

**Old Bawn Community School**

**Transgender Equality Policy**

**1. Introduction**

Old Bawn Community School is committed to ensuring that transgender students and staff receive equal treatment and protection from discrimination. Old Bawn Community School celebrates and values diversity in both its workforce and student population. All staff and students in OBCS should be able to be themselves, have equal access to services and facilities, reach their full potential and be treated with dignity and respect.

All staff and students work better if they can be themselves, and this is no different for trans members of the school community. An environment in which diversity is celebrated, allows staff to do their job effectively and efficiently and for students to obtain the best education possible – an approach that benefits everyone.

This policy is based on the principle that OBCS school will ensure that no trans person will be treated less favourably on the grounds that they intend to undergo gender reassignment, are in the process of undergoing gender reassignment, or have at some time in the past undergone gender reassignment. The school respects an individual’s rights to self-identify as male or female and commits to recognising all staff and students of the school as the gender in which they choose to present. Thus, ensuring that transgender people are welcomed and respected and that our policies do not unintentionally operate in ways that discriminate against transgender staff or students.

# **2. Purpose and Scope**

This policy sets out how Old Bawn Community School will ensure an inclusive culture that both welcomes and supports trans staff and students and promotes an environment that is free from discrimination. Furthermore, this policy seeks to further positive relations amongst staff, students and the broader community of which we are all a part by acting as an information resource for those who wish to gain a greater understanding of trans matters at Old Bawn Community School.

The purpose of this policy is to ensure that:​

* Staff and students who have undergone, or who are undergoing gender reassignment, are protected in the school.

The scope of this policy is to:

* Ensure that all school practices support trans people and that they are treated with dignity and respect.
* Ensure that information governance and health records protocols are in place to facilitate an individual’s choice to change their name and gender at any time.
* See that staff are supported to ensure they are able to comply with legal requirements contained in the Equality Act 2010 in respect of the transgender protected characteristic and Gender Recognition Act 2004, as well as duties contained in the Data Protection Act 1998

**3. Legal Framework**

# The Equality Act 2010

The Equality Act 2010 (The Act) protects people on the basis of gender reassignment from direct and indirect discrimination and harassment. This includes discrimination by association and discrimination against people perceived to have the protected characteristic of gender reassignment.

# Gender Recognition Act

The Gender Recognition Act 2004 provides transsexual people with the opportunity to obtain legal recognition in their acquired gender by being issued with a gender recognition certificate (GRC). Anyone with a GRC will be legally recognised ‘for all purposes’ as their acquired gender, this means holders of a GRC are given specific protection in law (see section 7.1). When someone has a GRC any disclosure, without consent, of information about that person’s gender history, which has been obtained in an official capacity is an offence.

# Data Protection Act

For the purposes of the Data Protection Act 1998, gender reassignment and any information appertaining to an individual’s gender history would constitute ‘sensitive data’ which can only be processed for certain specified reasons, as set out in the Act.

## 4. Roles and Responsibilities

DLP, DDLP & BOM

* will approve this policy and be responsible for ensuring it has been developed according to the schools values and policy.

Student Support Team

* will monitor the effectiveness of this policy.

School Management Team

* have a duty to establish and maintain a safe working and learning environment, free from discrimination, for all staff and students.
* will ensure that staff are aware of and comply with this policy.

All Staff

* are responsible for their own behaviour and are expected to comply with the policy, ensuring they treat trans students and colleagues with dignity and respect.

## 5. Key Principle

All school members must ensure that they have a respectful and flexible approach towards people who are considering undergoing, have undergone, or are in the process of undergoing gender reassignment.

## 6. ​Appointment and Employment of Trans staff

This section of the policy addresses the sensitive and appropriate responses that are expected of employees of the school with regard to the employment of trans people and the management of trans staff undergoing gender re-assignment. This policy:

* Provides guidance for the appointment and employment of transgender people or existing staff who have undergone, are undergoing or are intending to undergo, gender reassignment.
* Provides a framework for management to best address the needs of transgender staff members.

## 7. ​Managing Trans Staff and Students

The process of transition can be very stressful requiring support and sympathetic handling from all concerned, and there is an obvious need to adopt the right approach in OBCS where the transition can have significant impact both upon the individual and upon colleagues and the whole student cohort.

### 7.1 Informing Colleagues and Students

It is good practice for management and the pastoral care team to take responsibility for informing whoever needs to know, unless the individual going through the process would prefer to do this. If the transgender individual prefers to inform people themselves, then ideally management and the pastoral care team should be advised when the disclosure is to take place and in what detail, so that they can provide appropriate support.

**7.2 Briefing of Staff and Students**

A plan for support both during and after the transition will be needed to address such questions as what information will need to be provided for colleagues and students.

Education should take place on two levels: general information on Transgender/Transsexualism and specific information to enable people to understand the needs of the person involved. (see Appendix 4).

### 7.3. Agreeing a Procedure for Adhering to any Dress Code

It is good practice to allow flexibility regarding the dress code during transition, and to respect the individual’s wishes as to when he or she is comfortable to change into the form of dress appropriate for their new gender.

**7.4. Agreeing the Point at which the Individual will Commence using Single Sex Facilities in their New Gender.**

The management of the school should agree the point at which the use of facilities such as changing rooms and toilets should change from one gender to the other. It is advised that the individual starts to use the facilities for their new gender at the point where they begin to live in that gender, irrespective of the progress of surgical procedures. Gender neutral toilet facilities are available in the school to those who request access. Procedures and access to these facilities are explained to the student prior to use.

### 7.5 Identifying what Managers and Colleagues can do to make the Transition Easier:

All members of staff should refer to the transgender person by their new name and use pronouns appropriate to their new gender role. In the early days it is recognised that people may occasionally get mixed up and use the trans person’s former name and/or gender pronouns. School Management should discuss the potential for this with the trans persons in the planning meeting. The transgender person should be aware that this could happen and be prepared to make allowances.

Management must also be aware of the genuine concerns that members of staff and students may have, and resolve any issues quickly through sympathetic guidance, support, information and education. In such instances though, the trans person’s right to be themselves should not be compromised or questioned.

Unfortunately, no matter how much preparation is made and support given, there may still be people who do not understand the situation or are unsympathetic. It is advisable to discuss this in advance with the transgender person and agree informally how they would prefer this to be managed. Any incidents of misconduct, harassment, bullying or victimisation should be dealt with quickly and in accordance with the bullying policy and/or disciplinary procedure.

# **8. Commitment to Transgender Equality**

OBCS School is committed actively to promoting good relations, and an inclusive and supportive environment for all staff and students. In relation to trans staff and students we are committed to the following:

* Transgender students will receive fair and equal treatment during their programme of study, and will not be denied access to programmes, or progression to further programmes of study.

* The School will provide options for gender neutral titles within staff and student records, e.g. Mx, and use gender neutral language in its formal communications.

* Transgender students should always be accommodated according to their full-time gender expression, unless they choose otherwise. Concerns or issues that are raised by trans students will be handled sensitively and fairly.
* Staff and students who wish to disclose their trans history or give notification of their intention to transition will be supported sensitively and be allocated a mentor or ‘point of contact’ to help make all necessary arrangements, including the update of school records and systems with any new name and title. It may be necessary to replace, rather than amend, degree and other certificates using the new name.

* The school will respect the confidentiality of trans staff and students and will not reveal/share this information without the prior agreement of the individual concerned. Where paper documents cannot be changed they will be kept separately in double sealed envelopes bearing the name of a person or persons who may have access, under certain circumstances, with the permission of the individual concerned (unless emergency circumstances prevail). IT records must be password protected in such a way that they are not accessible to anyone other than those directly involved.

* Staff and students undergoing medical and surgical procedures related to transition will receive positive support from the School to meet their particular needs during this period.

* Where a person needs to take time off work or study for medical assistance because of transition, they should not be treated any less favourably than if the absence were due to another cause such as sickness or injury.

* In circumstances where the school requires official confirmation of a person’s identity, staff and students will be given the option of providing different types of documentation such as a driving licence, passport, deed poll or statutory declaration.

## 9. ​Students Names, Pronouns, and School Records

Every student has the right to be addressed by a name and pronouns that correspond to their gender identity. Regardless of whether a transgender or gender nonconforming student has legally changed their name or gender, schools will allow such students to use a chosen name and gender pronouns that reflect their identity. It is recommended that school staff privately ask transgender or gender nonconforming students how they want to be addressed in class and in the school’s communication with the student’s parents or guardians. Some transgender and gender nonconforming youth may feel most comfortable being addressed by gender-neutral pronouns such as “they” or “ze” or just referred to by their names (without pronouns). If the student has previously been known at school by a different name, the school administration will direct school personnel to use the student’s chosen name and appropriate pronouns. To ensure consistency among administrators and staff, every effort will be made to immediately update student education records (such as attendance reports, class rosters for substitutes, school IDs, transcripts, electronic records, etc.) with the student’s chosen name and appropriate gender markers. Records with the student’s birth name and gender will be kept in a separate, confidential file. School staff or administrators may be specifically required by law to report a student’s legal name or gender. In those instances, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information.

## 10. ​Access to Gender-Segregated Activities

All students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity, under the guidelines established by the state interscholastic association. The school should evaluate all gender-based activities, rules, policies, and practices — including classroom activities, school ceremonies, and school photos — and maintain only those that serve an important educational purpose. Students shall be permitted to participate in any such activities or conform to any such rule, policy, or practice consistent with their gender identity

**Policy Adoption**

This policy was adopted by the Board of Management on: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(Chairperson)

Signed:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(Principal)

**Appendix 1: Definitions and commonly used terms regarding Trans people**

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| Word | Description |
| Androgyne / polygender people | Those who have non-binary gender identities and do not identify as male or female, and others who may define themselves as gender variant. |
| Acquired gender | The gender of a person who has had their gender reassigned and/or legally recognised. It is possible for someone to transition fully without surgery. |
| Gender | A persons perceived sociological status as either a man or a woman, and an individuals own psychological sense of self as either a man or a woman. The terms ‘masculine’ and ‘feminine’ are gendered terms connoting these categories. |
| 3​rd​ Gender | Individuals who do not personally identify as either man or woman. |
| Gender dysphoria | Dysphoria, a Latin word to dislike. Gender dysphoria is a widely recognised medical condition. It is a drive to live in the opposite gender to that in which a person has been registered at birth |
| Gender identity | Everyone has a gender identity it describes the psychological identification of oneself as a boy/man or as a girl/woman. For some individuals this can be problematic e.g. Trans people. |
| Gender Recognition Act | The UK law which allows transsexual people to obtain a gender recognition certificate. |
| Gender Re-assignment | A process carried out under medical supervision for reassigning a person’s sex by changing physiological or other characteristics of sex. This may include counselling, hormone treatment or surgery. Equality Act 2010 Gender reassignment is a protected characteristic. |
| Gender reassignment  surgery | Medical term for what transsexual people often call gender confirmation surgery, surgery to bring the primary and secondary sex characteristics of a transsexual person’s body into alignment with his or her internal self-perception. Some people do not desire surgery, or do not want surgery to feel comfortable with their body in relation to their gender identity. |
| Gender Recognition  Panel (GRP) | A panel of legal and medical professionals appointed to consider application for a gender recognition certificate ​www.grp.gov.uk |
| Gender Variance or  Transsexualism | A desire to live and be accepted as a member of the opposite gender often accompanied by a sense of discomfort with, or inappropriateness of, one’s anatomic sex, and a wish to make one’s body as congruent as possible with one’s preferred sex |

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| Intersex People /  Intersexed | Individuals who have indeterminate sexual characteristics at birth and who may have been assigned to the gender of the most dominant genitalia at or soon after birth. The majority of intersex people do not identify as Trans. Other may identify as Trans and choose in adulthood to undergo gender reassignment treatments to enable them to live in their preferred gender role, which is opposite to that in which they were raised. |
| Pansexuality | Pansexuality or omnisexuality is sexual attraction, sexual desire, romantic love, or emotional attraction towards persons of all gender identities and biological sexes. Pansexuals have the capability of attraction to others regardless of their gender identity or biological sex. |
| Trans person / people / man / woman | A general term commonly used only as an adjective by those who identify themselves as transgender, transsexual or transvestite. Where Trans people have transitioned permanently, many (but not all) prefer to be regarded simply as men and women. |
| Transition | Transition includes some or all of the following cultural, legal and medical adjustments; telling one’s family, friends, and/or co-workers; changing one’s name and/or sex on legal documents; hormone therapy; and possibly (though not always) some form of surgical alteration. |
| Trans FtM | A female to male transsexual person. Someone who is changing, or has changed, gender role from female to male.  Also described as a ‘Trans man’. |
| Trans MtF | A male to female transsexual person. Someone who is changing, or has changed, sex characteristics from male to female. Also described as a ‘Trans women’. |
| Transgender | A transgender person is someone who belongs to one biological sex but permanently, though only partially, takes on the appearance of the opposite sex. A transgender person chooses to keep his/her original genitalia and does not want full gender reassignment surgery. Within the context of this policy, the terms trans, transgender are used as an inclusive, umbrella term to describe the diversity of gender identity and gender expression. |
| Transphobia | A fear and strong dislike of Transgender people, which can lead to hatred resulting in verbal or physical attacks and abuse. |
| Transsexual | A transsexual person is someone who proposes to, starts or who has completed a process (gender reassignment) to change his or her sex. |
| Transitioning | Transitioning also known as ‘reassignment’. The process of going through a change of sex, at the end of which, the person will be living in the opposite gender to that which they were assigned at birth. |
| Transvestite/cross dresser | A term used to describe a person who dresses in the clothing of the opposite sex. Generally, transvestites / cross dressers do not wish to change their body and do not necessarily have gender dysphoria. |
| Sex | A person’s perceived biological status as either Male or Female. |
| Sexual Orientation | Describes an individual’s enduring physical, romantic, emotional and/or spiritual attraction to another person. Trans people may be heterosexual, lesbian, gay, or bisexual or asexual. |
| Stealth / Passing | Living in a way where nobody knows your previous gender history. Passing when a Trans person is not visible as a Trans person. Those who do not ‘pass’ have some residual features of their birth gender – which often means that other people regard them still as their birth gender. |

**Appendix 2: Sources of and Advice and Support**

TENI: <http://www.teni.ie>

BeLong to: <http://www.belongto.org>

Being LGBT in school: <https://www.education.ie/en/Publications/Education-Reports/Being-LGBT-in-School.pdf>

**Department of Health Publications**

Trans: A Practical Guide for the NHS: http://www.gires.org.uk/assets/DOH-Assets/pdf/doh-trans-practical-guide.pdf

A guide to Hormone Therapy for Trans People:

http://www.gires.org.uk/assets/DOH-Assets/pdf/doh-hormone-therapy.pdf

A Guide for Young Trans People in the UK:

http://www.safeschoolscoalition.org/guide4young-trans-inUK.pdf

Reducing Health Inequalities for LGBT People – Briefings for Health & Social Care Staff:

http://webarchive.nationalarchives.gov.uk/+/www.dh.gov.uk/en/publicationsandstatistics/ publications/publicationspolicyandguidance/dh\_078347

Transgender Experience: Information & Support

http://www.gires.org.uk/assets/DOH-Assets/pdf/doh-transgender-experiences.pdf

Bereavement: A Guide for Transsexual, Transgender People and their Loved Ones: http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/prod\_ consum\_dh/groups/dh\_digitalassets/@dh/@en/documents/digitalasset/dh\_074251.pdf

Guidance for GP’s, Other Clinicians and Health Professionals on the Care of Gender Variant people: http://www.gires.org.uk/assets/DOH-Assets/pdf/doh-guidelines-for-clinicians.pdf

Medical Care for Gender Variant Children & Young People: Answering Families’ Questions:

http://www.gires.org.uk/assets/DOH-Assets/pdf/doh-children-and-adolescents.pdf

**Other Resources**

EHRC Guidance document: “Provision of goods, facilities and services to Trans People” http://www.equalityhumanrights.com/uploaded\_files/EqualityAct/psd\_trans\_guidance.pd f

Living My Life:

http://www.nhs.uk/Livewell/Transhealth/Documents/LivingMyLife.pdf

Domestic Violence: A Resource for Trans People: http://www.domesticviolencelondon.nhs.uk/uploads/downloads/DV%20Trans%20guide\_

FINAL\_FOR\_WEB.pdf

Interim Gender Dysphoria Protocol and Service Guideline:

http://www.england.nhs.uk/wp-content/uploads/2013/10/int-gend-proto.pdf

Gender Reassignment: A Guide for Employers: http://www.lgbthistorymonth.org.uk/documents/Gender%20Reassignment%20-%20Emp loyers%20Guide%202005.pdf

Research

Transgender Eurostudy: Legal Survey and Focus on the Transgender Experience of Health Care

http://www.tgeu.org/node/100

Unison

https://www.unison.org.uk/upload/sharepoint/Policies/Guide%20to%20equality%20in%2

0UNISON%20-%202012.pdf

RCN

http://www.rcn.org.uk/aboutus/working\_for\_the\_rcn/equality\_and\_diversity

**Appendix 3: Guidelines for transgender students speaking with their class about their transition**

When a student tells their class they are transgender it is usually after a process of coming to terms with the change themselves, with their family and friends prior to informing their class. The student will usually have someone on the student support team that they link in with. TENI are often involved as a support agency. If a student wishes to tell their class about their transition, we will follow the below guidelines.

1. A member of the student support team will meet with the student. They will discuss together what the student wishes to inform their class. The student will practice with the student support team member what they will say to their class.
2. Student support team conducts a role play with student prior to telling their class to help them deal with difficult questions or responses.
3. Parents / Guardians are consulted and informed in advance of the meeting.
4. A Year Head or member of the student support team is present in the class as the student informs their class for additional support to the student and to the class teacher. The class teacher will be informed in advance and where possible it will take place in a wellbeing, or SPHE class.
5. Open respectful dialogue is to be encouraged.
6. Follow up meetings are had with the student to check in with them and to see how things are going.
7. LGBTQ+ issues, indentity and RSE are covered in as a general topic to all students in SPHE class.
8. OBCS has a LGBTQ+ support group that all students are welcome to attend.