

Date of review: September 2021

Date of next review: July 2024

Responsible person: Assistant Vice Principal (Pastoral)

Transgender Policy

Ethos, Vision & Values

The Boulevard Academy is committed to ensuring equal attitudes and behaviour of all its employees, students and any others involved in the school community, regardless of gender. We will ensure that all individuals are treated fairly and no one is treated less favourably in any procedures, practices or aspects of our Academy environment.

The Boulevard Academy will not tolerate harassment or ill treatment of people based on their gender or transgender status. We have a responsibility to educate non-transgender students whilst effectively supporting transgender and transgender-questioning students in order to prevent transphobia.

The purpose of this policy is to deeper embed good practice in the field of Transgender work in The Boulevard Academy, to minimise distress and ensure an inclusive positive environment is achieved.

This policy is aimed at supporting, informing, protecting and enabling students to question their gender identity in a safe and non-judgemental atmosphere ensuring all students achieve their full potential while at The Boulevard Academy.

At The Boulevard Academy we believe that diversity is a strength, which should be respected and celebrated by all those who learn, teach and visit here.

Legislation

Legislation states that school must not discriminate against a pupil because of their transgender status. Legislation that informs the participation of Trans (including gender variant) students in schools and colleges including the Human Rights Act 1998, Gender Recognition Act 2004 and the Equality Act 2010.

Data Protection Act 1998 (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.

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

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.

What is Transgender?

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 (FtoM) person will have been assigned a female sex at birth yet identifies their gender as male; a Male to Female (MtoF) person 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 transsexual 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 transsexual, 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 ameliorate 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 GP. 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 Trans people (and their families) will need some support or information as they grow up and develop.

Terminology and Language

It is good practice to focus on correct terminology and the use of language in schools. The Academy will focus some teaching in class around sexual orientation and gender so that everyone has a clear understanding that sexual orientation (being heterosexual, bisexual, gay or lesbian) and gender identity (being male or female), are completely different things.

Terminology and language can be confusing around Trans issues. Different individuals and organisation sometimes prefer different terms to identify themselves and the nature of being Trans. See Appendix 1

Often Trans people choose a different first name for their new identities and want documentation and records to reflect this, for example the school roll and register.

It is extremely important, as a matter of fairness, respect and inclusion, to ensure that the correct gender, name and pronouns are used uniformly to address Trans people. Hearing people use 'him' or 'her' incorrectly can be uncomfortable or seriously detrimental for a Trans person to hear, especially when trying hard to confirm people's awareness of their true identity.

It can be difficult for the teachers and other students in school to get used to the change of name or gender if the student has not been known by that identity since the start of their school career.

There may well be times when a mistake is made and this can be embarrassing for all parties. If there is difficulty in 'getting it right,' the use of the chosen first name will help to overcome this.

Whole Academy approach to preventing Transphobia and supporting Trans Children

As with any child or children with a protected characteristic, a whole academy approach is needed to support and keep safe Trans and gender questioning children, young people and staff. At The Boulevard Academy we will:

- Acknowledge there will be trans people within the school community as parents and carers, staff, governors and students, 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 contain gender stereotypes or transphobic material
- Ensure that the curriculum and in particular Personal Development 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, record and deal with transphobic abuse, harassment and bullying (eg name-calling, derogatory jokes, unacceptable or unwanted behaviour, and intrusive questions) and then monitor incidence of transphobic abuse, harassment and bullying, and use this information to inform whole school developments.
- Develop a variety of methods for students and staff to report transphobic bullying and incidents
- Include Trans 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
- Participate in events such as LGBT events in Hull and ensure visibility of Trans people and their achievements
- Provide appropriate support to students who identify as Trans and refer them and their families when needed to services such as <http://www.wearecornerhouse.org/im-lgbt-can-you-help>

Transphobia and bullying

Students and staff 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.

Trans people often find themselves the subject of prejudice and the target of bullying because of their "difference". This can be compounded by a lack of understanding and clear explanation which in turn can generate confusion causing people to revert to learnt negative gender stereotyping.

The Academy also recognises 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. As an educational establishment The Boulevard Academy will work with such students to educate them and help them to understand the upset and offence that their comments and actions have caused.

Sports and 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 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. See PE policy.

With regard to young Trans people in PE lessons, there should be reasonably few, if any, issues regarding participation within the sports of their true gender. There may be sports where, as puberty develops, Transitioning students (Male to Female) Trans participants may have a physical advantage over other females but this should not present a problem within a carefully and sensitively managed lesson context. The issue of physical risk within certain sports will be managed within the lesson context rather than by preventing young Trans 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 PE department would review whether Trans participation in full contact lessons is appropriate towards latter stages of puberty. This is something that will be discussed with the student, parents and staff as part of the Gender Identity Transition Plan.

The use of changing room facilities will be carefully considered. Facilities for Trans participants should be sensitive to their needs and also recognise the needs and sensitivities of other students. Within the competitive and representative aspects of school sports (outside of PE lessons), The Boulevard Academy will seek the advice of the various sporting governing bodies, which are beginning to attend to Trans issues bearing in mind the Equality Act 2010 that said, in the legislative framework of some sporting governing bodies, there is currently little clarity regarding Trans participation particularly around competition and representation at school level.

Certainly, FtoM young people may not gain a physical advantage in some sports, so there should be no issue regarding their participation (except those sports where there may be an issue regarding physical risk in high contact sports, where The Academy will carefully consider its approach).

The issues of competitive sport in relation to MtoF is a little more complex, as there may be a physical advantage gained by MtoF Trans participants in some sporting contexts. Whilst the various sporting bodies have not given specific advice about this at school level, The Boulevard Academy will take a common sense approach to the issue and deal with specific circumstances on an individual case by case basis. For example, it is highly likely that in football, no physical advantage would be gained in participation at the age of 11-12, but by the age of 15-16, there may be significant differences which may need to be taken into account. In certain circumstances some students may be in receipt of hormone blockers which may affect performance and eligibility for competition.

Whilst being cognisant of the advice of the various sporting bodies, which do have more issues with MtoF participation than FtoM, The Boulevard Academy will treat each case individually and sensitively, and to have close liaison with families and carers through this process. Changing facilities will need to be managed

sensitively at competitive or representative level. When competing at another school or outside venue school staff will need to make sure appropriate and sensitive provision is made for changing which respects both the dignity of a young Trans participant and also their privacy.

A situation where a Trans student arrived in another school as part of a team and found that no appropriate provision had been made in advance for changing and showering could be both distressing and detrimental.

Where it is clear that participation in sport gives no physical advantage then the school sees no reason why a Trans student should not represent the school.

Dealing with concerns of Staff, Families and Carers

Staff concerns can be dealt with by providing appropriate training and having clear guidance for the Academy to address the issues that are most commonly raised. Showing that the social, moral, spiritual and cultural considerations and also any legal issues of confidentiality, have all been addressed can reduce the anxieties that develop amongst staff e.g. around disclosure. There are a number of factors that determine how much information schools and colleges may disclose. Confidential information about students must not be shared with other parents. The following suggested statement has been used and will be suitable in most circumstances in relation to Trans issues:

As this issue involves the personal circumstances of a young child we are unable to make any comment on this individual case.

The Boulevard Academy is committed to working with families and other agencies to ensure that the needs of all students in our care are met and that they can achieve their full potential.

Staff must be aware of 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 shared.

It must be recognised that people have their own prejudices and parent/carers may not always be the most supportive person to assist the young person through transitioning. The school's role in this situation is to offer guidance, support and refer to agencies where appropriate, to ensure concerns and any questions can be answered with the aim of agreeing a way forward that is open and transparent.

The Boulevard Academy has agreed that young people who identify as Trans have a ***Gender Identity Transition Plan***. This plan is completed with the young person and their parents/carers. It enables the young person to identify their current feelings, anxieties and the next stage they would like to consider. These plans are personalised and are a tool to pre-empt situations and how best deal with them. Parent feedback is that this approach gives all involved a clear understanding of the stage a young person is at, but also an opportunity to agree timescales to ensure no kneejerk reactions are put in place without some thinking time. This plan also allows longer-term practical issues to be considered and a way forward to be decided for example:

- Names changes for exam entries
- Planning for work experience
- Transition to post 16

See example of Gender Identity Transition Plan at the bottom of this document.

Internship

The Boulevard Academy seeks to facilitate an internship for those students in Year 10/11 who wish to undertake this. A key aspect of the arrangements put in place is health and safety and so the Academy will work in partnership with the internship providers, together with prospective employers to ensure the safety of a Trans student. The Academy will seek advice and carry out an assessment of the potential placement to establish if there is any risk (physical or otherwise) whilst taking account of the rights to privacy. Discussion about the placement with student and parents/carers will occur as early as possible when a placement is

identified, in order to secure a successful placement. Discussion about an internship will be recorded on the Gender Identify Plan.

Whilst on placement the Academy aims to visit every student on every placement however on occasion this is not always possible. Recognising the more vulnerable situation a Trans-student may be in the Academy will ensure these students have time with a member of staff on their visit. The Academy will also contact the students and parents/carers out of work to check how the placement is going.

Changing Names, Gender and Exam Certificates

Changing their name and gender identity is a pivotal point for many Trans people. If a Trans student wishes to have their personal data recognised on school systems, these 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 Academy.

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."*

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 Trans 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.

The Boulevard 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 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.

"For Transgender candidates we can change the name on the certificate at any time without charge." AQA Case number CAS-2250236-P8D4D1 CRM: 0077404168 email response 13th December 2017 Sent: 13 December 2017 14:27

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

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.

Educational 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 Trans students but this must not mean that they cannot be included on the visit. 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 visit to ensure that the student is fully included.

Appendix 1

- 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 – 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.
- Transgender – 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.