

SEVENOAKS SCHOOL

<i>Policy reference</i>	AT1
<i>Policy Category</i>	Student and Parent Facing Policies
<i>Name of policy</i>	Transgender, gender-fluid and non-binary Policy
<i>Purpose of policy</i>	To ensure that Transgender students and staff are respected and protected in the school community.
<i>Regulatory or legal requirement addressed by policy</i>	The Equality Act 2010 KCSIE, September 2022 Gender Recognition Act 2004 Human Rights Act 1998 Department for Education - The Independent School Standards ISI Regulatory Requirements. National Minimum Standards for Boarding Schools
<i>Other policies referred to</i>	Equity, Diversity and Inclusion Policy Behaviour Policy Anti-bullying Policy
<i>Policy owned by</i>	Senior Deputy Head
<i>Policy must be approved by</i>	SLT Education Committee
<i>Period of review required</i>	Annual
<i>Date current version approved</i>	1 st February 2024
<i>Date effective from</i>	Immediately
<i>Next review due</i>	January 2025
<i>Published on website</i>	Yes

Introduction:

Sevenoaks School is committed to ensuring that equity, diversity and inclusion are at the very heart of our culture and community. We are proud of the inclusive nature of the School and believe firmly in the power and beauty of diversity. We welcome students and staff who identify as transgender, gender-fluid or non-binary. We are dedicated to eradicating discrimination against any person or group protected by the 2010 Equality Act and ensuring that every member of the Sevenoaks community feels respected, valued and supported. We recognise that transgender, gender-fluid or non-binary people and their families are likely to need extra support to help them flourish and we are committed to providing that support.

The Legal Context:

The Equality Act 2010, requires that schools do not unlawfully discriminate, harass or victimise students on the basis of their protected characteristics in admissions processes or the provision of education, benefits, facilities and other services. There are nine protected characteristics, including sex and gender reassignment.

The protected characteristic of sex is not fully defined under the Equality Act. However, a student's sex is likely to be considered their natal sex (i.e. the sex they were assigned at birth). After 18 a person can obtain a gender recognition certificate and thus their sex would be their "affirmed gender" (i.e. the gender in which they are living).

The Equality Act confirms that a person will have the protected characteristic of gender reassignment if that 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."

Therefore, any student who is legally one sex but makes clear an intention to identify with another sex (including by expressing a non-binary or gender fluid identity) is likely to have the protected characteristic of gender reassignment.

Principles:

In supporting transgender, gender-fluid and non-binary students in the School we will:

- **Approach each case individually** to allow us to respond appropriately to each student and their differing needs.
- **Take a Child Centred approach.** We will avoid putting any pressure on a student to live or behave either in accordance with their natal sex, or in accordance with their preferred gender. Any student who, after careful consideration, wishes to explore their gender identity will be permitted to do so in their own way and at their own pace.
- **Work with parents and carers as closely as possible.** The School favours open dialogue between the School, students, and parents / carers. The School will involve the parents of the transgender, gender-fluid or non-binary student unless there are safeguarding reasons not to).
- **View every student in the School as enriching the diversity of our community** and promote respectful attitudes towards gender
- **Challenge any gender stereotypes within the community.**
- **Challenge discrimination and bullying.**

Policy Aims:

- For all students and staff who are transgender, gender-fluid or non-binary to flourish at Sevenoaks School.
- For the School environment to be one where relationships are based on the values of respect, dignity and kindness and where prejudice is challenged.
- For students and staff and alumni of the School to be prepared for global citizenship; empowered to lead with understanding and act in a way which embraces the diversity of global society.

Responsibility:

- Everyone in the community (staff, governors, contractors, students, parents and visitors) has responsibility for ensuring that the School environment fully supports transgender, gender-fluid and non-binary students and staff.
- The Senior Leadership Team will be responsible for overseeing implementation of the policy and for ensuring that all staff are aware of their responsibilities and are supported in taking appropriate action against prejudice and discrimination.

Definitions:

For the purposes of this policy, Sevenoaks School defines:

EQUITY as the quality of being fair to every individual in our community. This recognises that justice is not necessarily achieved by treating everyone the same (i.e. *equally*). Instead, reasonable adjustments may be applied where appropriate.

SEX as a person's biological status. This is usually assigned at birth, usually on the basis of external anatomy. Sex is typically categorised as male, female or intersex.

GENDER as a social construction relating to behaviours and attributes based on labels of masculinity and femininity. This varies between societies and over time.

GENDER IDENTITY as a personal, internal perception of oneself as a man, woman, neither or both. Gender identity may correlate with a person's assigned sex or may differ from it. Gender identity is not outwardly visible to others.

GENDER EXPRESSION as the way in which a person presents gender outwardly, through behaviour, clothing, voice or other perceived characteristics.

GENDER FLUID as relating to a person who does not identify themselves as having a fixed gender.

GENDER DYSPHORIA as the psychological distress that results from an incongruence between one's sex assigned at birth and one's gender identity. This should be diagnosed by a clinical expert. Not all transgender, gender-fluid or non-binary people experience dysphoria, and those who do may experience it at varying levels of intensity.

TRANSGENDER as a person whose gender identity differs from the sex assigned at birth.

TRANSGENDER MAN as a person who was assigned female at birth but who identifies as a man.

TRANSGENDER WOMAN as a person who was assigned male at birth, but who identifies as a woman.

GENDER TRANSITION as a process a person may take to bring themselves or their body into alignment with their gender identity. This may include telling one's friends, family and peers; changing one's name and pronouns; updating legal documents; medical interventions such as hormone therapy; or surgical intervention – often called gender confirmation surgery.

NON-BINARY as a term used by people who do not describe themselves or their gender as fitting into the category of man or woman.

Discrimination:

We will seek to ensure that no member of our community suffers from:

DIRECT DISCRIMINATION – where a person is treated less favourably than others in comparable circumstances because of one or more protected characteristic.

INDIRECT DISCRIMINATION – where a person is at a disadvantage because a criterion, provision or practice though equally applied, fails to account for a specific need they may have as a result of their protected characteristic.

VICTIMISATION – where a person who may have brought a complaint in respect of discrimination is then treated less favourably as a result.

HARASSMENT – where a person's personal safety and dignity is violated by a hostile environment created by a person or persons reacting to the first person's protected characteristic.

Early Help Process:

Any support offered to a transgender, gender-fluid or non-binary student or staff member in school starts with identifying their individual needs. We understand that these will differ widely from person to person. Some will have made a social transition or want to undertake this process (by, for example, changing their preferred name and pronouns and by wearing different clothes). Others will want to undergo treatment (accessing counselling, transgender pathways and potentially hormone treatment). The School will work with the student and their parent(s)/carer(s), or the member of staff as well as relevant medical professionals and our pastoral team to ensure that they are supported as fully as possible whilst in our school community.

Terminology and Language (Including Names and Pronouns):

At Sevenoaks School we believe that using correct terminology and language is crucial. It signals the respect we feel for all members of our community at the same time as ensuring that our students receive a factually correct, progressive education.

The School will respect the wishes of transgender, gender-fluid or non-binary students who wish to be referred to by a name which is different to their legal name and/or who wish to change their pronouns if it is reasonably possible.¹ If a student requests to change the name they are known as or the pronouns which describe them, the School will seek to accommodate it where reasonably possible; discuss with the student and their parent/carer the appropriate terms to use and how best to communicate this change to staff and other students (and parents where appropriate) and discuss any restrictions with regards to external exams, as below.

Sevenoaks School will not tolerate a member of staff or a student deliberately using an incorrect name or pronoun to belittle a member of the community. This will be regarded as transphobic bullying and dealt with in line with the School Anti-bullying Policy. There may be times when staff or students accidentally use the incorrect name or pronoun. In such cases we advise individuals to apologise and take steps to ensure it is not repeated.

School Records and Exam Certificates:

In accordance with the Education (Pupil Registration) Regulations 2006, schools are required to record the legal full name of every student in the admissions register. However, we can also ensure that our system notes the preferred name of the student.

The School is also required to ensure that the admissions register contains the sex of each child in the School. This should be the sex assigned at birth unless an individual has obtained a gender recognition certificate (not available under the age of 18).

The School is also required to provide data on students as part of the School Census. Department for Education guidance indicates that the census form requires the gender of a student to be recorded as either male or female. However, it does allow, in exceptional circumstances, for a school to record gender according to the wishes of the student and/or their parent.²

Students may be entered under their preferred name with an exam board. However, once a result is accredited it will need to be linked with the 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, not preferred names.³ It is possible for exam certificates to be issued in the preferred name.

In all cases, there will be close consultation with the transgender, gender fluid or non-binary student and their parent(s)/carer(s)

Personal, Social, Health and Economic Education (PSHE):

PSHE education plays a crucial role in preparing our students for the diverse world in which they live. The curriculum and schemes of work are updated annually, in line with statutory guidance on

¹ Further information on changing names on a birth certificate can be found at <https://www.deedpoll.org.uk/can-a-birth-certificate-be-changed/>

² Department for Education 2014-15 School Census Guide

³ Legal name refers to the name in which a student arrives in education for the first time; this is often the name on their birth certificate. A person under 16 years old cannot change their name legally without the consent of a parent and simply changing name does not change a legal gender identity.

relationships education, RSE (relationships and sex education) and health education; the latest guidance from the PSHE Association and feedback from staff and students. Transgender, gender-fluid and non-binary status and rights are themes which are embedded within the programme as well as in all our work on equity, diversity and inclusion in the School. Thus, these themes may also be discussed within appropriate curriculum lessons or be the topic of discussion and education in lectures or for themed weeks.

The School will have regard to the statutory guidance “Political impartiality in schools” (February 2022) when devising and delivering the curriculum as it relates to political issues connected with transgender and gender identity.

Physical Education (PE) and Sport:

PE and sport are key to the curriculum and to the physical and mental wellbeing of students. We will work with transgender, gender-fluid or non-binary students to ensure that they feel comfortable and supported in both PE lessons and in co-curricular sports activities.

All PE lessons at Sevenoaks are mixed sex. Students may choose the kit they feel most comfortable wearing. We recognise that swimming may cause particular concerns for transgender, non-binary and gender fluid students and adjustments may be made on an individual basis.

The School will endeavour to ensure that transgender, gender-fluid and non-binary students have equal access to sport. However, there may be some situations where restrictions on participation will be necessary to secure the safety (of the student and others) and/or fair competition. We champion the right for transgender students to choose their sport; however we also need to take welfare and safeguarding concerns into account if there would be a discrepancy between the size and strength of the trans students compared to others on their team or the opposition team. The safety of every student in the School is our number one priority. We will assess each case individually and consult any relevant sport specific advice (for example, from a sport governing body).

Facilities:

The School will discuss the preferences for toilets and changing facilities with the student or staff member and, where appropriate, with their parents/carers. The School will endeavour to accommodate those wishes to the extent reasonably possible, taking into account the dignity and welfare of the transgender, gender fluid or non-binary student and balancing them with the facilities available and the welfare of other students including consideration of protected characteristics (such as sex, religion and belief).

Uniform:

Students at Sevenoaks school can choose items from the uniform list which they feel most comfortable wearing as long as it remains within uniform regulations.

School Trips, Exchanges and Overnight Stays:

Transgender, gender-fluid and non-binary students will wish to access trips both at home and abroad. The School will consider any additional needs of transgender, gender fluid and non-binary students in advance and may put specific arrangements in place to provide support. The individual's needs will be assessed, weighing up relevant factors including the wishes, welfare, age, development and privacy needs of the student and other students who may be impacted by the proposed arrangements.

Some countries have laws which make it illegal to be part of the transgender community or which do not recognise transgender, gender-fluid or non-binary status. Trip leaders will need to be aware of these laws and advise transgender, gender-fluid or non-binary students and their parent(s)/carer(s) accordingly.⁴

Government advice about passports can be found [here](#). Travel tickets will need to be issued in the legal name (i.e. the name represented on the passport) to avoid issues at the border.

Vaccinations:

The School will enable school vaccinations to be carried out in privacy, if required, to eliminate any embarrassment to the student or member of staff.

School Photos:

Transgender students and staff may consent to having their photograph taken at school but steps must be taken to ensure that these images do not reveal any confidential information. Sevenoaks School will seek permission to take/publish photos of a transgender, gender-fluid or non-binary student from the student (and, where appropriate, their parent(s)/carer(s)) or member of staff.

Communication between the School and parents or carers:

Providing effective care and support for a transgender, gender-fluid or non-binary student depends upon relationships built on honesty and trust. It is important that the student and their parents or carers disclose information which will allow school staff to safeguard and care for the student. In return, school staff will maintain appropriate levels of communication with parents or carers.

There may be some occasions when the student may have different views as to who they discuss their gender identity with and what information is shared by the School and with whom. In these situations, the School will have regard for the maturity and capacity of the student and whether there are any safeguarding reasons that justify a different approach. In the spirit of Working Together to Safeguard Children 2018 the School will not withhold information from parents or carers unless it is deemed necessary to do so to protect the interests and safety of the child. In such cases, the School will liaise with medical professionals and external agencies and to ensure the best level of support for the student.

⁴The ILGA (the international Lesbian and Gay Association) have more information about which countries pose a risk to transgender or non-binary individuals <https://ilga.org/maps-sexual-orientation-laws>

Confidentiality:

All students (and their families/carers) and staff have a right to privacy. This includes the right to keep private one's transgender, gender-fluid or non-binary status. Information about a student or staff member's gender status, legal name or sex also constitutes confidential medical information. School staff should not disclose information which may reveal a student's private information to other members of the School community unless legally required to do so, or because the child or parent(s)/carer(s) has given permission for them to do so. Staff must be careful about discussing a transgender, gender-fluid or non-binary student or member of staff beyond the confines of the School.

Transgender, gender-fluid and non-binary students and staff have the right to discuss and express their gender identity openly and to decide when, and with whom, and how much to share information. When contacting the parent(s)/carer(s) of a transgender, gender-fluid or non-binary student, school personnel should use the student's legal name and the pronoun corresponding to the sex assigned at birth unless the student, parent or carer has specified otherwise.

Training:

We will ensure that staff receive regular training to ensure that they are well informed of the needs of transgender, gender-fluid and non-binary students. Training will include briefings on: relevant law; confidentiality; the evolving terminology and language of gender identity; privacy and dignity; and recognising and tackling transphobia.

Transphobia and Bullying:

Sevenoaks school has a robust Behaviour Policy which incorporates Anti-Bullying and Anti-Cyberbullying policies. In line with these policies, transphobic incidents will be recorded and dealt with in the same manner as other incidents which are motivated by prejudice, e.g. racist or homophobic incidents. Our approach will always be to educate students to ensure that they understand the impact of their behaviour on individuals and on the community as a whole.