

# Transgender and Transitioning Guidance



This Guidance applies to the whole School and is published to staff, pupils and parents

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Reference Documents: ISBA Transgender Policy March 2022, Gender Questioning Children Non-statutory guidance for schools and colleges in England. (Draft for consultation 2023)

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Longridge Towers School celebrates diversity, and we want pupils and staff to feel valued, know that they are respected whilst respecting others within a culturally inclusive environment.

## **Introduction**

This Policy provides information and guidance to Longridge Towers School's pupils, parents and staff on the School's approach to transgender and gender-neutral matters, and transitioning.

This Policy should be read in conjunction with the School's other policies, including:

- Safeguarding Policy
- Anti-bullying including Cyberbullying Policy
- Behaviour Policy
- Equality, Diversity and Inclusion Policy (including glossary)
- IT Acceptable Use Policy
- PSHE Policy
- Relationships and Sex Education Policy

There are a range of terms that are used to describe different gender identities. The Equality Act 2010 (EqA 2010) includes a definition of the protected characteristic of gender reassignment, which is detailed below. For simplicity, the term 'trans' pupil refers to pupils who have expressed an intention to identify with a gender that differs from their biological sex.

## **Legislation and Guidance**

This Policy has been prepared with reference to the following legislation and guidance:

- The Equality Act 2010
- The Equality Act 2010 and Schools (May 2014)
- Keeping Children Safe in Education (September 2023)
- Relationships Education, Relationships and Sex Education (RSE) and Health Education (last updated September 2021)
- Political Impartiality in schools (February 2022)
- Cornwall Schools Transgender Guidance
- Gender Questioning Children Non-statutory Guidance for Schools and Colleges in England (**Draft for consultation 2023**)
- Human Rights Act 1998
- UK General Data Protection Regulation and education legislation
- Data Protection Act 2018
- Gender Recognition Act 2004
- Education (Pupil Registration) Regulations (England) 2006
- The Independent Review of Gender Identity Services for Children and Young People (The Cass Review): Final Report (2024)

## **The Law**

The EqA 2010 requires that the School's admissions and our provision of education, benefits, facilities, and other services do not unlawfully discriminate (either directly or indirectly via policies, applied criteria or practices), harass or victimise pupils on the basis of a protected characteristic. There are nine protected characteristics under the EqA 2010, including gender reassignment and sex.

The protected characteristic of sex is not fully defined under the EqA 2010. A pupil's legal sex (when they are under 18) is likely to be their biological sex (i.e., that assigned at birth), although

there are different legal opinions on this issue. After 18 a person can obtain a Gender Recognition Certificate (GRC) pursuant to the Gender Recognition Act 2004, and, as a consequence, their sex would be their “acquired gender” (i.e., the gender in which they are living).

Section 7 of the EqA 2010 confirms that a person will have the protected characteristic of gender reassignment if that 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”.

### **Our Approach**

We support a model that is child-centred, identifying the specific factors leading to an individual formulation of support needs.

The overarching aim of the School is to create a safe and inclusive learning environment for all pupils.

In relation to transgender issues, we recognise that each pupil is different, and that questions of gender identity are complex and personal. As a result:

- This Guidance seeks to consider each individual’s circumstances and as such, offers the School’s stakeholders some guidance on the general approach to certain issues.
- The School takes a neutral stance on transgender issues. Pupils wishing to explore their gender identity will be supported where possible in accordance with this policy.
- We consider how best to fulfil safeguarding duties towards the gender questioning child who is making a request about gender, and their peers, ensuring that any agreed course of action is in all of their best interests. There may be some requests for a type of social transition that will not be compatible with a school’s legal duties, and schools must abide by its legal duties. In line with the draft non-statutory Gender Questioning Children Guidance, we will follow a ‘Watchful Waiting’ principle. We will wait for a period whilst considering a request, to ensure it is a sustained and properly thought through request from the child.
- The School will endeavour to work in close partnership with parents and carers of trans pupils, favouring open dialogue between all parties. For pupils under the age of 16, the parents/carers of trans pupils will be informed and involved unless there are specific safeguarding reasons for not doing this.
- The School will seek the wishes of the pupil and take them into account. Action will only be considered after it has been explicitly requested by the child, and this has been considered, including engaging with parents, in accordance with this policy.
- There could be instances where children disclose first to their teachers that they may be questioning their gender. If there is no adjustment being requested, teachers will listen respectfully to the pupil’s feelings without automatically alerting parents, but, for safeguarding reasons, will not promise the pupil confidentiality.

### **Overriding Principles from Gender Questioning Children Non-statutory Guidance for Schools and Colleges in England (Draft for consultation 2023)**

- Schools have statutory duties to safeguard and promote the welfare of all pupils.
- Schools should be respectful and tolerant places where bullying is never tolerated.
- Parents should not be excluded from decisions taken by a school relating to requests for a pupil to ‘socially transition’.
- Schools have specific legal duties that are framed by a child’s biological sex.

- There is no general duty to allow a child to ‘social transition’

### **Registration**

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. It is often necessary to know a child’s biological sex in protecting them or others from harm. The School will always record the pupil’s biological sex on the admissions register and ensure that all relevant staff are aware of a gender questioning child’s biological sex to fulfil the school’s safeguarding and legal duties.

### **Names and Pronouns**

The School recognises that trans pupils sometimes prefer to change the name they are known by, and the pronouns used to describe them.

Where a pupil makes a request to be known by a preferred name, the School will:

- Discuss with the pupil the appropriate terms to use and how best to communicate this change to staff and other pupils (and the parents of the trans pupil, where appropriate)
- Discuss any restriction in relation to the name under which a pupil can be entered into external exams, and explore the options with the pupils, their parents and the relevant exam board as appropriate.
- Seek to accommodate a preferred name change where possible.

In line with current guidance (including draft guidance) it is the School’s position that, unless there are exceptional circumstances, primary school aged children will not have different pronouns to their sex-based pronouns used about them. The School will make decisions in this regard on a case-by-case basis, and reserves the right to decline such a request.

Whatever decision is taken with regard to the use of a new name or pronouns, the legal name and sex of the pupil will be recorded in the admissions register, as required by the Education (Pupil Registration) Regulations (England) 2006.

### **School Uniform**

If a transgender pupil has difficulty complying with the School’s uniform policy, they should raise this with a member of the pastoral staff, in order that the School can consider these concerns on a case-by-case basis.

The School will carefully consider requests for changes or exceptions to the standard school uniform requirements in line with the school’s safeguarding and legal responsibilities.

### **Transgender in the Curriculum**

The School’s Relationship and Sex Education and Health Education will ensure the needs of all pupils are appropriately met and that all pupils understand the importance of equality and respect. For pupils in the Senior School, this will include the legal rights and responsibilities regarding equality (with particular reference to the protected characteristics as defined in the EqA 2010, including sex and gender reassignment).

The School will ensure that the approach and content of teaching is sensitive and age appropriate. The School will fully integrate any teaching on LGBT (Lesbian, Gay Bisexual &

Trans) issues into programmes of study and deliver it at a timely point as part of the pupils' curriculum (see also the PSHE and Relationships and Sex Education Policies).

The School will have regard to the statutory guidance 'Political Impartiality in Schools (February 2022) as appropriate, when devising and delivering the curriculum as it relates to political issues connected with transgender and gender identity.

### **Changing room, Toilet Facilities and Boarding Accommodation (Single Sex Spaces)**

The School will discuss the pupil's preferences for toilets/changing facilities/boarding accommodation with the pupil (and where appropriate with their parents). The School will endeavour to accommodate those wishes to the extent reasonably possible and act proportionately, taking into account the School's legitimate aims, safeguarding duties, the wishes, dignity, and welfare of the trans pupil and other pupils within the School community, and the facilities available.

The School must comply with minimum standards, including that separate toilets for boys and girls aged 8 years and over are to be provided. Biological boys must not be allowed to go into the girls' toilets (and vice versa) in order to protect all children.

If a child does not want to use the toilet designated for their biological sex the School will consider whether an alternative toilet facility is available for use by the pupil. To be deemed an appropriate alternative the facility must be capable of being secured from the inside and for use by one child at a time, including for hand washing. Any agreed alternative arrangements will not compromise the safety, comfort, privacy or dignity of the trans pupil, or of other pupils.

The School has a statutory duty to have suitable washing and changing facilities for pupils 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 biological sex, nor should they be subject to a child of the opposite biological sex changing or washing in front of them.

If a pupil does not want to use the changing rooms and showers designated for their biological sex, we will consider whether an alternative changing or washing facility is available for use by the pupil, while continuing to ensure spaces are single sex. This alternative facility would not be suitable if access to it were through a changing room being used by the other sex. We will also consider allowing access to facilities at an alternative time.

In allocating sleeping arrangements such as dormitories, tents or shared rooms for school trips, each child's sex is relevant. To meet our safeguarding obligations as set out in Keeping Children Safe in Education (KCSIE) no child will be allowed to share a room with a child of the opposite biological sex.

### **Physical Education and Sport**

The School will endeavour to ensure that trans pupils have equal access to sport and physical education while at school. In general, it is anticipated that trans pupils will normally be able to participate fully in the School's PE programme.

There may be some situations where restrictions on participation will be necessary to ensure the safety of the trans pupils and others and/or fair competition. This will be assessed on a case-by-case basis and in conjunction with any relevant sport specific guidance e.g., from a sport governing body.

For all sports where physical differences between the sexes threaten the safety of children, the School will adopt clear rules which mandate separate-sex participation. There can be no exception to this. Biological boys constitute more of a risk to biological girls because they are generally stronger, larger, and heavier than girls, especially when they are going through or have been through puberty. It would not be safe for a biological boy to participate in certain sports as part of a teenage girls' team. Where sports are deliberately mixed sex, such as mixed netball, there should be no cause for concern.

Where a child requests to participate in PE lessons or sporting competitions that are intended for the opposite biological sex, we will consider:

- the age of the child making the request;
- how safe it would be to allow mixed-sex participation;
- how fair it would be to allow mixed-sex participation.

### **External Visits and School Trips**

The School will consider any additional needs of trans pupils in advance of planned external visits and school trips, and whether the School should put any specific arrangements in place to support a trans pupil.

The School will take a case-by-case approach, weighing up the relevant factors in each individual case, which are likely to include: the wishes, welfare, age, development, and privacy needs of the trans pupil and any other pupils who may be impacted by the proposed arrangements, the particular circumstances of the trip and facilities available.

### **Confidentiality and Communication with Parents/Carers**

As stated, the School would wish to work in close partnerships with parents and carers of trans pupils. However, there may be circumstances in which the trans pupil may have different views as to who they discuss their gender identity with, what information is shared by the School, when and with whom (and related concerns). In these situations, the School will have regard to the maturity and capacity of the trans pupil and whether there are any safeguarding reasons that justify a modified approach.

There may be situations where information will need to be shared with parents/carers or others e.g. the School's DSL. School staff will avoid making any promises of absolute confidentiality to pupils. The School will liaise with external agencies as appropriate, such as social care and CAMHS, so that they can provide the best support they can for both the pupil and family.

Confidential information about trans pupils will not be shared with other parents and any queries or questions from other parents will be considered carefully before responding.

Making parents aware: If a pupil requests a change, the school will make parents aware of the situation and, where appropriate, direct them to support outside the school environment (for example, pastoral or medical support). The only exception to this is the very rare situation where informing parents might raise a significant risk of harm to the pupil.

If, after a period of watchful waiting, the pupil would still like their request to be granted, the School, involving their DSL, will take into account the following factors:

- School safeguarding obligations
- View of parents
- The age of the child

- Any relevant clinical information that is available
- The context of the request
- The long- and short-term impact on the child
- The impact on other pupils and the school community

Following the process for decision making will ensure that all members of staff are supporting the pupil in a consistent way. Members of staff will not unilaterally adopt any changes, including using a new name or new pronouns, unless or until this has been agreed by the School in accordance with the proper procedures and, in the vast majority of cases, parental consent, as set out in this guidance.

If and where any change has been agreed, the School will communicate this to other pupils and staff where it is necessary and proportionate to do so. This will be done sensitively, without implying contested views around gender identity are fact. Other pupils, parents and teachers may hold protected religious or other beliefs that conflict with the decision that the school or college has made, these are legitimate views that must be respected.

### **Transphobic Bullying**

The School does not tolerate bullying of any form and deals with any instances under its Anti-bullying and Cyber-bullying Policy. This includes bullying for reasons related to pupil's sex or gender identity.

### **Risk Assessment**

The School may complete a written risk assessment for an individual pupil or group of pupils as necessary in line with this Policy.