

Trans Inclusion Schools Toolkit (Version 4) 2021

A guide to supporting trans children and young people in education settings

DRAFT

DRAFT for committee June 14th, 2021

This is a plain text version of the Trans Inclusion Schools Toolkit Version 4. Once agreed by committee in June 2021 design and pictures will be added to improve readability. Hyperlinks will also be changed to web links. There will also be a final proof-read and language check.

To read about the context of this Toolkit please go to appendices 1 and 2.

Foreword Version 4, September 2021

Trans Inclusion Schools Toolkit

We are pleased to present this updated version of the *Trans Inclusion Schools Toolkit*. Trans children and young people are vulnerable to bullying and prejudice and poor mental health outcomes if they are not effectively supported.

There is no equivalent national guidance available yet and so we see this as an important addition to the range of equality and anti-bullying resources and guidance we provide to education settings in Brighton & Hove.

This version of the Toolkit has been widely consulted on and changes made following this. We thank everyone who has contributed to the consultation process.

We know from conversations with young people and their families how vital they have found this toolkit and the support our schools have offered them.

We believe this guidance provides ideas for policy and practice that will keep trans children and young people safe and help to create environments which prevent and respond to gender stereotypes.

The Toolkit will be subject to ongoing review and development and we encourage continual discussion and engagement in this process.

Please read it carefully as this is a complex area of practice where careful thought and balance of needs is required.

Thank you in advance for your support with this matter.

Councillor Hannah Clare, Deputy Leader, Brighton and Hove City Council, Chair, Children Young People and Skills Committee

Deb Austin, Executive Director Families, Children & Learning, Brighton & Hove City Council

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(to be added at design stage)

Acknowledgements

(to be added at design stage)

1 Introduction

1.1 Brighton & Hove City Council commitment to equality and inclusion

Brighton & Hove City Council is firmly committed to equality and inclusion. Our vision is for a more equal city where no one is left behind. We believe everyone deserves to be valued and treated with respect.

As an organisation, we apply the Equality Act 2010 to ensure the dignity and respect of all our residents. We provide a range of guidance, resources and consultancy to support schools in their equality practice in relation to all groups protected under the Equality Act.

As part of our Public Sector Equality Duty we take active steps to remove or minimise disadvantages suffered by people due to their protected characteristics. We work to meet the needs of people from protected groups where these are different from the needs of others and encourage those from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Brighton & Hove City Council's Equality and Inclusion Strategy and approach supports those who are experiencing the greatest disadvantage. We also reflect on a range of evidence and equality challenges identified and respond to issues proactively. We do this in several ways, including using positive action to proactively address areas of underrepresentation and inequality.

The approach taken within version 4 of the Toolkit aligns with that taken by Brighton & Hove City Council on [gender diversity](#) and the January 2021 [Notice of Motion, Joint Green, Labour and Conservation Groups, Trans Inclusion](#).

We understand that social and political contexts and landscapes change over time. We also recognise that identities evolve and are relative to different contexts. Therefore, we remain open to learning from schools, different communities, new research, new case law, and best practice and use this to continually review our practice to ensure it remains relevant and up to date.

1.2 Overview

Educational settings are diverse communities that reflect wider society and are places where children and young people learn about valuing and respecting themselves and others. Children and young people spend a great deal of time in these settings and should feel safe and able to be themselves.

Schools and educational settings have a responsibility to ensure that all children and young people in their care feel safe and supported to reach their potential and be the best version of themselves. Trans and non-binary children and young people may be a small group within a school community, but a potentially vulnerable one.

This Trans Inclusion Schools Toolkit is a Brighton & Hove City Council guide for educational professionals supporting trans, non-binary and gender exploring children and young people in the city's schools. It has been in place since 2013.

'Transgender' or 'trans' is an umbrella term for people whose gender identity is different from the sex assigned [registered] at birth.¹ This Toolkit uses the phrase 'sex registered at

¹ Office for National Statistics

<https://www.ons.gov.uk/economy/environmentalaccounts/articles/whatisthedifferencebetweensexandgender/2019-02-21> (Retrieved 14.5.2020)

birth' to bring the Toolkit in line with the Census 2021². A person's sex registered at birth is based on physical characteristics in utero and at birth.

'Gender is increasingly understood as not binary but on a spectrum. Growing numbers of people are identifying as somewhere along a continuum between man and woman, or as non-gendered (neither man nor woman) While more people are identifying as non-binary, this is not a new concept and has existed for many years across different cultures around the world.'³

When children and young people's understanding of their own gender differs from the expectations of those around them, they and their families can experience high levels of anxiety. Some studies find trans young people to be at an increased risk of self-harm and suicide (see Appendix 2) and studies find that this risk is significantly reduced when the young person is effectively supported⁴. The Royal College of Paediatrics and Child Health Care recognises as we do 'the discrimination that arises as a result of misleading and prejudiced information, and the additional significant harm this can cause to LGBTQ+ children, young people and their families'⁵.

Creating safe, inclusive learning environments is crucial therefore to reduce and prevent harm to vulnerable trans and non-binary children and young people such that they can learn and thrive at school.

Every trans child and young person's view, experience, needs and journey will be different, and they should be consulted and involved in the support they are offered. The Gender Identity Development Service (GIDS)⁶ recommends a non-judgemental and respectful approach which involves listening to the child or young person in order to understand and support them to come up with their own solutions.

This Toolkit does not address the needs of children and young people with differences in sex development, although it is possible some of the inclusive practice outlined will provide support. Neither do all parts of this guidance refer to all trans, non-binary and gender exploring children and young people. The content related to single sex spaces for example refers only to children and young people who fit the definition of 'gender reassignment' described under the Equality Act and as clarified in the DfE Equality Advice (see section 3).

This Toolkit recognises that there will be trans and non-binary staff and governors in Brighton & Hove schools. Section 7 signposts to resources that may be supportive to creating a working environment that supports and values these members of the community.

Trans inclusion is one part of a much wider equalities agenda for schools. This Toolkit focuses on trans children and young people for the reasons set out in the context statement in Appendix 1. Therefore, supporting trans pupils forms just one vital part of efforts to celebrate difference and tackle all forms of discrimination, including homophobia, biphobia, sexism, racism, religiously based prejudice and ableism. For guidance and training on these other important areas of work contact the Equality and Anti-Bullying Service and or the PSHE Service and refer to the relevant pages on www.BEEM.org.uk

² Census 2021 <https://census.gov.uk/help/how-to-answer-questions/online-questions-help/is-the-gender-you-identify-with-the-same-as-your-sex-registered-at-birth>

³ Office for National Statistics

<https://www.ons.gov.uk/economy/environmentalaccounts/articles/whatisthedifferencebetweensexandgender/2019-02-21> (Retrieved 14.5.2020)

⁴ <https://www.sciencedirect.com/science/article/abs/pii/S1077722918300385>

⁵ <https://www.rcpch.ac.uk/resources/supporting-lgbtq-children-young-people#key-messages-for-health-professionals> (accessed 24.9.20)

⁶ <https://gids.nhs.uk/about-us#main-content>

1.3 Target audience for the toolkit

The Trans Inclusion Schools Toolkit is intended for use by relevant staff and governors in Brighton & Hove primary, secondary and special maintained schools, free schools and academies. Some of the content and principles will also be of use to Further Education and Early Years Settings. Independent schools within our city are welcome to access it.

It will be of particular interest to senior leaders involved in developing and leading whole school policy across a range of areas of practice and to pastoral staff working directly with trans children and young people. However, all members of the school community should have a good level of trans awareness.

1.4 Statement from the Catholic Diocese and the Anglican Diocese

Young people who identify as transgender are treated with the respect, understanding and dignity that is provided to all young people in faith schools. Faith schools are communities that nurture human dignity and are dedicated to both the spiritual and human development for all. Faith schools consciously create an environment where young people who feel marginalized, rejected, or vulnerable can experience a safe, nurturing, inclusive community where support and guidance for each individual is sought where necessary. Faith schools seek to create and promote a school environment where loving respect is reflected throughout its ethos ensuring that they reach out to all young people with unconditional love. Those teaching in our faith schools must have a clear understanding about their Church's teaching, accompanied by a similarly clear understanding about their duty of pastoral care, to enable all young people to be supported to grow and flourish as whole persons.

For schools in the Catholic diocese of Arundel & Brighton wishing to know more about diocesan policy when teaching the protected characteristics including trans, please contact the Diocesan Education Service schools@abdiocese.org.uk Tel: 01293 511130

For schools in the Anglican Diocese of Chichester wishing to know more about diocesan policy when teaching the protected characteristics including trans, please contact the Diocesan Education Service at schools@chichester.anglican.org Tel: 01273 425687

1.5 How to use the Toolkit

Different sections of the Toolkit will be relevant to different members of staff depending on whether their role is pastoral or curriculum based. It is recommended that at least one member of staff and one member of the governing body has an in-depth knowledge of the contents of the Toolkit. Additionally, Allsorts Youth Project's [Top Tips](#) leaflet could be shared with all staff to highlight key elements of good practice.

Appendix 9 can also be adapted to reflect your school practice and shared with staff to reinforce your approach to support trans children and young people. In Appendix 10 you will find an audit tool which may provide a useful starting point to developing trans inclusive practice.

Education settings are reminded that whenever significant changes to policies are made, due regard must be given to equality implications (See section 3 and Appendix 5) and safeguarding procedures must be followed.

This guide does not cover all possible scenarios. Settings and schools are encouraged to seek further advice on any section of this guidance, or in relation to individual cases, from Brighton & Hove City Council (pshe@brighton-hove.gov.uk) or Allsorts Youth Project (info@allsortsyouth.org.uk).

1.6 Underlying principles and messages in the toolkit

- Educational settings should develop effective equality and anti-bullying policies across all protected characteristics of the Equality Act 2010 and in line with the values and ethos of the setting
- Transphobia and bullying can contribute to poor mental health outcomes for trans children and young people (see Appendix 1 and 2)
- The need to prevent and challenge gender stereotyping, sexism, homophobia and biphobia is central to reducing and preventing transphobia and in this way a whole school approach to trans inclusion will benefit all children and young people as
- Representation of diversity in education settings is an opportunity to learn and prepares children and young people for life in modern Britain
- Identities are developing throughout childhood and adolescence and into adulthood, and some children and young people may explore and express their gender identity in different ways. This can start from a young age and may change over time
- There is more than one way to be a boy or a girl
- Non-conformity to gender stereotypes or support to a gender exploring child does not mean that a child or young person is or will be trans.
- Children and young people have a right to explore their identities, be accepted and change their minds.
- Schools should adopt a “watch and wait policy, which does not place any pressure on children to live or behave in accordance with their sex registered at birth or to move rapidly to gender transition”⁷.
- Training staff should increase their confidence, implement inclusive practice and support trans, non-binary and gender exploring pupils and students so they feel happy in themselves and can learn and achieve
- Support for individual trans children and young people should be provided on a case by case basis in discussion with them, their family and professionals around them
- Children and young people who have undergone a process of gender reassignment as described under the Equality Act may access facilities in line with their gender identity should they wish to (see section 6)
- Members of the school community may need support in developing an understanding of trans and non-binary identities and experiences and educational settings need to consider how to do this and show understanding of different faith and other perspectives
- Children, young people and their families should be signposted to any additional support they may need.
- Decisions about medical transition are made outside of education settings and under the care of the Gender Identity Development Service.

⁷ Retrieved from [PS02_18.pdf \(rcpsych.ac.uk\)](#)

2 Developing understanding of trans, non-binary and gender exploring children and young people

2.1 Introduction to terms

This section provides an overview of key concepts and terminology used in this toolkit. For a fuller list of definitions please go to one of these glossaries:

<https://gids.nhs.uk/glossary>

<https://www.stonewall.org.uk/help-advice/glossary-terms>

Language is constantly changing and not everyone agrees with the definitions used in this Toolkit. This section will be regularly reviewed.

Identity is personal and individual and may be subject to change. The umbrella terms 'trans' and 'non-binary' are generally accepted, however it is important to avoid making any assumptions about an individual based on how they look, their clothes or their voice and allow the pupil or student to self-describe.

There is a difference between the sex registered at birth and gender identity. Sex is normally assigned at birth based on the external genitalia of a child, but is also used to reference chromosomes, as well as hormones and secondary sex characteristics that won't become apparent until the child is older. Hormone levels, genitalia and secondary sex characteristics change throughout a course of a person's lifetime, and some trans people use medical intervention to make or direct these changes down a path they find most comfortable. Gender identity concerns the internal sense of gendered self, for example whether a person feels they are a boy, girl, neither, both or without a gender at all.

2.2 Key definitions

Gender dysphoria

Gender dysphoria is a term that describes a sense of unease that a person may have because of a mismatch between their biological sex and their gender identity. This sense of unease or dissatisfaction may be so intense it can lead to depression and anxiety and have a harmful impact on daily life⁸.

Gender and gender identity

The World Health Organisation states that:

Gender refers to the socially constructed characteristics of women and men – such as the norms, roles and relationships that exist between them. Gender expectations vary between cultures and can change over time. It is also important to recognise identities that do not fit into the binary male or female sex categories. Gender norms, relations and roles also impact the health outcomes of people with transgender or intersex identities.⁹

The Office for National Statistics states that:

⁸ NHS [Gender dysphoria - NHS \(www.nhs.uk\)](https://www.nhs.uk) (Retrieved 9.12.20)

⁹ World Health Organisation <https://www.who.int/gender-equity-rights/news/factsheet-403/en/> (Retrieved 10.6.20)

- ... gender identity is a personal, internal perception of oneself and so the gender category someone identifies with may not match the sex they were assigned at birth
- where an individual may see themselves as a man, a woman, as having no gender, or as having a non-binary gender – where people identify as somewhere on a spectrum between man and woman¹⁰

Cisgender or cis

Someone whose gender identity is the same as the sex they were assigned at birth. Non-trans is also used by some people.¹¹

Gender expression

How a person chooses to outwardly express their gender, within the context of societal expectations of gender. A person who does not conform to societal expectations of gender may not, however, identify as trans.¹²

It is very usual for children to experiment and explore through dressing up. Many children will 'dress up' in clothes which are seen as stereotypically intended for a different gender and this alone would not mean they were trans. All children and young people should be free to explore their gender expression without having their gender identity questioned. For example, a boy wearing a dress does not signify that he is a girl, regardless of whether the boy is a cis boy or a trans boy. Schools can play a part in normalising for example boys having long hair or wearing jewellery without insinuations that they are gay or trans.

Any prejudice expressed to a child, young person or adult because of their gender expression (for example, what they are wearing) or because they are gender non-conforming should be challenged.

Gender stereotypes

The World Health Organisation explains that 'While most people are born either male or female, they are taught appropriate norms and behaviours – including how they should interact with others of the same or opposite sex within households, communities and work places.'¹³

Whilst there is nothing wrong with a person's gender identity and or gender expression being stereotypical, gender stereotyping becomes harmful when it limits an individual's capacity to develop, make choices and pursue careers outside of a stereotype. 'When individuals or groups do not "fit" established gender norms they often face stigma, discriminatory practices or social exclusion – all of which adversely affect health.'¹⁴

¹⁰ Office for National Statistics

<https://www.ons.gov.uk/economy/environmentalaccounts/articles/whatisthedifferencebetweensexandgender/2019-02-21> (Retrieved 14.5.2020)

¹¹ Stonewall <https://www.stonewall.org.uk/help-advice/glossary-terms> (Retrieved 14.5.20)

¹² Stonewall Glossary <https://www.stonewall.org.uk/help-advice/faqs-and-glossary/glossary-terms> (Retrieved 29.7.2020)

¹³ World Health Organisation <https://www.who.int/gender-equity-rights/knowledge/glossary/en/> (Retrieved 14.5.2020)

¹⁴ World Health Organisation <https://www.who.int/gender-equity-rights/knowledge/glossary/en/> (Retrieved 14.5.2020)

The wellbeing of boys and girls can be harmed by stereotyping¹⁵. All education settings will want to prevent and challenge gender stereotypes and give the message that there are many ways to be a girl or a boy. This approach will be of benefit to the wellbeing and aspirations of all children and young people and contribute to reducing and preventing sexism, homophobia, biphobia and transphobia. This work will also benefit trans and non-binary children and young people as unrealistic expectations about what it means to be a man, woman, boy or girl in society can do harm to those who don't conform to the gendered expectations placed on them.

Intersex or differences in sex development (DSD)

Intersex people are individuals whose anatomy or physiology differ from contemporary cultural stereotypes of what constitute typical male and female¹⁶. Differences in sex development (DSD) is a group of rare conditions involving genes, hormones and reproductive orders, including genitals. It means a person's sex development is different to most other people's¹⁷.

Non-binary

An umbrella term for people whose gender identity doesn't sit comfortably within 'man' or 'woman'. Non-binary genders and identities are varied and can include people who identify with some aspects of binary identities, while others exist outside of those categories entirely.¹⁸ Non-binary people may use the pronoun 'they' but may also use 'he', 'she' or another pronoun. Pronouns do not equal gender, for example a person may be a non-binary gender but use 'he' or 'she' pronouns.

Orientation

Orientation is an umbrella term describing a person's attraction to other people. This attraction may be sexual (sexual orientation) and or romantic (romantic orientation). These terms refer to a person's sense of identity based on their attractions, or lack thereof.¹⁹ Trans people, like everyone else, can have a range of sexual orientations.

Sex

The Office for National Statistics states that the UK government defines sex as:

- referring to the biological aspects of an individual as determined by their anatomy, which is produced by their chromosomes, hormones and their interactions
- generally male or female
- something that is assigned at birth²⁰

¹⁵ The Children's Society How gender roles and stereotypes affect young people <https://www.childrenssociety.org.uk/what-we-do/blogs/how-gender-roles-affect-young-people> (Retrieved 2.12.20)

¹⁶ The UK Intersex Association <http://www.ukia.co.uk/about.html> (Retrieved 4.12.20)

¹⁷ NHS [Differences in sex development - NHS \(www.nhs.uk\)](https://www.nhs.uk)

¹⁸ Stonewall <https://www.stonewall.org.uk/help-advice/glossary-terms> (Retrieved 14.5.20)

¹⁹ Stonewall <https://www.stonewall.org.uk/help-advice/glossary-terms> (Retrieved 14.5.20)

²⁰ Office for National Statistics <https://www.ons.gov.uk/economy/environmentalaccounts/articles/whatisthedifferencebetweensexandgender/2019-02-21> (Retrieved 14.5.2020)

Trans

A term for people whose gender identity is different from the sex assigned at birth²¹ including those who identify as:

- transgender
- gender queer
- gender fluid
- non-binary
- both male and female (this may be at the same time or over time)
- neither male nor female
- a third gender
- or who have a gender identity which we do not yet have words to describe

There are many cultures across the world who have a different gender system to the western world. A person who identifies as a gender from within their culture that does not exist within UK culture may not identify as trans, although others might.

Trans boy or man

A person assigned female at birth and whose gender identity is that of a boy or a man.

Trans girl or woman

A person assigned male at birth and whose gender identity is that of a girl or woman.

Transition

The steps a trans person may take to live in the gender with which they identify. Each person's transition will involve different things. Transitioning might involve things such as telling friends and family, dressing differently and changing official documents.²² For some it may also involve medical intervention, such as puberty blockers, hormone therapy and surgeries, but not all trans people want or are able to have this. A young trans person cannot have surgery in the UK until they are an adult.

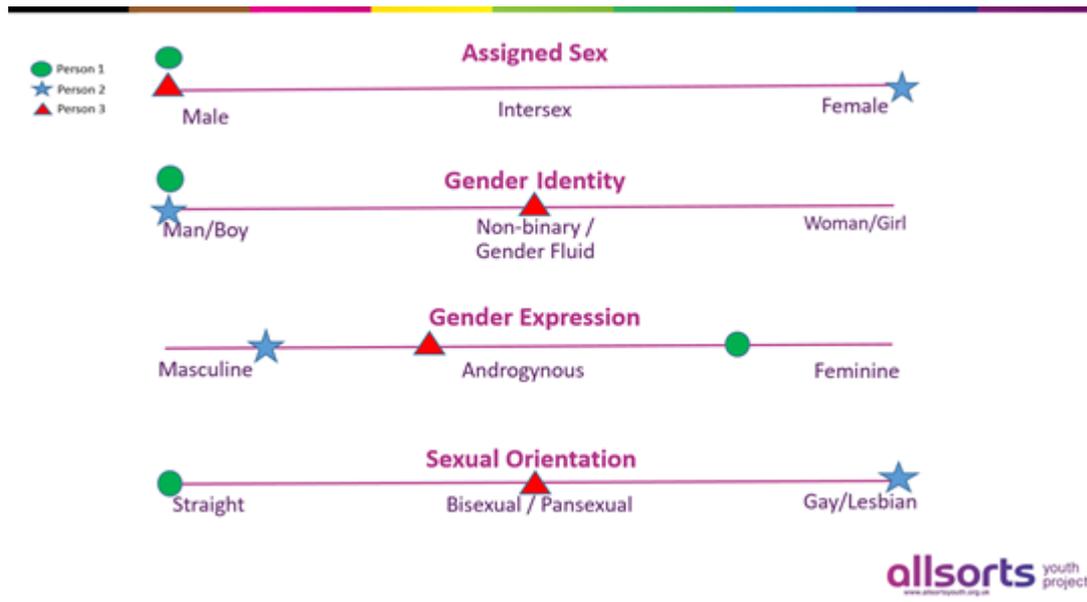
To remember

- **Language is subject to change over time**
- **Allow individuals to self-describe**
- **Children and young people will explore their identity and gender expression in a range of ways, this does not necessarily mean they are trans**
- **Gender identity, sexual orientation and gender expression are all spectrums, and all describe different things (as illustrated in the diagram below which Allsorts Youth Project use on training)**

²¹ Office for National Statistics

<https://www.ons.gov.uk/economy/environmentalaccounts/articles/whatisthedifferencebetweensexandgender/2019-02-21> (Retrieved 14.5.2020)

²² Stonewall <https://www.stonewall.org.uk/help-advice/glossary-terms> (Retrieved 14.5.20)



These spectrums represent some of the ways in which gender, gender expression and sexual orientation can be experienced by individuals. It shows how a person can be sexed in a certain way at birth, but their experience and sense of self moves and is separate to this. It also highlights how we should not make assumptions about gender expression being connected to other parts of who we are. For example, if a man's gender expression is feminine, this does not mean he is gay or trans but rather just enjoys and feels more comfortable expressing himself in a more stereotypically feminine way.

It is a simplistic model of presenting complex parts of who we are and should be used with caution as there are many terms people use around gender and sexual orientation which may not be represented here.

3 Legal context and Ofsted framework

Information on the United Nations Rights of the Child and the Public Sector Duty of the Equality Act can be found in Appendix 4.

3.1 Equality Act, 2010

Gender reassignment is defined by the Equality Act as follows:

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.²³

The [Department for Education Advice on the Equality Act 2010](#) further states:

This definition means that in order to be protected under the Act, a pupil 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.²⁴

The Act provides protection from direct and indirect discrimination in respect of the characteristic '*gender reassignment*' and the same protection to the following groups:

- age (for staff only)
- disability
- marriage and civil partnership (for staff only)
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Decision makers in schools must be aware of the duty to have "due regard" when making a decision or taking an action and must assess whether it may have particular implications for people with particular protected characteristics.

Schools should consider equality implications when developing policy and taking decisions, not as an afterthought, and this should be kept under review.

The [Department for Education Advice on the Equality Act 2010](#) states:

It is good practice for schools to keep a written record to show that they have actively considered their equality duties and asked themselves relevant questions. There is no legal requirement to produce a formal equality impact assessment document, although for key decisions this might be a helpful tool.²⁵

²³ Section 7, The Equality Act <https://www.legislation.gov.uk/ukpga/2010/15/section/7> (Retrieved 19.5.20)

²⁴ Equality Act; Advice for Schools (2018) p17 <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2> (Retrieved 19.5.20) and re-stated <https://commonslibrary.parliament.uk/research-briefings/cbp-8969/>

²⁵ Equality Act; Advice for Schools (2018) p31 <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2> (Retrieved 19.5.20)

Please see Appendix 5 for an example tool for providing a written record and contact the Equality and Anti-Bullying Service for further advice or training on considering equality implications. Brighton & Hove City Council highly recommended that education settings keep a written record.

The Equality Act, 2010 “allows providers to offer single-sex services that exclude transgender people if it is proportionate to do so and it achieves a legitimate aim”²⁶. Please see section 6 for more on single-sex spaces in schools.

3.2 The Equality Act 2010 & trans pupils and students in Brighton & Hove education settings

There is no hierarchy to the characteristics included in the Equality Act 2010, and it is expected that educational settings in Brighton & Hove work to safeguard all groups of pupils and students and balance varying needs.

Children and young people who have socially transitioned and judged to be undergoing or have undergone a process of gender reassignment as described under the Equality Act, and clarified by Department for Education Advice on the Equality Act, may choose to access facilities and provision in line with their gender identity (See section 6 for more information).

The law is still developing with regard to recognition of non-binary people (Jaguar Case September 2020)²⁷. It is vital to have a supportive approach to non-binary pupils and students with the understanding that schools have a duty to safeguard and prevent and respond to all forms of bullying. The [Department for Education Advice on the Equality Act 2010](#) provides this further clarification in relation to discrimination based on perception and on association:

protection against discrimination because of gender reassignment now matches the protection because of sexual orientation in schools. That is protection from direct and indirect discrimination and victimisation, which includes discrimination based on perception and on association. Schools need to make sure that all gender variant pupils, or the children of transgender parents, are not singled out for different and less favourable treatment from that given to other pupils. They should check that there are no practices which could result in unfair, less favourable treatment of such pupils.²⁸

3.3 Safeguarding

Safeguarding the mental and physical health of children and young people is paramount. Some trans and non-binary children and young people may be particularly vulnerable and require additional support.

All schools should follow the Department for Education statutory safeguarding guidance, [Keeping Children Safe in Education \(2020\)](#). There are no provisions in child protection and safeguarding legislation specific to trans, non-binary and gender exploring children and young people aside from what is in place to keep all pupils and students safe. Settings should follow their usual safeguarding policies remembering that being trans is not in itself a safeguarding issue.

²⁶ House of Commons Library Research Briefing, 2020 <https://commonslibrary.parliament.uk/research-briefings/cbp-8969/>

²⁷ Jaguar Case Sept 2020

²⁸ Equality Act; Advice for Schools (2018) p17 <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2> (Retrieved 22.9. 20)

The guidance highlights how emotional abuse that “may involve serious bullying”²⁹ is a safeguarding issue. The higher prevalence of bullying which is likely to be experienced by trans and gender exploring children and young people, outlined in Appendix 2, means that tackling transphobic bullying should be a high priority for all schools and educational settings.

3.4 Confidentiality and information sharing

Most parents and carers of trans children and young people will be involved in working in partnership with the school and their child to appropriately plan and deliver support (see section 5). Settings will encourage pupils and students to talk with their parents and carers about their trans or gender exploring status, including offering to talk with the parent or carer on the child’s behalf.

All people, including children and young people, have a right to privacy. Staff should not discuss trans or gender exploring children and young people outside of school with friends or family members. The trans community is such a small one that even a casual reference to a child or young person may compromise confidentiality.

When a child or young person initially discloses their trans or gender exploring status, it is important to talk to them about confidentiality and who, if anyone, they would like information to be shared with. The member of staff should make clear that they will need to share the information with at least one other member of trained staff and then discuss who else will be told from there.

Information about a child or young person’s trans status, legal name, or sex registered at birth should not be shared without permission or unless there is a legally permissible reason to do so. Educational settings should follow their usual policies related to information sharing to support the wellbeing of a child or young person.

In keeping with safeguarding policies, confidentiality should only be broken to safeguard a child or young person. A child or young person being lesbian, gay, bisexual, trans or exploring their gender identity does not in itself constitute a safeguarding concern, nor is it something the child’s parents or carers must be informed of. When contacting a child’s family, therefore, respecting a trans or gender exploring child’s confidentiality may occasionally require staff to use their legal name and the pronoun corresponding to their sex registered at birth.

It is important to consider school and college 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 child or young person (and their parents and carers if appropriate) are aware of these risks and consent accordingly. Under General Data Protection Regulations (GDPR) individuals also have the right to have personal data removed.

3.5 General Data Protection Regulations and Gender Identity

Schools and educational settings are required to comply with General Data Protection Regulations (GDPR) in respect of all children and young people (data subjects) and personally identifiable information relating to individuals. They will be aware of the regulations in relation to processing and sharing of personal data. Such data includes any information that can identify a person or their family and this sort of data remains “personal” even if an individual chooses to publicise it.

²⁹ Keeping Children Safe in Education (2019), p8 <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2> (Retrieved 19.5.20)

Under GDPR Article 9, 'special category data' relates to more sensitive topics which may pose a risk to people's privacy and which can only be processed under certain conditions. This [guide](#) from the UK Information Commissioner's Officer (ICO) provides further information on this data.

GDPR does not prevent processing or sharing of personal information, but requires that when we do so, we must have a specific and limited purpose for doing so, ensure that the data used is proportionate to that purpose and ensure that data is stored and shared securely. Where personal data is of special category (such as medical/mental health, sexual orientation or gender identity) there are additional controls around when it can be lawfully processed. This will be allowable where there is legal duty to do so or where processing meets a substantial public interest such as safeguarding. For a list of recognised substantial public interests, refer to Schedule 1, Part 2 of the Data Protection Act 2018 and also the ICO guidance on [processing](#) of special category data.

3.6 Ofsted Education Inspection Framework

Under the [Ofsted Education Inspection Framework \(2019\)](#):

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.³⁰

Inspectors will make a judgement on behaviour and attitudes by evaluating the extent to which:

- Leaders, teachers and learners create an environment where bullying, peer-on-peer abuse or discrimination are not tolerated.³¹

Additionally, guidance on [Inspecting safeguarding in early years, education and skills settings \(2019\)](#) 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 girls³²

To remember

- **Work to prevent transphobia and support trans children and young people is supported by Ofsted, statutory safeguarding duties and the Equality Act**

³⁰ Ofsted, The education inspection framework(2019), p5
<https://www.gov.uk/government/publications/education-inspection-framework> (Retrieved 19.5.20)

³¹ Ofsted, The education inspection framework(2019), p10
<https://www.gov.uk/government/publications/education-inspection-framework> (Retrieved 19.5.20)

³² Inspecting safeguarding in early years, education and skills settings (2019), p5
<https://www.gov.uk/government/publications/inspecting-safeguarding-in-early-years-education-and-skills> (Retrieved 19.5.20)

4 A Whole Setting Approach

4.1 Introduction

Many Brighton & Hove educational settings are already working to ensure that the school environment and curriculum celebrates similarity, difference and diversity such that all children and young people see themselves and their families represented and valued. This Toolkit provides guidance on how to ensure trans members of the community feel equally welcomed, represented and safe. Educational settings are skilled in supporting vulnerable pupils and students and this practice can be used to inform support provided to trans children and young people.

If a whole setting approach is taken then harmful bullying and harassment of trans pupils, students and staff in the school community will be prevented or minimised and all pupils and students prepared for life in the modern world.

For specific guidance on creating safe learning environments for other groups protected under the Equality Act contact Brighton & Hove's Equality & Anti-Bullying Service pshe@brighton-hove.gov.uk

The review and development of the whole setting approach can be supported by the audit tool in Appendix 10.

4.2 Role of Governors

The governing body has responsibilities under the Equality Act as described in Department of Education [Advice](#) and responsibilities for safeguarding. It is recommended that at least one member of the governing body has attended trans awareness training and has read this Toolkit. In terms of trans children and young people the governing body could ask the following questions in governor meetings:

- Can we see data on bullying and prejudice-based incidents by type?
- What is being done to prevent and challenge gender stereotypes?
- What changes have been made to policies and practice to support the needs of gender exploring, trans and non-binary children and young people? Have these changes been through an equality impact assessment?
- What are we doing to keep parents and carers updated on our equality practice?

4.3 Staff training

All staff need to be provided with training which develops trans awareness and confidence in terminology and vocabulary e.g. correct use of pronouns and names, and in challenging gender stereotypes, sexism and transphobia. Staff working with individual trans and gender exploring children and young people will need additional, specialist training to provide pastoral support.

PSHE teachers, but other staff will need support in delivering trans awareness sessions and managing debate.

It is recommended that training is provided every two years to take into account staff changes. Staff training can be provided by Allsorts Youth Project or Brighton & Hove City Council, email pshe@brighton-hove.gov.uk

4.4 Parent and carer community

It is hoped that educational settings will have positive relationships with all groups of parents and carers and will be using a range of methods to break down any barriers to

enable open and transparent conversations about equality practice. All parents and carers should feel that their child and family is represented within the educational setting.

Educational settings will want to communicate the work they are doing to support trans inclusion to parents and carers in the context of other equality work. For example, when explaining work for LGBT History Month or informing parents or carers of a visit from Allsorts Youth Project educational settings will want to use language such as: 'As part of our work to promote our school value of respect we are...'; or: 'As part of our ongoing commitment to improving equality and prevent bullying we are...'.

Settings may also want to signpost from their website to where parents and carers can go to find out more about trans and non-binary identities. Parents and carers often report that their children and young people are more aware of these issues than they are.

Settings may find they are approached by parents and carers about their trans inclusive practice. Settings can listen openly and respectfully to any questions or concerns, provide information that does not break confidentiality of trans or non-binary individuals and offer the following kinds of reassurance:

- The setting acknowledges there are a diversity of views about trans inclusion and will listen respectfully to concerns
- The setting is working within local authority guidance and the Equality Act to prevent and respond to all forms of bullying and prejudice and to ensure all children and young people feel safe to learn
- The setting is preparing children and young people for life in modern Britain where they are going to meet and work alongside a range of people
- The setting is working to develop its equality practice across all protected groups and efforts are being made to ensure all groups feel represented and included.

Educational settings can also contact the local authority about concerns raised by members of the school community. Any complaints made will follow school complaints policy.

4.4 Policy Framework

Educational settings will want to ensure that all relevant policies appropriately reference trans pupils and students and that there is some reference to intersectional issues. Some examples of how to do this are identified in Appendix 8, but this is not an exhaustive list.

In Appendix 9 you will find a document that could be adapted and used as a summary of your school's approach to trans inclusion.

4.5 Transphobic and sexual bullying and harassment

For definitions of bullying, prejudice and scripts for challenging prejudice please see Appendices 6 and 7. Education settings may also want to be mindful about how so-called 'banter' or jokes are used in peer groups and can cause harm.

Educational settings should ensure that they identify, record, respond to and monitor all forms of bullying and prejudice. *Brighton & Hove's Recording and Reporting Guidance* (available on www.beem.org.uk) advises that all bullying and prejudice based incidents are recorded and that these are recorded separately and by type.

Recording of incidents means that the wellbeing of individual pupils and students can be tracked as can the behaviours of perpetrators. This data along with data from school surveys can also be used to target preventative interventions and measure the impact of activities.

Trans, non-binary and gender exploring 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 pupils, students, parents, carers or staff members and directed at:

- Children, young people and adults who do not conform to gender stereotypes or are perceived to be trans
- 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.

As a key preventative measure for transphobic bullying, settings should ensure that the curriculum, assemblies and environment are used to prevent and challenge gender stereotypes and sexism. Gender stereotyping is harmful as sexism leads us to believe that boys and girls should present themselves in certain ways and this can lead to bullying and harassment.

[Keeping Children Safe in Education](#) has a strong emphasis on preventing and responding to peer on peer abuse and recognises the gendered nature of some forms of abuse in schools. Schools may find Brighton & Hove's *Guide to Challenging Sexist and Sexual Language* (available on www.beem.org.uk) helpful in developing this area of practice.

Identifying the nature of any bullying will assist the school to understand and then address any trends in the school community. 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 them, might experience homophobic or transphobic bullying.

Staff will need to 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 exploring pupils and students can be particularly targeted with behaviours such as 'skirt lifting', 'groping' or being asked inappropriate, personal questions. Again, educational settings should be vigilant in preventing and responding to all forms of sexual harassment and bullying.

If a transphobic incident occurs in a group situation and the member of staff dealing with it is aware that the child or 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 pupils and students and then as a result 'out' the person being targeted. The incident would still be recorded as a transphobic incident.

Brighton & Hove's Community Safety Team can provide advice to schools in addressing bullying or prejudice and case work support to families and children experiencing bullying or prejudice. Phone: 01273 292735 or e-mail: communitysafety.casework@brighton-hove.gov.uk

There may be occasions where transphobic bullying has wider safeguarding implications, or involve criminal behaviour, and in these cases educational settings need to engage the appropriate safeguarding agencies and or the police.

Further resources to support anti-bullying practice can be found on www.beem.org.uk.

4.6 Language

Staff being thoughtful about the use of gendered terms is important for all children and young people. For example, the language of 'ladies' and 'gents' may give an implicit message about what it is to be a woman or man and therefore reinforce certain stereotypical ideas of femaleness or maleness. Equally asking for two strong boys to move a piece of classroom furniture implies that girls cannot be physically strong.

In addition, care needs to be taken to avoid excluding those who do not identify as male or female (e.g. non-binary), as well as not making assumptions about someone's gender identity based on their gender expression. We encourage the use of language which does not reinforce a binary approach to gender particularly when the gender of a person or people being referred to is not known. A trans boy who is referred to as a girl or a trans girl who is called a boy and non-binary students will feel excluded by this language. Settings can develop a repertoire of gender-neutral language that reflects their community such as learners, Year 8, folks, partner, all genders etc. and use when appropriate.

The purpose of this thoughtful use of language is not to deny sex and gender as important parts of our identity, in fact we need to use binary language to talk about sexism, sexual harassment and sex specific life experiences. Equally, where someone's gender is known then of course we would use mum, grandma, him when referring to someone specific.

All staff, pupils and students should use the name, pronoun and honorific (Ms/Mr/Mx) requested. It is usual for it to take time to adjust to a new name and or pronoun, particularly when you have known the pupils or student for a long period of time, however an effort should be made to get it right and if mistakes are made to thank someone for pointing this out and do better next time. For further guidance on name and pronoun changes see section 6.

Some adults in the community may add their pronoun to email signatures and their introductions as a way of modelling open discussion about pronouns and to normalise the understanding that a person's pronouns and gender identity may not be obvious from their appearance.

4.7 Curriculum

Celebrating difference and challenging gender stereotypes in Early Years and beyond

The statutory [Early Years Foundation Stage Framework](#) enshrines the importance of children developing a positive sense of themselves as part of personal, social and emotional development. Schools and educational settings should promote and develop with all children an understanding of 'self' and who they are in relation to other people. They should support pupil voice, choice and advocacy around celebrating their unique identity.

Gender stereotyping can limit the life chances and choices of everyone. It is important to consider how gender stereotyping shapes the learning and play environment. Children who do not conform to gender stereotypes can feel that 'being different' is a bad thing and in these environments may feel that they are doing something wrong.

Develop an inclusive environment for play and learning in early years and in age appropriate ways continue this in primary and secondary education:

- Use a wealth of resources, images and books that challenge gender stereotypes and represent a range of gender expression across the curriculum.
- Invite visitors into settings to provide a range of positive role models to support this work.

See the PSHE resources pages on www.BEEM.org.uk for further resources that challenge gender stereotypes and the [Getting Started \(Early Years\) Toolkit](#) from Stonewall.

A curriculum that represents diversity

Trans identities and awareness should be taught in age appropriate ways within a whole school curriculum where all protected characteristics are represented.

Use diversity as a thread running through the whole curriculum:

- Include in school assemblies, lesson plans, pupil-led campaigns, and in the wider community
- Use equality calendar events LGBT History Month (February) International Trans Day of Visibility (31 March) as opportunities for further work.
- Ensure that resources and displays challenge gender stereotypes, actively celebrate different families and LGBT people (along with all protected groups).

Teaching and learning approaches and supporting learning needs

Some teaching and learning approaches may make trans children and young people feel confused, excluded or uncomfortable.

- Consider whether grouping by sex is educationally necessary

There may be times when single sex groups are needed. This may include aspects of relationship and sex education or to support the learning needs of groups (e.g. boys and literacy). Providing a clear need is identified, the Equality Act allows for such provision.

- Speak to the trans child or young person in advance to see how they would like to be accommodated in these groups and decide whether any additional support is needed.

Statutory Guidance, Relationships Sex and Health Education recommends that all pupils have access to the same information about puberty:

Puberty including menstruation should be covered in Health Education and should, as far as possible, be addressed before onset. This should ensure male and female pupils are prepared for changes they and their peers will experience³³.

For some pupils and students 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 may be more useful than books featuring animals or inanimate objects for some pupils. Stonewall has developed a [suite of materials](#) with Widgit symbols for use with SEND pupils and students.

Personal, Social, Health and Economic Education including statutory relationships, sex and health education

Brighton & Hove schools are signposted to the [PSHE Association Programme of Study](#) which takes an age appropriate, inclusive approach to LGBT identities. Brighton & Hove's

³³ Statutory Guidance, Relationships, Sex and Health Education
<https://www.gov.uk/government/publications/relationships-education-relationships-and-sex-education-rse-and-health-education> (p31. Retrieved 24.9.20)

PSHE Service provides additional guidance and resources to support schools in effective delivery of this curriculum.

LGBT inclusive practice could be embedded in the following PSHE topics as age and stage appropriate:

- Families
- Gender stereotyping including career aspirations
- Diversity and community
- Discrimination and prejudice
- Healthy relationships
- Sexual health
- Anti-bullying, including specifically anti-homophobic, biphobic and transphobic bullying
- The law on marriage, civil partnerships and age of consent.

Statutory Guidance, Relationships, Sex and Health Education makes clear that:

Schools should ensure that all of their teaching is sensitive and age appropriate in approach and content. At the point at which schools consider it appropriate to teach their pupils about LGBT, they should ensure that this content is fully integrated into their programmes of study for this area of the curriculum rather than delivered as a standalone unit or lesson. Schools are free to determine how they do this, and we expect all pupils to have been taught LGBT content at a timely point as part of this area of the curriculum.³⁴

Relationships and sex education lessons must not reinforce harmful stereotypes, including those which might imply gender stereotyping or that a person may be trans based on their gender expression or behaviours. The non-statutory DfE Guidance 'Plan your relationships, sex and health curriculum' states that:

Materials which suggest that non-conformity to gender stereotypes should be seen as synonymous with having a different gender identity should not be used.³⁵

Children and young people should have access to a diverse range of resources including those that show stereotypical and non-stereotypical gender expressions, masculine girls and feminine boys, different families, trans and non-binary people and men and women in a wide range of careers. Brighton & Hove materials and resources on gender stereotyping make it clear there is more than one way to be a boy or a girl.

Schools should refer to the appropriate language when discussing gender identity, including key terminology and teachers should feel confident in the definitions whilst never placing those labels onto individual children or young people.

Additional ideas for making relationships, sex and health education trans inclusive include:

- Ensuring language is gender neutral and inclusive, when appropriate. For example, when talking about relationships use terms such as 'partner' rather than 'boyfriend or girlfriend' and in discussing families, use 'grown up' rather than 'mum or dad'. When

³⁴ DfE, Statutory Guidance, Relationships, Sex and Health Education <https://www.gov.uk/government/publications/relationships-education-relationships-and-sex-education-rse-and-health-education> (Retrieved 26.4.20)

³⁵ DfE Guidance Plan your relationships, sex and health curriculum <https://www.gov.uk/guidance/plan-your-relationships-sex-and-health-curriculum#ensuring-content-is-appropriate> (Retrieved 25.9.20)

talking specifically about known family members or relationships, gender specific language is appropriate.

- Consider the use of gender-neutral names when designing case studies, scenarios or characters for use in PSHE lessons.
- Represent trans and non-binary people in scenarios and resources used.
- 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
- When labelling the genitals consider the message that these relate to biological sex rather than gender. Consider using the language that most, rather than all boys have a penis and testicles and most, rather than all girls have a vulva and vagina
- Present sexual health information with an awareness that for trans young people their body may not sit comfortably with their gender identity
- If you know you have a trans child in the class, some pre-planning and one-to-one support may be necessary to ensure the child gets the information they need in a way that feels supportive to their gender identity
- Some screening procedures, for example cervical screening, are sex specific
- The Terrence Higgins Trust and Gendered Intelligence have resources for older students, that inform about trans health.

It is good practice to explore different viewpoints as part of relationships, sex and health education, and pupils and students may bring a range of genuinely held religious and other beliefs about trans identities to discussion. In these circumstances, teachers will need to be mindful of the diversity of views within faith groups, manage the discussion such that no harm is done to a trans child or young person or the person expressing genuinely held views. Teacher must ensure that the lesson does not become a debate about the rights of any group protected in law. Training may be needed to manage these discussions.

Education providers under the Public Sector Equality Duty should foster good relationships between different protected characteristics, and between certain protected characteristics and those without them.

Schools are at liberty to teach the tenets of any faith on the protected characteristics. For example, they may explain that same-sex relationships and gender reassignment are not permitted by a particular religion. However, if they do so, they must also explain the legal rights LGBT people have under UK law, and that this and LGBT people must be respected.³⁶

It is important for schools and educational settings to engage with parents and carers around relationships and sex education. Some parents and carers may have concerns about the education provided contradicting their faith or beliefs and settings should work with these families to hear and respond to these concerns as outlined in section 5.4 and guidance provided by the PSHE Service.

Schools are reminded that:

³⁶ Inspecting Teaching of the Protected Characteristics, Ofsted, 2020
<https://www.gov.uk/government/publications/inspecting-teaching-of-the-protected-characteristics-in-schools/inspecting-teaching-of-the-protected-characteristics-in-schools>

“the religious background of all pupils must be taken into account when planning teaching [of Relationships, Sex and Health Education]”³⁷

For further resources to support teaching and learning about relationships and sex education including puberty, gender stereotyping, family diversity, LGBT identities and anti-bullying please go to www.BEEM.org.uk and contact the Brighton & Hove PSHE Service.

4.8 Single-sex schools

This guidance is equally applicable to single-sex schools and educational settings, however there may need to be greater emphasis on ensuring the safety and inclusion of trans pupils and students in single sex schools. Those who transition to a different gender from that of the school they are in (e.g. a trans girl at a boys' school) should be allowed to remain at that school if they wish to with discussions taking place on how to accommodate the transition within school policies and processes.

To remember

- **Many schools have existing good practice that promotes equality and supports the needs of individual children and young people**
- **Trans inclusion should be referenced across the policy framework**
- **Challenge, record and monitor all incidents of bullying and prejudice by type**
- **The curriculum and particularly PSHE can be used to develop understanding of family diversity, sexual orientation, gender stereotyping and gender identity and to prevent sexism, homophobia, biphobia and transphobia**

³⁷ Statutory Guidance, Relationships, Sex and Health Education
<https://www.gov.uk/government/publications/relationships-education-relationships-and-sex-education-rse-and-health-education> (Retrieved 29.7.20)

5 Supporting the individual trans, non-binary or gender exploring child or young person

5.1 An individualised approach to support

There is not a one size fits approach in supporting a trans, non-binary or gender exploring child or young person. Allocating a key member of staff, as would be done for any other vulnerable pupil or student, is an important first step.

It is vital that each child and young person is met with the kindness, compassion and support needed to keep them and their peers safe and well. There may be additional challenges for trans and non-binary pupils and students from certain faith or cultural backgrounds or because of a special educational need or disability. It is important for education settings to see all aspects of a child's identity and experience in thinking about how to best support and respond. Each journey will be unique. Allsorts Youth Project offers support for trans children and young people and their families.

A good practice checklist for supporting a trans child or young person can be found in Appendix 9.

Non-binary children and young people

Certain sections of this guidance refer to binary trans children and young people, however the principles of this toolkit and the sections related to pronoun change, dress, curriculum and gender stereotyping are relevant to the inclusion of non-binary children and young people.

Gender exploring

It is important to acknowledge that some children and young people will go through a period of exploring their gender identity. Over time some of this group may realise they are comfortable with their registered sex, for others this may be part of a longer journey. This exploration can come in many forms and appear at different ages. It may include using a different name and or pronoun. It may include exploring gender expression for example changes in what they wear or how they present and for others it may relate to their sexual orientation.

The Royal College and Paediatrics and Child Health calls on Health professionals to:

Help parents, schools and other agencies to adopt a supportive, flexible and responsive attitude to affirm a child's expressed sexuality and gender, whilst being sensitive to change over time. This will involve making appropriate adjustments³⁸.

Coming out

It is important to recognise that coming out is a hugely significant step in any LGBT person's journey and the initial response can have a lasting impact on the individual. The choice to come out is a personal one and will be done when the time feels right for the child or young person. They may come out to some people and not others, may share it very openly in school or a wider community or only want one person to be aware.

³⁸ RCPH Supporting LGBTQ+ children and young people <https://www.rcpch.ac.uk/resources/supporting-lgbtq-children-young-people#key-messages-for-health-professionals>

If a child or young person makes the decision to come out to you, it is a big step and they have realised you are a trusted person in their life. Acknowledge what they say, be empathic and thank them for speaking with you. If you aren't sure about terms the young person is using it is okay to ask. A first step may be to gently ask some questions 'Can you tell me more about how you feel...?' 'How long have you been thinking this...?' 'Have you spoken with anyone else / family members...?'

If you are not sure if you can provide effective support seek permission to share the disclosure with another member of staff or support the child or young person to disclose to another member of staff. Remember that coming out as trans is not in itself a safeguarding issue (See section 3.3).

It is important to be mindful that for changes such as names and pronouns to be acknowledged in the wider community, a level of information sharing will need to happen amongst staff and pupils. This should, as much as possible, be led by the child or young person making those changes and may include an educational element. Allsorts Youth Project can provide support with this process.

In some school communities, the child or young person may have transitioned in a previous school setting. School staff should be mindful that this child or young person may only come out to a small number of school staff or their peers and as such their information must be kept private and confidential (unless confidentiality needs to be broken for safeguarding reasons).

Whilst a child or young person and their family may be keen to come out and make transitions as quickly as possible, school staff may need to work with them, to ensure they are supported and manage this process thoughtfully. This will help to ensure the safety of the child or young person who is coming out and to support their peers in understanding any changes.

5.2 Working with the parents, carers and siblings of trans pupils and students

As a key principle, educational settings will want to work in close partnership with parents and carers. Parents and carers will often be the ones to approach the setting about the needs of their trans child.

Many parents and carers of a child or young person who comes out as trans, non-binary or gender exploring will be supportive of their child; although they may also experience some shock, concern and grief for the child they feel they may lose and the future they imagined for them. They may also fear community reactions. Very occasionally, parents and carers will seek to prevent their child from making any steps towards a transition and extra time, support and care will need to be offered to this family.

Parents and carers of trans and gender exploring children can be referred to Allsorts Youth Project for one to one discussion or support through a parents' support group. Further information can be found [here](#) and a leaflet written by parents for parents of trans children can be found [here](#).

When working with parents and carers, settings should keep in mind that they are representing the interests of the child or young person. As far as possible, care should be taken to ensure the wishes of the individual pupil or student are considered with a view to supporting them during potential transition.

Siblings of a trans child or young person may need support especially if they attend the same school. They may find the situation difficult themselves and find it hard to accept their sibling's gender identity. Even if they are supportive to their sibling, they may also encounter transphobia and transphobic bullying as a result of having a trans family

member. Parents and carers may be distracted and be giving more attention to a trans or gender exploring child which can lead to issues for siblings. They should be given opportunities to discuss their own feelings with pastoral members of staff. Support may be needed over an extended period and this can also be provided by Allsorts Youth Project.

5.3 Transition

Transition can be divided into 'social' and 'medical' transition. Support for trans children and young people in schools will be around the social aspects of transition.

Social transition

A social transition could include:

- A name change
- A change in pronoun (he, she, they, zie etc.)
- Wearing clothes that are associated with their gender identity*
- The option of using 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 their sex registered at birth are trans. Educational settings should provide for a wide spectrum of gender expressions and have openness to the diversity shown by children and young people. It is vital that work on sexism, gender expression, gender stereotyping and particularly masculinity and femininity is done across the school to ensure all children and young people feel respected in their gender expression. Equally, a trans person may choose not to wear clothes stereotyped as being for their gender identity.

A child or young person's goals in terms of transition may change over time and the support offered needs to reflect and support this. For example, a child or young person may start on a transition pathway, realise this isn't the right path for them and reverse some or all aspects of their social transition.

Once school staff understand the areas in which a child or young person is planning to transition, they can think about how to support these changes at school. It is vital that the staff team provides informed and consistent support to individuals who are transitioning. More information on social aspects of transition can be found in section 6.

Be aware that some pupils and students, 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. Schools will need to develop plans that meet the needs of an individual but provide effective support for them and the wider community.

Some trans pupils and students 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...' This support can be done with a trusted adult at school, family and working in collaboration with another appropriate professional.

Medical transition

It is not the role of educational settings to make decisions about medical treatment. This section is for information and to clarify misconceptions about ages and types of treatments.

Medical intervention to assist physical transition happens under the care of a Gender Identity Service. For under 18s, this is the Tavistock and Portman Clinic (NHS). There are long waiting times for treatment. Not all trans people will want or be able to access medical transition whilst still at school. Treatment can only be offered if it is judged to be in the best interests of the child and only after an extensive assessment that will take into account the child's age, understanding and maturity and needs.

Referrals to the NHS Tavistock and Portman Gender Identity Development Service (GIDS) is needed prior to accessing elements of medical transition through the NHS pathway. 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](#).

GIDS carry out counselling and assessments throughout the process with the child and their family. GIDS will work with other professionals such as schools and social workers where appropriate. NHS information on the treatment of gender dysphoria can be found [on the NHS website](#).

Medical treatment is rare and should only be provided if sanctioned as medically appropriate under strict rules governing the prescription by GIDS after extensive assessment as to what is in the young person's best interests. Any medical treatment will be given in a series of phases that can 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, after further assessment, be followed by prescribing cross-sex hormones to masculinise (testosterone) or feminise (oestrogen) the body. Currently the child must be aged 16 or over to receive cross-sex hormones.
- GIDS do not provide transition-related surgery – a trans person must be aged 18 or over to be eligible for surgery.

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 for the school to collaborate with other services, such as the Child and Adolescent Mental Health Services (CAMHS), GIDS or Allsorts Youth Project to ensure a child is offered the most appropriate support.

Coming to terms with gender identity if you are trans can be a difficult time at any age. Starting the initial stages of medical transition (16+) can be particularly demanding for a young person and their family. This can be exacerbated by [long waiting times](#) to access medical support and the lengthy assessment process involved. It is therefore a time when support is likely to be needed.

Pupils or students needing time off for a medical appointment should be recorded with an M code.

5.4 Timing of transition (including primary to secondary transfer)

The right time to transition will be when a child or young person feels they are ready. Schools will have pupils and students at different stages of transition; including those who have transitioned prior to attending their school so the school may not be aware of the

gender identities of all in their community. The level of and type of support needed will vary according to the individual and their stage of transition.

Some trans children may socially transition at primary school. Before they move on to secondary school, the following is recommended:

- Have a meeting with the child (and their parents or carers) to find out if they have any worries and discuss how they would like any issues that arise to be managed
- Allocate a named contact or 'trusted adult' for the child to approach if issues arise during the school day. This will limit the number of adults they will have to come out to or explain their story to if there are any challenges.

Some children and young people, with support from their families, may make a transition into their preferred gender identity at a point when they are changing schools. Secondary schools will therefore need to be particularly aware and supportive of children transferring from a primary to secondary school who are planning to begin Year 7 with a different name and pronoun. This would include working with students from the original primary school who would be aware of this change.

All settings should be able to effectively support a trans child or young person, including those transitioning.

5.6 Pupils and students with additional vulnerabilities

Intersectionality

Trans and gender exploring children and young people could have intersecting minority identities or experiences. For example, they could come from a faith background, be Black, Asian or Minority Ethnic or have a disability. As a result, their outcomes and access to safe, appropriate services can be even poorer.

Therefore, all educational settings should recognise the uniqueness of their children and young people, address their needs holistically and challenge all forms of prejudice.

Special Educational Needs and Disabilities (SEND)

Children and 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 child or young person is just as likely to be lesbian, gay, bisexual trans or gender exploring as any other person. There is some developing research showing that there is a higher prevalence of those who question their gender identity in those on the autism spectrum. There is likely to be a range of reasons for this increase. The National Autistic Society includes articles on its [website](#) about this.

It is important that a child or young person'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 this may be true in some instances, 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 be exacerbated in those with communication and interaction difficulties.

Some children and young people 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. This could obviously lead to increased frustration and anxiety and impact negatively on well-being and mental health. Providing one-to-one support for the child or young person to explore issues in a non-judgemental, safe way with conversations that go at the child's pace will be important.

Difficulties with empathy and social communication may mean specific support is needed. Social Stories, Comic Strip Conversations and Mind Mapping may help with strategies to manage complex settings such as toilets.

In addition, there may be potential increased vulnerabilities of a young person with SEND. Staff will need to give increased support as needed and teach children about online safety.

Stonewall has resources to support SEND children and young people on their website.

Support is also available from the Brighton & Hove Inclusion Support Service (BHISS) and Allsorts Youth Project.

Black, Asian and Minority Ethnic (BAME) children and young people and children and young people from faith backgrounds

BAME trans people are likely to face discrimination based on their race and gender, and this can make seeking support harder. By coming out as trans some children and young people of faith may risk losing their communities.

All major faiths have LGBT inclusive groups, and these may be a helpful resource for professionals and some children, young people and their families.

This guidance written by Sabah Choudrey reminds of the importance of effective BAME awareness training and non-tokenistic representation of BAME trans people:

www.sabahchoudrey.com/inclusivity

Allsorts Youth Project also have a [BAME inclusion worker](#) and resources written by and for young [LGBT BAME people](#) and [young people of faith](#).

In conversation with children, young people and their families, schools may also encourage, if appropriate, the seeking of support from faith, cultural and community leaders or groups.

Children who are in care/care experienced children

Children and young people who are living in a care setting or have experienced care are likely to come with additional vulnerabilities due to their experience. This could include previous traumas, attachment difficulties and challenges with managing emotions. For children living in care, it will be vital that the communication between professionals, school, carers and child is clear and transparent.

Children in care who are wishing to change their name legally may have additional challenges due to the differing levels of legal responsibility the adults around them have to input into legal decision making. This may mean that a child may not be able to change their name by deed poll until they are 16, and the position should be clarified with the child's social worker. Schools should be alert to this issue and ensure they are able to support the child to use a preferred name in their setting where possible.

Children and young people in care may often have experiences of neglect and feeling unheard. Further frustrations around a delayed name change is likely to amplify these feelings.

If a looked after child wants to be known by a different name, it is important to share this with their social worker. They can take legal advice on steps to achieve this, if it is considered to be in the child's best interests.

The child or young person in care may have to come out multiple times to various professionals involved in their care. Equally, they may only come out to one person but find multiple people are aware. The child or young person should be informed of what information is being shared and to whom.

5.7 Signposting to additional support

In Brighton and Hove there is specialist locally based support for children, young people and their families and schools.

Allsorts Youth Project supports trans and gender exploring children and young people and children who identify as lesbian, gay, bisexual or unsure of their sexual orientation.

The project provides a safe and non-judgmental space where trans or gender exploring children and young people (aged 5 to 25) can be themselves and explore their gender identity. They also provide training and education for schools.

Further information can be found at www.allsortsyouth.org.uk

Trans children and young people with other vulnerabilities including mental health needs can be referred on to appropriate services through the usual school pathways.

Information about services can be found in section 8.

Remember

- **Follow the lead of the child, young person and their family, keep confidentiality where appropriate and take appropriate, timely action that protects the wellbeing of those involved**
- **Be alert to any safeguarding concerns and use the appropriate safeguarding procedures**
- **Consider all aspects of a child and young person's identity in the tailoring of support**
- **Transitioning is a unique journey**
- **Make use of local and national specialist support services.**

6 Managing specific issues for trans and gender exploring children and young people

6.1 Access and safety for all

The Equality Act promotes access to facilities, the curriculum and extra-curricular opportunities to all children and young people. Educational settings should ensure that the welfare of trans pupils is included in exactly the same way.

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 come out as non-binary, 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 children and young people and not others. Educational settings should consider the guidance below and apply on an individual, case by case basis and seek advice if needed.

As part of ongoing work to ensure safe learning environments, settings should carry out a range of activities that ensure respectful behaviour by all pupils and students in all areas of the school building, including toilets and changing rooms. This will include, as part of a settings' ongoing anti-bullying work the encouragement to all pupils and students to report any areas of the building where they feel unsafe. Any child or young person acting inappropriately in toilets or changing rooms should be challenged or sanctioned in line with the school's behaviour policy.

The Toolkit is not promoting the removal of single sex spaces but encourages a mixed model of provision, where possible. Enabling access to single sex provision in schools such as toilets, changing rooms, residential accommodation and competitive sport refers only to trans children and young people who have taken 'steps to live in the opposite gender'³⁹.

The Equality Act allows providers to offer single-sex services that exclude transgender people if it is proportionate to do so and it achieves a legitimate aim⁴⁰ The Equality & Human Rights Commission explains the significant requirements to prove objective justification:

- the aim must be a real, objective consideration, and not in itself discriminatory (for example, ensuring the health and safety of others would be a legitimate aim)
- if the aim is simply to reduce costs because it is cheaper to discriminate, this will not be legitimate
- working out whether the means is 'proportionate' is a balancing exercise: does the importance of the aim outweigh any discriminatory effects of the unfavourable treatment?
- there must be no alternative measures available that would meet the aim without too much difficulty and would avoid such a discriminatory effect: if proportionate alternative steps could have been taken, there is unlikely to be a good reason for the policy or age-based rule⁴¹.

³⁹ Equality Act; Advice for Schools (2018) p17 <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2> (Retrieved 19.5.20)

⁴⁰ <https://commonslibrary.parliament.uk/research-briefings/cbp-8969/> (Retrieved 13.4.21)

⁴¹ Equality and Human Rights Commission <https://www.equalityhumanrights.com/en/advice-and-guidance/commonly-used-terms-equal-rights> (accessed 24.9.20)

Staff are best placed to evaluate how to balance any competing sensitivities whilst actively supporting the welfare of trans students. Brighton & Hove City Council has seen no evidence either in research or in the city's schools that a trans child or young person (as defined under the gender assignment definition in the Equality Act) in a single sex facility presents any more of a threat to another child or young person than any member of their peer group.

It is recommended that schools carry out equality impact assessments when making changes to provision with the purpose of reducing or preventing any potential negative impacts of changes. See Appendix 5 for example format. For more advice on individual cases, showing due regard and undertaking Equality Impact Assessments please contact the Equality and Anti-Bullying Service pshe@brighton-hove.gov.uk

6.2 Toilets

Reg 4(2) of the School Premises (England) Regulations 2012 provides that

'Separate toilet facilities for boys and girls aged 8 years or over must be provided except where the toilet facility is provided in a room that can be secured from the inside and that is intended for use by one pupil at a time'⁴²

The use of toilet facilities by trans children and young people should be assessed on a case-by-case basis in discussion with the individual child or young person. Brighton & Hove recommends that in making that assessment schools should consider the fact that for some trans children accessing the toilet which corresponds to their gender identity can be extremely important. There are health risks such as urinary infections for children unable to access toilets during the school day. We would therefore encourage schools to enable this wherever possible if asked for.

Anecdotal feedback from trans children and young people is that many will opt for a gender-neutral toilet for fear of bullying or harassment rather than a large multi occupancy single sex facility. Single sex toilets can also cause issues for children and young people who do not identify with the gender binary of boy or girl.

Ideally, where funding and space allows; educational settings should provide pupils and students with a mixture of access to toilets that includes:

- single sex toilets
- blocks of floor to ceiling cubicle toilets that can be used by all, with bins for menstrual products in each cubicle ('toilets for everyone')
- accessible single toilets.

6.3 Changing rooms

Regulation 4 (4) of the School Premises (England) Regulations 2012 provides that

'Suitable changing accommodation and showers must be provided for pupils aged 11 years or over at the start of the school year who receive physical education'.⁴³

The Equality and Human Rights Commission further states:

⁴² <https://www.legislation.gov.uk/uksi/2012/1943/regulation/4/made> (Retrieved 28.7.20)

⁴³ <https://www.legislation.gov.uk/uksi/2012/1943/regulation/4/made> (Retrieved 28.7.20)

“A school fails to provide appropriate changing facilities for a transsexual pupil and insists that the pupil uses the boys’ changing room even though she is now living as a girl. This could be indirect gender reassignment discrimination unless it can be objectively justified. A suitable alternative might be to allow the pupil to use private changing facilities, such as the staff changing room or another suitable space”⁴⁴.

The use of changing rooms by trans children and young people should be assessed on a case-by-case basis in discussion with the individual child or young person. The goal should be to maximise social integration and promote an equal opportunity to participate in physical education classes and sports, ensuring safety and comfort.

Brighton and Hove recommend that in making an assessment, schools should consider the fact that for trans children accessing the changing room which corresponds to their gender identity can be extremely important. We would therefore encourage schools to enable this wherever possible.

Any pupil or student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with a reasonable alternative changing area such as the use of a private area or with a separate time to change. Any alternative arrangement should be provided in a way that protects the child or young person’s ability to keep their trans status confidential.

6.4 PE and sports

All children and young people have the right to take part in sports and physical education in school. Trans children and young people (who fit the gender reassignment protected characteristic under Equality Act and have taken ‘steps to live in the opposite gender’) should be able to take part in lessons or teams in accordance with their gender identity as appropriate to their age, stage of development and guidance from sporting bodies.

Schools and educational settings should avoid stereotyping sports as being for one sex or the other. PE teachers, as part of their usual practice, should take account of the range of size, build and ability of individuals in the class and differentiate accordingly to keep all pupils and students safe. Some activities may be segregated for example providing spaces for girls to develop their football skills.

There should be few issues at primary level where most lessons will be mixed sex. At secondary level lessons are more often segregated by sex. The issue of physical risk within certain sports should be managed properly within the lesson context rather than by preventing young trans people from participating, which would be discriminatory.

The exception to this is where their exclusion is ‘a proportionate means to achieve a legitimate aim’⁴⁵ in that specific case, see section 6.1.

It is unlikely that pre-puberty there would be any issues with a trans child competing and representing the school. In the case of competitive secondary school sports, 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](#)
- *UK Athletics Transgender Policy*
- *England Rugby DRAFT Policy for the participation of Transgender and Non-binary players consultation*

⁴⁴ <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-schools-england> (Retrieved 13.5.21)

⁴⁵ Equality and Human Rights Commission <https://www.equalityhumanrights.com/en/advice-and-guidance/commonly-used-terms-equal-rights> (accessed 24.9.20)

The handling of changing facilities at an 'away game' would also have to be sensitively managed. Staff should try and ensure there is appropriate sensitive provision available.

In relation to activities such as swimming, the trans child or young person may want to wear swimwear that differs from their peers. Please see section 6.6.

6.5 Residential trips

Brighton & Hove recommends that as far as possible trans children and young people should be supported to be able to stay in residential accommodation appropriate to their gender identity.

However, discussion should be had with the trans child or young person, and their parents prior to residential trips to firstly identify what the trans child or young person wants and needs, and how this can be accommodated in discussion with appropriate others including relevant friendship groups in a way in which confidentiality is protected. Risk assessments can be carried out prior to residential trips in order to make reasonable adjustments which would enable the participation of trans children and young people.

Some trans pupils and students may choose to use different kinds of undergarments to support them in feeling comfortable in their gender identity. Therefore, privacy on residential trips and in changing rooms will be of key importance to them. Trans young people should be encouraged to avoid constricting bandages or inflexible tape that may be injurious to their health, and to access specialist advice from responsible sources that understand their needs. If there are concerns that the young person is engaging in a practice which is causing injury this may need to be escalated with empathy and understanding. Gendered Intelligence⁴⁶ has produced guidance about trans inclusive residential trips, which may be useful to schools.

Prior to residential trips, educational settings will want to make clear their expectations to all children and young people about how they support and treat each other.

When planning overseas trips, schools should consider and investigate the laws regarding trans communities in countries considered for school visits. The International Lesbian and Gay Association (ILGA) have information on their [website](#) about countries where trans individuals may be at risk. In addition, legal documentation such as the child or young person's passport may not have been changed to the name and/or gender they are using. This will need to be handled sensitively by the leaders of the trip.

6.6 Uniform and dress

Having a non-gendered school uniform list would be supportive to all pupils and students and particularly those who express their gender differently to stereotypes and those who are trans and non-binary. By providing a choice of approved items of uniform and allowing children and young people to choose what they wear, schools will allow for regulated structure and remain inclusive. Most schools in Brighton & Hove already have this in place.

Staff training is recommended to ensure that all staff understand what it means to be trans, non-binary and gender exploring and that children and young people express their gender in a range of ways that are not connected with being trans. PSHE programmes will be challenging gender stereotypical ideas that to be a woman or a man you have to look a certain way.

⁴⁶ [14-03-31-GI_youth_residential_INTERACTIVE.pdf \(genderedintelligence.co.uk\)](#)

Trans and non-binary children and young people must be able to dress in a manner consistent with their gender identity. Beginning to dress in the clothes associated with one's gender identity can be a big step and potentially daunting. Care must be taken to ensure that trans children and young people are supported fully during this time as it may be a very visual representation of the transition process.

Be aware that some pupils with SEND whose needs mean they have support from a Personal Assistant, 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. The pupil may wish to speak to someone else about their needs and identity.

6.7 Names and pronoun changes

Some trans children and young people may wish to change the name they are known by and their pronoun (e.g. he, she, they). Often this will be supported by and in communication with parents and carers, if this is not the case, the school will need to offer additional support and if necessary, seek further advice. See section 5.2.

Respecting a child or young person's request to change name and pronoun is a pivotal part of supporting and validating their identity as evidenced in [research](#). Some people who consider their gender identity as not fitting into a binary (boy/girl or man/woman) and may use gender neutral pronouns (for example, 'they' or 'zie').

The use of pronouns and gender identifiers are important to children and young people. When health care professionals use identifiers inappropriately, or don't ask children and young people in the first place, they lose trust in those caring for them.⁴⁷

It is important to consistently use correct pronouns and names to protect a child or 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.

Where staff become aware that an adult or child is deliberately calling someone by their birth name after they have changed their name, or misgendering them (using the wrong pronoun or referring to them as their previous name) then appropriate challenge should be made with reference to the schools equality policies and if necessary action should be taken through the setting's anti-bullying policy.

Staff will need to work with the trans child or young person, to agree how to communicate any changes to names and pronouns to their wider staff team.

School Data Recording; name and gender

If a trans pupil or student wishes to have their personal data recognised on school systems, this should be supported and will feed on to letters home, reports, bus pass information etc.

Last name

The pupil's full legal surname should be recorded, as the school believes it to be. Schools are **not** expected to have verified this from a birth certificate or other legal document.

Forename and deed poll

⁴⁷ RCPH Supporting LGBTQ+ children and young people <https://www.rcpch.ac.uk/resources/supporting-lgbtq-children-young-people#key-messages-for-health-professionals>

The law is clear that a child over the age of 16 has the right to change their legal name by deed poll without the consent of those with parental responsibility (PR). For a child or young person under 16 consent from all those with parental responsibility is required to legally change the name. Where there is an absent parent or lack of parental support this will hinder the process.

If the pupil does not legally change their name schools can still support their wishes to be known by a different name if it is considered in their best interests to do so. The Department for Education guidance is that a formal name change is not required, for the school to refer to the young person by a new forename and profile. The new name should be recorded as the pupil's 'preferred name'. The same goes for the use of a preferred pronoun. However, the register should still show the pupil's original, legal name.

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. This will mean that although they may have established themselves within the school under a chosen name, they will have to use their birth name when filling in exam documentation.

This could potentially be a source of distress for that individual and care should be taken by staff to support the young person and that it does not invalidate their identity. Staff should remain sensitive and supportive during such times.

There may be sensitivities for looked after children in relation to making name changes.

Legal name field and exams

To make changes to the child or young person's Legal Name field, evidence is required. The issuers of documents of 'value' (such as passports, driving licences, degree/exam certificates) have a duty to prevent fraud and typically ask for evidence of name change as part of that duty. This evidence is generally a deed poll, described above.

Theoretically young people can be entered under any name with an exam board and it is possible for exam certificates to be issued in the name asked for, but this will require careful thought. Schools and colleges should ensure a strategy is agreed with the young person and their parents and carers, then agreed with the various exam boards prior to starting accredited courses, as some exams may be sat in Year 10 and the length of time the process of re-registering may take has to be considered. Exam boards may be experienced in working with trans children and young people and be able to guide the school or college through the process. It is possible to change names on exam certificates but there may be a charge for this.

Once an exam result is accredited it will 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 (Legal Name refers to the name in which a pupil or student arrives in education for the first time; this is often the name on their birth certificate), not preferred names. Schools need to be aware that the DfE analysis of school performance may still present the young person in the gender registered by their UPN.

Recommendations:

- When sending data about the pupil or student to third parties always ensure you are sending the correct information
- Ensure that the selected chosen name is used on exam certificates before being sent to pupils and students

- Engage with the pupil or student as well as their parents and guardians to agree a strategy for presenting the correct information to the examination boards
- The examination officer should contact the relevant exam board to discuss their processes.

Gender and the school census

The School Census (and some school MIS systems) requires the recording of gender as male or female. This may be particularly problematic for pupils and students who identify as non-binary. Government guidance clarifies that self-declared gender can be recorded in the Schools' MIS and collected in the School Census:

Gender should be self-declared and recorded according to the wishes of the parent and / or pupil. Individuals are free to change the way their gender is recorded. There is no requirement from the DfE for any legal change or gender recognition certificate and it remains open for the school to amend the gender of any pupil, within their own MIS, at any time⁴⁸.

If a pupil does not want to be known by either gender, the DfE have advised that schools may leave the field 'blank', however LAs have fed back to the DfE that MIS systems do not allow this. For any cases where it is appropriate for the gender field to be 'blank' in the school census, schools should securely e-mail the School Data Team the details of the pupil or student. The team will then manually remove the gender from the census and make an appropriate notepad entry in the DfE system (COLLECT). Academy/Free School data colleagues will need to do this themselves in COLLECT (supported by the School Data Team if required) the return will be authorised by the DfE. (DfE Forum, 2019).

The full census guidance is here: <https://www.gov.uk/guidance/complete-the-school-census/data-items>

6.8 Confidentiality and information sharing

All people, including children and young people, have a right to privacy, although that right is not absolute. Information about a pupil's transgender status, legal name, or sex registered at birth may also constitute confidential information.

Please see sections 3.3 & 3.4 for further information.

6.9 Relationships and sex education

See section 4.7 for general guidance on an LGBT inclusive curriculum.

Some schools may very occasionally use single sex groups to support teaching about puberty for example. Trans pupils and students can access the group in line with their gender identity if they wish to. Where it is known a child or young person is trans a trusted and trained member of staff should discuss with them which group they would like to attend.

Educational settings can provide additional support via a school nurse for example so that a trans pupil or student has the opportunity to explore and get support for the puberty they may experience which may not be in line with the puberty they would like to have.

For more guidance, please go to Brighton & Hove City Council's Relationships and Sex Education: Guidance for Educational Settings, 2015 on www.BEEM.org.uk

⁴⁸ <https://www.gov.uk/guidance/complete-the-school-census/data-items>

6.10 Work experience

Where an educational setting is considering a work experience placement for a trans student, the setting must complete a suitable assessment on the potential placement to establish if there is any risk (physical or otherwise), taking account of rights of privacy - as a general principle personal information on the young trans person must not be shared.

Schools must be sensitive to this in their planning before any trans young person is placed in any business or organisation. Careful discussion about the placement with the students and parents and carers needs to happen as early as possible to find the most suitable way forward to ensure the placement is successful.

6.11 Vaccinations

Historically, vaccinations have been given to young people of all genders together in a large space such as a sports hall. More recently, GP surgeries provide some schools with their vaccinations at the surgery while some vaccinations are given in school.

Consideration should be given to trans pupils and students if the vaccination is gender-specific i.e. a trans boy might find it very difficult to stand in a queue of girls awaiting a female-specific vaccination, or to be left behind when one gender is invited to leave class for a vaccination. Sussex Community Foundation Trust immunisation team will facilitate an individualised appointment for the young person in this case.

It should also be recognised that vaccinations are not always separated by gender (male/female) and if it is still necessary to have mass vaccination sessions in school, then a mixed gender queue could be used, as well as screens for the person receiving the vaccination be supplied to promote privacy whilst being included in the mainstream.

6.13 Dealing with the media

There have been cases where the media has shown an interest in trans pupils, students and staff. The council's communications team (news@brighton-hove.gov.uk) can advise on media queries. It is recommended that statements to the media include references to the work the setting is doing to promote inclusion and equality for all and to ensure that all pupils and students are safe from bullying and feel valued. At all stages the confidentiality of individuals should be protected.

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

To remember

- **Staff are best placed to evaluate how to balance any competing sensitivities whilst actively promoting the welfare and equalities of trans students**
- **List uniform without reference to gender and provide a range of swimwear options**
- **Trans children and young people (who fit under Equality Act definition of gender reassignment) can access facilities in line with their gender identity if they want to**
- **Use the name and pronoun that the trans young person is using and if a mistake is made learn and do better next time**

- **Wearing non gender stereotypical clothes does not mean that someone is trans**
- **Medical transition happens under the care of the [Gender Identity Development Service](#)**
- **Provide support where an official name change has not been made in preparation for exams**
- **A change of name by deed poll is not required to make a change to school records on school database systems such as SIMS**
- **Seek support if you are not sure how to support an individual and or their family.**

7 Trans and non-binary staff and governors

This toolkit does not cover the needs of trans and non-binary staff and governors. However, trans staff and governors can experience similar challenges to those outlined in the Toolkit including bullying and harassment. Education settings are encouraged to think about ensuring they have good policies and practice in place to support these staff members. Unions may be useful for this purpose. Educational settings may also find this guidance from Stonewall helpful:

<https://www.stonewall.org.uk/resources/first-steps-trans-inclusion>

In addition, there are supportive documents and tools available on the Wave related to Equality issues and staff wellbeing at work. There is a specific section for trans employees:

- <https://wave4schools.brighton-hove.gov.uk/LGCSDocumentLibrary/Humanresources/Staffsupport/SupportingTransgenderEmployeesPolicy.docx>

In addition:

The Safer Recruitment Toolkit (includes equality in employment issues in schools):

- <https://wave4schools.brighton-hove.gov.uk/schools/Documents/HR%20for%20Schools/Safer%20Recruitment%20Toolkit-June%202014.pdf>

Schools absence management procedure and guidance (includes fact sheets on absence and disability and access to work; Quash for managers on mental health; Reasonable adjustments guidance for headteachers):

- <https://wave4schools.brighton-hove.gov.uk/schools/HR/Pages/AbsenceManagementandOccupationalHealth.aspx>

Whistleblowing Policy (and other key employment policies):

- <https://wave4schools.brighton-hove.gov.uk/schools/HR/Pages/HRSignpostingforHeadteachers.aspx>

Wellbeing Framework (includes guidance on work life balance, dignity and respect at work and violence at work / incidence reporting):

- <https://wave4schools.brighton-hove.gov.uk/schools/HealthSafety/Pages/WellbeingatWork.aspx>

Access to general information on Equality Act impact on staff (including the Guaranteed Interview Scheme for disabled applicants):

- <https://wave4schools.brighton-hove.gov.uk/supportingyou/HR/ManagingTeams/Recruitmentandinduction/Pages/Equalitiesanddiversity.aspx>

Access to main council equalities advice through the Wave Intranet (including access to minority staff forums):

- <https://wave4schools.brighton-hove.gov.uk/supportingyou/Equalities/Pages/default.aspx>

8 Additional support and materials for schools and colleges

Included in the toolkit are several appendices which provide useful resources to assist schools in their utilisation of the toolkit. Further additional materials that may be of use are highlighted below. In accessing any resources locally or nationally please ensure they align with the values and ethos of your school community.

Equality and Anti-Bullying Service and PSHE Service

- Staff training – identifying, challenging and recording homophobic, biphobic and transphobic language and bullying
- Policy review and development
- PSHE curriculum development and teacher training
- Trans awareness training in partnership with Allsorts Youth Project

Email pshe@brighton-hove.gov.uk to request support or call on 01273 293533
<https://www.beem.org.uk/Services/1931>
<https://www.beem.org.uk/Services/4340>

Allsorts Youth Project

For information and advice related to individual children and young people and their families and for trans awareness training call 01273 721211 or www.allsortsyouth.org.uk

Brighton & Hove Inclusion Support Service (BHISS)

Contact for referrals for any mental health and wellbeing needs.
BHISS@brighton-hove.gov.uk or call on 01273 293481
<https://www.beem.org.uk/Services/1695>

Front Door for Families

The service is made up of professionals with different areas of expertise who work together to assess, decide and coordinate how best to support children, young people and their families where there are concerns.

Email the team at FrontDoorforFamilies@brighton-hove.gov.uk

Telephone 01273 290400 during working hours (9am to 5pm, Monday to Thursday and 9.00am to 4.30pm on Fridays).

Outside of our working hours please contact the Emergency Duty Service on 01273 335905 or 01273 335906.

Community Safety Team

Brighton & Hove's Community Safety Team can provide advice to schools in addressing bullying or prejudice and case work support to families and children experiencing bullying or prejudice. Phone: 01273 292735 or e-mail:

Appendix 1 Trans Inclusion Schools Toolkit – Context Statement

Brighton & Hove City Council commitment to equality and inclusion

Brighton and Hove City Council's commitment to equality and inclusion is unwavering. Our vision is for a more equal city where no one is left behind. Everyone deserves to be valued and treated with respect.

As an organisation, we work under the Equality Act 2010 to ensure the dignity and respect of all residents in the city, children and young people in our schools, and our staff.

As part of our Public Sector Equality Duty we take active steps to remove or minimise disadvantages suffered by people due to their protected characteristics, meet the needs of people from protected groups where these are different from the needs of other people, and encourage people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Brighton & Hove City Council's Equality and Inclusion Strategy and approach rightly supports those who are experiencing the greatest disadvantage. We also reflect on a range of evidence and equality challenges identified and respond to issues proactively. We do this in several ways, including using 'positive action' to proactively address areas of underrepresentation and inequality.

The approach taken within version 4 of the Toolkit aligns with that taken by Brighton & Hove City Council on [gender diversity](#) and the January 2021 [Notice of Motion, Joint Green, Labour and Conservation Groups, Trans Inclusion](#).

We understand that social and political contexts and landscapes change over time. We also recognise that identities evolve and are relative to different contexts. Therefore, we remain open to learning from schools, different communities, new research, new case law, and best practice and use this to continually review our practice and ensure it remains relevant and up to date.

Research base

Research in the area of trans inclusion is limited and often difficult to navigate. Trans Actual have collated a research base, some of which provides some relevant context for this toolkit:

<https://www.transactual.org.uk/research>

<https://www.transactual.org.uk/facts-about-trans>

Allsorts Youth Project

Brighton & Hove City Council works with Allsorts Youth Project to support LGBT+ and unsure (LGBTU+) children and young people in schools. Allsorts Youth Project believes that young LGBTU+ people deserve to feel safe and thrive at home, at school and in their communities. Allsorts Youth Project aims to improve young LGBTU+ people's lives via a two-pronged approach;

1. Providing specialist youth services, such as groups and one-to-one emotional support to children & young people from the ages of 5-25 who are LGBTU+

2. Training the wider community, schools and professionals so all spaces and organisations can be safer and more inclusive for LGBTU+ people.

Trans Inclusion Schools Toolkit – context and history

Brighton & Hove City Council has a long history of working with community and voluntary sector partners to support and challenge schools to provide safe learning environments for all pupils and students.

Since the early 2000s, the PSHE Service has published resources for schools for use in PSHE which explored issues of sexual orientation and gender stereotyping. Work to challenge prejudiced language gained momentum in 2010 with the publication of a Safe Spaces Leaflet which provided scripts for challenging homophobic language. This was provided to schools alongside staff training and Allsorts Youth Project supported with workshops for secondary aged students.

In 2012 Brighton & Hove were placed first in Stonewall's Education Equality Index in recognition of work done with schools to prevent and challenge homophobic bullying.

At this time, perhaps because of the strength of practice related to anti-homophobic bullying a small number of primary and secondary schools began contacting the local authority about children and young people who were saying that their gender identity did not align with their gender assigned at birth. Schools were asking questions about how to support this child and their family and how to ensure that the school was able to respond to any changes related to name, pronoun and dress.

At the same time, public sector organisations across Brighton & Hove identified that this was an area they needed better understanding. In 2013 the Brighton & Hove Trans Equality Scrutiny Panel set out to ask: *what needs to be done to make things fairer for trans people to live, work and socialise in the city?* Panel members listened to trans people's stories of discrimination, disadvantage, transphobia and invisibility. Their final report made several recommendations, one of which was to conduct a full needs assessment to understand the extent of the issues. Extensive qualitative and quantitative research took place led by NHS and Brighton & Hove City Council in partnership with University of Brighton and Community and Voluntary Sector organisations in the city. [The Trans Needs assessment report](#) was published in 2015.

The Trans Needs Assessment highlighted the level of discrimination and prejudice that is ongoing in Brighton & Hove for trans people, but also the strengths of the local trans community and, importantly, provides practical recommendations on how inequality can be tackled and local and national services can be improved. We believe there is no similar needs assessment in the UK.

Allsorts Youth Project appointed its first trans youth workers in 2012 and were then able to offer trans awareness training to teachers and school staff in school. The response from school staff was positive and the feedback was that more support was needed for staff and trans children and young people.

The council decided to write a guidance to support schools that would also build on the good practice already in place to challenge homophobia and biphobia. At that time there were only two documents that offered similar – one from GIREs and another from Cornwall. We used these to support us in developing the first version of the Toolkit. The approach was informed by:

- The Equality Act 2010

- The expertise and lived experience of trans adults at Allsorts
- The experience of trans young people accessing Allsorts' services
- The needs of staff in schools and their experience of what worked to ensure all young people felt included in the school community
- DCSF Sexist and sexual bullying guidance, 2009
- Consultation with GIRES and Gendered Intelligence
- Brighton & Hove Trans Needs Assessment 2015

Since the publication of the first Toolkit the contents have been regularly reviewed looking at new evidence that emerges.

In 2017, Stonewall published 'The Stonewall School Report; the experiences of lesbian, gay, bi and trans young people in Britain's schools', detail on this report can be found in Appendix 2.

We have welcomed contributions and feedback on our Toolkit from national charities such as Stonewall and the Sex Education Forum. We have been reflective about the needs of other groups and given clear messages about how in best practice trans inclusive work is underpinned by work which promotes equality, challenges gender stereotypes and does not condone sexist and sexual bullying and harassment. We have also added to the Toolkit to ensure it takes an intersectional approach. We agree with the RCPCH approach to 'adopt supportive, flexible and responsive attitude to affirm a child's expressed sexuality and gender, whilst being sensitive to change over time'.⁴⁹

The Toolkit has been used by:

- A range of local authorities, for example East Sussex
- Promoted by national organisations – SEF, Stonewall, Mermaids, The Proud Trust, Sexual Education Forum, The Key, NUT and ATL
- Shared on platforms such as The Key for School Leaders
- Recommended by NHS UK – Gender Identity Development Service

In 2019, Brighton & Hove City Council was awarded gold in Stonewall's Children and Young People Services (CYPS) Champion award. Feedback from Allsorts Youth Project members on the Toolkit can be found in Appendix 3.

The work continues – particularly in raising the awareness of parents and carers about spectrums of gender identities.

The Toolkit will be subject to continual review and change in consultation with partners and schools.

Alongside this Brighton & Hove provides support to schools in other equality areas - taking where possible an intersectional approach.

⁴⁹ <https://www.rcpch.ac.uk/resources/supporting-lgbtq-children-young-people#key-messages-for-health-professionals>

Appendix 2 National data

The Government Equalities Office [estimates](#) that less than one per cent of the population is trans. Not all children who explore their gender identity will grow up to identify as trans or non-binary. In recent years, there has been a significant increase in the number of young people seeking specialist support from NHS Gender Identity Development Services⁵⁰; although in terms of overall numbers, the proportion of young people accessing these services is still far less than one per cent of the youth population.

In the [Metro Youth Chances Report, 2016](#) over half of trans respondents (58%) knew they were trans by the age of 13.

Various research studies have shown that mental ill health, suicidal ideation, attempted suicide and completed suicide are of higher prevalence for trans people than cisgender people. Some studies have found trans young people to be at an increased risk of self-harm including the [Stonewall School Report, 2017](#).

The Stonewall School Report, 2017 also found:

- 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

In its Annual Reports Allsorts Youth Project also reports on the wellbeing of those attending the project. In 2020, for example 28% of those surveyed reported having done something to injure or harm themselves.⁵¹

It is important to remember that while trans and gender exploring 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 the transphobia they experience.

Caution must be exercised when sharing any data on mental health, self-harm and suicidality with children and young people. Guidance on developing suicide aware schools can be found on www.BEEM.org.uk and here:

<https://www.samaritans.org/how-we-can-help/schools/> and <https://papyrus-uk.org/>

⁵⁰ Gender Identity Service <https://gids.nhs.uk/number-referrals>

⁵¹ Allsorts Annual Reports <https://www.allsortsyouth.org.uk/resources/other-publications>

Appendix 3 Support for the Toolkit from Brighton & Hove young people and their parents and carers

The following quotes were gathered at Allsorts Youth Project in 2020.

"For me, the biggest benefit of my school using this toolkit was that it helped me feel like a normal student. My school was prepared to accommodate my needs as a trans student and when they didn't know, they knew how to talk to me about it."

Young person, aged X

Quote from parent 1:

"My son told me he was trans when he was 10 years old. He'd been telling me he was a boy from the moment he could speak, but it wasn't until he started using the word trans that I finally took him seriously. He was so excited that I finally got it. He had waited his whole life to finally be heard and for everyone to start seeing him as a boy. His excitement and enthusiasm for beginning his social transition knew no bounds. He was desperately keen that he tell his friends in school, and all his teachers. We had a meeting with his school, who were wonderfully supportive of him, and they were keen to do whatever we wanted to support him. The problem was we didn't know how to support him. We didn't know how we wanted school to handle his social transition. We barely understood what being trans meant and we did not know any other trans people. It was a bewildering time, and the more questions the school asked the more stressful we felt at our own lack of confidence and information. We were juggling our own feelings around his coming out, questions from family, questions from friends and now questions from school. In a time when we were no longer certain of anything it was totally overwhelming.

Then along came the Trans Inclusion Schools Toolkit. It was such a relief to read some clearly thought out advice on how to handle situations such as changing for PE, using the toilet and behaviour. Our child has been in three different schools and each time he started at a new school we worked with them to look at the Toolkit so everyone could understand how they can support not only our child, but other students. In his most recent school, the effect of this has been that he has felt fully included and safe in school and is now accessing education after many months of school refusal. For us, his parents, we have not had to offer solutions and try and explain the legalities and why these approaches are so effective. The whole process has been quicker and I cannot emphasise what a relief it is to feel like we are all in the hands of experts across many different organisations who have many years of experience in both education and in supporting young LGBT+ people.

The Trans Inclusion Schools Toolkit has enabled parents and educators to quickly, simply and legally see how all children can be supported in schools. Without it I suspect our son would be unable to access mainstream education. With it he is thriving and accessing his lessons which is incredibly important for vulnerable students. His experiences of being trans combined with the gift of education means he is determined to use all of his talents as a working adult to make his community a better place. Thank you"

Quote from parent 2:

"The toolkit was really empowering as parents. The school was pretty reluctant and clueless so having clear guidance (from an official council/local authority document) on what they should be doing definitely made a difference. It was helpful for us as a guide on what we should be asking for/expecting from the school. It's easy to feel like a 'problem'

when asking for an organisation to make changes to accommodate your child especially when it all feels very new. What I liked about the toolkit was that it was very clear that trans children aren't the problem and that schools should accommodate all children and challenge prejudice."

Appendix 4 Further legal framework information

United Nations Convention on the Rights of the Child (UNCRC)

The 54 articles which make up the UNCRC apply to all children and young people and underpin the approach to the rights of all children in the United Kingdom. Here are some extracts:

Article 2

The Convention applies to every child without discrimination, whatever their ethnicity, gender, religion, language, abilities or any other status, whatever they think or say, whatever their family background.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity.

For more information see: [UNICEF Conventions on the Rights of the Child](#)

Public Sector Duty of the Equality Act

Under the [Equality Act 2010](#), the [Public Sector Equality Duty](#) requires public sector organisations, such as schools, 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.

It also requires education settings to have equality objectives and information published on their websites.

Appendix 5 Example Equality Impact Assessment Tool

What is an Equality Impact Assessment (EIA)?

An EIA is a considered way of analysing the effect of a policy, practice or project different people (including those with protected characteristics – outlined below) and whether it potentially may have a disproportionate effect on one or more groups.

EIAs help us ensure we are not unlawfully discriminating against certain individuals or groups and that we are promoting our positive equality duties. It is a way to ensure we are meeting the diverse needs of all our pupils, staff and those associated with them (e.g.: families).

EIAs should help ensure that diversity, equality and inclusion run through all areas of school life. It is a process of thinking that should be included as part of the usual policy review cycle. EIAs can also be considered for all new policies and specific projects, e.g. use of the school playground, changes to uniform or toilet facilities.

It is not about more paperwork and should not be done as a ‘tick-box’ exercise. It is a commonsense approach to thinking about what effect policies and actions will have on different people. The effect could be positive, neutral or negative.

Undertaking EIAs help us identify barriers and remove them before they create a problem, increasing the opportunities for positive outcomes for all groups, and using and making opportunities to bring different communities and groups together in positive ways.

What the law says...

Schools have a legal duty (under the Equality Act 2010) to demonstrate due regard to the need to:

- Eliminate discrimination and other conduct that is prohibited by the Act,
- Advance equality of opportunity between people who share a ‘protected characteristic’ (see below for list) and people who do not share it,
- Foster good relations across all characteristics - between people who share a protected characteristic and people who do not share it.

An Equality Impact Assessment (EIA) process can support you to develop inclusive practices (whilst meeting the legal obligations under the Equality Act) in several ways:

- Developing an EIA can help you to reflect on your practices, consider how they might be experienced by different people, and support you in developing a practical action plan to address any issues and further promote good practices.
- The duty to have “due regard” to equality considerations means that whenever significant decisions are being made or policies developed, thought must be given to the equality implications and these must be considered.
- It is good practice for schools to keep a written record to show that they have actively considered their equality duties and asked themselves relevant questions. Publishing it will help to demonstrate that the due regard duty is being fulfilled.

EIA is a practical process and there is no longer a legal requirement for a specific EIA document to be completed. However, evidencing your EIA and the actions you are making as a result, enables schools to evidence compliance with the law. Having this record also helps future decision making.

We have developed the below EIA Toolkit to help you to undertake an EIA and record your assessment.

Groups to consider in your EIA

'Protected Characteristics' in the Equality Act 2010:

- Age
- Disability
- Gender reassignment
- Race / Ethnicity
- Religion or belief (including lack of religion or belief)
- Sex
- Sexual Orientation
- Pregnancy and Maternity
- Marriage and Civil Partnership

Key definitions:

Age - people of all ages

Disability - a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities

Gender reassignment - someone who proposes to, starts or has completed a process to change his or her gender. A person does not need to be under medical supervision to be protected

Race / Ethnicity - this includes ethnic or national origins, colour or nationality, including refugees and migrants and Gypsies and Travellers

Religion or belief - religion includes any religion with a clear structure and belief system. Belief means any religious or philosophical belief. The Act also covers lack of religion or belief.

Sex - men/boys and women/girls are covered under the Act

Sexual orientation - the Act protects bisexual, gay, heterosexual and lesbian people

Marriage and civil partnership - only in relation to due regard to the need to eliminate discrimination

Pregnancy and maternity - protection is during pregnancy and any statutory maternity leave to which the woman is entitled

Other relevant groups: Every context and situation will be different. We advocate reflecting on the diversity of the group impacted by your practice. This means considering people's needs/strengths beyond the legal minimum set by the Equality Act and thinking more broadly than the protected characteristics. E.g. consider carers, people experiencing domestic violence, substance misusers, homeless people, looked after children, etc. tailored to your specific context.

The Equality Act 2010 duties require consideration of:

- How to avoid, reduce or minimise negative impact (if you identify unlawful discrimination, including victimisation and harassment, you must stop the action and take advice immediately).
- How to promote equality of opportunity. This means the need to:
 - Remove or minimise disadvantages suffered by equality groups
 - Take steps to meet the needs of equality groups
 - Encourage equality groups to participate in public life or any other activity where participation is disproportionately low
 - Consider if there is a need to treat disabled people differently, including more favourable treatment where necessary
- How to foster good relations between people who share a protected characteristic and those who do not. This means:
 - Tackle prejudice
 - Promote understanding

Developing your EIA – key questions and steps

- What are the aims of the policy, practice or project?
- What are the specific outcomes you hope to see?
- Who are the intended beneficiaries of this policy or practice? (E.g. all staff/students?)
- What evidence do you have to inform your thinking? This can include data, e.g. attainment data, and qualitative information.
- Can you identify any potential adverse or negative effects/impacts in the implementation of this policy, practice or project for certain individuals or groups – on the basis of their ethnicity, religion or belief, disability, SEN, sex, sexual orientation, age, pregnancy/maternity status, gender identity and other criteria (for example EAL, asylum seekers)?
- Identify whom and how?
- Are there any positive effects/impacts? On whom and how can you maximise these?
- What opportunities are there for ‘fostering good relations’ between groups (also called ‘community cohesion’)?
- Define your priority actions and build them into work plans ensuring they are SMART.
- Who can you involve in your policy/practice review or project proposal which will help you identify any differential effect/impact? Information from beyond your school elsewhere in the city or even nationally may be useful here. You can also draw on EIAs that have been undertaken in the past for information.

If you have thought through the effects/impact of a policy or action and involved people in this thinking, you may still not have uncovered the likely differential effect/impact on certain individuals or groups. That is OK, that will sometimes happen. The point is to bear this in mind in the monitoring and review process and allow flexibility to respond to new information.

If your assessment process identifies that you don’t collect data that would be useful in making this decision, plan to start collecting it and to use in the next assessment.

Action planning and monitoring and evaluation

Your assessment will probably identify several possible actions. Prioritise these so they are meaningful and build them into existing work plans with dates and a named individual who is responsible for the action, to ensure they are completed and monitored.

Make sure that you monitor and evaluate progress to ensure that you are achieving your positive goals and not inadvertently creating barriers for any groups. Review your practice and any changes made as a result of the EIA regularly. You can do this with appropriate groups, to accommodate any changes to your school, community or the law. If you have documented your EIA in an EIA form (see below), you can also use this to record any information about reviews undertaken.

Example Equality Impact Assessment Toolkit - for undertaking and recording your assessment

1. Title of policy, project or practice being reviewed or planned

2. Outline the aims, objective and purpose of the change including any positive impacts on protected groups.

3. Does, or could these changes have an adverse effect on members of a protected group? Identifying a negative impact is not necessarily a problem, as it gives you an opportunity to remove the barrier, find a way around it, or offer an alternative.

| Protected Characteristics / Group | Yes (brief explanation) | No |
|-----------------------------------|-------------------------|----|
| Age (staff only) | | |
| Disability | | |
| Sex | | |
| Gender reassignment | | |
| Marriage / civil partnership | | |
| Pregnancy / maternity | | |
| Race / ethnicity | | |
| Religion / belief | | |
| Sexual orientation | | |
| Other group(s) (context specific) | | |

4. Is there a way to modify the decision to remove or mitigate the negative impact on protected groups while still achieving this aim? How can you maximise positive outcomes and foster good relationships?

5 Outline the decision made and actions planned (with dates).

Appendix 6 – Definitions - bullying and prejudice

Shared understanding of bullying and prejudice-based incidents is important to prevent and respond effectively. The *Brighton & Hove Guidance for Recording and Reporting Bullying and Prejudice Based Incidents* (available on www.beem.org.uk) recommends that all bullying and prejudice is recorded by type. In this way behaviours can be monitored and used to inform practice and to measure the impact of activities.

Bullying

“Bullying is behaviour by an individual or group, repeated over time, that intentionally hurts another individual or group either physically or emotionally. Bullying can take many forms (for instance, cyber-bullying via text messages, social media or gaming, which can include the use of images and video) and is often motivated by prejudice against particular groups, for example on grounds of race, religion, gender, sexual orientation, special educational needs or disabilities, or because a child is adopted, in care or has caring responsibilities. It might be motivated by actual differences between children, or perceived differences.”⁵²

Transphobic Bullying

Transphobic bullying is when someone is bullied because they are trans, or perceived to be trans.

Where children and young people are perceived not to be conforming to the dominant gender roles that may be widely expected of them, schools should be alert for signs of bullying. Transphobic bullying is commonly underpinned by sexist attitudes and can affect any child or young person. An individual may also experience transphobic bullying as a result of perceptions that a parent, relative or other significant figure does not confirm to stereotypes about gender expression or is trans.

Prejudice-based incidents

This is a one-off incident which is perceived by the victim or any other person, to be motivated by hostility, prejudice or ignorance, based on a person’s perceived or actual ethnicity, sex, disability, religion, beliefs, sexual orientation or gender identity or their association with someone from one of these groups. These can also include indirect prejudice driven behaviour that is not targeted at one individual. The impact of this expression of prejudice against an equality group whether intentional or not can be damaging and must therefore be responded to as a prejudice related incident.

‘Hate Incidents’ is the term widely used by the police and other sectors to describe prejudice-based incidents. Schools should be aware that at their most serious both bullying and prejudice-based incidents should be reported to the police

Transphobic Hate Crime

"Any incident/criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice against a person who is transgender or perceived to be transgender"⁵³.

⁵² Preventing and Tackling Bullying, DfE 2013

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/623895/Preventing_and_tackling_bullying_advice.pdf (Retrieved 26.5.20)

⁵³ Crown Prosecution Service <https://www.cps.gov.uk/legal-guidance/homophobic-biphobic-and-transphobic-hate-crime-prosecution-guidance>

Appendix 7 – Guide to challenging homophobic, biphobic and transphobic language and gender stereotyping: a range of responses

All prejudice-based language should be challenged and recorded. How the challenge is made will depend on the circumstances of the incident, the severity of the incident, who it involves, where it takes place and the intention behind the comment. Further guidance available on www.BEEM.org.uk

Organisational response

- In our school we treat everyone with respect and when you use 'gay' like that it is disrespectful of gay people.
- The ground-rules we agreed at the beginning of the session said we would show respect to each other.
- The anti-bullying policy says that homophobic, biphobic and transphobic language is not acceptable.
- The school policy says that we are all responsible for making this a safe place for everyone. That kind of language is homophobic, biphobic and transphobic and makes people feel unsafe. Therefore, it is unacceptable.
- It's important that at this school people feel able to express their gender however they feel comfortable, so we try to avoid gender stereotypes.
- At this school we want to recognise everybody's strengths and we don't want people to feel limited by expectations that relate to their gender.

Questioning, exploring and explaining

- What do you think that word means?
- What makes you think that?
- Do you realise that what you said is sexist, homophobic, biphobic and transphobic?
- Do you understand what the law says about LGBT people?
- Can you explain what you mean by calling something 'gay'?
- That word is an insulting term for someone who is trans. Do you know what it means to be trans?
- How would you feel if someone spoke about you in that way?
- Do you know what a gender stereotype is? Can you think of why some people might be upset when they hear them at school?

Confronting response

- Language like that is not acceptable.
- You might not think that remark is offensive, but many would.
- What you are saying presents a very stereotypical view of what men and woman are like. When you do that it means that people who don't fit into your way of seeing things can feel left out or ashamed.

Personal response

- I'm not happy with what you said.
- Sexist, homophobic, biphobic and transphobic offends me. I don't want to hear it again.
- What you've said really disappoints / disturbs / upsets / angers me. I hoped you would recognise that it is important to treat everyone with respect and that it is therefore wrong to use such as sexist, homophobic, biphobic and transphobic language.
- I'm really surprised and disappointed to hear you say that. I hoped you would recognise that it is important to treat everyone with respect, and that it is therefore wrong to use such sexist, homophobic, biphobic and transphobic language.

Appendix 8 Trans Inclusive policies – some ideas

| Policy | Example of trans inclusive approach (read relevant sections of this toolkit to inform writing of relevant policy section) |
|--|---|
| Equality Policy | This should be in line with the Equality Act, 2010 and reference gender reassignment as a protected group. This policy could reference this <i>Trans Inclusion Schools Toolkit</i> by saying for example that the setting works within the guidance provided by Brighton & Hove City Council. |
| Anti-Bullying Policy | Include reference to sexist, homophobic, biphobic and transphobic bullying (alongside bullying of all groups with protected characteristics) and explain how both bullying and prejudice-based incidents are recorded by type, analysed and monitored. |
| PE and Physical Activity Policy | Include detail on what is in place to ensure all those using changing rooms are kept safe. Include how trans pupils and students will be supported to participate in PE and physical activity (including swimming) and enabled to access changing facilities where they feel safe. Include how changing facilities will be managed for away fixtures. |
| School visits, trips and residential policies | Include how pupils and students will be supported to participate in residential trips. Include how discussions will be had with trans children and young people and their families to support this. |
| PSHE Education policies | Include how the PSHE curriculum (including statutory relationships, sex and health education) will support understanding of trans identities and be inclusive of trans children and young people. |
| Uniform Policy | Uniform items are listed, rather than listed by gender. A statement is included to cover approved changes to swimming costumes for trans pupils and students and others for whom adjustments are needed such as those from faith backgrounds. |
| Safeguarding, Confidentiality, Data Protection | As appropriate these explain how changes are made to personal information and make clear that: <ul style="list-style-type: none"> ● Being trans is not a safeguarding issue ● Commitment to not 'outing' trans members of the community without their permission unless there are safeguarding reasons for doing so |
| Special educational needs and disabilities policies / School Offer | Include the statement that SEND pupil or student is just as likely to be trans or gender exploring as any other person and signpost to support their needs. |
| Teaching and learning / behaviour policies | These 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 or needs of a particular group. These policies will also encourage approaches which are inclusive, representative of the community and prevent and challenge sexism, homophobia, biphobia and transphobia. |

Appendix 9 – Template for good practice statement in working with trans children and young people in our school

Educational settings should include reference to the inclusion of trans children and young people across the policy framework as described in section 4.4. However, some settings may want to clarify for all staff how trans children and young people will be supported. This practice statement can therefore be adapted to reflect school-based practice and shared with staff following training and as one aspect of the setting's practice to improve equality and inclusion.

| |
|--|
| We will take our lead from children and young people and involve them in making decisions that will affect them |
| We will involve family members, with the agreement of the trans pupil or student, in making decisions about their child |
| We will respect and use the pupil's / student's new name, pronouns and title (and apologise for any mistakes made) |
| We will update our records ("named supporting individual" will be responsible for this and communicating changes made) |
| We will provide access to a range of appropriate toilets and changing facilities recognising that trans people (as defined under gender reassignment in the Equality Act) can use facilities of their self-identified gender |
| We will support all pupils and students to wear uniform and PE kit in line with their gender identity |
| We will only divide pupils and students by gender when there is an educational reason for doing so |
| We will enable full access to enrichment activities for trans pupils and students |
| We will support trans pupils and students to access medical appointments if required |
| We will take confidentiality seriously and not 'out' a trans child or young person without their permission including to parents and carers |
| We will provide support to a trans child or young person by referring them to "named supporting individual", Allsorts Youth Project and other services as appropriate |
| We will provide support to the siblings, parents or carers of trans child or young person by referring them to "named supporting individual" and Allsorts Youth Project |
| We will use the curriculum and other opportunities to challenge gender stereotyping, sexism, homophobia, biphobia and transphobia (as part of our wider equality work) |
| We will identify, record and challenge <u>all</u> prejudiced incidents and bullying including that which is sexist, homophobic, biphobic and transphobic |

(Based on a document produced by Gendered Intelligence:
www.genderedintelligence.co.uk)

Appendix 10 – A whole setting approach to trans inclusion – action planning tool

| Area of focus | Suggested activities (these could be RAG rated) | Next steps / Actions identified | In place✓ |
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| <p>Trans issues and transphobia are acknowledged across the policy framework</p> | <p>Reference provision that is being made or will be made for trans pupils and students in the Equality Policy.</p> <p>Include an equality objective (Public Sector Duty of the Equality Act) which supports the needs of trans children and young people.</p> <p>Reference transphobia when talking about prejudiced forms of bullying in the anti-bullying policy.</p> <p>In the uniform policy, list uniform items which are acceptable in school, but do not list by gender.</p> <p>When groups of pupils or students are referenced or discussed ensure this includes trans pupils.</p> <p>Confidentiality statements make clear that trans pupils and students have the right to privacy related to their gender identity.</p> <p>If there are 'out' trans pupils and students in the community, ensure their progress and achievement is monitored.</p> | | |

| <p>Acknowledge there could be trans people within the educational setting such as family members, staff, governors and pupils and that they will positively enrich the school community</p> | <p>Ensure that there is a statement in the Equality Information for the school (required under the Public Sector Duty of the Equality Act, 2010) which states that there may be trans members of the community.</p> <p>Use assemblies to celebrate a diversity of trans people and ensure pupils and students understand that transphobia is unacceptable in the school community.</p> <p>Use inclusive language such as 'all genders' to avoid making assumptions about an individual's gender identity.</p> | | |
|--|---|--|------------------|
| Area of focus | Suggested activities (these could be RAG rated) | Next steps / Actions identified | In place✓ |
| <p>Closely monitor all areas of the curriculum, resources and teaching and learning approaches to ensure that where possible:</p> <p>trans people are visible</p> <p>gender stereotypes or transphobic material is avoided and</p> <p>trans pupils and students feel included in the classroom</p> | <p>Avoid grouping by gender whenever possible and certainly when there is no educational reason for doing so.</p> <p>Ensure the library stocks age appropriate books about a diversity of trans children, young people and adults.</p> <p>Discuss and challenge sexism, gender stereotyping and transphobia when it arises and as part of planned opportunities in PSHE education.</p> | | |
| <p>Ensure that the curriculum and PSHE education and work related to spiritual, moral, social, and cultural development is used to challenge gender stereotypes, support the development of a positive understanding of gender identity and prevent transphobia</p> | <p>Books can be used in English or literacy to discuss trans identities, gender stereotyping and sexism.</p> <p>All subjects can provide role models which challenge gender and other stereotypes and raise aspirations for all groups.</p> <p>PSHE education and Relationships and Sex Education from Early Years onwards can be used to develop understanding of trans, gender stereotyping and sexism and to explain that gender identity is a spectrum.</p> | | |
| <p>Effectively challenge, record and deal with transphobic abuse, harassment and bullying (such as name-calling, derogatory jokes, graffiti, unacceptable or unwanted behaviour, intrusive questions) and then monitor incidence of transphobic abuse, harassment and bullying, and use</p> | <p>Bullying and prejudice-based incidents are recorded by type.</p> <p>Guidance or scripts on how to effectively challenge transphobic language and attitudes are provided to staff.</p> <p>Staff, pupils and students are provided with training and educational opportunities to develop skills in challenging all</p> | | |

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| <p>this information to inform whole school developments</p> | <p>prejudiced language and behaviour including that which is sexist, homophobic, biphobic and transphobic.</p> | | |
| <p>Area of focus</p> | <p>Suggested activities (these could be RAG rated)</p> | <p>Next steps / Actions identified</p> | <p>In place✓</p> |
| <p>Include trans issues in equality training for staff and governors and support wider community understanding of trans</p> | <p>All training about groups of pupils and students should include trans pupils.</p> <p>Training on the Equality Act and bullying should contain references to trans pupils and transphobia.</p> <p>Trans awareness training, support or information is provided to the whole school community (including parents and carers).</p> | | |
| <p>Participate in events such as LGBT History Month and ensure visibility of trans people and their achievements</p> | <p>Mark LGBT History Month, Transgender Day of Visibility and/or International Day against Homophobia and Biphobia and ensure that trans people including trans people of colour are represented in this.</p> <p>Use displays to celebrate achievements of a diversity of trans people.</p> <p>Ensure the library stocks age appropriate books about trans children, young people and adults.</p> | | |
| <p>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 their understanding of trans</p> | <p>Promote on newsletters and the website work going on in school related to gender equality, trans inclusion and work to prevent homophobia, biphobia and transphobia.</p> <p>Signpost from the website to organisations where parents and carers can go to find out more about what gender identity and trans.</p> | | |
| <p>Area of focus</p> | <p>Suggested activities (these could be RAG rated)</p> | <p>Next steps / Actions identified</p> | <p>In place✓</p> |
| <p>Provide appropriate support to pupils and students who identify as trans and refer</p> | <p>Allies or trusted adults for LGBT pupils and students are identified to talk with or go to with any issues arising in a school day.</p> | | |

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| <p>them and their families when needed to national or local services</p> | <p>There are a range of toilets available including toilets for everyone.</p> <p>Name and gender changes are made on systems.</p> <p>Residential trips are accessible to all pupils and students and reasonable adjustments are made when necessary.</p> <p>Signposting to national and local trans support services happens in PSHE education, school journals, school websites and in posters around the school.</p> | | |
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