

# Gender Identity Policy

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Staff Portal	✓
School website	✓



## GENDER IDENTITY STUDENT POLICY

### 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 (also 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. The terminology around gender identity is ever changing, but for the purpose of clarity the following terms will be used in this policy:

- Trans is an umbrella term for anyone who may be experiencing feelings of discomfort with their gender identity, or who may not be comfortable with the gender they were assigned at birth, or who may not fit within a traditional binary sense of male or female. Trans also refers to individuals who may be transitioning socially or medically from the gender they are assigned at birth.
- Gender diverse, non-binary, gender non-conforming and gender fluid refer to any individual whose internal sense of self does not fit within a traditional binary sense of gender.
- Gender questioning refers to any individual who is questioning their gender identity.

1.3 This policy should be read in conjunction with the following policies:

- Safeguarding (Child Protection) policy
- Anti-bullying policy
- Data Protection Policy
- Counselling Policy

### 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 and gender fluid 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 experience, there is not a policy or process that will fit all students. Therefore, this policy aims to give everyone involved in the school (parents, staff, students, volunteers, and governors) some guidance as to how the school would approach responding to situations as a starting point for an individualised discussion and solution, in tandem with parents/carers and/or other professionals as appropriate.

3.2 It is important to recognise that the relationship between biological sex and 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 our focus is 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 policy 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. 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 assist the student in knowing and understanding all the implications with the support of parents/carers and professionals and to help them to take as much time as they need to consider and reflect before any steps are taken to implement any decision.

3.4 Should a student disclose that they are having gender identity issues, that they are identifying as trans, gender fluid, gender diverse, gender non-conforming, non-binary or gender questioning, the school's overall approach is not an affirming and encouraging one, it is a supportive and inclusive one. A supportive and inclusive approach is:

- to listen to the student and not judge
- to acknowledge the student's personal and individual experience
- to make it clear to the student that the school is acting in the student's best interests and is accepting of their exploration of identity
- to work collaboratively, as needed, with the student, parents/carers, and any external professionals to look after the needs of the student.

Support may include but is not limited to:

- adopting a 'watchful waiting approach'
- referring to school counselling
- referring to GP or CAMHS
- facilitating a social transition in school if this is agreed in tandem with parents/carers and/or medical professionals to be in the best interests of the student (see 3.5 below).

3.5 We remain a girls' school. However, during the process towards an affirmed binary male identity, existing students will be accommodated if:

- This is their wish, and
- A thorough process of discussion and assessment has taken place, including with parents/carers, school counsellors, GP, CAMHS or such other third-party medical professional as appropriate, and
- It is believed to be in the best interest of the student and their wellbeing, and
- 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 that certain societal stereotypes and gendered language can limit girls' aspirations.

3.7 The details of the adjustments that might be needed will be specific to what the **specific** needs and experience of each individual student. These will be discussed openly and comprehensively, as appropriate with the student, their parents/carers, appropriate external professionals and the essential school key personnel in order to understand an ideal picture and then determine what is feasible.

3.8 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 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.

4.2 There will be no normal requirement to inform the parent body or to seek views of the parent body in making decisions. We do recognise however that lack of knowledge or difference in viewpoint 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. If a trans student wishes to have their personal data recognised on official school systems, this needs to be supported by parents/carers 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.

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.

5.3 There may be cases where a student wishes to change their name or gender identity informally to be used by staff and peers but not on the school systems. This also needs to be discussed with parents/carers.

## **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 gender diverse 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 are likely to continue to be used. These are likely to include, but are potentially not limited to:

- a) Printed documentation which is made public, such as
  - public exam entries
  - any formal communication which relates to the student's official status as a member of the school, for example on applications to sixth forms, visa applications, on official certificates and UCAS applications.

6.5 After consultation with the school, the chosen male or gender diverse identity should be used **in:**

- 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.

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 and neutrally. It expects students (and any others involved in the process) to behave likewise.