

Gender Identity Protocol

Action	Protocol to be reviewed annually		
	Owner	Date	Completed
Review	Director of People and Diversity	December 2020	✓
Reported	Education Committee	February 2021	✓
Approved	Board of Governors	March 2021	✓

To be published on the following:

Staff Portal	✓
School website	✓



GENDER IDENTITY STUDENT PROTOCOL

1. Background

1.1 St Paul's is an inclusive and respectful community in which the focus is on helping our students become the best they can be, develop their authentic selves and be ready for the adult world. With this in mind, changes in society and culture do and should impact upon how we live and work together as a school.

1.2 Gender identity is now a subject of much discussion, interest and some controversy that can polarise opinion. People are now able to articulate that the gender they are assigned at birth (by some people called biological sex) does not match their internal sense of being male or female, or that their internal sense of self does not fit within a traditional binary sense of gender at all. It is perhaps inevitable that gender identity-related issues will come to the fore in schools given that school-age children are beginning to explore and navigate their identity. A glossary of current most common identities is included in appendix A, but we must recognise this is a changing landscape.

1.3 In the context of single-sex education such as ours, issues can be intensified, particularly when a student's very place in the school might be called into question because of gender identity or reassignment. It is important therefore, that we have in place a process to identify and implement appropriate actions when a student at St Paul's Girls' School identifies as transgender or genderfluid, non-binary or gender non-conforming.

2. What the law says:

2.1 Under the Equality Act, schools must not discriminate against or victimise students in terms of admission to the school or in the provision of education, benefits, facilities and services on the ground of any protected characteristic. These protected characteristics include sex and gender reassignment.

2.2 A person has 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" (Equality Act 2010).

2.3 The Equality and Human Rights Commission describes gender reassignment as a "personal process, that is, moving away from one's birth sex to the preferred gender, rather than a medical process". There is no need for the person to be under medical supervision or undergoing any particular medical or other treatment before they are protected. The decision to reassign gender need not be irrevocable and protection will continue even if the person stops or reverses the transitioning process.

2.4 On this basis, a person who is legally one sex and seeks to identify with the other sex, will fall under the protection of gender re-assignment, provided there is a declared intent to be so identified. The Equality Act does not include specific reference to non-binary or gender non-conforming (not identifying as either male or female) or gender fluid identities. However, an employment tribunal in 2020 ruled that the Equality Act provision does provide protection for non-binary people, and so this should be considered the case until legislation is further clarified or the ruling of the tribunal is ratified.

3. Our approach

3.1 It is clear that, in such a complex and personal journey, there is not a policy or process that will fit all students. Therefore, this protocol aims to give everyone involved in the school (parents, staff, students, volunteers and governors) some guidance as to how the school

might consider responding to situations as a starting point for an individualised discussion and solution.

3.2 It is important to recognise that the relationship between biological sex, gender identity and what this means for access to provision and recognition, is a highly charged and sensitive subject. But for the purpose of our school community, we do not need to form a view on this debate. Rather we should focus on providing a respectful, kind, safe and non-judgemental environment in which our students are able to explore their own identity in a way and timescale that is right for them, knowing that they will receive acceptance and support whatever conclusions they reach (or even if they don't in their time in our community).

3.3 The underpinning ethos of this protocol is that issues of gender identity are acknowledged and handled in a respectful and inclusive way, with the child's needs at the centre of our thinking. Our fundamental duty is to look after each student's well-being: our students come first, and this will always guide our response. It is important that we are teaching our students both how to play their part in a wider community, to respect every individual's right to be authentic and that diversity enriches that community.

3.4 It is important that every person is able to own their gender identity and what that means for them personally. This is particularly the case with young people, who may still be exploring who they are or may also be very sure. The school will therefore take a facilitative role, whilst neither encouraging nor discouraging a particular decision by the student. Support will be available via the pastoral team (Tutor, Head of Year, Director of Pastoral Care and the Wellbeing Team). The school's role will be to make sure the student knows and understands the implications with the support of professionals and to help them to take as much time as they need to consider and reflect before any steps are taken to implement a decision.

3.5 We remain a girls' school. The school will not admit new students who identify as male in all aspects of their life, irrespective of their sex assigned at birth. However, during the journey towards an affirmed binary male identity, existing students will be accommodated if:

- This is their wish
- It is believed to be in the best interest of the student and their wellbeing
- Adjustments and processes can be put in place to ensure that both the student concerned and other students can thrive and have their needs met.

3.6 A girls' school which permits a student who is undergoing gender reassignment to remain after they adopt a male gender role would not lose its single-sex status. We are proud to be a girls' school, but also recognise the societal stereotypes and gendered language that can limit girls' aspirations, and so we are also committed to providing an inclusive culture that moves from gendered language and roles, therefore we actively promote gender neutral language and challenge gendered stereotypes.

3.7 For students who identify as gender fluid, non-binary, gender non-conforming or gender queer, the same factors will be utilised but recognising there is not a linear journey to be taken. Therefore, the discussion will be key to understanding what this means for the particular student in how they express their gender identity in a way that is authentic to themselves.

3.8 The details of what adjustments would need to be made will be specific to where the student is on their journey or expression of their gender identity. These will be discussed openly and comprehensively, as appropriate with the student, their parents/carers and the essential school key personnel in order to understand an ideal picture and then determine what is feasible.

3.9 The underpinning ethos of this discussion is that adjustments will be possible if they are in the best interest of the student and without significant impact on the learning of other students.

4. Confidentiality

4.1 Trans and gender questioning students have the right to discuss and express their gender identity openly and to decide when, with whom, and how much information to share. Confidential information must not be shared with other staff, peers, parents and carers without the child or young person's permission unless there are safeguarding reasons for doing so.

4.2 What information is given to who, and when is a sensitive and important consideration. The school will take into consideration the balance of safeguarding, confidentiality and support.

4.3 There will be no normal requirement to inform other parents or to seek their views in making decisions. We do recognise however that prejudice or lack of knowledge may lead to concerns being raised and we will deal with this sensitively and within the law and the inclusive ethos of the school.

5. Particular considerations – changing name

5.1 Changing their name and gender identity is a pivotal and affirming point for many Trans people, even as they move through their own exploration with final destination. If a trans student wishes to have their personal data recognised on official school systems, this needs to be supported by parents/guardians as it will feed into letters home, report cycles, information etc. If this is supported by parents or guardians, the change of name and associated gender identity should be respected and adopted throughout school. However, it remains open for the school to amend the gender of any student within internal systems, at any time, and this should be discussed within the conversations.

5.2 In relation to official examinations, the school will ensure a strategy is agreed with the student and their parents or carers, then agree with the various exam boards **prior** to starting accredited courses where possible. This will be done in good time to encompass the length of time the process of re-registering may take. Guidance may be sought from exam boards where appropriate.

6. Parameters

6.1 As set out above, the school will distinguish between respecting an individual's right to choose their personal gender identity and its obligation to use their official/legal gender in a number of external or public situations.

6.2 If an existing student approaches the school with a request to adopt a male or non-binary identity, these obligations will be explained to them, in the course of the process set out below, to ensure that they understand the distinction and that no upset is caused to them by any communications in which they are identified by their birth name or by female pronouns.

6.3 This distinction will also provide a framework for the extent of the changes that can be made operationally.

6.4 There will be situations in which the birth gender and registered name of a student who has requested male or non-binary identity will continue to be used. These are likely to include, but are potentially not limited to:

- a) Printed documentation which is made public, such as
- *The Almanac*
 - the school website
 - public exam entries
 - school reports
 - any formal communication which relates to the student's official status as a member of the school, for example with parents, on official certificates and UCAS applications.

6.5 After consultation with the school, the chosen male or non-binary gender identity should be used:

- School-based, often verbal situations such as tutor registration, being mentioned in an assembly, being addressed or referred to by teachers and peers, and also being named internally in sports teams, cast lists etc.
- Auditioning for a mixed gender play with boys also being cast, where the student may wish to audition for the male roles.
- Students are free to wear any clothing they feel comfortable in, as now, so long as that clothing is appropriate (as for all students).

6.6 St Paul's Girls' school has individual student cubicle toilets and all students have access to cubicles within the changing facilities, therefore adjustments should not be a consideration unless there is a particular safeguarding concern.

6.7 If participating in a school trip involving an overnight stay, an individual risk assessment would be undertaken and decisions made accordingly based on individual and trip circumstances. The safety and wellbeing of all students, including the trans student, is the primary consideration.

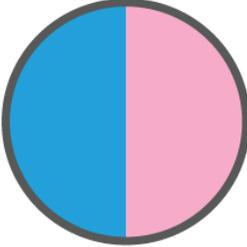
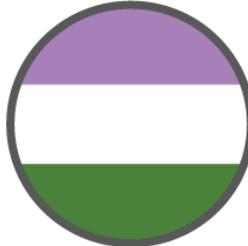
7. Disclosure

7.1 We have endeavoured to ensure we have a process in place which respects an individual's right to live in the gender identity that is authentic to themselves.

7.2 The school will handle all information relating to a student's circumstances sensitively, confidentially and neutrally. It expects students (and any others involved in the process) to behave likewise.

Appendix 1: Glossary of Terms¹

GENDER DEFINITIONS

	<p>GENDER</p> <p>The state of being male or female with regards to social constructs rather than physical attributes</p>		<p>TRANSGENDER</p> <p>Refers to someone who does not identify with the gender they were assigned at birth.</p>
	<p>CISGENDER</p> <p>Refers to someone who identifies with the gender they were assigned at birth.</p>		<p>NON-BINARY</p> <p>Refers to someone who does not identify as exclusively male or female.</p>
	<p>GENDER FLUID</p> <p>Refers to someone whose gender identity changes over time from one end of the spectrum to the other.</p>		<p>GENDERQUEER</p> <p>Refers to someone whose gender identity falls on the spectrum between male and female</p>

- The term 'gender - neutral' is not a commonly used identity. It normally refers to language, behaviour or facilities.

¹ Standard definitions accredited by InterLaw Diversity Forum and sourced at pridepocket.com