

**Ysgol Gynradd
Porthcawl
Primary School**



Gender Identity Policy

Agreed by BCBC HT Federation Policy Group

Introduction:

Porthcawl Primary School is a fully inclusive school that embraces diversity and equality. At Porthcawl we want all of our learners to feel safe and happy. Learning can only take place when learners feel that their needs are being met.

Purpose:

The purpose of this policy is to explain our approach to gender identity and to set expectations for learners and staff when interacting with those who do not identify as their birth gender.

Porthcawl Primary School is committed to: -

- ensuring teachers and governors are dealing with gender identity matters inclusively and sensitively; benefiting from professional advice and guidance
- providing an inclusive environment for any learner who does not identify as their birth gender
- ensuring all learners are aware of and educated on issues of gender identity

Aim(s):

Our aim is to ensure that as an inclusive learning community we support, inform, protect and enable learners who do not identify as their birth gender, or who are questioning their gender identity, to achieve their full potential.

Wider school aims/ethos:

This policy links in with the anti-bullying policy and behaviour policy

Consultation:

Governors' policy review group, SLT, Capital Law.

Sources, references, legal context:

Data Protection Act 2018

The Human Rights Act 1998

The Gender Recognition Act 2004

Equality Act 2010

Sex Discrimination (Gender Reassignment) Regulations 1999

Trans inclusion schools toolkit

UNCRC

Article 8: States parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognised by law without interference.

Article 12: States (respect for the views of the child). Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously.

Article 28: States parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity.

Article 36: State parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

GENDER IDENTITY – AN OVERVIEW

Gender is a spectrum, which is not limited to male or female – but can span anywhere between these two binary points.

A transgender person feels that their external appearance (sex) does not match up with the way they feel internally about their gender identity.

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, or genderqueer). Gender can be fluid, and some children and learners that do not relate to their assigned gender may never fully transition into 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 nonetheless 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 person diagnosed with Gender Dysphoria may require treatment, e.g. hormone blockers to delay puberty, before

being prescribed hormones of their desired gender. A transgender person may live their life without being, or needing to be, diagnosed as having Gender Dysphoria.

Diagnosis and treatment for young people is 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

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.

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

The following Articles from The Human Rights Act 1998 support the rights and needs of people to live their lives in their preferred 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 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.**

Equality Act 2010

The Equality Act 2010 ensures legal protection against discrimination, harassment and victimisation (direct or indirect) on the grounds of gender reassignment.

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. **A learner does not need to be undergoing a medical procedure to change their sex to be protected under the Act.**

SCHOOL ATTENDANCE

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

TERMINOLOGY and LANGUAGE

It is good practice to focus on correct terminology and the use of language in school.

Gender terminology and language can be confusing. Different individuals may use different terms to identify themselves

Learners may 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 for everyone. Hearing people use 'him' or 'her' incorrectly can be uncomfortable or seriously detrimental for someone who may not identify with that gender to hear, especially when they are trying hard to confirm people's awareness of their true identity.

It can be difficult for the teachers and other learners in school or college to get used to the change of name or gender if the learner 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. The role of teachers and staff is to support and educate all learners on the importance of using the correct pronouns to minimize the risk of mistakes happening.

TRANSPHOBIA AND BULLYING

Porthcawl Primary School has 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.

Transphobic behaviour may be directed to a Trans person, a friend or supporter, or anyone that may be perceived to be Trans (whether they are Trans or not).

All of these situations will be managed in line with school policies and centred on supporting the Target by managing any perpetrator's future behaviour.

SUPPORT

Porthcawl Primary School will support learners who do not identify as their birth gender. A pastoral support network will be put in place in order to allow all learners who are questioning their gender, or who want to transition, to access internal support and external support where needed and appropriate. Every learner will be made fully aware of the procedure for reporting concerns. The support network will be devised and created in discussions with the learner and their parents or carers. Support for

each transgender learner may differ from that of another due to a number of factors including their stage of transition and age.

TRAINING

In order to ensure all staff and Governors have the skills to deal with gender identity issues we will aim to provide appropriate staff training and guidance.

THE CURRICULUM

Gender identity may be addressed within the curriculum through the cross-cutting themes of relationships & sexuality education, diversity, the Health & Wellbeing AoLE and assemblies.

PHYSICAL EDUCATION

Physical Education is a key aspect of the curriculum and the physical and mental well-being of young people. Physical Education develops learners' 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.

All learners, irrespective of gender identity, have the same right to Physical Education. There should be reasonably few, if any, issues regarding learner participation within the sports of their gender identity. There may be sports where, as puberty develops, male-to-female (MTF) transgender participants may have a physical advantage over other girls but this should not present or be treated as a "problem" within a carefully and sensitively managed lesson context.

With older pupils, it may be that due to the nature of contact and physicality of sports such as rugby, the school would consider whether a person who is living in a gender other than their birth gender participating in full contact lessons is appropriate towards the latter stages of puberty. This is something that staff will take a view on prior to the delivery of those lessons, in discussion with parents or carers, and the learner.

Where there are gender specific lessons and or sports, learners will be permitted to participate in the activity that corresponds to the chosen gender identity. There will be occasions where sports governing bodies will have specific advice and or guidance

regarding participation. Where this exists Porthcawl Primary School will follow this guidance and comply with all necessary requirements.

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

CHANGING/TOILET FACILITIES

All learners have the right to use the toilet facilities of their chosen gender identity. No learner will be denied access to a toilet that corresponds to their chosen identity and no learner will be required to only access alternative toilets.

Where changing rooms are available, all learners should have access to the changing room that corresponds to their gender identity. This approach is underpinned by the Equality Act 2010 whereby refusing a child or young person access to the changing room of their true gender identity would constitute an act of discrimination.

Any learner who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with a reasonable alternative changing area such as the use of a private area, or separate time to change. Any alternative arrangement should be provided sensitively and discreetly, in a way that protects the learners' ability to keep their physical appearance confidential.

RESIDENTIAL TRIPS/SCHOOL VISITS

Learners will be able to sleep in dorms appropriate to their gender identity. Some learners may not feel comfortable doing this and in such cases alternative sleeping and living arrangements will be made where possible.

Where a learner feels that they do not want to or cannot participate in any activities, regardless of the reason, alternative arrangements will be investigated to allow for those learners to participate in a more appropriate activity.

Porthcawl Primary School should consider and investigate the laws regarding Trans communities in any countries considered for international school trips. The International Lesbian and Gay Association (ILGA) have information on their website about countries that pose a risk to Trans individuals.

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. Porthcawl Primary School may 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.

SCHOOL UNIFORM

All learners, regardless of gender identity, will be expected to follow Porthcawl Primary School's Uniform Policy, which covers uniform, make-up and jewellery. There is a generally broad range of uniform available for all genders. All learners have the right to dress in a manner consistent with their gender identity or gender expression, but this must fall in line with the items of uniform with the uniform policy.

DATA SUBMISSION TO WELSH GOVERNMENT

Any data return should have the gender of the learner marked as that which they wish it to be. The rationale for this is that there should not be anything entered that may cause undue distress to any learner included in the data return and that their health, safety and well-being should be of paramount importance. Should the school receive a genuine and reasonable notification from a learner (and or their parent), about a desire to be formally identified as a different gender to that which they were born as, then this should be accepted. The school will keep a record of this notification, fully complying with any legal requirements surrounding data protection and duty of care, so that it can then be referred back to if needed to confirm that a learner wished to be identified as a certain gender.

We appreciate that there may be difficult decisions regarding what age is it reasonable to receive such a notification from the learner themselves. We will aim to make a reasonable judgement on this in line with any legislative requirements as to when, as

a school, we can accept personal data and information from a learner directly instead of those who have parental responsibility over the relevant child.

NAME CHANGING

If a transgender learner wishes to have their preferred name recognised on school systems, this will be supported and will feed on to letters home, reports, data sheets, etc. Furthermore, the change of name and associated gender identity will be respected and accommodated by the school. It is a real indicator that the transgender learner is taking steps to, or proposing to move towards a gender they feel they wish to live in.

It is possible for any documentation to be changed to reflect the chosen name of the young person. 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 person under 16 years of age cannot change their name legally without the consent of a parent.

SUPPORTING LEARNERS

There will be cases where a child or young person's Trans identity is not widely known and the school should seek to protect this information, unless the Trans child or young person wishes it to be known.

Where a child's Trans identity is known to the wider school community schools will need to ensure that they have a robust language using the Equality Act and a Human Rights approach to counteract any prejudice expressed or concerns raised.

If a parent or carer raises a concern about the safety of their child when spending time in the company of a Trans identified learner or staff member it is vital that staff focus on the 'problem' being with the person who raises the concern and not with the Trans individual. Therefore, support work should always be aimed at answering the question

'how can we make your child feel safer?' rather than compromising the rights of the Trans person.

APPENDIX 1 - GLOSSARY OF TERMS

AFAB - Assigned female at birth.

AMAB - Assigned male at birth.

Assigned Sex - The sex you were assigned at birth and raised as.

Cisgender - A match between your biological sex and your gender. For example a female sexed person identifying with their female gender. Also a term for non-transgender people.

Coming Out - A process by which a Trans person will tell friends/family/co-workers etc. about their Trans status.

Deed Poll/Statutory Declaration - The means by which a person can legally change their name.

FTM/Trans man/a Transsexual man - Someone assigned female at birth but who identifies as male.

Gender - How a person feels in regards to male/female/neither/both. A cognitive process of recognising one's identity.

Genderqueer - A gender diverse person whose gender identity is neither male nor female, is between or beyond genders, or a combination of male and female.

Gender dysphoria - A recognised medical term which refers to the physical/mental/social discomfort of being perceived and living as one's assigned sex.

GIC - Gender Identity Clinic.

Intersex - A term for a variety of conditions in which a person is born with a reproductive or sexual anatomy that doesn't seem to fit the typical definitions of male and female.

MTF/Trans woman - Someone assigned as male at birth that identifies as a woman.

Non binary - To not identify within the binary male or female ideologies in Western society.

Oestrogen - Sex hormone which may be prescribed to some Trans women.

Outed – When a Trans person's gender status is made public knowledge without their consent. This can happen either by people deliberately talking about this person being Trans or by careless violation of confidentiality.

Pansexual – A sexual or romantic attraction towards people of all gender identities including those that don't fit into a gender binary.

Passing - Being seen or read as the gender you present yourself as e.g. a male identifying person being read as male.

Pronouns - He, him, his, she, her (gender specific) they, them, their, hir, sie, ey, zie. (gender neutral)

Sex - Assigned at birth in relation to ones genitals, chromosomes etc.

Sexual Orientation - Attraction to people i.e. gay, straight, bisexual, pansexual etc.

Stealth - Living in one's acquired gender without anyone knowing about one's Trans status. A person may choose to be stealth in some areas of their lives but not others.

Testosterone - Sex hormone prescribed to some Trans men.

To gender - To assign someone else a gender by noticing behaviour and body presentation.

Top surgery – Term used by Trans people when referring to chest surgery.

Transgender Person – A person whose gender identity is different from the sex they were assigned at birth. Some Trans people will choose to transition socially and some will take medical steps to physically transition (with the help of hormone therapy and/or surgery) to live in the gender role of their choice.

Transgender Man - Someone who was born female but identifies as male. They will often change their name to one more commonly used by men, use the male pronoun ('he') and wear clothes that are typically worn by men. They will sometimes undergo medical procedures to change their physical appearance, for example taking hormones or undergoing surgery.

Transgender Woman - Someone who was born male but identifies as female. They will often change their name to one more commonly used by women, use the female pronoun ('she') and wear clothes that are typically worn by women. They will

sometimes undergo medical procedures to change their physical appearance, for example taking hormones or undergoing surgery.

Transgender/Trans – An umbrella term which can be used to describe people who are:

Transgender

Transsexual

Transvestite

Both male and female

Neither male nor female

Androgynous

A third gender

Or who have a gender identity which we do not yet have words to describe

Transition –What constitutes as transitioning may be different for many Trans people e.g. medical transition, social transition, etc.

Transphobia - Irrational fear, hatred, abuse etc. of Trans people and people who do not conform to traditional gender norms.

Transsexual Person - A person with a consistent and overwhelming desire to transition and fulfil their life as the opposite gender. Most Transsexual people actively desire and complete gender re-assignment surgery.

Transvestite/Cross dresser - A person who dresses in the clothing of the opposite sex as defined by socially accepted norms. They enjoy wearing the clothes of the opposite sex occasionally but they do not want to live their lives as the opposite gender and therefore do not seek hormone therapy or surgery.