

**TRANSGENDER GUIDANCE**

**Lancashire County Council**

**April 2014**

## **Introduction**

Schools are required to publish equality information and equality objectives. Whilst it is not a legal requirement it is recommended that schools have an equality policy. This policy should include a section on equality for Lesbian, Gay, Bisexual, Transgender (LGBT) children and young people, staff and parents. The policy should clarify the approach of the school for pupils, staff, governors, parents/carers and external agencies.

Through this guidance, it is hoped that staff are able to manage trans equalities issues with confidence, competence and consistency.

Gender is often an important part of an individual's identity and developing a positive sense of gender identity is part of growing up. However, gender identity is often complex and there is a spectrum of gender which is wider than just boy/ man or girl/ woman.

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

However, schools and other settings may be particularly challenged by the specific needs of trans children and this guidance is intended to support schools and settings to explore these challenges and find solutions in the best interests of the child or young person and the wider school community.

What the guidance seeks to do is to provide a broad overview of the needs of transgender children, young people and their families. What is most important is to speak openly and honestly with the child, young person and their family about how they feel and kind of support they would like. Children and young people should be treated respectfully and with dignity.

## **Principles**

In developing practice to support trans children and young people, schools should try to follow these principles:

- Listen to the child or young person, their parents, carers and siblings. Wherever possible follow their lead and preferences.
- If the child has not informed the parents or carers, do not do so without the young person's consent
- No child or young person should be made to feel that they are the ones who are causing problems or that they owe anything to their school in return for being treated with the equality they deserve and are legally entitled to.
- Avoid seeing the child or 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.

- Providing support to a trans child or young person at any particular point in time does not signal that they are or will conform to any single trans identity or follow any particular path of transition.
- Avoid where possible gender segregated activities and where this cannot be avoided, allow the child or young person to access the activity that corresponds to their gender identity.
- Challenge bullying and discrimination.
- Promote positive attitudes to gender diversity by including trans issues within activities relating to discrimination, hate crime, diversity, inclusion, SRE and PSHE.

### **Transgender Identity**

For most children and young people, their gender isn't something they think about. But for some, it is more complicated. Young people may feel that their physical appearance doesn't match up with what they feel like on the inside. For example, someone who feels like they are girl, may be trapped in a boy's body. They might start to call themselves transgender.

Many people wish to know how gender variance occurs. A simple description of the biological factors may be found on page 5 of the booklet that the Gender Identity Research and Education Society developed for the NHS to answer families' questions about gender variance: <http://www.gires.org.uk/assets/DOH-Assets/pdf/doh-children-and-adolescents.pdf>

A trans person feels that their external appearance (*sex*) does not match up with the way they feel internally about their gender identity. A Female to Male person will have the external appearance or body of a female and identify their gender as male; a Male to Female person will have the external appearance or body of a male and identify their gender as female. If they intend to undergo a permanent change of gender role, they may be described as transsexual people. However the term "transsexual", should always to be used as an adjective, not a noun. It is not a preferred term and should be avoided.

For other young people, they may feel that they are a girl one day and a boy on other days, or feel that boy and girl doesn't really describe who they are. This can be called gender fluid; gender neutral or gender queer.

The World Health Organisation is seeking to change their definition from 2015 and it is anticipated that Gender Dysphoria will be the clinical term used. Children and young people that experience or show signs of being gender variant may or may not be transgender, as some will not continue to experience their Gender Dysphoria following puberty because gender variance can be fluid.

Gender Dysphoria is a clinical condition that can present from as early as age 2 and can only be diagnosed by a medical and/or psychiatric expert. A diagnosed trans person may require treatment (e.g. hormone blockers) to ameliorate the symptoms associated with being trans. A trans person may live their life without being or needing to be diagnosed as having Gender Dysphoria. Diagnosis and treatment for young people is currently only possible through a specialist team from the Tavistock and Portman NHS Foundation Trust based in London. This Clinic is the main centre for treatment, administration and referrals. A satellite Gender Identity Development Service has been established in Leeds and there is also a small service in Exeter.

<http://www.tavistockandportman.nhs.uk/childrenyoungpeoplegenderidentityissues>

It must be understood that some trans people 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 trans people (and their families) will need some expert/ specialist support as they grow up and develop.

### **Terminology**

As the term transgender means different things to different people, it can make it hard to define. Transgender people sometimes call themselves trans. It is preferred by some as it avoids ambiguity and still recognises the original distinct forms of identity and expression. It is an umbrella term that includes transgender people, people who cross-dress and a range of other distinct forms of identity and expression.

Others words used to identify Gender Dysphoria are; gender fluid, gender creative, gender diverse and gender non- conforming. Always ask the child or young person what term they prefer. However, some young people don't want any term used- they are a boy or a girl, even if that is not how they were assigned at birth.

There is a lack of agreement between people as to which terms they prefer. Therefore the safest and most respectful practice is always to ask someone which way they would prefer to be identified.

<http://www.gires.org.uk/glossary.php>

### **Legislation**

Legislation that informs the participation of trans pupils in schools include the Human Rights Act 1998 and the Equality Act 2010.

#### **The Human Rights Act 1998**

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

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

## **The Equality Act 2010**

The Equality Act 2010 ensures legal protection against discrimination (direct or indirect) for everyone under the nine protected characteristics defined in the Act, one of which is Gender Reassignment. It states that:

“A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.”

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

The Act applies to employment, education and a range of other areas where discrimination may take place. In order to be protected under the Act, a pupil will not necessarily have to be undergoing a medical procedure to change their sex, but they must be taking steps to live in the opposite gender, or be proposing to do so.

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

## **Dealing with the questions of staff, families and the wider community**

### **Training**

There may be many questions that are asked by various people and it is important to be as clear and informative as possible. However, every circumstance is different, due to the unique experience of individual children, young people and their families.

Staff questions can be dealt with by providing appropriate training and having clear policy and guidance for the school to address the issues that are most commonly raised. The Gender Identity Research and Education Society (GIREs) have produced some helpful training tools which can be used in school. Staff and governors can also use the materials as part of their Continuing Professional Development. The resources can be found at; <http://www.gires.org.uk/schools.php>

Lancashire Young People's Service has also devised a range of resources that are aimed at young people.

<http://yps.lancashire.gov.uk/lgbtq-information-and-advice>

Their Trans Awareness Resource Pack can be downloaded from the Schools' Portal.

### **Media Interest**

There are a number of factors that determine how much information schools and colleges may disclose. Confidential information about pupils must not be shared with

other parents. The following suggested press release will be suitable in most circumstances in relation to trans issues:

"We value all our pupils and care for them, whatever their personal circumstances. Our main job is to give them a good education in a happy school environment. That is what we are focusing on, and we would ask everyone to respect the privacy of all our pupils."

Recommendations:

- Schools should not engage with the press over this issue. Any questions around media concerns should be directed towards the appropriate press officer or media relations officer, who should only issue the statement above.
- Early contact is made with your local press officer to obtain advice and guidance regarding possible press interest into the school and the young trans person so that all school staff are aware of the potential interest and that they are prepared. This will allow staff to remain professional and calm throughout and pass all press enquiries to the Media Relations Officer.
- Staff must know their duties and responsibilities around data protection so that they fully understand why information is protected, and when, how and to whom certain information can be released.
- It is important to state that Lancashire County Council will also fully support any staff members at your school who are trans. Please contact the Corporate Equality and Cohesion Team on 01772 533516 or email;

[AskEquality@lancashire.gov.uk](mailto:AskEquality@lancashire.gov.uk).

The Media Relations Officer is also available to provide support.

## **School Photos**

Trans children and young people may feel fine with having their photograph taken at school but steps must be taken to ensure that these images do not reveal any confidential information. Ask children, young people and their parents/ carers whether they wish images to be used on school websites or newsletters. If images and names are not protected, material can be used later in life to 'out' a trans person living in stealth. Journalists often seek out 'before' and 'after' pictures.

## **Confidentiality**

All people, including children and young people, as well as staff members, have a right to privacy. This includes the right to keep private one's trans status or gender non-conforming presentation at school. Information about a child, young person or staff member's trans status, legal name, or gender assigned at birth also constitutes confidential medical information. School staff should not disclose information that may reveal a child or young person's transgender status or gender non-conforming

presentation to others, including parents/carers and other members of the school community unless legally required to do so or because the child or young person has asked them to do so. Staff should not discuss trans children and young people outside of school with friends and others, even when making no particular reference to their name or personal details.

Trans children and young people and staff have the right to discuss and express their gender identity openly and to decide when, with whom, and how much to share information. When contacting the parent or carer of a trans child or young person, school personnel should use the child or young person's legal name and the pronoun corresponding to their gender assigned at birth unless the child, young person, parent, or carer has specified otherwise.

*It must be recognised that people have their own prejudices. A parent or guardian may not always be the most supportive or appropriate person to assist the young person through transitioning. It may not be necessary for a parent or guardian to provide their permission for a trans pupil or student to take steps to transition – if the young person is deemed as competent to consent (see 'Confidentiality and Information Sharing Guidance for Schools' accessed via Lancashire Schools' Portal).*

Whilst many parents are supportive and affirm their child's gender identity, some parents may find it difficult to accept their child's trans status for a range of reasons. Even supportive parents commonly experience a sense of grief, loss and guilt when their child discloses their feelings about gender and expresses a wish to make a social transition.

Everyone's experience of life, particularly in respect to diversity, is different. Sometimes this can be because they do not know, or have not needed to think about what it means or how it feels to be a trans person. Sometimes concerns can arise from the fear of wanting to get things right but not knowing how to approach the subject, or even what to say and what words to use. This can be addressed through school policies and specific awareness raising to help staff feel more supported and comfortable in dealing with these issues.

### **Mentoring**

The school should appoint a staff mentor in whom the trans child can confide and who can deal with any issues that may arise, for instance bullying. Wherever possible, the child should be involved in deciding who may be the mentor.

### **Managing specific issues**

#### **Uniform and dress**

As for any other child or young person, trans children and young people should be expected to follow the school uniform policy. The vast majority of schools have a set of rules for makeup and appropriate dress and this will need to be enforced for any child or young person.

Trans children and young people have the right to dress in a manner consistent with their gender identity or gender expression. By providing a choice of approved items of uniform and allowing children and young people to choose what they wish to wear,

schools will allow for regulated structure but without exclusion. Indeed, many female born children and young people prefer to wear trousers to school or may have religious or faith based reasons for doing so.

Depending on the individual, the choice to begin dressing in the clothes associated with one's chosen gender can be a very big step and potentially very daunting. This can often represent one of the earliest stages of transition and is a profound statement of acceptance of one's identity and commitment to it. In doing so though, these children and young people are making themselves more visibly different from much of the school community and effectively 'outing' themselves to the rest of the school as trans.

Care must be taken to ensure that trans identified children and 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 and exactly why a child or young person may be dressing differently. Remember that a pupil who identifies as a trans girl but was born a genetic male is not a 'boy dressed as a girl' but is a girl. By allowing a trans child or young person to dress in clothes which they feel comfortable with, schools empower them to express themselves by bringing their outward appearance in line with that of their internal gender identity at that point in time.

Inclusive practice, therefore, would suggest that schools should list items allowed to be worn as school uniform without segregating these into uniform for boys and girls. This allows for regulated structure, but does not exclude on the basis of gender identity or religion.

### **Physical Education**

Schools are advised to consider each situation uniquely and sensitively. Staff should speak openly and honestly about participation in PE and how potentially difficult situations can be overcome.

Participating in PE and games is important to the physical and mental well being of pupils and the National Curriculum has included it as a key aspect of school provision. A young trans person has the same right to access physical education as their peers and also to take part in competitive sports.

There should be few barriers in the way of a young trans person from being fully involved in PE. There should be no issues at primary school as many lessons are usually mixed gender. In regards to getting changed, especially for Junior School classes, various spaces should be made available to all pupils. If there is a trans child in your class, ensure that there is a discreet area that is private and safe.

At secondary school level, again, there should be few limitations. However, there may be some sports where, as puberty develops, trans young people can be put in difficult and embarrassing situations. F2M trans young people may be binding their chests so getting changed in front of their peers would be very inappropriate.

If you have young people who are binding their chests, monitor them carefully during particularly physical activities and in hot weather. There is a chance that the binding could cause discomfort or even impair breathing. It may be necessary to subtly offer



more breaks.

As teenagers all develop at different rates, physically and mentally, there should be little concern regarding M2F trans young people gaining a physical advantage over their peers. However, it is important that any issues are discussed with the young person and that lesson plans are devised sensitively and carefully.

The issue of physical risk within certain sports should also be sensibly managed within the lesson context rather than by preventing young trans people from participating (which would be discriminatory).

Due to the nature of the physical aspect of some sports, such as rugby, it is advisable to speak to young trans pupils and their parents/ carers regarding full contact lessons when the trans pupils are in the later stages of puberty. This is not to say that young people cannot participate, but a discussion should take place prior to the delivery of the lesson.

### **Competitive School Sports**

Schools and settings are advised to seek the advice of the various sporting governing bodies who are beginning to consider and act upon trans issues, particularly in reference to the Equality Act 2010. However, there is limited provision within sporting governing bodies with little clarity of how trans pupils can actively participate and represent their school in competitive sports and games.

F2M young trans people wouldn't gain any physical advantage in some sports so there should be no issues in their participation (except those sports where there may be an issue regarding physical risk in high contact sports. In this case, a school would need to carefully consider its approach).

It is a little more complicated in regards to M2F young people participation in competitive sport. In some instances, there may be a physical advantage gained in some sports, but, as stated above, all young people develop at different rates. There is limited advice and guidance from sporting bodies and schools are advised to take a common sense approach, considering each case individually.

### **Toilets and Changing Facilities**

Toilets and changing facilities are often deemed the most sensitive of all the issues and there is much debate around the inclusion of trans young people in gender segregated facilities. Concerns usually stem from a worry that a young trans person may find themselves in a vulnerable position and may be subject to transphobic bullying or unwanted attention that has the potential to escalate to something more serious such as physical or emotional harm. Equally, young trans people want to be able to 'pass' as their true gender and want to be seen and treated as such.

Trans children and young people should be able to use the facilities of their preferred gender. This is often seen as a way of 'passing'. If a child or young person isn't comfortable with using these facilities, then an accessible toilet/ changing area should also be provided.

It is sensible to rename these facilities so that less stigma is attached to children and young people using these toilets, as is the case for any other young person who may need to use the toilet.

Recommended names for these toilets include; unisex accessible toilets; larger toilet; toilet and changing facility. This ensures that the school respects the dignity and privacy of trans children and young people and others using the toilet, whilst ensuring their safety.

Changing facilities need to be managed safely and sensitively. In general, schools can apply the same guidelines as they do for toilets. It is advisable to conduct a risk assessment and where appropriate, provide facilities that ensure privacy and safety.

When trans children and young people are representing the school at competitions, school staff should check changing facilities to ensure that they are safe and appropriate and necessary provisions must be made if they are not of an appropriate standard. A situation where a trans child or young person is visiting your school as part of a team also requires thought and sensitivity. It would have a harmful affect on a young trans person if showering and changing facilities are not private and dignified.

### **School Trips**

Learning about different cultures and lives and taking part in activities may involve overnight stays, both at home and abroad. Issues may arise for young trans people but this should not mean that they are excluded from the trip. Consideration should be given well in advance to any additional needs and discussion should involve the young person and their parents/ carers.

The sleeping arrangements will need to be thought about before the trip is undertaken; it is possible that the student would prefer to have a separate room. Each individual case and trip needs to be considered and in depth discussions should be held in advance with any and all appropriate bodies.

The school should be aware that children and young people could be subjected to a search, regardless of their gender. This could take place at airports, country borders and other locations. Different countries will have policies and procedures to follow. Contacting the relevant border control or agency in advance will ensure that any policy or risk assessment completed by the school or college is accurate for that visit.

There are countries that are not as legally and culturally open as the UK. In fact, some have laws that make it illegal to be transgender. In some countries, it is an offence not to report to the authorities that someone is part of the transgender community. Schools must investigate the laws regarding individual country laws. The International Lesbian and Gay Association have more information on their website about countries that pose a risk to trans individuals.

### **Medical Treatment**

Gender variant children may be receiving counselling from local CAMHS or even the Tavistock Clinic. Your school will need to collaborate with those services. Some adolescents may be receiving medication to suspend their pubertal development or, at a

later stage, to induce physical development that accords with their gender identity. The school should ensure that appropriate staff are fully briefed on the effects of these medications.

### **Frequently Asked Questions**

This guidance does not cover all transgender issues. It is expected that schools and school staff work closely with children, young people and families to ensure that all issues are dealt with appropriately and sensitively.

If you have any questions, please don't hesitate to contact us and we'll do our best to support you. Please contact [advisory.support@lancashire.gov.uk](mailto:advisory.support@lancashire.gov.uk) in the first instance.

For any media related queries, please contact Sue Becker at [Sue.Becker@lancashire.gov.uk](mailto:Sue.Becker@lancashire.gov.uk)

### **Resources and Useful Websites**

- Tavistock and Portman Clinic- Gender Identity Development Service  
<http://www.tavistockandportman.nhs.uk/childrenyoungpeoplegenderidentityissues>

- Mermaids- Family and Individual Support for Teenagers and Children with Gender Identity Issues

[www.mermaidsuk.org.uk](http://www.mermaidsuk.org.uk)

- Gender Identity Research and Education Society (GIRES)  
[www.gires.org.uk](http://www.gires.org.uk)



gdev-inside-story.pdf

- Press for Change- The UK's Leading Expert in Transgender Law  
<http://www.pfc.org.uk>

- NHS- Live Well. Support for Young People  
<http://www.nhs.uk/Livewell/Transhealth/Pages/Transyoungpeople.aspx>



guide for trans yp.pdf NHS Guide for Trans\* Young People

- Lancashire County Council's Young People's Service  
<http://yps.lancashire.gov.uk/lgbtq-information-and-advice>

- Genderbread Person

[Lancashire LGBT- Young People Friendly Guide](#)

- Lancashire LGBT Centre

<http://lancslgbt.org.uk/web/>

Lancashire County Council would like to thank the following people and organisations for sharing their skills, knowledge and expertise;

Lancashire Parents

Teachers from Lancashire Primary and Secondary schools

Lancashire Young People's Service

Dr Lewis Turner, Lancashire LGBT Centre

Cornwall County Council

GIRES

Tavistock and Portman Clinic- Gender and Identity Development Service