

Transition of a pupil in school

Introduction

The terms 'trans' and 'gender diverse' are two of the many terms used to cover *all* those whose gender identity does not match the social and cultural expectations associated with their birth sex. This includes those who were assigned male at birth, but who identify as girls; and those who were assigned female at birth, but who identify as boys; it also includes non-binary and non-gender pupils whose identities are between or outside the boy/girl binary and who may use the pronoun 'they' instead of 'he' or 'she'. Growing numbers of young people are presenting as gender diverse, so schools need to be prepared to facilitate 'transition' (change of gender expression), rather than reacting only when the situation arises.

Legislation

Schools fall under the Public Sector Equality Duty (Equality Act 2010, EqA) so they must eliminate discrimination, provide equality of opportunity, and foster good relations between minority groups and others. Pupils who transition have a 'protected characteristic' because they undergo a process, or part of a process, to adapt their gender expression to match their gender identity. Schools have a duty to support these pupils and to ensure their inclusion in social and sporting activities. The Human Rights Act 1998 (HRA) under Article 14, provides protection against discrimination in respect of all other Articles: Article 3 bans degrading treatment; Article 8 protects privacy and confidentiality. The legislation requires that:

- Sharing of sensitive information regarding a young person's transition is limited to the smallest number of people, on a need to know basis; confidentiality is strictly observed in all communications (letters, emails, telephone conversations). 'Outing' a pupil would breach their rights under Article 8 HRA.
- Personal religious or cultural beliefs may **not** be used to discriminate against trans pupils. A school with a religious ethos may not refuse to accept a gender non-conforming child into the school, or refuse to allow an existing pupil to transition.
- Schools must review existing policies to ensure that these do not indirectly discriminate against gender diverse pupils.
- Teachers, pastoral staff, governors and all other staff should have awareness training and be ready to support gender diverse young people. E-learning, badged by the NHS, is available at:
 - www.bit.ly/GIRESelearn
- For medical information for GPs or school nurses, see:
 - www.elearning.rcgp.org.uk/gendervariance
- An Equality and Diversity Code of Conduct in relation to all protected characteristics should be displayed in the school, which emphasises zero tolerance for transphobic and homophobic bullying
- The school may have an 'equality' assembly at the start of term, and celebrate diversity by facilitating LGBTQI groups and run supportive events, e.g. during LGB&T History Month (February).
- Resources, such as information leaflets should be available:
 - www.mermaids.org.uk; www.gires.org.uk; www.allsortsyouth.org.uk

Memorandum of Understanding (MoU) for the transition of a pupil

Schools and the families should work together to prepare a strictly confidential, informal, document which clarifies the school's obligations and commitment to supporting the transition of a pupil. This document may be amended as necessary. This young person's views should be respected. Access to this and any other sensitive documents regarding the young person must be restricted. A mentor may be selected by the young person, to whom they can turn for additional support. This could be in the school's 'safe space', with a teacher or school nurse, for instance.

The timing of transition: May coincide with the start of term, or at half-term, but should not be restricted by the school. It should be agreed with the family, so that preparations (such as new uniform) can be undertaken ahead of time.

The Anti-Homophobic, Biphobic and Transphobic Bullying Alliance

Disclosures: Should be limited on a 'need to know' basis. Joint decisions should be made between the school, the parents/guardians, and the child. Disclosure, possibly by the form teacher or by the young person if they wish, will often include the children in the year group. Where communication to other parents or guardians of these children is deemed necessary, a letter with information leaflets enclosed may be sent (see 'information' below). Pastoral staff, and school nurses who may interact with the child will need to be aware. In large schools it should not be necessary to tell more than the relevant staff and young person's class. N.B. A new pupil who has already transitioned need not disclose.

Uniform requirements: Co-ed schools should allow a straightforward change from boy to girl, or girl to boy uniform. Some schools allow all children wear trousers, which reduces the emphasis on the boy/girl divide. Single-sex schools should allow a pupil who transitions to express their identity in a uniform that still reflects the school colours and style. Flexibility may be needed for non-binary and non-gender pupils.

Name and gender-marker (pronouns): May change immediately without any documented evidence.

"In exceptional circumstances, a school may be unsure as to which gender should be recorded for a particular pupil. Where this occurs, gender is recorded according to the wishes of the pupil and/or parent."

- (5.2.9 Pupil gender, page 61, School census guide 2016 to 2017, Version 1.5).

While not essential, children may obtain a Deed Poll or Statutory Declaration which facilitates the correction of documents. Those aged 16, or approaching 16, don't need parents'/guardians' support to change their details. See:

- www.ukdp.co.uk/name-change-age-restrictions/

School records and Department for Education returns must be updated: paper document that cannot be updated or re-issued must be kept secure in double sealed envelopes with only named person(s) allowed access if necessary. IT documents with old name/pronouns should be changed or deleted. If that is not possible this sensitive information must be password protected.

Time out: Children (especially during puberty) may have clinic appointments that involve travelling. They may miss school and need to make up lost lessons; from early puberty, they may be on medication (puberty blockers) to put the physical changes associated with puberty, on hold. This may lead to lack of energy. Older pupils may be on hormone treatments that match their gender identity. See:

- www.tavistockandportman.nhs.uk/care-and-treatment/our-clinical-services/gender-identity-development-service-gids/

Toilet and changing facilities: If boys' and girls' toilets are separate, the school must ensure that a pupil who transitions to use the facilities that match their new gender presentation and their wishes. Unisex toilets, if available, may be used by all pupils. Non-binary pupils may be uncomfortable using 'boys' or 'girls' toilets. Alternatively, all toilets may be unisex. Changing facilities must offer privacy so that gender diverse pupils are accommodated.

Curriculum: Introduce equality and human right concepts in classroom, and specific trans lessons; see:

- GIRES: www.gires.org.uk; KS1: search Penguin Stories; KS2 Peter's story (parent is trans); KS-3, The Gender Question. Schools Out: www.the-classroom.org.uk/

Press intrusion: Prepare generic equality statement to be issued if necessary. Alert office staff who respond to telephone calls, so that confidentiality and privacy is not breached.

Literature and support: E.g. training and leaflets for parents and professionals available from:

- GIRES at www.gires.org.uk; Mermaids at www.mermaids.org.uk; Allsorts at www.allsortsyouth.org.uk

UK local geographically available support: Signpost other support groups for family.

- Directory of groups www.TranzWiki.net

This factsheet was produced by GIRES and Mermaids