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The BRIT School

Trans Inclusion Policy

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Introduction

The BRIT School's Trans Inclusion Policy includes but is not limited to students who identify as trans, transgender, transsexual, non-binary, gender fluid, or gender queer. For these students their assigned gender at birth incorrectly or incompletely describes and defines who they are. It is also relevant for the cisgender allies, friends, family and staff who know and support them. Intersex people may experience gender in a binary, cis-normative manner. They may also experience some of the challenges of feeling that their assigned gender incorrectly or incompletely describes who they are.

Language is important but also imperfect and ever-changing. The term trans is used as an umbrella term throughout this Policy to encompass gender identity and experiences that are not cisgender.

This Policy borrows heavily from the NEU, Mermaids and Stonewall as experts supporting trans young people and their families.

Aims of the Trans Inclusion Policy

Ensuring all staff and governors are dealing with trans matters inclusively; benefiting from professional advice and guidance.

Promoting inclusion for all within The BRIT School by improving services for trans students, non-binary people and LGBT+ families and students.

Empowering supporters of trans pupils and students by providing practical guidance to their experiences.

Ensuring 'joined-up thinking' and integrative practice that also coherently incorporates the needs and perspectives of multiple needs.

This includes but is not limited to disability, cognitive impairments or neurodiversity; cultural or religious status; race and ethnicity; medical needs; immigrant status; age; housing needs and economic status.

Gender Identity issues are becoming increasingly recognised by schools, education service providers and colleges because in recent years, research, legislation and the professional capacity to understand the issues have increased the awareness of gender divergence. One positive consequence of this increased awareness is the increasing number of young people coming forward with issues around their gender.

Our aim is to use this knowledge to ensure every student achieves their potential academically, socially and personally in a safe, supportive and informed learning environment.

An essential tool kit to remember:

- Follow the lead of the student and if appropriate their family and protect confidentiality.
- Consider all aspects of a child and young person's identity in the tailoring of support.
- Transition is different for different people.
- Pupils and students may need support in developing 'scripts' to respond to questions about their transition.
- Use national and local trans specific resources and support services.

Current Legislation

2010 Equalities Act

The Equality Act 2010 merged a lot of pre-existing equalities legislation including the DDA. All service providers and employers are bound by the act. The Act highlights nine protected characteristics: race, disability, sex, sexual orientation, age, religion or belief, pregnancy/maternity, marriage/civil partnership and gender reassignment.

This protects all of these characteristics from both direct and indirect discrimination and harassment. This could include hostile environments created through poor use of language or facilities.

Trans people are protected under the Equality Act because they are recognised as having a “**protected characteristic**”.

The protected characteristic that covers trans people is called “**gender reassignment**”.

On the official government website gov.uk, it is also defined as “**being or becoming a transsexual person**”, however this is a term being used less frequently and some would see it as pathologising.

Although gender reassignment is usually understood to be a medical term, the protected characteristic “gender reassignment” refers to the social process of transition. You do not have to be under the supervision of a doctor to qualify.

It has been argued that there is limited legal protection for some non-binary or genderqueer people because of the way gender reassignment is defined by the law. The BRIT school interprets this act in an inclusive manner. This protection applies to all students regardless of age.

The protected characteristic gender reassignment has the expectation that the process is permanent.

Transgender Identity: A Transgender person feels that their external appearance (biological sex) and/or assigned gender incorrectly or incompletely aligns with how they feel about their gender identity. A Female to Male (FtM although this is increasingly referred to as female assigned at birth) person will likely have the external appearance or body of a female and identify their gender as male; a Male to Female (MtF, male assigned at birth) person will likely have the physical characteristics or body of a male and identify their gender as female.

Many people feel that binary definitions of gender of just male or just female do not fully or accurately define their gender. For them they would use terms including non-binary, genderqueer or gender fluid. The trans umbrella may encompass identities such as non-binary, gender-fluid or genderqueer but many such individuals may not see themselves as trans.

The word transgender is sometimes used interchangeably with the term gender-variant but usually has a narrower meaning and different connotations than gender variant, including non-identification with the gender assigned at birth. Children and students that experience or show gender variance may or may not be transgender. For the sake of

clarity this Policy document primarily uses the term 'trans' but will also refer to terms such as trans woman , trans man, trans child etc.

It is worth noting that this document focuses primarily on the terminology and concepts of gender most commonly heard of in the UK. There are however countless concepts of gender, often overlooked or oppressed by colonial and racist laws and customs. An inclusive Policy should acknowledge that individuals from non-western non-white cultures may have very different concepts of their own gender and educators should seek to decolonise the curriculum, ensuring the challenging trans, homophobia and biphobia is also always anti-racist.

Medical and Social transition

Gender Dysphoria (or Gender Identity Disorder) 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 person diagnosed with Gender Dysphoria may require medical interventions (e.g. hormone blockers) to ameliorate the symptoms associated with being transgender.

This is known as **medical transition**. A transgender person may live their life without being or needing to be diagnosed as having Gender Dysphoria. Diagnosis and treatment for young people is currently only possible through a specialist team from the Tavistock clinic in London. It must be understood that some people with Gender Dysphoria may not want any treatment. Some may choose to be known by a different name or to wear different clothes. Changes such as these are often referred to as a **social transition**.

However, most or all young trans people (and their families) will need some expert support as they grow up and develop. As a school we are aware that we provide a pivotal supporting role for any student undergoing this medical support. 'Goals' or identities around transition may change or develop over time and what transition means for one person may be very different for another.

Gender recognition is not dependent on this diagnosis although this is often an important part of a trans person's journey. Accessing medical services is not a 'proof' of being trans. A young person's social transition is the primary focus of this Policy, however, where relevant support around medical transition such as records of medication or time off for medical appointments would be covered by other current Equalities Policies and Practices.

Practical support, both for the student and to enable them to access support from outside agencies could include:

- Name changes – amending school registers and data, informing colleagues, providing evidence of enrolment and change of name if the student chooses to access a Gender Recognition Certificate (GRC) at age 18, although they may also back date evidence for this. There is no legal requirement for a child to seek parental permission to do this. It is worth noting that a GRC is not a necessary part of social transition.
- Pronoun and title changes. This may include he, she, they, xe, Miss, Mr or Mx. All staff should be informed of this.
- Wearing clothes associated with their gender identity. It should also be remembered that in an inclusive school clothing has no innate gender and all types of clothes may be worn by all types of students. The BRIT Schools dress code policy of no uniform helps to uphold this.
- Use of toilets and changing rooms associated with gender identity.

It is important that students know that any part of social transition is up to them and they should not feel rushed to do this. For example, choosing one permanent name change may not be helpful.

Any usage of a previously assigned name can be gendering and cause distress for trans students. This includes seeing old names or old initials on log in details such as school emails, online school platforms etc.

Usage of names, photos and details on school yearbooks must be carefully managed so that confidentiality and correct names, pronouns etc. are used throughout the process.

The process of name changes both through deed poll and for school records is important. Where possible it would be better if all students were informed of the name change procedure for exam entry in an open forum such as an induction assembly. This would mean that all students are aware that if they do not wish to have the name that was on their birth certificate on their exam certificate that it is possible to change this. It also means that trans students do not feel 'singled out'. Likewise, for trans or gender questioning students who are happy to use their given name can know that this is an option.

Toilets and Changing Rooms

Trans students may access the toilet or changing rooms that feel most appropriate for them. This may be the male or female spaces, or in some circumstances they may wish to use a radar key to use the disabled (accessible) toilets. This may be the space that aligns with their gender identity. For example, a trans female student may use the girl's changing room. However, it may be that they feel more comfortable in the space associated with their assigned gender. For example, a trans boy continuing to use the girls toilets. Making binary choices around these facilities may not define a student's gender, especially if they identify as non-binary.

The safety and welfare of the trans or questioning young person must come first and sensitivity and discretion should be used in supporting them to use these communal spaces.

At a school that centres the performing arts, effective changing facilities are imperative. As with all interactions with trans and gender non-conforming students this Policy should be followed in a student centred 'case-by-case' basis. Binary options of male or female can cause challenges for trans and NB students of all genders. Many students both cis and trans may also come from cultures and religions that require single sex changing spaces which should also be respected and sensitively supported. Wherever possible there should be solutions that meet every individuals' needs. This may involve having a sensitive conversation with students in an appropriate manner and may also include, where needed, making a third non-gendered changing space available that allows a safe and private space.

While multiple permanent changing spaces may not always be possible there are key principles:

- Wherever possible, even if a space needs to be repurposed temporarily, there should be three changing spaces made available to students. This allows for binary male and female spaces and a non-binary area but also an opportunity for trans students who do have binary gender to be able to change with dignity and without having to negotiate cis normative attitudes.
- Sensitive negotiation of what is best for the student needs to happen with an appropriate adult and their wishes need to be communicated and recorded with sensitivity.

GDPR and Data Protection

As with any student data should be handled mindfully and with care and sensitivity.

Disclosing a student's trans status is not always necessary but there can be circumstances when it is requested or needed.

Data can be shared with the Local Authority, future education providers and the Department for Education (DfE).

Under the terms of GDPR a student's transgender status is considered sensitive and requires care and consideration when being disclosed.

Under the provision a student has the right to object to processing of personal data that is likely to cause or is causing damage or distress.

Students have the right to rectify the status of their gender on record at any point.

Assigned gender at birth is included as data that cannot be modified due to legal requirements with the DfE school census. However this is data that would still be held securely.

The BRIT School has a Policy of transparency in the disclosure and handling of data.

Under Data Protection Legislation trans status is considered sensitive information.

Disclosing somebody's trans status without their prior consent is a criminal offence and can lead to prosecution. When disclosing a staff or students trans status, it must be done mindfully and only in a manner that is beneficial and with consent. If a student chooses to disclose information to a member of staff relating to gender or trans identity they should handle this with care, for example recording via CPOMS and wherever possible appropriately gaining consent from the child around how that information is handled e.g. whether it should be shared with family, other staff members etc. Disclosing trans status or 'outing' a student can in itself be a child protection risk and so should be approached with caution. A staff member is not legally required to disclose a child's trans status to their family, and in fact doing so without permission could be potentially very damaging to the child's wellbeing.

While it is often helpful when all staff know a student's change of pronoun and name, it is very possible in a 14+ environment that a new student may already have undergone social transition and do not wish to disclose their trans status at all or only selectively. This must be respected and in these circumstances disclosure should only occur with a discussion with the student and with good reason, for example, if staff or students misread their gender or used incorrect pronouns.

As ever, following a student's lead, and protecting the welfare and dignity of the individual should lead the decision process.

At the point of application, new student applicants should be able to have inclusive options around gender e.g. including a blank space instead of just M/F tick boxes. An optional question that asks if their assigned gender at birth is different to how they identify now should also be included.

Whole School Events/Pastoral/Curriculum

The BRIT School honours and celebrates diversity and equality. We have a programme of assemblies, school events such as London pride that ensures LGBT+ visibility and support.

Many performers also participate in annual drag shows in which a variety of sexual and gender identities and gendered performance styles are included and celebrated.

It is recommended that as well as events such as World Mental Health Day, Remembrance services and National Coming Out Day that the Transgender Day of Remembrance, Transgender Day of Visibility, International Day Against Homophobia, Biphobia, Interphobia & Transphobia (IDAHOBIT) etc. may also be marked on the school calendar.

Within the curriculum it is important that inclusive language is normalised or 'usualised'. For example, a Maths lesson could include scenarios that have LGBT+ inclusive pronouns and imagery. Stereotyping or overly focusing on a hetero-cis-normative, white European interpretation of the curriculum is not inclusive teaching and this should be monitored as part of ongoing CPD and performance management.

Single gender dance or performance troupes must have an inclusive model of gender. For example, a male group should include all students who are able to participate who self-identify as male. For students who identify outside of a gender binary, sensitivity and consideration should be given on a case by case basis.