

Trans Inclusion Schools Toolkit 2024

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

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1 Introduction

1.1 Brighton & Hove City Council commitment to equality and inclusion

1.1.1 Brighton & Hove City Council’s commitment to equality and inclusion is unwavering.

1.1.2 Our vision is for a more equal city where no one is left behind. Everyone deserves to be valued and treated with respect.

1.1.3 In formulating the Trans Inclusion Toolkit, and our Equality and Inclusion Strategy, we have had due regard to the need to eliminate discrimination, foster good relations and promote equality of opportunity between *all* protected characteristics, in accordance with the Council’s Public Sector Equality Duty under section 149 Equality Act 2010. We want our schools to support trans and gender diverse children and young people to thrive in their education and we know that trans children and young people can face additional barriers to feeling included and comfortable at school.

1.1.4 This Toolkit has been produced to support staff and governors in Brighton and Hove schools to make informed decisions about how to promote the welfare of students who are gender exploring or meet the definition of being transgender while at the same time taking account of how any decisions they make in that regard may impact on other pupils. The Toolkit is not intended to be prescriptive or exhaustive. Headteachers and governing bodies must continue to take decisions that they consider are in the best interests of *all* students and staff at their school. Schools are encouraged to always seek further professional advice if needed, which could be from Brighton & Hove City Council (TransToolkit@brighton-hove.gov.uk).

1.1.5 We understand that social and political contexts and landscapes change over time. 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. The toolkit will therefore remain subject to future review.

1.2 Underlying principles and messages in the toolkit

- This Toolkit is guidance which aims to assist schools to make informed decision in respect of the individual circumstances of their students. It is not intended to be prescriptive. It does not restrict the discretion of Headteachers and Governing Bodies to make their own decisions. It does not supersede any statute or statutory guidance in relation to the obligations of schools to their students and their families.
- The Toolkit is intended to offer practical assistance to schools. It does not seek to provide a complete and comprehensive account of the law or a detailed legal analysis. Schools should familiarise themselves with the applicable legal regime and should seek advice if they are unsure about the legality of their policies or about what decisions to take in relation to individual children.
- Education settings and schools should develop effective equality and anti-bullying policies and practices across all protected characteristics of the Equality Act 2010 and in line with the values and ethos of the setting.
- Representation of diversity in schools prepares children and young people for life in modern Britain.
- The prevention of gender stereotyping, sexism, homophobia and biphobia is central to reducing and preventing transphobia.
- Transphobia and bullying contribute to poor mental health outcomes for trans children and young people.
- Non-conformity to gender stereotypes, or a child exploring their gender child does not mean that a child or young person is or will be trans.
- 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.
- Support for individual trans children and young people should generally be provided on a case-by-case basis in discussion with them, their family and professionals around them.
- Members of the education setting may need support in developing an understanding of trans and non-binary identities and experiences. Children, young people and their families should, when appropriate, be signposted to any additional support they may need.
- As with any decision taken about children in schools, teachers and other staff will need be aware of the impacts of their decisions on the individual child affected, but also on the wider school community. No two cases will necessarily be alike, and schools should, as they do with other decisions, deal sensitively with each case on its individual facts.
- Decisions about medical interventions are clinical and made outside of schools.

1.3 Overview

1.3.1 Throughout the toolkit we will be referring to schools, however the guidance is equally applicable in other education settings. Education 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 schools have a responsibility to ensure that all children and young people in their care feel safe to be themselves and supported to reach their potential. Trans children and young people may be a small group within a school community, but a potentially vulnerable one.

1.3.2 In this Toolkit the term ‘trans’ is used as an umbrella term to refer to children and young people who do not identify with the sex they were registered as at birth. Some, but not all, trans people undergo a process of social, legal and/or medical transition in order to live a life that better aligns with their sense of self.¹

1.3.3 A child can have the “protected characteristic” of gender reassignment, Section 7 of the Equality Act 2010. Section 7(1) of the Equality Act 2010 states:

¹ As the High Court noted in *R(AA) v NHS England* [2023] EWHC 43 (Admin); [2023] PTSR 60 at [5],

“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.”

Some children and young people may come within the statutory definition of gender reassignment. Determining whether any particular child has the protected characteristic of gender reassignment will involve a case specific factual assessment.² There is more detail in Appendix 1 on how the question of whether a child comes within the statutory definition of gender reassignment can be approached.

1.3.4 Where children are recognised as having the protected characteristic of gender reassignment, they must not be the subject of treatment which is discriminatory arising from their status as a trans child or young person.

1.3.5 Children and young people might describe their gender identity using other terms, such as gender queer, gender fluid and non-binary.

1.3.6 There will also be children and young people who are exploring their gender identity who will not come within the definition of *“gender reassignment”* in section 7 of the Equality Act 2010. That does not mean that they do not require support and aspects of the suggested best practice in this guidance may be applicable to their circumstances. There may also be instances in which children with other relevant protected characteristics could be affected by decisions regarding trans children and young people. They are considered further below.

1.3.7 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. Schools and colleges need to develop policies and practices which provide mechanisms for the school to sensitively respond to the particular needs of young people and their families in relation to socially transitioning, including where there may be a degree of conflict.

1.3.8 Every trans child and young person’s view, experience, needs and journey will be different, and they should generally be consulted and involved in the support they are offered. Decisions around support should be made in partnership with the child or young person’s parents or carers other than where it has been agreed at a senior level that there are sound reasons for not doing so.

1.3.9 The 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 would be appropriate support for such children and young people.

² As the High Court noted at [133] of *R(AA) v NHS England* [2023] EWHC 43 (Admin)

2 A Whole Setting Approach

2.1 Introduction

2.1.1 Many Brighton & Hove schools 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.

2.1.2 If a whole setting approach is taken that will help ensure harm to trans children, young people, students and staff in the school community is prevented or minimised and all children and young people will be prepared for life in the modern world.

2.1.3 For specific guidance on creating safe learning environments for other groups protected under the Equality Act 2010 contact Brighton & Hove's Equality & Anti-Bullying Service.

2.2 Role of governors

2.2.1 A 'whole school' approach includes governors. For example, it might be beneficial for at least one member of the governing body to have attended trans awareness training and has read this Toolkit. It is also important that governors have had training regarding their responsibilities under the Equality Act 2010. This should include developing an understanding of the challenges faced by trans children, young people and their families as well as other aspects of the Equality Act.

2.2.2 The governing body might want to consider the following points:

- Does the school collate and analyse data on bullying and discriminatory treatment?
- What is the school doing to prevent and challenge gender stereotypes?
- What changes have been made to policies and practice to support the wellbeing of gender exploring, trans and non-binary children and young people? Has the school considered its duties under the public sector equality duty when making such changes?
- What steps has the school taken to keep parents and carers updated on our equality practice?

2.2.3 Governors should manage any concerns or complaints in accordance with the school's policies and procedures. It is important that complaints concerning trans inclusion are managed by governors with a good understanding of the issues referred to in this toolkit, who are respectful to all parties and hold in mind the wellbeing of the child(ren), or young person, and family concerned. Further case specific advice from professionals should always be sought where needed.

2.3 Staff and governor training

2.3.1 Brighton & Hove City Council consider it to be best practice for all staff and governors to be provided with training that develops trans awareness and confidence in terminology and vocabulary e.g. 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 might need additional, specialist training to provide pastoral support.

2.3.2 It is recommended that training is provided to staff delivering PSHE classes to ensure they have a better understanding of the issues, the confidence to apply the guidance in the toolkit, and to provide appropriate support to trans children and young people. This should lead to better experiences for children and young people when they need support. Options for staff and governor training can be provided by Brighton & Hove City Council, email TransToolkit@brighton-hove.gov.uk

2.4 Parent and carer community

2.4.1 All parents and carers should feel that their child and family is represented within the setting.

2.4.2 Schools may find they are approached by parents and carers about trans inclusive practices. Schools should listen openly and respectfully to any questions or concerns, provide information and be in a position to offer the following kinds of reassurance:

- The setting acknowledges there are a diversity of views about trans inclusion and will listen respectfully to views.
- 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 safe, represented and included.

2.4.3 Any complaints made should follow a school complaints policy. Schools can contact the council about concerns raised by members of the school community.

2.5 Bullying on the basis of gender reassignment or sex

2.5.1 Schools need to be able to recognise the difference between freedom of expression of a genuinely held belief sensitively expressed, and behaviour and language which amounts to harmful prejudice or bullying. A failure to take appropriate steps to protect a child from bullying, because of the protected characteristic of gender reassignment, may amount to unlawful discrimination. Bullying should never be tolerated in schools and colleges.

For definitions of bullying, prejudice and scripts for challenging prejudice please see Appendix 4. Schools should be mindful about how so-called 'banter' or 'jokes' used in peer groups can tip over into causing harm.

2.5.2 Schools 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 discriminatory treatment are recorded and that these are recorded separately and by type. Recording of incidents means that the wellbeing of individual children and young people 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. Ofsted, when conducting an inspection, will ask to see records and analysis of bullying, discriminatory and prejudiced behaviour, including homophobic, biphobic and/or transphobic bullying, and the use of derogatory language.

2.5.3 Trans children and young people, as well as children who do not conform to gender norms or stereotypes, may be vulnerable to bullying. Additionally, children and young people with trans family members may also be vulnerable to bullying. Transphobic bullying therefore may be perpetrated by children, young people, 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 and carers, relatives or friends
- Lesbian, gay and bisexual children, young people and adults.

2.5.4 As a key preventative measure for transphobic bullying, schools should consider using the curriculum, assemblies and displays 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. This can lead to bullying and harassment.

2.5.5 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 also find Brighton & Hove's *Guide to Challenging Sexist and Sexual Language* (available on www.beem.org.uk) helpful in developing this area of safeguarding practice.

2.5.6 Identifying the nature of any bullying may 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 or transphobic bullying. A child or young person who is perceived as not expressing stereotypically masculine or feminine traits might experience homophobic or transphobic bullying.

2.5.7 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.

2.5.8 Transphobic bullying may also occur in conjunction with other forms of bullying, including that related to special educational needs and disabilities or cyberbullying. Trans children and young people can be particularly targeted with behaviours such as 'skirt lifting', 'groping' or being asked inappropriate, personal questions. Again, schools should be vigilant in preventing and responding to all forms of sexual harassment and bullying.

2.5.9 If an apparently 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 will need to use their professional judgement as to whether the incident is targeted to a young person's transgender status. It might be appropriate to challenge the prejudice, but care may be needed to avoid labelling the incident as transphobic in front of other children and young people, as this could result in 'outing' the person being targeted. This approach would not prevent the incident being recorded as a transphobic incident.

2.5.10 There may be occasions where transphobic bullying has wider safeguarding implications, or involve criminal behaviour, and in these cases, schools 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.

2.6 Language

2.6.1 It is considered best practice for staff to be thoughtful about the use of gendered terms for all children and young people, avoiding using language which reinforces certain stereotypical ideas of femaleness or maleness. For example, asking for two strong boys to move a piece of classroom furniture might imply that girls cannot be physically strong.

2.6.2 Care needs to be taken to avoid unnecessary references to gender which may exclude those who do not identify as male or female (e.g. non-binary) or makes assumptions about someone's gender identity based on their gender

expression. Schools can develop a repertoire of gender-neutral language that reflects their community such as “learners”, “Year 8”, “folks”, “partner”, etc. and use when appropriate.

2.6.3 The purpose of this thoughtful use of language is not to deny sex and gender as important parts of our identity, in fact we generally need to use binary language to talk about sexism, sexual harassment and sex specific life experiences. Equally, where someone’s gender is known then it will often be more appropriate to use gendered terms such as mum or grandma.

2.7 Curriculum

Celebrating difference and challenging gender stereotypes in Early Years and beyond

2.7.1 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. It is recommended as best practice for schools to 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.

2.7.2 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 by not conforming to gender stereotypes.

2.7.3 It is considered best practice to develop an inclusive environment for play and learning in early years and, in age-appropriate ways, continue this in primary and secondary education. Examples could include using resources, visitors, images and books that avoid gender stereotypes and represent a range of gender expression across the curriculum.

2.7.4 See the PSHE resources pages on www.BEEM.org.uk for potential resources.

A curriculum that represents diversity

2.7.5 An awareness and understanding of people who identify as trans or are exploring their gender identity should be taught in age-appropriate ways within a whole school curriculum where all protected characteristics are respected.

2.7.6 This might be achieved by using diversity as a thread running through the whole curriculum:

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

Teaching and learning approaches and supporting learning needs.

2.7.7 Some teaching and learning approaches may make trans children and young people feel confused, excluded or uncomfortable. Putting children and young people into single sex groups can be one of these times. 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 particular groups (e.g. boys and literacy). Providing a clear need is identified, the Equality Act 2010 allows for such provision³. However, it is recommended that school staff only group by sex when it is educationally necessary, and the rationale can clearly be explained.

2.7.8 Where teaching is undertaken in single sex groups, the school will need to consider where it is appropriate for a trans child or young person to be placed, including having regard to the wishes and feelings of the young people concerned and any risk of “outing” the young person to their peers.

2.7.9 Statutory Guidance, Relationships Sex and Health Education recommends that all children and young people 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 experience⁴.

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

2.7.10 Brighton & Hove schools are signposted to the PSHE Association Programme of Study which takes a considered and inclusive approach to LGBT identities. Brighton & Hove’s PSHE Service provides additional guidance and resources to support schools in effective delivery of this curriculum.

2.7.11 Schools should ensure that they comply with the Statutory Guidance, Relationships, Sex and Health Education. The current guidance makes clear that:

Schools should ensure that all of their teaching is sensitive in approach and content. They should ensure that LGBT 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 children and young people to have been taught LGBT content in line with the statutory guidance and the needs of pupils so that they have an understanding of the world around them.⁵

2.7.12 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”.⁶

³ Equality Act 2010: Advice for Schools <https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools> (Section 3.19, retrieved 18.7.24)

⁴ 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 27.06.2024 – para 88.

⁵ 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 18.7.24)

⁶ 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 18.7.24)

2.7.13 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.

2.7.14 Additional ideas to consider for making relationships, sex and health education trans inclusive might include:

- Use gender-neutral names when designing some case studies, scenarios or characters for use in PSHE lessons.
- Represent trans 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.
- Present sexual health information with an awareness that for trans young people their body may not sit comfortably with their gender identity.

2.7.15 If you know you have a trans child in the class, some planning, pre teaching or one-to-one support may be necessary to ensure the child gets the information they need in a way that feels supportive to their sense of self in relation to their gender identity.

2.7.16 Some screening procedures, for example cervical screening, are sex specific and are important for everyone to know about. The Terrence Higgins Trust and Gendered Intelligence have resources for older students, which inform about trans health.

2.7.17 It is good practice to explore different viewpoints as part of relationships, sex and health education, and children and young people 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 and manage the discussion so that all children are treated with respect. Teachers should seek to 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.

2.7.18 Under the Public Sector Equality Duty, there is a duty on the responsible body of a school to show due regard to the need to foster good relationships between different protected characteristics, and between certain protected characteristics and those without them.

2.7.19 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 that approach is taken it will generally be appropriate to also set out the legal rights LGBT people have under UK law, and that these rights must be respected.⁷

2.7.20 It is important for schools 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 schools 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:

⁷ 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]”⁸

2.7.21 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.

2.8 Single-sex schools

2.8.1 This guidance is equally applicable to single-sex schools, however there may need to be greater emphasis on ensuring the safety and inclusion of trans children and young people in single sex schools. If a child transitions to a different gender from that of the school they are in (e.g., a trans girl at a boys’ school) discussions should take place with the young person and their family on how to accommodate the transition within school policies and processes. It will not be lawful to exclude the child from the school because they have transitioned to a different gender.

2.8.2 Issues can also arise regarding admission of trans children to single-sex schools (for example, if a trans child seeks a place at a single-sex school consistent with their gender identity but not their registered sex). These issues are complex and schools should take advice on them if they have concerns.

⁸ Statutory Guidance, Relationships, Sex and Health Education
<https://www.gov.uk/government/publications/relationships-education-relationships-and-sex-education-rse-and-health-education> (Retrieved 18.7.24)

3 Supporting an individual trans child or young person

3.1 An individualised approach to support

3.1.1 There is not a one size fits approach in supporting a trans child or young person or a child or young person exploring their gender identity. As would be done for any other vulnerable child or young person, allocating a key member of staff, can be an important first step.

3.1.2 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 children and young people and students from certain faith or cultural backgrounds, or those who have special educational needs or a disability. It is important for schools to see all aspects of a child's identity and experience in thinking about how to best support them.

Non-binary children and young people

3.1.3 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 may also be relevant to the inclusion of non-binary children and young people.

Gender exploration

3.1.4 In her independent review of gender identity services for children and young people commissioned by NHS England Dr Hilary Cass states, "It is not unusual for young people to explore both their sexuality and gender as they go through adolescence and early adulthood before developing a more settled identity."⁹

3.1.5 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 exploring gender expression, for example changes in what they wear or how they present, and for others it may relate to their sexual orientation. It may also include wanting to be known by a different name and or pronoun. It is important to recognise that exploring gender or coming out as trans is a hugely significant step and the initial response can have a lasting impact on the individual. The choice to share information about gender exploration or to come out is a personal one and will be done when the time feels right for the child or young person. They may talk 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.

3.1.6 If a child or young person makes the decision to come out or talk about their gender exploration to you at school, it is a big step, and they likely consider you a trusted adult 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 generally appropriate 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...?' A watch and wait policy can be adopted and pressure should not be placed on any child or young person to live or behave either in accordance with their sex registered at birth or to move to gender transition.

⁹ <https://cass.independent-review.uk/home/publications/final-report/>

3.1.7 In some schools, the child or young person may have discussed their gender exploration or transitioned in a previous school setting. School staff should be mindful that this child or young person may only talk to or come out to a small number of school staff or their peers and as such their information must be kept private and confidential (unless the circumstances require otherwise). It is also the case that schools may not be aware of all the gender exploring and trans children and young people in their community.

3.1.8 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.

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

3.2.1 Schools should ideally 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 is gender exploring or who comes out as trans 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 they regard as amounting to moving towards social transitioning and extra time, support and care will need to be offered to both the child and the family.

3.2.2 Difficulties may arise for schools where a child who wants to make a social transition at school does not wish their parents or carers to be consulted or notified. Schools should seek to explore with the child why they do not wish their parents or carers to be involved or told they are considering transitioning. There may also be cases in which the school is concerned that informing a parent could have a detrimental impact on the wellbeing of a child or young person. Governing bodies of maintained schools have obligations to ensure “their functions relating to the conduct of the school are exercised with a view to safeguarding and promoting the welfare of children who are pupils at the school.”¹⁰ In cases in which schools have concerns about safeguarding and that informing parents or carers about a child’s gender identity could impact on the welfare of a child, or if there are cases in which parents or carers do not want their child to take steps towards socially transitioning despite the child’s wish to do so, schools should seek further advice. They should also ensure any decisions are clearly documented by the school and decisions signed off at a senior level.

3.2.3 Siblings of a trans child or young person may also need support, especially if they attend the same school. They may find the situation difficult and may find it hard to accept their sibling’s gender identity. Even if they are supportive of their sibling, they may also encounter transphobia and transphobic bullying as a result of having a trans family member or feel conflicted if there are different responses to the trans child within the family. They may feel that parents and carers are giving more attention to a trans or gender exploring child. Siblings should be given opportunities to discuss their own feelings with pastoral members of staff if they wish. Support may be needed over an extended period.

¹⁰ Education Act 2002 s 175(2).

3.3 Transition

Medical transition

3.3.1 Transition can be divided into 'social' and 'medical' transition. It is not the role of schools to make decisions about medical treatment.

3.3.2 If a young person proceeds with medical transition of any kind, this is likely to have an added impact their schooling.

3.3.3 Coming to terms with being trans and gender exploring can be a difficult time at any age. Starting the initial stages of medical transition 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 pastoral support is likely to be needed.

3.3.4 Children and young people needing time off for a medical appointment should be recorded with an M code.

Social transition

3.3.5 The Independent Review of Gender Identity Services for Children and Young People, also known as the Cass Review, identifies that there is no single definition of social transition, but it can broadly be understood to refer to:

- A gendered name change.
- A change in pronoun (he, she, they, zie etc.).
- Wearing clothes that are associated with their gender identity.

3.3.6 Schools should be mindful that there will be many occasions when children and young people experiment with their identity when they are not socially transitioning, for example, many children will adopt a nickname.

3.3.7 Not all children and young people who wear clothes associated with a gender different to that of their sex registered at birth are trans. Equally, a trans person may choose not to wear clothes stereotyped as being for their gender identity. The approach set out in this Toolkit encourages schools to provide for a wide spectrum of gender expressions and have openness to the diversity shown by children and young people. Work on sexism, gender expression, gender stereotyping and particularly masculinity and femininity should be done across the school to ensure all children and young people feel respected in their gender expression.

3.3.8 Where it becomes apparent that a young person has made a choice to socially transition as stated above, schools should not ordinarily support a child or young person to socially transition without first involving the child or young person's parents or carers and establishing an agreed way forward. The starting point will be to explore with the student sharing what they are seeking with the family. As set out above, in cases in which a child or young person wishes to take steps towards socially transitioning and their parents or carers are opposed, or the school has cogent safeguarding concerns about involving the parents or carers, further advice should be sought. This may include the need for fact specific advice on whether the child is "Gillick competent", meaning that they are sufficiently mature to make decisions without the express consent of their parents.

3.3.9 In cases where parents and carers do not consent to their child making any steps towards a transition, additional support will need to be offered to this student and their family, with additional professional advice taken as necessary. If there are concerns that the refusal of parents' or carers' agreement is impacting on the child's mental health and wellbeing the school should seek professional advice to support the decision-making process and communication with the family.

3.3.10 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, children and young people. This should, as much as possible, be led by the child or young person asking for these changes and may include an educational element to ensure other children and young people have the appropriate knowledge and understanding of the issues.

3.3.11 It is also important to note that particular care should be taken regarding social transition for pre-pubescent children. Options should be kept open for these children and consideration given to whether this decision is being driven by the young person or the parent or carer.

3.3.12 A child or young person's goals in terms of transition may change over time and the support offered may need to be adjusted accordingly. 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.

3.3.13 Some children and young people, including those with SEND, may not feel the same pressures or awareness of 'fitting in' socially, or may have empathy differences that make it difficult for them to understand their families or friends' perspectives or feelings. 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.

3.3.14 Some trans children and young people 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.

3.4 Timing of transition (including primary to secondary transfer)

3.4.1 Schools will have children and young people at different stages of transition; including those who have transitioned prior to attending their school. The level of and type of support needed may vary according to the individual and their stage of transition.

3.4.2 Some trans children may begin to socially transition at primary school. Before they move on to secondary school, the following steps are 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.

3.4.3 The Independent Review of Gender Identity Services for Children and Young People highlights some of the

concerns regarding primary aged children starting social transition. The report recommends maintaining flexibility and keeping options open by helping the child to understand their body and their feelings¹¹. This could be achieved through a high quality PSHE curriculum.

3.4.4 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 could include working with students from the original primary school who are aware of this change.

3.5 Students with additional considerations

3.5.1 Some trans children and young people may also have Special Educational Needs and Disabilities (SEND), come from a faith background, be Black or Racially Minoritised (BRM) and/or have been in care. As such, it is important for schools to adopt a case-by-case approach for an individual child that takes into account all relevant additional considerations.

Special Educational Needs and Disabilities (SEND)

3.5.2 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.

3.5.3 Staff, parents, carers, and wider professionals may need support in understanding that a child or young person with SEND is just as likely to be lesbian, gay, bisexual, trans or gender exploring as any other person. The National Autistic Society includes articles on its [website](#) about this.

3.5.4 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 exploring gender identity are not dismissed.

3.5.5 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.

3.5.6 Some children and young people with SEND may not understand that others do not already see them in the same way as they see themselves or know themselves to be and so not see the need to communicate. This may 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-judgmental, safe way with conversations that go at the child's pace will be important.

3.5.7 Differences in social understanding, empathy and communication may mean specific support is needed. Tools

¹¹ <https://cass.independent-review.uk/home/publications/final-report/>

such as Mind Mapping, Comic Strip Conversations and Social Stories may be useful to support communication and understanding.

3.5.8 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 safety including online.

3.5.9 Specific support is available from the Brighton & Hove Inclusion Support Service (BHISS).

Black, and Racially Minoritised (BRM) children and young people and children and young people from faith backgrounds

3.5.10 BRM 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.

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

3.5.12 Allsorts Youth Project has support and resources written by and for young [LGBT BRM people](#) and [young people of faith](#).

3.5.13 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

3.5.14 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.

3.5.15 Children in care who are wishing to change their name may have additional challenges due to the differing levels of legal responsibility the adults around them have to input into legal decision making. The position should be clarified with the child's social worker.

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

3.5.17 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.

3.6 Signposting to additional support

3.6.1 Signposting children and families to local sources of specialist support can be helpful. In Brighton and Hove there is specialist locally based support for children, young people and their families and schools.

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

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

3.6.4 Medical advice should be provided via the NHS.

4 Managing specific issues for trans children and young people

4.1 Access and safety for all

4.1.1 There are likely to be children and young people at various stages of exploring their identities or transitioning within schools. The information which follows will be relevant to some children and young people and not others. Schools may wish to consider the guidance below and apply on an individual, case by case basis and seek further advice if needed. This guidance should be considered alongside the rights of other children and young people in the school (especially girls and members of particular religions or those holding particular beliefs).

4.1.2 As part of ongoing work to ensure safe learning environments, schools should carry out a range of activities that ensure respectful behaviour by all children and young people in all areas of the school building, including toilets and changing rooms. This might include, as part of a setting's ongoing anti-bullying work the encouragement to all children and young people 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.

4.1.3 The Toolkit encourages a mixed model of provision rather than the removal of single-sex spaces. 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 reassignment definition in the Equality Act 2010) using facilities aimed at a gender that is not the one registered at birth presents a threat to other children or young persons using the facilities.

4.1.4 It is recommended that schools carry out equality impact assessments when making changes to existing provision so that they identify, and can mitigate, any potential negative impacts of changes, having regard to the rights of all children and staff. For more advice on individual cases, showing due regard and undertaking Equality Impact Assessments please contact the Equality and Anti-Bullying Service TransToolkit@brighton-hove.gov.uk

4.2 Toilets

4.2.1 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'¹².

4.2.2 Regulation 4(2) means that at least some single-sex toilets, or toilets "in a room that can be secured from the inside", must be provided in a school. Provided that is done, schools should go on to consider more generally how access to toilets within the school should be arranged and how that affects trans and other children. A policy, for example, requiring trans girls (with the protected characteristic of gender reassignment) to use the boys' toilets might constitute indirect discrimination on the basis of gender reassignment. It could constitute a 'particular disadvantage' for the trans girls. For example, there are health risks for children unable to access toilets during the school day (such as urinary tract infections) and the feeling of exclusion can be harmful to their mental health. As such, a policy of requiring a trans child or young person to use toilet facilities that do not align with their gender, might amount to *prima facie* indirect discrimination that would need to be justified. For *prima facie* indirect discrimination to be justified, the

¹² <https://www.legislation.gov.uk/ukxi/2012/1943/regulation/4/made> (Retrieved)

relevant policy or practice must be a proportionate means of achieving a legitimate aim. This would need to be assessed on a case-by-case basis in discussion with the individual child or young person and considering the potential impacts on other children and young people.

4.2.3 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.

4.2.4 Ideally, where funding and space allows, as well as toilets meeting the requirements of the 2012 regulations, schools should provide children and young people with access to a mixture of toilets including:

- unisex toilets which have 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 toilets.

4.3 Changing rooms

4.3.1 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".¹³

4.3.2 The Technical Guidance for Schools in England of the Equality and Human Rights Commission provides the following example:

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 space¹⁴.

4.3.3 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. In making a decision as to which changing room a trans child will use, a school will need to consider the needs of all other children and young people including girls and those with relevant religious or other beliefs. It should consider whether any decision it takes regarding trans children impacts on children with other protected characteristics (which include sex and religion). If, for example, a decision regarding trans children could be shown disproportionately to disadvantage girls or members of particular religious groups, the school would need to show that disadvantage was justified (see above 4.2.2 on justification in indirect discrimination cases). Ultimately schools will need to balance the impacts of its decisions on all children potentially affected. In doing so it should avoid stereotypes or presumptions about how members of particular groups will react or be affected by decisions regarding trans children, and it should work to dispel stereotypes or misunderstandings that children or young persons may have about trans children.

4.3.4 Any child or young person who has a need or desire for increased privacy, regardless of the underlying reason, should generally 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 keeps the reason for the

¹³ <https://www.legislation.gov.uk/ukxi/2012/1943/regulation/4/made> (Retrieved 28.7.20)

¹⁴ <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-schools-england> (Retrieved 07.11.24)

alternative provision, be that trans status or anything else, confidential.

4.4 PE and sports

4.4.1 As in relation to changing rooms, if schools separate PE or sports by sex they should consider how any decisions about participation affects both trans children and young people and other members of the school community. If, for example, a school insisted on trans children or young persons doing PE or playing sports only with those of their sex as registered at birth, that may well disadvantage those with the gender reassignment protected characteristic under Equality Act. They may find it humiliating and in some cases it may “out” them. A school would therefore need to show that any such policy or practice was justified as “a proportionate means to achieve a legitimate aim” if it was to be lawful (see paragraph 4.2.2 above). It may also be said that allowing children to do PE or play sports in accordance with their gender identity disadvantages others in the school (for example, depending on age, stage of development and the specific sport involved, it may be said that girls are disadvantaged by allowing trans-girls to participate in separate “female only” PE or sports lessons). If that were the case, the decision to allow the trans child or young person to participate in accordance with their gender identity would need to be justified. The concerns about seeking to balance the impacts of decisions on all children potentially affected and avoiding stereotypes or presumptions discussed above at paragraph 4.3.3 apply equally.

4.4.2 In considering how the right balance should be struck, schools 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 children and young people safe. Some activities may be segregated, for example, providing opportunities for girls to develop their football skills.

4.4.3 At primary level most PE lessons will be mixed sex. At secondary level lessons are more often segregated by sex. The issue of physical risk within certain sports should ordinarily be managed properly within the lesson context rather than by preventing young trans people from participating in lessons in accordance with their gender identity.

4.4.4 Schools are recommended to refer to the policies of the relevant governing body of the sport. For example, the Football Association has a policy in relation to transgender players.

4.4.5 Schools should consider how to make their own events inclusive and ensure there is opportunity for competition for all that want to participate in some format or other.

4.4.6 The handling of changing facilities at an ‘away game’ will also have to be sensitively managed. Staff should ensure there is appropriate provision available.

4.5 Residential trips

4.5.1 It is important that all children and young people are able to access wider opportunities such as residential trips and visits. Residential accommodation should be considered carefully on a case-by-case basis and further guidance and support should be sought where needed.

4.5.2 Schools should enter into discussion with the trans child or young person, and their parents or carers prior to residential trips. The school should identify, first, how the trans child or young person would like to be accommodated. Families will have usually thought about this carefully. The school will need to consider whether, and if so how, this request can be implemented, and if necessary and appropriate, carry out a risk assessment of the proposal, considering the dynamics with other children. The school must consider the importance of ensuring the participation of trans children and young people, as well as the rights of other children (including girls and those with a religion or belief).

Particular care and consideration may be required where a child or young person is not known to be trans to peers. Schools who know their student communities well will be in the best position to make decisions in individual cases.

4.5.3 Practical solutions could include access to gender neutral toilets (for example accessible toilets); staggering access to showers; sharing a bedroom with trusted friends with appropriate previously agreed arrangements; ensuring showers and toilets are lockable for privacy (e.g. en-suite facilities in shared rooms) and access to private individual changing areas.

4.5.4 Prior to the start of a residential trip, schools should make clear their expectations to all children and young people about how they support and treat each other. When planning overseas trips, schools may wish to 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.

4.5.5 Further guidance can be found here: <https://oeapng.info/downloads/good-practice/> (4.4L Transgender young people & visits).

4.6 Uniform and dress

4.6.1 Beginning to dress in the clothes associated with one's gender identity can be a big step and potentially daunting. It is important for care to be taken to ensure that trans children and young people are shown sensitivity and understanding during this time as it may be a very visual representation of the transition process.

4.6.2 Having the availability of a non-gendered school uniform list is one way that a school might choose to be supportive to all children and young people. By providing a choice of approved items of uniform and allowing children and young people to choose what they wear, schools could allow for regulated structure and remain inclusive.

4.6.3 Staff training is recommended to ensure that all staff understand what it means to be trans and that children and young people may 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.

4.7 Name and pronoun changes

4.7.1 Some trans children and young people may wish to change the name they are known by and their pronoun (e.g. he, she, they).

4.7.2 Respecting a child or young person's request to change name and pronoun is an important part of supporting and validating their identity. 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').

4.7.3 The use of pronouns and gender identifiers may be important to children and young people. It is recommended that schools develop clear evidence-based policies that are transparent, setting out what is expected of staff, children and young people. In order to best support trans children and young people, the approach should be to recognise the potential vulnerabilities of this group and where possible adopt the requested names and pronouns.

4.7.4 It will often be important to consistently use agreed 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.

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

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

4.8 School Data Recording

Last name

4.8.1 The child or young person'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

4.8.2 A child over the age of 16 has the legal right to change their 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.

4.8.3 If the child or young person 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. The new name should be recorded as the child or young person's 'preferred name'. However, the register should still show the child or young person's original, legal name.

4.8.4 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.

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

4.8.6 There may be sensitivities for looked after children in relation to making name changes. Schools should consider the section in relation to looked after children above before making any decisions.

Legal name field and exams

4.8.7 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.

4.8.8 Legal names are required to be used when registering children and young people for accredited exams. 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.

4.8.9 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 child or young person arrives in education for the first time; the name on their birth certificate), not preferred names. Schools need to be aware that the DfE analysis of school performance will still present the young person in the sex registered by their UPN.

Recommendations:

- When sending data about the child or young person 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 children and young people.
- Engage with the child or young person 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

4.8.10 The DfE has implemented operational changes to how it collects a specific set of data linked to sex and gender, which have been in use and mandatory from September 2023.

[CBDS RFC 1233 - Sex and Gender Identity \(publishing.service.gov.uk\)](#)

4.8.11 Four fields (Pupil Gender, Contact Gender, Pupil/Child Gender, and Gender) are being replaced with two new fields (Sex and Gender Identity). Sex is defined as sex registered at birth (male, female). Gender identity is defined as a person's inner concept of self, male, female, neither or a blend of both (boy/man, girl/woman, prefer to self-describe).

4.8.12 Reporting of sex to the DfE is mandatory. Recording gender identity will be optional at a local level. Brighton & Hove City Council request that schools continue to collect both fields from parents and carers and record both fields in their MIS. This allows schools to monitor specific groups within their schools and provide support as needed.

4.9 Confidentiality and information sharing

4.9.1 All people, including children and young people, have a right to privacy, although that right is not absolute. Information about a child or young person's transgender status, legal name, or sex registered at birth would also constitute special category data under GDPR (see [Special category data | ICO](#)).

4.10 Work experience

4.10.1 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.

4.10.2 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 ensure the placement is successful

4.11 Vaccinations

4.11.1 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 the education setting.

4.11.2 Consideration should be given to trans children and young people if the vaccination is sex-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.

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

5 Trans staff and governors

5.1 This toolkit does not cover the needs of trans staff and governors. However, trans staff and governors can experience similar challenges to those outlined in the Toolkit including bullying and harassment. Schools 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. Guidance for inclusive workplaces can be found on the NEU website: <https://neu.org.uk/advice/equality/lgbt-equality/trans-educators-toolkit>

5.2 The following pages, documents or guidance can be searched for on www.BEEM.org.uk:

- The Safer Recruitment Toolkit (includes equality in employment issues in schools)
- 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)
- Whistleblowing Policy (and other key employment policies)
- Wellbeing Framework (includes guidance on work life balance, dignity and respect at work and violence at work / incidence reporting):
- Access to general information on Equality Act impact on staff (including the Guaranteed Interview Scheme for disabled applicants).

6 Additional support

6.1 Signposting to nationally available resources, support and guidance can be found on the Equality & Anti-Bullying Service and PSHE Service pages of www.BEEM.org.uk

6.2 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 or TransToolkit@brighton-hove.gov.uk to request support.

6.3 Allsorts Youth Project

Allsorts Youth Project provides support to LGBT+ and exploring children and young people in schools. Allsorts Youth Project believes that young LGBT+ people deserve to feel safe and thrive at home, at school and in their communities.

For information and advice related to individual children, young people and their families please email youth@allsortsyouth.org.uk

6.4 Brighton & Hove Inclusion Support Service (BHISS)

Contact for referrals for any mental health and wellbeing needs.

BHISS@brighton-hove.gov.uk

<https://www.beem.org.uk/Services/1695>

6.5 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.

Appendix 1 Relevant Law and Guidance

This section highlights provisions that schools might find particularly relevant and/or useful.

Gender reassignment is defined at section 7 of the Equality Act 2010:

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.¹⁵

In *R (AA) v NHS England* [2023] EWHC 43 (Admin); [2023] PTSR 60 the High Court adopted a broad construction of section 7, stating:

133. But there is no reason of principle why a child could not satisfy the definition in s. 7, provided that they have taken a settled decision to adopt some aspect of the identity of the other gender. Many of the children referred to children's GID services will have taken such a decision. Determining whether any particular child has the protected characteristic of gender reassignment will involve a case specific factual assessment."

The wording from the [EHRC Technical Guidance for Schools](#), paragraphs 5.113 to 5.116, outlines the conditions to be recognised as having the protected characteristic of gender reassignment and that this applies to a child:

5.113 Gender reassignment means proposing to undergo, undergoing or having undergone a process to reassign a person's sex.

5.114 To be protected from gender reassignment discrimination, a person does not need to have undergone any medical treatment or surgery to change from their birth sex to their preferred gender.

5.115 A person can be at any stage in the transition process, from proposing to reassign sex, undergoing a process of reassignment, or having completed it. It does not matter whether or not a person has applied for or obtained a Gender Recognition Certificate, which is the legal document that enables trans people aged 18 and over to have their acquired gender recognised as their legal sex.

5.116 A child can have the protected characteristic of gender reassignment.

The [Department for Education's Equality Act 2010: advice for schools](#) 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.¹⁶

Other potentially relevant protected characteristics are:

- "religion or belief" (pursuant to Equality Act 2010 s 10 "Religion means any religion and a reference to religion includes a reference to a lack of religion" and "Belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief");

¹⁵ Section 7 of the Equality Act 2010 <https://www.legislation.gov.uk/Kupa/2010/15/section/7> (Retrieved 19.5.20)

¹⁶ 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/>

- “sex” (pursuant to Equality Act 2010 s 11 “a reference to a person who has a particular protected characteristic [of sex] is a reference to a man or to a woman” and s 212 provides that “‘man’ means a male of any age” and “‘woman’ means a female of any age); and
- “sexual orientation” (Equality Act 2010 s 12 provides that “Sexual orientation means a person's sexual orientation towards— (a) persons of the same sex, (b) persons of the opposite sex, or (c) persons of either sex.”)

Chapter 1 of Part 6 of the Equality Act 2010 concerns schools. Section 85, titled ‘Pupils: admission and treatment, etc’, sets out prohibited conduct against children and young people in relation to protected characteristics.

Types of prohibited conduct include:

- Direct discrimination (defined in section 13)
- Indirect discrimination (defined in section 19)
- Harassment (defined in section 26)
- Victimisation (defined in section 27)

Section 13 defines “Direct discrimination” as follows: “A person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.” Unless there is a specific statutory provision which permits less favourable treatment because of a protected characteristic, “direct discrimination” will not be lawful. In the absence of such a statutory defence, it will not be relevant if A considers that the treatment in question is justified.

Pursuant to section 19, “indirect discrimination” arises if a person (“A”) applies a “provision, criterion or practice” to B and others and “which puts, or would put, persons with whom B shares the characteristic at a particular disadvantage when compared with persons with whom B does not share it” and “[the provision, criterion or practice] puts, or would put, B at that disadvantage,” The application of the relevant “provision, criterion or practice” will, however, only be unlawful if A “cannot show it to be a proportionate means of achieving a legitimate aim” (see s 19(2)(d)).

The Equality Act 2010 contains exceptions. Section 85(10) provides that the protected characteristics of gender reassignment, religion or belief and sexual orientation are not protected characteristics for the purposes of the prohibition on harassment in section 85(3). Further exceptions in relation to education are set out in Part 2 of Schedule 3.

In addition to the substantive duties under the Equality Act 2010, the Public Sector Equality Duty (‘the PSED’), in section 149 requires the responsible body of schools to show due regard to the need 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 schools to have equality objectives and information published on their websites.

Schools should consider equality implications when developing policy and taking decisions, not as an afterthought, and the equality implications 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.¹⁷

Under the Ofsted Education Inspection Framework (2023):

“Inspectors will assess the extent to which the provider complies with the relevant legal duties as set out in the Equality Act 2010 including, where relevant, the Public Sector Equality Duty and the Human Rights Act 1998.”¹⁸

Evidence Ofsted will use to evaluate the impact of leaders’ work includes:

“the board of governors or the board of trustees are responsible for ensuring that the school fulfils its statutory duties, for example under the Equality Act 2010, and other duties, for example in relation to the ‘Prevent’ duty. The board of governors or the board of trustees are also expected to exercise strategic oversight of all aspects of safeguarding. When inspectors consider whether the board of governors or the board of trustees are fulfilling this responsibility, they are not expected to construct or review a list of duties.”¹⁹

To be judged as good, “Governors or trustees ensure that the school fulfils its statutory duties, for example under the Equality Act 2010”.

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

Creating an environment in which pupils feel safe, and in which bullying, discrimination, sexual harassment, sexual abuse and sexual violence – online or offline – are not accepted and are dealt with quickly, consistently and effectively whenever they occur.²⁰

¹⁷ Equality Act; Advice for Schools (2018) <https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools>

¹⁸ Ofsted, The education inspection framework (2023) <https://www.gov.uk/government/publications/education-inspection-framework>

¹⁹ [School inspection handbook - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/school-inspection-handbook) (372)

²⁰ [School inspection handbook - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/school-inspection-handbook) (312)

Appendix 2 Confidentiality and information sharing

Many 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 and the working assumption should be that any planning is done in partnership. Schools will encourage children and young people to talk with their parents and carers about being trans, including offering to talk with the parent or carer on the child's behalf. The only exceptions would potentially be where there are safeguarding concerns and involving parents or carers would constitute a risk of harm to the child or young person. If a school is concerned that such circumstances may arise, further advice should be sought.

When a child or young person initially discloses that they are trans, it is important to talk to them about confidentiality and who, if anyone, they would like information to be shared with. It is best practice for the member of staff to 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. In line with pastoral policies, it would be good practice to keep a record of support provided to trans children and young people. Parents and carers should not be excluded from decisions taken by a school or college. Where children or young people are not comfortable discussing this with their parents or carers, the school should explore ways to support this conversation with them unless there is evidence that doing so would place the child at risk of harm. 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. Schools 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.

Schools should 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.

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 might compromise confidentiality.

2.1 UK General Data Protection Regulations (GDPR)

Schools are required to comply with the UK 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.

Under the UK 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.

The UK 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.

Appendix 3 Definitions

The following terminology is helpful to understand. Definitions have been taken from the sources indicated. The definitions relating to gender identity should not be conflated with the term 'gender reassignment' under section 7 Equality Act 2010.

Bullying including hostility toward people perceived as transgender.

“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.”²¹

Transgender bullying can occur when the behaviour is reasonably 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.

An individual may also experience transphobic bullying as a result of perceptions that a parent, relative or other significant figure does not conform to stereotypes about gender expression or is trans.

Hate crimes.

Crimes can be prosecuted as a hate crime if the offender has either:

- demonstrated hostility based on race, religion, disability, sexual orientation or transgender identity.

Or

- been motivated by hostility based on race, religion, disability, sexual orientation or transgender identity.

The police and the CPS have agreed the following:

There is no aggravated offence of homophobic, biphobic or transphobic hate crime but [s.66 Sentencing Act 2020](#) imposes a duty upon courts, when considering the seriousness of an offence, to treat as an aggravating factor that either:

- at the time of committing the offence, or immediately before or after doing so, the offender demonstrated hostility towards the victim based upon the sexual orientation (or presumed sexual orientation) of the victim or based upon the victim being (or being presumed to be) transgender; or
- the offence was motivated (wholly or partly) by hostility towards persons who are of a particular sexual orientation or who are transgender.

²¹ Preventing and Tackling Bullying, DfE 2017

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/623895/Preventing_and_tackling_bullying_advice.pdf (Retrieved 07.11.24)

“Hostility is not defined... Consideration should be given to ordinary dictionary definitions, which include ill-will, ill-feeling, spite, prejudice, unfriendliness, antagonism, resentment, and dislike.”²²

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 life²³. “Gender dysphoria is commonly used in research publications, as well as clinical settings. It is also most likely to be familiar to the lay public since it has been used widely in mainstream and social media. Like depression, it is a label that is used colloquially to describe feelings, as well as being a formal diagnosis.”²⁴

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.²⁵

The Independent Review of Gender Identity Services for Children and Young People states: This term is used to describe an individual’s internal sense of being male or female or something else.²⁶

Gender incongruence

This is the term used to describe “a marked and persistent incongruence between an individual’s experienced gender and the assigned sex”²⁷. It is not a mental health disorder. It does not include references to dysphoria or dysfunction.

Cisgender or cis

²² : <https://www.cps.gov.uk/legal-guidance/homophobic-biphobic-and-transphobic-hate-crime-prosecution-guidance> (retrieved 7.11.24)

²³ NHS [Gender dysphoria - NHS \(www.nhs.uk\)](https://www.nhs.uk)

²⁴ <https://cass.independent-review.uk/home/publications/final-report/>

²⁵ World Health Organisation [Gender and health \(who.int\)](https://www.who.int)

²⁶ <https://cass.independent-review.uk/home/publications/final-report/>

²⁷ International Classification of Diseases, Eleventh Revision (ICD-11) (World Health Organization, 2022) (<https://icd.who.int/browse/2024-01/mms/en#344733949>)

Someone whose gender identity is the same as the sex they were registered as at birth. Non-trans is also used by some people.²⁸

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.²⁹

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 assumptions 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

UNICEF define this as "Ascribing certain attributes, characteristics and roles to people based on their gender."³⁰

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. UNICEF states, "Gender stereotyping becomes harmful when it limits a person's life choices, such as training and professional path, and life plans."³¹

The wellbeing of boys and girls can be harmed by stereotyping³². All schools 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.

²⁸ Stonewall <https://www.stonewall.org.uk/list-lgbtq-terms>

²⁹ Stonewall Glossary <https://www.stonewall.org.uk/list-lgbtq-terms>

³⁰ [Gender equality: GLOSSARY OF TERMS AND CONCEPTS \(unicef.org\)](https://www.unicef.org/gender-equality/glossary-of-terms-and-concepts)

³¹ [Gender equality: GLOSSARY OF TERMS AND CONCEPTS \(unicef.org\)](https://www.unicef.org/gender-equality/glossary-of-terms-and-concepts)

³² 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>

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 female”³³. “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’s”³⁴.

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.”³⁵ 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.”³⁶ Trans people, like everyone else, can have a range of sexual orientations.

Sex

Sex is a protected characteristic in the Equality Act 2010 (section 11) and refers to a male or a female of any age. In relation to a group of people it refers to either men and/or boys, or women and/or girls: see sections 11 and 212(1) Equality Act 2010 and [2.55] of the Equality and Human Rights Commission’s ‘Services, public functions and associations Statutory Code of Practice’.

Trans boy or man

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

³³ The UK Intersex Association <http://www.ukia.co.uk/about.html>

³⁴ NHS [Differences in sex development - NHS \(www.nhs.uk\)](http://www.nhs.uk)

³⁵ Stonewall <https://www.stonewall.org.uk/list-lgbtq-terms>

³⁶ Stonewall <https://www.stonewall.org.uk/list-lgbtq-termshttps://brightonandhovecc.sharepoint.com/sites/GRPPSHEEducationBrightonHove-TransToolkitDevelopment/Shared Documents/Trans Toolkit Development/Version 5 draft/Stonewall>

Trans girl or woman

A person registered 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.”³⁷ 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.

³⁷ Stonewall <https://www.stonewall.org.uk/list-lgbtq-terms>

Appendix 4 Guide to challenging homophobic, biphobic and transphobic language and gender stereotyping: a range of responses.

It is best practice for schools to think about how harmful prejudice-based language should be challenged and recorded. How the challenge is made will depend on the circumstances of the incident, ensuring a balanced approach is taken, 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.

Below are some examples of the approaches schools might take depending on the circumstances when navigating the difference between freedom of expression and promoting a safe atmosphere for all students to feel welcome and so thrive.

Possible Organisational response

- In our school we treat everyone with respect and when you use 'gay' like that it is disrespectful to 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. Language, which is homophobic, biphobic and transphobic makes people feel unsafe.
- At this school we don't limit our expectations of each other, so we try to avoid gender stereotypes.

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 / 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 5 A trans inclusive approach to policies

Policy	Examples of potential approaches that are trans inclusive (read relevant sections of this toolkit to further 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. All policies should include the protected characteristic of sex as well as gender reassignment. 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 discriminatory treatment 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 children and young people 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 children and young people 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 without reference to gender. A statement is included to cover approved changes to swimming costumes for trans children and young people 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: 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 children and young people are 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 sex, whilst making clear how single sex 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.