.

- Article 8: right to respect for private life and family life.
- Article 10: freedom of expression.
- Article 14: the prohibition of discrimination.

The Gender Recognition Act 2004

The Gender Recognition Act 2004 is mainly concerned with the process by which a person can get a Gender Recognition Certificate and correct their original birth certificate to match their true gender. This can only occur after a person reaches 18 years of age but is something that many younger people may aspire to.

Equality Act 2010 (Great Britain)

The Equality Act 2010 ensures legal protection against discrimination, harassment and victimisation (direct or indirect) for everyone under the nine protected characteristics defined in the Act, one of which is Gender Reassignment (also known as Transgender).

Part 6 of the Equality Act 2010 makes it clear that the Act specifically refers to students 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.*

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 accordance with their gender identity or be proposing to do so.

The legislation states that a school must not discriminate against a student because of their Transgender status. Discrimination can be direct or indirect. Indirect discrimination occurs when a provision, criterion or practice applies to everyone but puts a person with a 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 (female-to-male) student.

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.

DfE Statutory Guidance: [Keeping Children Safe in Education, \(updated 2021\)](#)

DfE Guidance: [Sexual Violence and Sexual Harassment between children in schools and colleges 2017 \(updated 2021\)](#)

Principles

In developing practice to support Trans children, Melbourn Village College will seek to follow these principles:

- Practice to support Trans children is embedded across school policies and curriculum to eliminate discrimination, harassment and victimisation, to advance equality of opportunity and to foster good relations.
- Positive attitudes to gender diversity are promoted at every opportunity.
- Bullying and discrimination will always be challenged.
- The Trans student is listened to and their lead and preferences accommodated where possible.
- The school will always support and encourage the student to communicate with their parent(s) in decision-making about their gender identity.

The Curriculum

The topic of transgenderism will be visited by all students during curriculum time within the RSE/PSHE programme. The topic may also be referenced during activities in other areas and all opportunities will be taken to develop positive attitudes to gender diversity, for example with our up to date range of LGBTQ+ fiction and non-fiction books in our library. Gender-segregated activities are usually avoided at school; where this is not possible, Trans students will access the activity that corresponds to their gender identity.

Staff Training

Staff undertake training in all aspects of promoting an inclusive school alongside their statutory Safeguarding training. This includes training in the use of gender-neutral language in addressing groups of people and in avoiding language or images that stereotype gender.

Name and Pronoun Change

The school will only change the preferred name of a student with the written agreement of a parent (someone with PR) and respect the request of a student to change the name and pronoun by which they are known in school, even though they may not have changed their name legally, in keeping with the Equality Act. This change may be made on Go4Schools, the school data-tracking and monitoring system, at the request of the young person.

A young person is able, legally, to change their name via deed poll before the age of 16 if everyone with parental responsibility for the child agrees to the name change. After 16, the young person can change their name by deed poll without parental consent.

Examination certificates are legal documents and can only be produced in a student's legal name.

School Attendance

The College will make reasonable adjustments to accommodate absence requests for any appointments or treatment relating to gender, in line with the Attendance Policy. Such absences are marked with the M code. Sensitivity and confidentiality must be maintained at all times when complying with absence procedures.

Individual Support

Any student who identifies as transgender is initially supported in the completion of an internal school Transgender Support Plan which is shared with relevant parties. (Appendix A). This covers areas such as preferred names and pronouns, uniform adjustments, curriculum needs, sources of support, etc. However, most or all young Trans people (and their families) will need some expert/ specialist support as they grow up and develop and the school will seek to facilitate this.

Any student can self-refer for support from a school counsellor. A counsellor would always encourage the young person to communicate thoughts about gender identity with their parents; however, the content of counselling sessions is confidential between the young person and the counsellor, within usual safeguarding parameters.

A Trans child may benefit from an Early Help Assessment (EHA) in line with the relevant Safeguarding Board procedures to identify any additional needs arising from transgender issues. Parental consent is required for this process and an assessment will be completed by the most appropriate member of staff in liaison with student and parent, with an action plan put in place to ensure the student has a robust support plan including focus on emotional health and wellbeing, and family and social relationships, overseen by an allocated Lead Professional who gets on well with the young person.

In line with recognised best practice, the school will display literature and make available leaflets for organisations providing support for LGBT+ young people, and will signpost recognised safe sources of on-line information.

School Photos

All usual confidentiality procedures will be taken regarding school photographs. The school will always seek parental/carer permission to publish photos in line with the school policy.

Transphobia and Bullying

Transphobia is the fear, hatred, disbelief, or mistrust of people who are transgender, thought to be transgender, or whose gender expression doesn't conform to traditional gender roles. Transphobia can prevent transgender and gender nonconforming people from living full lives free from harm.

Transphobia can take many different forms, including:

- Negative attitudes and beliefs
- Aversion to and prejudice against transgender people
- Irrational fear and misunderstanding
- Disbelief or discounting preferred pronouns or gender identity
- Derogatory language and name-calling
- Bullying, abuse, physical and sexual violence.

The school has a robust Behaviour Policy, which covers measures for dealing with discriminatory and bullying behaviours. In line with this policy, transphobia incidents will be recorded and dealt with in the same manner as other incidents that are motivated by prejudice, e.g. racist or homophobic incidents.

Physical Education

Sports and Physical Education are a key aspect of the national curriculum and participation is important to the physical and mental well-being of young people. The school will make reasonable adjustment to support Trans students to participate fully in lessons and extra-curricular activities; this will be addressed in the student's individual support plan. Measures might include:

- Risk assessment in PE lessons to enable the safe participation of male-to-female (M2F) Transgender students in lessons where they may have a physical advantage over other girls
- Adjustments to swimming attire.
- Monitoring of chest-binding students: wearing a full or high compression binder while taking part in physical activity or working-out can inhibit deep breathing, mobility, and perspiration associated with physical exertion. Wearing a sports top or garment with lower compression is strongly recommended. PE staff must be made aware when a high compression binder is worn and the student's participation in vigorous activity must be monitored to allow rests as appropriate.

Toilet Facilities

All student toilets at the school are in individual cubicles (floor to ceiling doors and walls) accessed from a central mixed area. No cubicles are gender identified. All students may use whichever toilet cubicle they choose, including access to other toilet facilities as required.

School Uniform

Transgender students will be expected to follow the School Uniform Policy, which covers uniform, make-up, jewellery and hairstyle.

Residential Trips

Careful consideration and preparation is needed where a Transgender student is taking part in a residential trip and a discussion between the trip organiser and student /parents will take place prior to the trip, with an individual risk assessment completed. This will include sleeping / toilet arrangements and allowance for chest binding if applicable. Foreign Language exchanges will be carefully planned.

Work Experience

When a work experience placement is planned, the school will complete a suitable assessment on the potential placement to establish if there is any risk to the young Transgender person and this will be discussed with student and parent. As a general principle, personal information on the young Transgender person must not be shared.

Vaccinations

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

Media Interest

Confidential information about students will not be shared with other parents. The school will not engage with the press over this issue without seeking advice. Staff are trained to know their duties and responsibilities around data protection so that they fully understand why information is protected, and when, how and to whom certain information can be released.

Confidentiality

All people have a right to privacy. This includes the right to keep private one's Trans status or gender non-conforming presentation at school. Information about a child, young person or staff member's trans status, legal name, or gender assigned at birth also constitutes confidential medical information.

School staff should not disclose information that may reveal a child or young person's transgender status or gender non-conforming presentation to others, including parents/carers and other members of the school community unless legally required to do so or because the child or parent/carer has given permission for them to do so. Staff need to be careful about discussing the trans gender child beyond the confines of the school.

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

Any media interest in any issues of gender identity should be referred immediately to the Principal or a Deputy; advice will usually be sought from the Trust Publicity Officer or adviser.

Glossary

Binding – a F2M adolescent who 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 - a term for people whose gender identity matches the sex that they were assigned at birth.

Coming Out - When a person tells someone about their identity as lesbian, gay, bisexual or trans for the first time. LGBT+ people may come out on a regular basis to new people whom they meet.

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 – a 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.

Trans – An umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. May encompass one or more of a wide variety of terms, including (but not limited to) transgender, cross dresser, non-binary, gender queer. A person that feels the assigned gender and sex at birth conflicts with their true gender.

Transsexual – a Transgender person who lives fulltime in their true gender.

True Gender – the gender that a person truly feels they are inside.

Resources and further support

Cambridgeshire County Council LGBT Toolkit for Schools January 2019

Equality Advisory Service www.equalityadvisoryservice.com

NHS- Live Well. Support for Young People
www.nhs.uk/Livewell/Transhealth/Pages/Transyoungpeople.aspx

NHS – Mental health support for LGBTQ+
<https://www.nhs.uk/mental-health/advice-for-life-situations-and-events/mental-health-support-if-you-are-gay-lesbian-bisexual-lgbtq/>

SecEd- Supporting transgender students (Accessed July 2022)

<http://www.sec-ed.co.uk/best-practice/supporting-transgender-students/>

Appendix A – LGBTQ+ Support Plan

Student name (preferred): _____ Year Group _____

Please highlight the agreed plan with students (key focus is on what student wants), covering the following areas:

1. What are the students' wishes around parent involvement in this process?

2. Preferred name and how this is to be communicated to staff/students? (include register change)

3. Plan for PE lessons and extra curricular activities (changing, groupings)

4. Plan for toilet access

5. Changes/plan for school uniform

6. Further items/concerns discussed

7. Who are trusted members of staff to support this child?

8. What further support is recommended (EHA. Counselling), if any?

9. Further signposting for student.

10. Signed by student _____ Signed by Staff _____ Date _____