



HEADLANDS SCHOOL  
SINCE 1965

# Transgender Policy

<b>Written By</b>	School Business Manager
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## Headlands School

### 1. Guidance this policy is based on

Gender Questioning Children Non-statutory guidance for schools and colleges in England - December 2023.

Legislation that informs the participation of trans students in schools include the Data Protection Act 1998, Human Rights Act 1998 and the Equality Act 2010.

#### a) **Data Protection Act 1998**

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.

The school will ensure personal data is accurate, secure and processed fairly and lawfully. The processing of data will be done sensitively to avoid causing distress to the individual.

#### b) **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 3; protection against degrading treatment
- Article 8: right to respect for private life and family life
- Article 10: freedom of expression
- Article 14: the prohibition of discrimination

#### c) **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. It 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.”

Part 6 of the Equality Act 2010 makes it clear that the Act specifically refers to Schools and young people.

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.

There is also protection in place from discrimination by association. For example, parents and siblings are legally protected from harassment due to their relationship with their transgender child / sibling and a child who is associated with a transgender person, for example a parent, is also protected.

## 2. Principles

Schools and colleges have statutory duties to safeguard and promote the welfare of all children. They should consider how best to fulfil that duty towards the child who is making such a request and their peers, ensuring that any agreed course of action is in all of their best interests. This may or may not be the same as a child's wishes. Knowing a child's sex is critical to schools' and colleges' safeguarding duties.

Headlands School promotes respect and tolerance where bullying is never tolerated. Staff and children will treat each other with compassion and consideration, in accordance with the ethos of the school.

Parents will not be excluded from decisions taken by Headlands School relating to requests for a child to 'socially transition'. Where a child requests action from Headlands School in relation to any degree of social transition, parents will be engaged as a matter of priority, and we will encourage the child to speak to their parents, other than in the exceptionally rare circumstances where involving parents would constitute a significant risk of harm to the child.

Schools and colleges have specific legal duties that are framed by a child's biological sex. Headlands School must allow for this. While legislation exists that allows adults to go through a process to change their legal sex, children's legal sex is always the same as their biological sex

## 3. Terminology

The language used in this area has evolved over recent years and people use different ways to describe themselves.

**Gender identity:** is a contested belief. It is a sense a person may have of their own gender, whether male, female or another category such as non-binary. This may or may not be the same as their biological sex.

**Gender questioning:** is a broad term that might describe children and young people who are asking questions about their biological sex and perceived gender identity.

**Gender distressed or confused:** is a way of describing distress or confusion that may arise from a broad range of experiences connected to a child's understanding of their biological sex and associated attributes and behaviours, but where a formal diagnosis of gender dysphoria has not been made.

**Social transition:** is a term often used to refer to a process by which people change their name, pronouns, clothing, or use different facilities from those provided for their biological sex. Not all people who go through this process will do so in the same way. Not all requests made to schools or colleges will comply with legal duties to safeguard children. Social transitioning is not a neutral act, as it has been recognised that it can have formative effects on a child's future development.

**Gender incongruence:** is a medical diagnostic term for a marked and persistent incongruence between an individual's experienced gender identity and their biological sex.

**Gender dysphoria:** is a similar diagnostic term to describe gender incongruence of at least 6 months' duration, which is manifested by a number of criteria. The condition is associated with clinically significant distress or impairment in social or other important areas of functioning.

#### **4. Managing specific issues**

##### **Registration of Name and Sex**

Every school must know and record the name and sex of every pupil in the admissions register. Schools must store and process a pupil's data according to the law. By law, schools and colleges must safeguard and promote the welfare of children for whom they provide education.

##### **Changing names**

Schools must record a child's legal name in the admissions register. They may allow students to change their informal ('known as') name if they believe it is in the best interests of the child to do so. Having fully consulted with the child's parents, Headlands School may allow a child's 'known as' name to be changed, if this is in the best interests of the student. Where the informal name change is agreed, the new name will be communicated to the school community.

##### **Pronouns**

Where Headlands School considers a child's request to change their pronouns, the child's parents / guardians will be consulted and all the relevant factors will be considered. Having considered these factors and examined all the evidence, Headlands School will only agree to a change of pronouns if we are confident that the benefit to the individual child outweighs the impact on the school community.

On occasions where a change in pronouns has been agreed, no teacher or student should be compelled to use these preferred pronouns and it should not prevent teachers from referring to children collectively as 'girls' or 'boys,' even in the presence of a child that has been allowed to change their pronouns.

Staff will attempt to use first names where possible to avoid significant offense.

Students will not be sanctioned for making honest mistakes with regards to the use of another student's acknowledged pronouns, however, all cases of purposeful bullying will not be tolerated.

##### **Toilets**

Schools are required to comply with minimum standards, including that separate toilets for boys and girls aged 8 years and over are to be provided.

If a child does not want to use the toilet designated for their legally recognised sex, Headlands School will provide alternative arrangements for the student that maintains privacy and dignity of the child, as well as the rest of the school community.

##### **Changing Rooms**

Schools have a statutory duty to have suitable washing and changing facilities for students aged 11 years and over.

Schools must not allow a child, aged 11 years or older, to change or wash in front of a child of the opposite sex, nor should they be subject to a child of the opposite sex changing or washing in front of them.

If a child does not want to use the changing facilities designated for their legally recognised sex, Headlands School will provide alternative arrangements for the student that maintains privacy and dignity of the child, as well as the rest of the school community.

## **Physical Education and Sport**

All sports, even sports where safety is not risked by mixed-sex participation, schools and colleges should ensure that sports are fair. For competitive sports, schools and colleges should be aware that without separate sex participation, it is unlikely that they will be offering equal opportunities to boys and girls.

As such, students engaging in physical education lessons at Headlands School will do so with students that match their legally recognised sex.