

Inclusion Hampshire Policies and Procedures for supporting transgender & non-binary young people



Approved by: Trustee Board	Date:
Signed by:	Position: Chair of Trustees
Last reviewed:	Next review due: February 2022

Monitoring arrangements

This policy will be reviewed annually, but may be reviewed earlier if deemed appropriate by the Chief Executive or Trustee board

1. Introduction

1.1 Overview

Trans is an umbrella term to describe people whose gender is not the same as, or does not fully reflect, the sex they were assigned at birth.

Gender identity is complicated and multi-faceted, and can be best understood as being a spectrum rather than necessarily needing to be a binary choice between male or female. Developing a positive sense of gender identity is an important part of growing up for all children and young people. It is essential that educational settings develop pupil and student understanding of the spectrum of gender identity and provide support to trans, gender questioning and non-binary pupils, students and staff.

There are many different ways to be trans and talking with the young person, and if appropriate, family members to find out what they want and need will be a guiding principle.

Practice to support trans children and young people should be embedded across policies and curriculum and build on best practice already in place. This will help schools meet the Public Sector Duty of the Equality Act and eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations.

1.2 Purpose of this document and its limitations

The purpose of this document is to provide information and guidance to staff on how to effectively support trans, non-binary and gender questioning learners and prevent transphobia. Creating safe, trans inclusive learning environments is crucial to reduce and prevent harm to trans and non-binary children and young people, but will also be of benefit to all genders as gender stereotyping, sexism, homophobia, biphobia and transphobia are challenged. It is recognised how complex understanding of sex and gender can be, but it is clear that there is huge range of diversity in how people feel about and express their gender. Using this toolkit will build on existing good equality practice and:

- Increase the confidence of staff to support trans and non binary learners or those that are coming out as trans, non-binary or are beginning to question their gender identity
- Provide information that will allow our organisation to feel confident that we are complying with the Equality Act 2010 and anti-bullying guidance in relation to trans children and young people
- Highlight areas to consider when developing whole organisation policy and practice that will allow trans and non- binary learners to achieve and will reduce transphobic prejudice, discrimination and bullying

When children and young people's understanding of their own gender differs from the expectations of those around them, this can be very challenging and young people and their families can experience high levels of distress. Some studies find trans young people to be at an increased risk of self-harm and suicide. Therefore, there is a moral imperative to ensure effective support.

1.3 Underlying principles and messages in the document

Some children and young people may question their gender identity for a range of reasons and in a range of ways, and some may question their gender identity from a young age.

- Provision of support to a gender questioning child or young person does not signal that they are or will be trans or that if they are trans that they will conform to any single trans identity or follow any particular path of transition
- Listen to the child or young person and wherever possible follow their lead and preferences
Communicate, involve and support parents and carers as much as possible without breaching the confidentiality of the young person

- Avoid seeing the trans, non binary or gender-questioning young person as a problem and instead see an opportunity to enrich the school community and to challenge gender stereotypes and norms on a wider scale
- Gender is often an important part of our identity and developing a positive sense of gender identity is part of growing up
- Use gender segregated activities only when there is a clear educational rationale for them
- Be ready to see gender as a spectrum that is broader than male and female
- Trans children and young people have the right to access facilities and support in line with their gender identity
- Trans and non-binary inclusive practice requires understanding and challenging long accepted ideas of sex and gender.
- All members of Inclusion Hampshire’s community , including parents and carers, may need support in developing this understanding
- No trans or non binary young person should be made to feel that they are the ones who are causing problems

2. Developing understanding of trans, non binary and gender questioning children and young people

2.1 Introduction

This section aims to help to develop understanding of language and terminology related to sex and gender, but is likely to change over time. Trans and non-binary children and young people should be asked how they identify in age appropriate ways and assumptions about gender identity based on dress and looks should be avoided.

2.2 Gender identity and key terms

When considering trans identities, it is important to understand that there is a difference between the sex assigned at birth (natal sex) and gender identity. Assigned (natal) sex refers to chromosomal make up, genitalia, hormones etc. and as such would be used in reference to the physical anatomy of a person (for example, male, female or intersex). Gender concerns the internal sense of self and how this is expressed. For trans people their natal sex is not the same as their gender identity. Every person will experience difference in their assigned sex and gender identity and will respond to social circumstances in response to this. For some people, it is not appropriate to think of gender identity as being totally female or totally male. They may consider their gender identity to be fluid, partially male and partially female, non-binary or they may consider themselves to be agender. The umbrella terms ‘transgender’ and ‘trans’ are viewed by many people as being acceptable terms. However, whenever possible individuals should be given opportunities to say how they identify or describe themselves rather than labels being ascribed to them.

Trans – umbrella term used to describe people who identify for example as:

- transgender
- gender
- queer
- gender fluid
- non-binary
- both male and female (this may be at the same time or over time)
- neither male or female
- a third gender or who have a gender identity which we do not yet have words to describe

From this point in this document, the term **trans** is used to describe any person who would fit into the definition above. People who cross-dress are often included in the trans umbrella, but we have not included it for the purposes

of this guidance as many young children will ‘dress up’ in clothes which are seen as stereotypically intended for the ‘opposite’ gender and this alone would not mean they were trans. In this document we are keen to avoid this confusion. However, any prejudice expressed to a child, young person or adult because of what they are wearing or their gender expression should be challenged.

Cisgender Person – a person whose sex assigned at birth matches their gender identity. In other words, a term for non-trans people.

Transition – the steps a trans person may take to live in the gender they identify as. What constitutes transitioning will be different for each individual. Social transition could involve name and pronoun changes and dressing differently. Medical transition could include hormone blockers, hormones and surgeries. There is not a single route for transition: individuals’ experiences are all different.

Trans boy or man – a person assigned female at birth and who identifies as a boy or man. 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.

Trans girl or woman – a person assigned male at birth and who identifies as a girl or woman. 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.

Non-binary – umbrella term for a person who does not identify as (solely) male or (solely) female. Non-binary people may identify as both male and female, neither male nor female, or as another gender identity. This group are under the trans umbrella but may not consider themselves trans. Non-binary people may use the pronoun ‘they’.

Intersex – a term used to describe a person who may have the biological attributes of both sexes or whose biological attributes do not fit with societal assumptions about what constitutes male or female bodies. Intersex people can identify as male, female or nonbinary. Intersex people may undergo elements of transition.

2.3 Sexual orientation

Gender identity concerns the internal sense of self and may include how this is expressed. This is completely different to sexual orientation which concerns who someone is romantically and or sexually attracted to. Both gender identity and sexual orientation are varied and complex and may change over time. Trans people, like everyone else, can have a range of sexual orientations. While gender identity and sexual orientation are very different, and this guidance focuses on the former, there is a relationship between transphobia, biphobia and homophobia. Trans people and those who do not express their gender identity in a stereotypical way often experience homophobic and biphobic as well as transphobic and sexist abuse.

2.4 Gender expression

Gender is considered to be a social construct in that children learn how to behave in a manner deemed to be in line with their assigned sex. This social construct includes the way gender can be expressed through roles, clothing and activities. However, gender expression is not necessarily an indication of gender identity or sexual orientation. For example, a boy wearing a dress is not necessarily a sign that they are trans or even that they are questioning their gender identity. However, anyone who challenges the gendered expectations of their natal or assigned sex can be subjected to transphobia.

3. Experiences of trans children and young people

3.1 National data

There is no national record of numbers of trans children and young people. However, the NHS Tavistock and Portman Gender Identity Development Service (GIDS), has seen referral increases every year since 2010-11. They have had a 94% increase from 1408 in 2015-16 to 2728 referrals in 2019-20

Not all gender questioning children will grow up to be trans, but 40% of young people first thought they were trans aged 11 or under, compared to 25% of lesbian, gay or bisexuals aged 11 or under.

Just over 90% LGBTQ young people report learning nothing about trans in their sex and relationships education.

Nearly half of LGBTQ young people say their time at school was affected by discrimination or fear of discrimination.

The Stonewall School Report; the experiences of lesbian, gay, bi and trans young people in Britain's schools in 2017 has the following key findings:

- Nearly half of lesbian, gay, bi and trans pupils (45%) – including 64 per cent of trans pupils – are bullied for being LGBT at school
- Almost half of LGBT pupils (45%) who are bullied for being LGBT never tell anyone about the bullying
- Seven in ten LGBT pupils (68%) report that teachers or school staff only 'sometimes' or 'never' challenge homophobic, biphobic and transphobic language when they hear it
- Seven in ten LGBT pupils (68%) report that their schools say homophobic and biphobic bullying is wrong, but just four in ten (41%) report that their schools say transphobic bullying is wrong
- Three in four LGBT pupils (77%) have never learnt about gender identity and what 'trans' means at school
- More than two in five trans pupils (44%) say that staff at their school are not familiar with the term 'trans' and what it means
- One in three trans pupils (33%) are not able to be known by their preferred name at school, while three in five (58%) are not allowed to use the toilets they feel comfortable in
- Some studies find trans young people to be at an increased risk of self-harm and suicide.

It is important to remember that while trans and gender questioning children and young people may face problems in some areas of their lives, many of these problems are not caused by being trans but by society's attitude towards people who are trans or do not conform to gender norms. Transphobia can be defined as an irrational fear, hatred and abuse of trans people and of those who do not conform to traditional gender norms. It can be linked to sexist and stereotypical ideas about what it means to be a man or a woman. Transphobia can take many forms including direct or indirect pressure on trans people to conform to their assigned sex and can include sexist or sexualised bullying and abuse.

4 Legal context and Ofsted framework

4.1 Equality Act, 2010

Under the Equality Act 2010 public sector organisations, such as schools, are covered by the Public Sector Equality Duty and must have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not
- Foster good relations between people who share a relevant protected characteristic and those who do not.
- The Act provides protection from discrimination in respect of particular “protected characteristics” which are defined as: age (for staff only), disability, gender reassignment, marriage and civil partnership (for staff only), pregnancy and maternity, race, religion or belief, sex, sexual orientation

As a result of the provisions in the Act, schools need to ensure they do not treat pupils and students less favourably due to the protected characteristic of gender reassignment.

The Equality Act also protects those who are discriminated against because they are perceived to be trans or discriminated against because of their association with a trans person. Gender reassignment is defined in the Equality Act as applying to anyone who is proposing to undergo, is undergoing, or has undergone a process (or part of a process) for the purpose of reassigning their sex by changing physiological or other attributes. This definition means that in order to be protected under the Act, a learner will not necessarily have to be undertaking a medical procedure to change their sex but must be taking steps to live in the opposite gender, or proposing to do so. So far, the law has not acknowledged non-binary or genderless individuals, but schools and colleges will want to act to safeguard and include all members of their communities.

4.2 Equality Act, 2010, Advice for School Leaders, school staff, governing bodies and local authorities

All schools will be following the Department for Education statutory safeguarding guidance, Keeping Children Safe in Education 2020, including when concerns are raised about any child or young person and in order to manage issues of confidentiality and information sharing. However, there are no provisions in child protection and safeguarding legislation specific to trans children and young people aside from what is in place to keep all pupils and students safe. There is nothing to prohibit trans children and young people using the changing rooms or toilets which reflect their gender identity. The guidance is clear that governing bodies and proprietors should ensure that children are taught about safeguarding, including online safety. Schools should consider this as part of providing a broad and balanced curriculum. Given the prevalence of bullying of trans and gender questioning pupils, learning about gender identity should be considered under this obligation.

4.3 The common inspection framework: education, skills and early years, Ofsted

This framework states that inspectors will pay particular attention to outcomes for a range of groups of learners including ‘transgender children and learners’. It also states: Inspectors will assess the extent to which the school or provider complies with relevant legal duties as set out in the Equality Act 2010 and the Human Rights Act 1998 promotes equality of opportunity and takes positive steps to prevent any form of discrimination, either direct or indirect, against those with protected characteristics in all aspects of their work.

Effectiveness of leadership and management will be judged by evaluating to what extent leaders, managers and governors:

- actively promote equality and diversity,
- tackle bullying and discrimination
- narrow any gaps in achievement between different groups of children and learners.

Additionally, guidance on Inspecting safeguarding in early years, education and skills settings makes clear that safeguarding action may be needed to protect children and learners from (for example): physical, sexual or emotional abuse bullying, including online bullying and prejudice-based bullying racist, disability, homophobic or transphobic abuse gender-based violence, or violence against women and girls

5. A Whole Organisation Approach

5.1 Building on good practice already in place

Many educational settings are already working to ensure that the learning environment is supportive to a range of groups of pupils and students and have the following types of good practice in place:

- A culture that celebrates similarity, difference and diversity and one in which all children and young people can see themselves represented and valued
- Systems and processes which support vulnerable children and young people
- Effective anti-bullying and equality policies which ensure the whole setting works to equally prevent, challenge and records all forms of bullying and prejudice-based incidents
- A curriculum that provides opportunities to explore, understand and prevent stereotypes and all forms of prejudice
- Positive relationships with parents, carers, and learners that include listening and responding to individual needs and preferences

5.2 Developing a whole setting approach to preventing transphobia and supporting trans and non-binary children and young people

A whole settings approach is needed to create an environment in which trans members of the community feel equally welcomed and valued. If this approach is taken then negative responses to trans learners and staff in the setting will be prevented or minimised. Effective whole setting approaches will also create a space where young people feel able to come out as trans and or transition. Educational settings will want to communicate the work they are doing in this area to the wider school or setting community. This whole setting approach brings benefits and a development of understanding for all members of the community, not just those who are trans.

A whole settings approach to trans inclusion includes:

- Ensuring trans issues and transphobia are acknowledged across the policy framework and as one part of the settings approach to equality and inclusion
- Acknowledging there are or will be trans people within the educational setting such as family members, staff, governors, pupils and students and that this diversity is welcomed
- Ensuring that the curriculum and in particular life skills education and work related to spiritual, moral, social and cultural development is used to challenge gender stereotypes, support the development of gender equality, develop a positive understanding of gender identity and prevent sexism and transphobia
- Closely monitoring all areas of the curriculum, resources and teaching and learning approaches to ensure trans inclusive practice that challenges gender stereotypes
- Effectively challenging, recording and dealing with transphobic abuse, harassment and bullying and then monitoring incidence of transphobic abuse, harassment and bullying, and use this information to inform whole organisation developments
- Including trans issues in equality training for staff and governors and support wider community understanding of trans through training and other opportunities
- Participating in events such as LGBT History Month and Transgender Day of Visibility and ensuring the visibility of trans people and their achievements

- Communication to all parents and carers that includes reference to the work that is going on to make the educational setting trans inclusive and if appropriate signpost to opportunities for them to develop understanding of trans identities
- Provision of appropriate support to learners who identify as trans and refer them and their families when needed to national or local services

5.3 Policy Framework

Support for trans children and young people and inclusive practice sits within the work Inclusion Hampshire is doing to eliminate discrimination, foster good relationships and advance equality of opportunity for all protected groups under the Equality Act. All relevant policies appropriately reference trans learners and include reference to sexist, homophobic, biphobic and transphobic bullying and explain how both bullying and prejudice based incidents are recorded by type, analysed and monitored.

Safeguarding, Confidentiality, Data Protection : Being trans is not a safeguarding issue. We have a commitment to not 'outing' trans members of the community without their permission.

Inclusion Hampshire teaching and learning policies actively discourage unnecessary grouping or seating by gender, whilst making clear how single gender groupings will be sensitively managed when deemed necessary to support learning. These policies also encourage approaches which are inclusive, representative of the community and prevent and challenge sexism, homophobia, biphobia and transphobia.

5.4 Staff training

Staff are provided with training which will develop confidence in understanding gender and trans presentation, terminology and vocabulary e.g. correct use of pronouns and names, and in challenging gender stereotypes, sexism and transphobia.

5.5 Transphobic bullying and incidents

Trans, non-binary and gender questioning children and young people are vulnerable to bullying, as is any child or young person who does not conform to gender norms, and stereotypes. Additionally children and young people with trans family members may also be transphobically bullied. Transphobic bullying therefore may be perpetrated by learners, parents, carers or staff members and directed at:

- Children, young people and adults who do not conform to gender stereotypes
- Trans children, young people and adults inside and outside the school community
- Children and young people with trans siblings, parents, relatives or friends
- Lesbian, gay and bisexual children, young people and adults

We ensure that the curriculum, sessions and environment are all used to prevent and challenge gender stereotypes, sexism and binary notions of gender. Gender stereotyping is unhelpful and damaging as sexism leads us to believe that boys and girls should present themselves in certain ways and impacts on the inclusion, wellbeing and aspirations of all genders. Keeping Children Safe in Education also has a strong emphasis on preventing and responding to peer on peer abuse and recognises the gendered nature of some of this abuse. We ensure that we identify, record and respond to sexism, homophobia, biphobia and transphobia. Recording of incidents means that the wellbeing of individual learners can be tracked as can the behaviours of perpetrators. Sexist, sexual or transphobic bullying are not the same as homophobic or biphobic bullying. However, sexist attitudes often manifest themselves in homophobic bullying as any child or young person who is perceived as not expressing stereotypically masculine or feminine traits expected of their assigned sex, might experience homophobic or transphobic bullying. Staff will use their professional judgement as to whether some incidents should be recorded as homophobic or

transphobic, but take care not to under-record transphobia. Transphobic bullying may also occur in conjunction with other forms of bullying, including that related to special educational needs and disabilities or cyberbullying. Trans and gender questioning learners can be particularly targeted with behaviours such as ‘skirt lifting’, ‘groping’ or being asked inappropriate, personal questions including about their anatomy. Again, we are vigilant in preventing and responding to all forms of sexual harassment and bullying as experienced by all genders. If a transphobic incident occurs in a group situation and the member of staff dealing with it is aware that the young person is trans but they are not ‘out’ to the rest of the community the member of staff must challenge the prejudice, but may need to take care not to label the incident as transphobic in front of other learners and then as a result ‘out’ the person being targeted. The incident would still be recorded as a transphobic incident. There may be occasions where transphobic bullying has wider safeguarding implications, or involve criminal behaviour, and in these we would need to engage the appropriate safeguarding agencies and / or the police.

5.6 Language

If a young person transitions whilst at Inclusion Hampshire, it is important that all staff are led by the language that the young person is using about themselves and that all staff are advised of the name and pronoun change if applicable. We will work with the trans young person to agree how to share this information. Members of staff will then use this name and pronoun and apologise if and when mistakes are made. Deliberate reverting back to old names or pronouns as a behaviour management method or punishment should never be done. In general, staff should think carefully about the language they use and when possible attempt to use language which does not reinforce a binary approach to gender (eg there are just males and females). Using ‘they’ as a pronoun or the term ‘all genders’ are examples of inclusive language. Staff reflect on the use of language such as ‘ladies’ and ‘gents’, ‘girls’ and ‘boys’ to describe groups of learners. Firstly, a trans boy who is referred to as a girl or a trans girl who is called a boy will feel excluded by this language. Secondly, the language of ‘ladies’ or ‘gents’ may give an implicit message about what it is to be a woman / man and therefore reinforces certain stereotypical ideas of femaleness / maleness. It is preferable to say ‘come on, off to your lesson now’ or ‘come on, time to get on with your learning’. The purpose of this thoughtful use of language is not to deny gender as an important part of our identity, in fact this can be explored as part of learning in lessons such as RSE. However, care needs to be taken to avoid excluding those who do not see themselves as male or female or make assumptions about someone’s gender identity because of how they appear. It also supports inclusion of non-binary members of the community and encourages discussion and reflection on assumptions and expectations made about gender and gender expression.

5.7 Curriculum and teaching and learning (including relationships and sex education)

Our curriculum is used to explore and raise awareness of issues of assigned sex, gender identity, sexual orientation and transphobia and to make visible and celebrate lesbian, gay, bisexual and trans people. Work to challenge sexism and champion gender equality will benefit all learners, including those who are trans. Therefore trans inclusive practice is more than a one-off lesson but is embedded in good equality practice. We ensure that any resources used challenge gender stereotypes, actively celebrate different families and members of the community, and reflect people with SEND as positive role-models. We are aware that for some learners with special educational needs and disabilities, particularly some on the autism spectrum, existing resources such as picture books, may need to be adapted as they are too conceptually difficult or confusing. Photo banks featuring real people might be more useful than books featuring animals or inanimate objects for some pupils. That said, exploring with older learners the real themes in picture books that are made explicit are written for much younger children, can be a good introduction to this topic, especially if it leads to them writing their own books and resources for a younger audience. One page profiles celebrating trans role models can also be very useful tools for some.

Staff consider the teaching and learning approaches that they use which may have the impact of making trans children and young people feel confused, excluded or uncomfortable. For example, grouping learners by gender may

have this impact and staff will consider whether this is vital, if and when an alternative approach could be used and how to make it clear that a learner who feels safe to do so can be grouped according to their gender identity rather than their assigned sex. There may be times when single gender work is needed. This may include aspects of relationship and sex education or to support the learning needs of particular groups (eg boys and literacy). Providing a clear need is identified, the Equality Act allows for such provision.

Particular care will need to be taken to ensure that relationships and sex education is inclusive of all genders.

For example:

- In labelling the genitals make it clear that most rather than all boys have a penis and testicles and most rather than all girls have a vulva and vagina
- Start any teaching around puberty and bodies by highlighting that all people's bodies and genitals are different and that there will be a diverse range of responses to puberty (this will also be supportive to intersex pupils and students)
- Present sexual health information with an awareness that for trans young people their body may not represent their gender identity
- If we know we have a trans young person in the session some pre-planning and 1 to 1 support may be necessary to ensure the young person gets the information they need in a way that feels validating to their gender identity
- Remember that some screening procedures (eg cervical screening) may be relevant to trans men . We have an awareness of resources that inform about trans health such as those produced by Terence Higgins Trust and Gendered Intelligence
- The curriculum and particularly RSE is used to develop understanding of family diversity, sexual orientation and gender identity and to prevent sexism, homophobia, biphobia and transphobia

6 Supporting the individual trans, non-binary or gender questioning child or young person

6.1 An individualised approach to support

Given the spectrum of trans identities and experiences, it is important that any support offered to a trans child or young person starts with identifying their individual needs. An initial conversation needs to show them that their experience is validated and supported. We ensure that any guidance is tailored for each individual child or young person and we know that each journey will be unique. There may be additional challenges for trans and non-binary learners from certain faith or cultural backgrounds or because of a special educational need or disability. It is important for us as an educational setting to see all aspects of a young person's identity and experience in thinking about how to best support and respond and as previously stated not to make assumptions that any behaviour means a young person is or will be trans. Some trans young people and their families may benefit from individual support from a service which we will signpost and refer to.

6.2 How to support a young person who wants to transition

'Transition' can mean different things to different people so it is important for us to find out what this means to the young person we are supporting. Broadly speaking, most aspects of transition can be divided into 'social' or 'medical'.

For a social transition this could include:

- A name change
- A change in pronoun (he, she, they, zie etc.)
- Wearing clothes that are associated with their gender identity*
- Use of toilets and changing rooms appropriate to their gender identity

*Of course not all children and young people who wear clothes associated with a gender different to that they were assigned at birth will transition. Adults will need to ensure they are able to provide for a wide spectrum of gender expression and have openness to nonconformity.

It is up to the child or young person to decide whether they want to transition. Medical transition is the process by which a trans person takes steps to physically alter their body. This happens under the care of the NHS Tavistock and Portman Gender Identity Development Service (GIDS), or another clinic such as Gender GP.

This may include:

- Hormone blockers
- Hormones (testosterone or oestrogen)
- Surgery (not available to young people under the age of 18 in the UK)

Some trans young people will be hoping to undergo both social and medical aspects of transition while some will choose just the social aspects. A young person's goals in terms of transition may change over time and the support offered needs to reflect and support this. Once we have an understanding of the areas in which a young person is planning to transition, we will think about how to facilitate these changes at Inclusion Hampshire. It is vital that the staff team provide informed and consistent support to individuals who are presenting in their preferred gender. It is also important to acknowledge and be prepared for how this may change again over time. We are aware that some learners, including those with SEND, may not feel the same pressures or awareness of 'fitting in' socially, or may struggle with social empathy about how their families and friends may feel. Once they have 'come out' to one person they may have unrealistic ideas or timeframes about how their journey will progress, and this can leave little time to build a supportive plan, especially if the fixed idea they have in their head 'goes wrong' or can't happen quickly enough. Staff may have to support those with difficulties in imagination to understand the future and their potential journey, as they might only be able to focus on how they are feeling and what needs to change right now. Some trans learners will need support in developing scripts and responses to questions they may be asked about their transition. This may include phrases such as 'It's none of your business...' 'I have always been a boy / girl'. 'Non-binary means...'

6.3 Pupils and students with special educational needs and disabilities

Young people with SEND may need additional support in understanding or accepting their own identity, learning about those who are different to them, and understanding that difference is to be respected and celebrated. Staff, parents, carers, and wider professionals may need support in understanding that a SEND learner is just as likely to be trans or gender questioning as any other person. Indeed, lived experience and some developing incidence based research is showing that there is a higher prevalence of those who question their gender identity in those on the autism spectrum. Ensure that a learner's words or actions are not automatically attributed to their SEND, for example, preferences for clothing types or hair length being seen as a sensory need, or behaviours described as a new special interest, fascination, curiosity or phase. Whilst these may be true, it is important to listen without judgement so that expressions of questioning gender identity are not dismissed. Emotions related to gender identity are complex for anyone to understand and express, and this could obviously be exacerbated in those with communication and interaction difficulties. Some learners with SEND may not see the need to communicate, and may not understand that others don't already see them in the same way as they see themselves or know themselves to be, due to them thinking everyone knows the same things they know and shares their one perspective. This could obviously lead to increased frustration, anxiety and impact negatively on well-being and mental health. Providing 1 to 1 support for the young person is beneficial to provide time and space to explore issues in a non-judgemental, safe context. The trans learner may benefit from social rules or scripts around what is socially acceptable and what is not e.g. what it is OK or not OK to say or do in different contexts. It may be that some of these rules or expectations are different for different genders socially, and some things that had to be taught to the young person originally e.g. the unwritten rules of using public toilets, may need to be taught again to help the learner to socialise in their affirmed (rather than assigned) gender.

Empathy difficulties may mean they need support to understand what others may be thinking or feeling, and tools like Social Stories, Comic Strip Conversations and Mind Mapping may help give ideas and strategies. In addition, there may be potential increased vulnerabilities of a young person with SEND and so staff will need to ensure they are given increased support as needed, and are taught about general threats and risks from others including around online safety.

Remember

- Follow the lead of the young person and, if appropriate, their family and protect confidentiality
- Consider all aspects of a young person's identity in the tailoring of support
- Transition is different for different people
- Learners may need support in developing 'scripts' to respond to questions about their transition Make use of local and national support services

7 Managing specific issues for trans and gender questioning children and young people

It is important to be aware that educational settings will come across children and young people who are at various stages of exploring their identities or transitioning. This includes but isn't limited to those who are just coming out as trans, those who have socially transitioned either partly or fully and those who are exploring their gender identity with no fixed pathway. Therefore the information which follows will be relevant to some young people and not others.

7.1 Uniform and dress

Trans and non-binary learners have the right to dress in a manner consistent with their gender identity. By allowing learners to choose what they wear, we can remain inclusive. For swimwear, educational settings may want to state that learners can request changes to swim wear items for personal or religious reasons. This would be supportive of trans learners and those from certain faith backgrounds.

Beginning to dress in the clothes associated with one's gender identity can be a very big step and potentially daunting. Care must be taken to ensure that trans young people are supported fully during this time. Staff training is paramount to ensure that all staff have an understanding of what it means to be trans or gender questioning and exactly why a young person may be dressing differently. Remember that a learner who identifies as a girl but was assigned male at birth is not a 'boy dressed as a girl' but is a girl. By allowing a trans young person to dress in clothes which they feel comfortable with, we empower them to express themselves by bringing their outward appearance in line with that of their internal gender identity. Alongside this, RSE programmes will be challenging gender stereotypical ideas that to be a woman or a man you have to look a certain way. We are aware that some learners with SEND whose needs mean they have support with dressing and personal care can feel a loss of privacy at having to come out to them before people of their choosing or before they are ready to e.g. due to relying on their assistant for what clothes they wear. We do not make assumptions that because a person has this support that they wouldn't choose someone else to talk with. The learner may need practical support to access the clothing they want and need, especially if they have learning difficulties or find interacting with others – in shops for example – difficult. This will be especially important if they are not being given support, acceptance or understanding from home or the other professionals working with them. We are aware of and sensitive to the additional difficulties faced by learners due to sensory differences, for example they may not be able to tolerate wearing chest binders and there may be an emotional impact of this.

7.2 Names and pronoun changes

Some trans young people may wish to change their name and pronoun. Respecting a young person's request to change name and pronoun is a pivotal part of supporting and validating their identity. It is important to consistently use preferred pronouns and names in order to protect a young person's confidentiality and to not 'out' them in ways that may be unsafe and exposing. If a mistake is made with a name or pronoun then this can be apologised for. Intentionally not using a person's name or pronoun that they have asked for can constitute harassment. Some people who consider their gender identity as not fitting into a binary (male or female) and may use gender neutral pronouns (for example, 'they' or 'zie'). A formal name change is not required for the school to refer to the young person by this new name and profile.

****For referring schools information - the 'preferred to be known' option can be used in the Schools' Information System (SIMS). For further information and guidance on this please contact us.***

Staff will work with the trans young person to agree how to communicate this change with all staff. Gender fluid young people may express their gender identity differently on different days. Staff will establish with them an agreed sign for what name or pronoun they are using on a given day.

7.2.1 School database

As set out above, a learner has the right to be addressed by a name and pronoun that corresponds to their gender identity. A change of name by deed poll is not required to make a change to school records on school database systems such as SIMS. Currently SIMS does not have an option to record gender as anything other than male or female. This may be particularly problematic for learners who identify as nonbinary. If a school wanted a field to indicate locally of a different gender they can always create a User-defined field or they could add a Quick Note in the learner's record that details the date of this change so that it can be recorded in SIMS. There is currently a change request logged with Capita to add different options into the gender area, these are currently under consultation with Capita and might be included in a future upgrade of SIMS.

7.2.2 Entry for exams and exam certificates

The Joint Council for Qualifications paperwork states that candidates should be entered under names that can be verified against identification such as a birth certificate, passport or driver's licence, and that schools should check that a learner is using a legal name rather than a preferred name. Furthermore, 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. In order to use a preferred name on an exam document a student will need to have legally changed their name by deed poll. If the name hasn't been changed by deed poll, the learner will have to fill in their legal name and gender when sitting exams. Schools should talk first with the learner and their parents and carers, then approach the various exam boards prior to starting GCSE and A Level courses to clarify the situation and ensure that everything possible has been done to sit the exam and receive certificates in the new name.

7.2.3 Considerations involved in changing name by deed poll

Although some young people may feel that they want to change their name by deed poll, others may not feel that this is a step that they are ready or able to take (under 16 year olds need parental permission for a legal name change). This will unfortunately mean that although they may have established themselves within the school under a chosen name that when filling in exam documentation they will have to use their birth name. This could potentially be a source of distress for that individual and care will be taken by staff to support the young person and that it does not invalidate their identity. Staff will remain sensitive and supportive during such times. There may be particular sensitivities for Looked After children in relation to making name changes.

7.3 Confidentiality and information sharing

All people, including children and young people, have a right to privacy. This includes the right to keep private one's gender identity at school. Information about a learner's transgender status, legal name, or sex assigned at birth may also constitute confidential information. Staff will not disclose information that may reveal a learner's trans status to others, including parents, carers and other members of the school community unless legally required to do so or because the young person has agreed for the information to be shared. Whilst it is clear that a learner being trans or questioning their gender identity does not constitute a safeguarding concern or something where the young person's parents or carers have to be informed, young people should be supported to communicate openly with their parents and carers whilst not pressing them to do so. Staff will not discuss trans learners outside of school with friends or family members, even when making no particular reference to their name or personal details. The trans community is such a small one that even a casual reference to a learner may compromise confidentiality. When a young person initially discloses their trans status, it is important to talk to them about confidentiality and who, if anyone, they would like information to be shared with. Trans and gender questioning learners have the right to discuss and express their gender identity openly and to decide when, with whom, and how much information to share. When contacting the family of a trans or gender questioning learner, staff will use the learner's legal name and the pronoun corresponding to the learner's sex assigned at birth unless the learner, parent, or carer has specified otherwise. It is important to consider photos and websites to ensure that these images do not reveal any confidential information. If images and names are not protected, they may be used later in the trans person's life to 'out' them as trans. Ensure that the young person, parents and carers are aware of these risks and consent accordingly.

7.4 Working with the parents and carers of trans pupils and students

As a key principle, Inclusion Hampshire works in close partnership with parents and carers. Many parents and carers of a young person who is trans, non-binary or gender questioning will be supportive of their child at this time; however, this is not always the case. Parents and carers of trans and gender questioning young people can be referred to further support. When working with parents and carers, we keep in mind that we are representing the interests of the young person. As far as possible, care will be taken to ensure the wishes of the individual learner are taken into account with a view to supporting them during potential transition. Confidential information will not be shared even with the parents and carers without the young person's permission unless there are safeguarding reasons for doing so. *Being trans or gender questioning is not a safeguarding concern in itself.*

7.5 Toilets

Learners are supported through the Equality Act to access the toilet that corresponds to their gender identity; so trans girls because they are girls, can use the girls' toilets and trans boys the boys' toilets. Single gender toilets can however, cause issues for learners who do not identify with a gender binary such as boy / girl. We will discuss with trans learners and, if appropriate, their families which toilet provision they would feel safest using and support them in doing so.

7.6 Sports and fitness

We aim to reduce as far as possible segregating learners by gender. Trans learners should be supported to equally access sports and games and if activities are segregated by gender should be enabled to participate in the activity which corresponds to their gender identity if this is what they request. Where learners are separated by gender, staff will take into account the range of size, build and ability of individuals in the class and differentiate accordingly to keep all learners safe. Trans and gender questioning learners should be permitted to participate in competitions and sports days in a manner consistent with their gender identity if they wish to do so. It is unlikely that pre-puberty there would be any issues with a trans child competing and representing the school. In the case of Secondary school sports and older, schools may need to seek advice from the relevant sporting body. For example: The FA Guide to Including Trans People in Football developed with Gendered Intelligence can be found on the Gendered Intelligence website. In relation to activities such as swimming, the trans learner may want to wear swimwear that differs from their peers. It is important to assess this on a case by case basis as it will be different for every trans person. It would

be advisable to discuss with staff prior to the lessons that a young person will be wearing different swimwear for personal or religious reasons.

7.7 Residential trips

Discussion should be had with the trans young person, and parents and carers if appropriate, prior to residential trips. This will ensure the necessary care and preparation is in place to enable trans learners to participate in residential trips. As far as possible, trans learners should be able to sleep in rooms appropriate to their gender identity. Some trans young people may not feel comfortable doing this and in such cases alternative sleeping and living arrangements should be made. The degree of participation in physical activities that a trans young person feels comfortable with should be discussed prior to any residential trip with them and if appropriate their parents or carers. Where a trans young person feels that they do not want to or cannot participate, alternative arrangements should be made to allow for those learners to participate in a more appropriate activity. Risk assessments can be carried out prior to residential trips in order to make reasonable adjustments which would enable the participation of trans learners. Prior to residential trips, we would make clear our expectations to learners about how they support, treat and make welcome all other learners on the trip.

7.8 Transition and medical intervention

Most support for trans young people in schools will be around the social aspects of transition. Only some trans people will want to be able to access medical transition whilst still at school and it will be the case that for any young person undergoing medical transition, there will be an impact on their time at school. An understanding of some of the key stages of medical transition will enable school staff to be supportive and plan the students continued education accordingly. Referral to the NHS Tavistock and Portman Gender Identity Development Service (GIDS) or an alternative clinic is needed prior to medical transition. Referral to GIDS can be made by the Child and Adolescent Mental Health Service (CAMHS) or by any professional supporting the child or young person. Parental consent is required for referrals for under 16s.

Full details about the referral process can be found on the GIDS website. The GIDS carry out counselling and assessments throughout the process.

Medical treatment is provided in a series of phases that include:

- Medication to block the production of the natural hormones that feminise or masculinise the body during puberty. Currently the child must be judged at a particular stage of puberty (Tanner Stage 2) for hormone blockers.
- Hormone blockers may be followed by prescribing cross-sex hormones to masculinise (testosterone) or feminise (oestrogen) the body. Currently the child must be around the age of 16 to receive hormones.
- Gender reassignment surgeries would not usually be carried out until a person is over 18 years.

Be aware that as hormone blockers suspend puberty it may be difficult for a trans child or young person to see their peers developing in the way they feel they should be. For example, a trans boy who is on hormone blockers will not experience his voice breaking like his male peers until he has testosterone treatment. This could cause additional stress and challenges. It is advisable that we collaborate with other services working with the child, such as the Child and Adolescent Mental Health Services (CAMHS) or GIDS, to offer the best support for the individual. Coming to terms with gender identity if you are trans can be a difficult time for any person and starting the initial stages of medical transition can be particularly demanding for the young person and their family. This may be exacerbated by long waiting times to access medical support and by a lengthy assessment process. It is a time therefore when support could be needed. It is important to ensure that there is a procedure in place whereby the young person can access a form of counselling (if applicable) in order to support them through their time in education. It is possible the young person may be accessing support from outside of education so provisions must be made in order for the learner to be absent from sessions but to also maintain their confidentiality at all times when complying with absence procedures. The learner may need time off for a medical appointment and it should be recorded as an M

code rather than being 'off sick'. It is possible to access doctors and treatments over the internet and some families choose to do this because of long waiting times.

7.9 Dealing with the media

There have been cases where the media has shown an interest in trans learners and staff. In responding to media enquiries we would seek advice from appropriate press officers. Any statements made will include references to the work Inclusion Hampshire is doing to promote inclusion and equality for all and to ensure that all learners are safe from bullying and feel valued. At all stages the confidentiality of individuals will be protected. If journalists or photo-journalists attend the family address of a young trans person unannounced then we would advise the family to remain calm, make no comments, and to assert that the presence of the press is not wanted and that they should leave and not return.

Advice can be obtained at www.transmediawatch.org/

A complaint can be made to the Independent Press Standards Organisation via www.ipso.co.uk/

8 Scenarios and possible responses

Many have found that there were key issues which were of concern or challenging to manage. Below are some of the most common concerns voiced with suggested responses.

Scenario 1:

Parent to school: 'All this talk about gender identity is confusing for children. They are too young to understand.'
A small minority of children have a very clear understanding that their assigned sex does not align with their gender identity from a young age. Work in educational settings to challenge gender stereotyping and to explore a range of gender identities makes schools safer and more inclusive for all genders, not just those who are trans. For children who are comfortable in the gender assigned at birth there is no confusion.

Scenario 2

Parent to school: 'My daughter doesn't want a boy changing next to her – what if he looks at her body?'
Underpinning this scenario is the idea that a trans girl is not a 'real girl' and this would be something that a whole setting approach would challenge through training and awareness raising. A Human Rights response would be to state that the child is a girl and as such has the right under the Equality Act to change with the girls and to be treated fairly as such. In response to this parental concern, it would not be appropriate to remove the trans pupil from the changing rooms, but to work together with the parent raising a concern and their child to find a different solution. It is the responsibility of members of staff to support both trans learners and cisgender learners to feel comfortable around one another and to ensure the safety and wellbeing of all in the changing rooms.

Scenario 3

Parent to school: 'It's not fair that he enters the 100 metres race for girls when he is a boy' or 'Won't she get injured playing rugby with boys?'

Underpinning this scenario is the idea that all boys or all girls share the same physical attributes and fails to acknowledge that there is a range of differences in physical strength and ability within single gender groups. Trans

boys are boys, not girls, and therefore entitled to play rugby with boys and in consultation with relevant sporting bodies. Teachers already differentiate according to ability. Trans learners are entitled to access sporting opportunities equally to cisgender learners.

Scenario 4

Parent of a trans and gender questioning pupil to the school. 'I refuse to allow my son to change his name or wear skirts.'

It is understandable that some parents and carers will struggle with their child questioning their gender identity and it may be a long process to become more accepting of this change. This challenge should be acknowledged as difficult and parents and carers can be referred for further support. The vast majority of parents and carers do their best to work alongside their child and can be reminded that a change of name, pronoun or dress does not necessarily mean their child will follow any particular path into the future. However, the duty of care for schools is with the child and educational settings need to accept that in some cases school may be the only place the child feels safe to be themselves. Educational settings can offer a safe space with a trusted adult for the child to discuss their feelings and thoughts about their gender identity in the same way support would be offered to any vulnerable child. The child can also be reassured that you will continue to work with them, their parents and other relevant professionals to ensure they are supported. If a child is at risk of significant harm then safeguarding procedures must be followed.

Scenario 5

A member of staff has been informed of a child's pronoun and name change but continues to use their original name and pronoun, despite being reminded by the child in question.

Mistakes can be made with names and pronouns and if a mistake is made the member of staff should apologise and then move on. If it becomes clear that a staff member is deliberately using the incorrect name or pronoun for a learner, settings should follow their own systems for managing staff codes of conduct to address the issue.

Scenario 6

Trans girl to school: 'I have decided I am a boy after all, I think I might be gay.'

Everyone has a right to exploration and for some children and young people exploring gender identity is a part of understanding themselves and will pass over time. For others this is the start of a longer journey of transitioning. It is vital that when a child or young person is exploring themselves they feel safe, are supported and are listened to by the people around them. If a child or young person does 'change their mind' about their gender identity it is important they do not feel they are 'letting anyone down' or that they have caused an inconvenience in relation to practical changes in school. They should be supported to change names and pronouns again if they want to, change uniform, gendered groups and any other areas to ensure they remain comfortable in their gender identity and expression. Due to the age limits currently in place on hormone treatment (testosterone and oestrogen) under 16s do not have access to irreversible treatments.

Policy Implementation

The Chief Executive is responsible for ensuring the implementation of this policy and that regular reviews take place

All staff have a responsibility to adhere to this policy and will be made aware of this policy as part of their induction, supervision and training

