



## Trans Inclusion Guidance (Non-statutory guidance for CYPES including schools and educational settings in Jersey)

<b>Document Purpose</b>	Promoting equity to all pupils across all Government of Jersey schools and colleges.
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<b>Publication Date</b>	17 March 2025
<b>Target Audience</b>	All CYPES staff and departments including Government of Jersey Schools; grant funded schools; and non-provided schools
<b>Circulation List</b>	All CYPES staff and departments
<b>Description</b>	<p>This guidance supports all CYPES staff within our settings that provide education, care or support for children and young people to ensure that they feel safe.</p> <p>This guidance is to be read in conjunction with the Equality in Education Policy to ensure proper understanding and compliance. This guidance serves to expand on the policies' key points, offering practical guidance.</p> <p>All medical decisions about transitioning are made outside of school and are excluded from this guidance.</p>
<b>Linked Policies, Laws &amp; Guidance</b>	<a href="#">Equalities in Education Policy</a> <a href="#">Keeping Children Safe in Education (KCSIE)</a> <a href="#">The UNCRC</a> <a href="#">Jersey and the UNCRC (gov.je)</a> <a href="#">Jersey's Children First Practice Framework</a> <a href="#">Discrimination (Jersey) Law 2013</a> <a href="#">Human Rights (Jersey) Law 2000</a> <a href="#">Data Protection (Jersey) Law 2018</a> <a href="#">Gender Recognition (Jersey) Law 2010</a> <a href="#">Children and Young People Jersey Law 2022</a>

	<a href="#">Statutory Guidance</a> <a href="#">Jersey Inclusive Education Principles</a>
<b>Approval Route</b>	CYPES Executive Leadership Team CYPES Ministerial Team
<b>Review Date</b>	March 2027
<b>Contact Details</b>	Associate Director of Education

## Contents

1. Overview .....	4
2. Scope .....	5
3. Responsibilities and distribution .....	5
4. Policy/standards .....	5
5. Principles .....	6
6. Definitions .....	7
7. Whole school / setting approach .....	9
8. Role of Trustees / Governors .....	10
9. Staff training .....	10
10. Parent and carer community .....	10
11. Transphobic and sexual bullying and harassment.....	11
12. Managing specific issues for trans* people.....	12
13. Single-sex space .....	12
14. Toilets .....	12
15. Changing rooms .....	13
16. Physical Education and Sport .....	13
17. Residential trips.....	14
18. Concerns that children or young people who are trans* might have at school.....	15
19. Changes that could be made to support children in school.....	15
20. Developing a Whole School Approach.....	15
21. How Do Schools Make This Happen?.....	16
22. Language.....	16
23. Curriculum Teaching and Learning.....	17
24. Teaching and learning approaches and supporting learning needs .....	17
25. Providing Support for an individual child who is trans* .....	18
26. Working with the parents, carers and siblings of trans* pupils .....	19
27. Names and Pronoun Changes .....	19
28. Children or young people with additional vulnerabilities .....	20
29. Special Educational Needs and Disabilities (SEND) .....	20
30. Race, ethnicity and faith backgrounds, and those in care .....	21
31. Signposting to additional support .....	21
32. Confidentiality.....	21
33. Transition and Medical Intervention.....	22
34. Admissions and Single Sex Schools .....	23
35. Glossary and Further information and related documents .....	23
Glossary.....	24

Legal Considerations.....	26
Useful resources and training .....	27
APPENDIX 1 .....	29
APPENDIX 2.....	30
Change History .....	31
Approval .....	31

## 1. Overview

Everyone deserves to be valued and treated with respect. Jersey schools are diverse communities that reflect our wider society and are places where children and young people learn about valuing and respecting themselves and others. Our schools and educational settings have a responsibility to ensure that all children and young people in their care are safe and feel safe. Children and young people who are [trans\\*](#), gender questioning or gender diverse are a small group within a school community (approximately 0.2% (*Source: Jersey census 2021*)), but they are potentially a vulnerable one. The glossary at the end of this guidance explains the different labels that are referred to with transgender.

In formulating this guidance, CYPES have due regard to the need to eliminate discrimination, adopt good relations and promote equality of opportunity between all protected characteristics, in accordance with the [Discrimination \(Jersey\) Law 2013](#) and [Human Rights \(Jersey\) Law 2000](#). We want all our pupils in our schools and educational settings to thrive in their education journey.

The focus of this guidance is to provide practical advice, it is not intended to be prescriptive or exhaustive. All CYPES staff must continue to take decisions that they consider are in the best interests of all children and young people and staff to ensure that everyone is kept safe and treated with respect and understanding, within an environment that promotes equality and protects the rights of all. All medical decisions about transition are made outside of schools and educational settings are excluded from this guidance.

CYPES understands that social and political contexts and landscapes change over time. Dr Hilary Cass stated in her [Independent Review](#) of gender identity services for children and young people within the NHS: *“Polarisation and stifling of debate do nothing to help the young people caught in the middle of a stormy social discourse.”* She also recognised that even after her review, there is still uncertainty. Therefore, we remain open to learning from schools, educational settings, different communities, new research, new case law, and best practice and use this to continually review our own practice to ensure it remains relevant and up to date. This guidance will therefore remain subject to future review, with the wellbeing of children and young people at the forefront.

In making decisions, schools and educational settings must comply with their legal obligations, including those under the Discrimination (Jersey) Law 2013, [Discrimination \(Jersey\) Law 2013](#)

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\*Please refer to the [Glossary](#)

[\(jerseylaw.je\)](#) Human Rights (Jersey) Law 2000 [Human Rights \(Jersey\) Law 2000 \(jerseylaw.je\)](#), Data Protection (Jersey) Law 2018 [Data Protection \(Jersey\) Law 2018 \(jerseylaw.je\)](#), [Keeping Children Safe in Education \(KCSIE\)](#), The United Nations Convention on the Rights of the Child (UNCRC) and [Jersey and the UNCRC \(gov.je\)](#).

## **2. Scope**

This guidance applies to all staff within CYPES settings including schools, residential care homes, youth service and other educational settings and is therefore aimed at:

## **3. Responsibilities and distribution**

### **Senior Leadership Teams**

Senior Leadership Teams should share this guidance with their staff members and any relevant parties that come into contact with children and young people within CYPES settings.

In addition, they should:

- Identify and meet with designated members of staff for diversity, equality and inclusion to discuss any issues and how these are being addressed across all aspects of our education provision.
- Ensure staff are familiar with all relevant legislation and the contents of this document.
- Attend appropriate equality and diversity training.

### **All CYPES staff**

Everyone is responsible for:

- Actively promoting equality of opportunity in all areas.
- Ensuring that staff, children and young people know their rights, and respect the rights of others.
- Aiming to ensure that prejudice or discrimination in all its forms is actively rejected.
- Raising awareness of equality issues for all members of the community.
- Establishing strategies to ensure equitable access to the provision of education and enable each individual to fulfil their potential regardless of their personal characteristics.
- Keeping up to date with legislation, development and issues by attending relevant training and accessing information from appropriate sources.
- Sharing best practice within the school and educational settings community.

## **4. Policy/standards**

This guidance is written in line with the UNCRC particularly supporting the underlying principles of articles 2, 3, 6, 8, 12, 16, 17 & 28. In addition to this, articles 28 and 29 are prevalent in supporting all children in their education in respect to their talents and abilities. Articles 12 and 13 are of particular note for this guidance with the voice of the child needing to be central to decisions that are made in conjunction with Articles 24 and 27, for a child to have their medical, physical and mental health needs met.

CYPES is committed to support children's rights in all schools and settings across Jersey. A link to the UNCRC can be found here [Jersey and the UNCRC \(gov.je\)](#).

The guidance in line with the [Jersey's Children First](#) practice framework sets out how agencies should work together to ensure children, young people and their families can access the right help at the right time from the right services. At the heart of Jersey's Children First is a commitment to early intervention and prevention for children which, when a multi-agency approach is needed, is coordinated around children and families with a single integrated wellbeing plan.

The guidance additionally adheres to the 7 principles agreed in [Building an Inclusive Education and Early Years system in Jersey \(gov.je\)](#).

## 5. Principles

### Underlying principles and messages

Educational settings should develop effective equality and anti-bullying policies and practices across all protected characteristics of the [Discrimination \(Jersey\) Law 2013 \(jerseylaw.je\)](#) and in line with the values and ethos of the setting. In doing so, educational settings should be mindful of the following:

- Representation of diversity in education settings is an opportunity to learn and prepares children and young people for life
- The prevention of gender stereotyping, sexism, homophobia and biphobia is central to reducing and preventing transphobia
- Transphobia and bullying can contribute to poor mental health outcomes for children and young people
- Non-conformity to gender stereotypes or support for a gender exploring child does not mean that a child or young person is trans\* or will takes steps to transition their gender.
- 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.
- Children and young people have a right to explore their identities, be accepted and change their minds.
- Schools and educational settings should adopt a 'watch and wait policy, which does not place any pressure on children to live or behave in accordance with their [sex registered at birth] or to move rapidly to social transitioning'.
- Support for individual children and young people who are trans\* should be provided on a case-by-case basis in discussion with them, their family (unless safeguarding considerations prevent this) and professionals around them.

The [Discrimination \(Jersey\) Law 2013](#) defines the protected characteristic of Gender Reassignment as:

Schedule 1[28] (Article 3) protected characteristics

## 5 Gender reassignment

(1) Gender reassignment is a protected characteristic.

(2) A person has the protected characteristic 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 gender by changing the person's physiological or other attributes that are associated with a particular gender.

(3) A person who has the protected characteristic is known as a transgender person and persons who share the characteristic are known as transgender people.

(4) A person is a transgender person whether or not the person has or intends to have any medical intervention in order to change any attributes that are associated with a particular gender.

In line with this, children and young people who meet the criteria, as laid out in the Law, may access facilities in line with their gender identity should they wish to.

- Staff may need support in developing an understanding of trans\*
- Children, young people and their families should be signposted to any additional available support they may need.
- Decisions about medical transition are made outside of education settings and under the care of the Child and Adolescent Mental Health Service (CAMHS) in Jersey.

## 6. Definitions

### Language and terminology

The language used in this area has evolved over recent years and people use different terms to describe themselves. In this guidance we have tried to use language and terms that provide clarity, avoid colloquialisms, and capture the range of children and young people's experiences, from questioning their gender through to gender distress or dysphoria. Under Jersey law, children and young people cannot obtain a Gender Recognition Certificate and therefore cannot change their legal sex, [Gender Recognition \(Jersey\) Law 2010 \(jerseylaw.je\)](http://jerseylaw.je).

For the purposes of this guidance, the terms "child" and "children" refer to anyone under the age of 18. Where there are different requirements for schools and educational settings, the guidance refers to children at school and educational settings as pupils.

In institutions serving post-16 children, pupils under the age of 18 might share classes with those over the age of 18 (adults). The considerations for educational settings will generally be the same for these individuals as they are for pupils under the age of 18. The term "parents" refers to any adult with parental or caring responsibilities for a child.

It is important to remember that language is subject to change over time, which allows individuals to self-describe. Children and young people will explore their identity and gender expression in ways that will not necessarily mean they are trans\*. Gender identity and sexual orientation describe different things and may be explored by children and young people in conjunction or at separate times during their development.

### **Safeguarding transgender, non-binary, gender non-conforming and gender questioning young people**

This document acknowledges two statements:

- that transgender, non-binary, gender non-conforming and gender questioning (trans\*) individuals exist; and,
- that all children and young people have a right to safety, security and belonging.

Some trans\* individuals have a medical condition called gender dysphoria.

Gender dysphoria is diagnosed using a number of clinical markers. The most significant being that the individual experiences distress, to a lesser or greater extent depending on the individual, at the incongruence between their individual gender identity and the sex marker assigned to them at birth by a doctor based on the observation of biological features.

Gender dysphoria is treatable through a process called transitioning, which may or may not involve social, medical and/or surgical interventions. Ideally, this is done under the care of a gender therapist, who is certified and clinically supervised in this specialist medical discipline. However, this is not always possible due to a lack of healthcare provision in the UK and not currently available in Jersey

Transitioning is not simple or easy. It takes many years and there are long waiting times to see a gender therapist, especially for children and young people.

In Jersey, trans\* children and young people experiencing low mood and anxiety should be referred to CAMHS to access support for their emotional wellbeing and mental health until they can be referred to a specialist Gender Identity Development Service in the NHS UK. Currently, this referral process takes an average of 5 years, by which time most young people to whom this applies will be adults and engaged in the adult pathway to care. There is no means for under 18s to see a gender therapist and to transition privately in the UK.

Without the specialist care they need readily available, some trans\* young people may seek to self-medicate using unregulated providers on the Internet. Self-medicating is highly risky, and schools and educational settings should never support a child to purchase medication on the Internet. This should always be advised against.

In this climate where healthcare provision is poor, it is vital for trans\* young people that schools are places where they can thrive, feel safe and exist in an authentic way in order to support their learning and development. Allowing a trans\* pupil to socially transition, i.e. changing clothing, names, pronouns, etc. is a means to enable them to explore their gender identity safely.

An increase in the information available regarding different gender identities, particularly online, means that children and young people have greater access to language pertaining to gender identity, and therefore may identify a gender-difference earlier in life than previous generations.

However, globally, the trans\* community still accounts for around 1% of the population. As a minority, those individuals are more frequently the target of bullying, harassment and violence, which leads to an increased likelihood of negative mental health outcomes.

Schools and educational settings have a duty not to increase the likelihood of bullying, harassment and violence against any pupil. For minority groups, this means actively supporting that minority with positive messaging that reinforces an inclusive, whole-school approach in line with Jersey and the [UNCRC](#).

Positive messaging is not the same as actively encouraging pupils to identify as trans\*. This is



an important distinction for schools and educational settings to make. For example, commemorating Transgender Day of Remembrance with an assembly presentation shows support for pupils who are trans\*. Using techniques, such as conversion therapy, to change a pupil's gender from the one with which they identify is unsafe and unacceptable.

In recent years, there has been an increase in the rhetoric surrounding gender identities that do not correspond to the sex assigned at birth of an individual. Much of this rhetoric is divisive, political and fuelled by both social media and the mainstream media. This has led to an increase in hate crimes against trans\* people source: [Human Rights and Gender Identity and Expression, Issue Paper by the Council of Europe Commissioner for Human Rights.](#)

Parents, carers, pupils, and CYPES staff may be aware of the arguments and may take a personal position in relation to gender identity. However, when working with children and young people, personal, religious and/or philosophical beliefs must be set aside in the workplace in compliance with Jersey anti-discrimination legislation.

[The Discrimination \(Jersey\) Law 2013](#) prohibits discrimination on the basis of gender reassignment. Schools and educational settings have a duty under the Law not to discriminate on the grounds of gender reassignment, which means support must be provided to trans\* pupils as it would be to any other pupil. It is, therefore, important that schools understand how best to support trans\* pupils.

With an increase in the information available to children and young people from the Internet - some of which is inaccurate and dangerous, an increase in bullying, harassment and violence against trans\* people, and a lack of access to specialist medical care for trans\* people, schools and educational settings can often find themselves placed in the position of supporting a young trans\* person with little or no expertise to do so. They may also be the only source of support in that young person's life.

This document is designed to state clearly for all staff how they safeguard the young people in their care who are trans\*. In this regard, it reflects the position of the CYPES, which is to safeguard all young people in their care in line with [Keeping Children Safe in Education \(KCSIE\)](#).

This guidance provides information for schools on how to support the trans\* children and young people under their care, treating each individual on a case-by-case basis and, wherever possible, with support of family, peers and wider networks. It has been compiled using current recommended guidance and best practice for supporting trans\* young people.

It is not guidance for parents/carers or other agencies who may be involved in a child or young person's welfare. Schools and educational settings have no duty to support these groups' interests. It is also not guidance for schools and educational settings supporting children or young people who are not trans\*. Other guidance should be consulted when supporting these pupils.

## **7. Whole school / setting approach**

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

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

It is important to recognise that many schools and educational settings already have good practice that promotes diversity and equality and supports the needs of children and young people.

The curriculum, including PSHE, can be used to develop understanding of diverse family structures, sexual orientation, gender stereotyping and gender identity to prevent sexism, homophobia, biphobia and transphobia.

## **8. Role of Trustees / Governors**

It is the responsibility of the Head teacher to share this guidance with the Trustees or Governors of Jersey schools to those where applicable. This is to ensure that the Trustees/Governors have an awareness of their responsibilities for safeguarding the pupils of the school. It is recommended that a named Governor/Trustee have oversight of the policy at board level.

## **9. Staff training**

All staff need to be provided with information and training which develops trans\* awareness and confidence in terminology and vocabulary, e.g. correct use of pronouns and names, and in challenging gender stereotypes, sexism, homophobia, biphobia and transphobia. Staff working with individual children and young people who are trans\* should undertake additional, specialist training to provide pastoral support.

PSHE teachers will need support in delivering trans\* awareness sessions and managing discussion. It is recommended that training is provided every two years to take into account staff changes. School staff training is available from Liberate Jersey and there are online UK-based providers. See appendix 3.

## **10. Parent and carer community**

It is hoped that schools and education settings will have positive relationships with all groups of parents and carers and will be using a range of methods to break down any barriers to enable open and transparent conversations about equality practice. All parents and carers should feel that their child and family is represented within the setting.

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

Schools and educational settings may also want to signpost from their website (see examples of useful links at the end of this guidance) to where parents and carers can go to find out more about trans\*, as parents and carers often report that their children are more aware of these issues than they are. Settings may find they are approached by parents and carers about their trans\* inclusive practices. Schools and educational settings can listen openly and respectfully to any questions or concerns, provide information that does not break confidentiality of individuals and offer the following kinds of reassurance:

- The school acknowledges that there is a diversity of views about trans\* inclusion and commit to listening respectfully to concerns
- The school is working within local authority guidance and the Equality Act to prevent and respond to all forms of bullying and prejudice to ensure all children and young people feel safe to learn
- The school is preparing children and young people for life in a modern world where they are going to meet, interact with and work alongside a diverse range of people
- The school 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. Any complaints made will follow a school complaints policy. Educational settings can contact CYPES about concerns raised by members of the school community.

## **11. Transphobic and sexual bullying and harassment**

Educational settings may also want to be mindful about how so-called 'banter' or jokes are used in peer groups and can cause harm.

All Jersey schools and educational settings use MyConcern for recording safeguarding incidents/events.

Educational settings should ensure that they identify, record, respond to and monitor all forms of bullying and prejudice using MyConcern. Other schools and educational settings should use their equivalent recording system. For more information on this please refer to the [Keeping Children Safe in Education policy](#) using the Record Keeping and storing information section. Recording of incidents means that the wellbeing of individual pupils involved can be tracked, as can behaviours. This data, along with data from school surveys, can also be used to target preventative interventions and measure the impact of activities.

Children and young people who are trans\* are vulnerable to bullying, as is any child or young person who does not conform to gender norms, and stereotypes. Additionally, children and young people with trans\* family members may also be transphobically bullied. Transphobic bullying therefore may be perpetrated by pupils, 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\*
- Children and young people and adults who are trans\* inside and outside the school community
- Children and young people with trans\* siblings, parents, relatives or friends
- Children, young people and adults who identify with an orientation other than heterosexual.

[Keeping Children Safe in Education policy](#) 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 and educational settings.

Identifying the nature of any bullying will assist the school to understand and address any trends in the school community. Sexist, sexual or transphobic bullying are not the same as homophobic (including biphobic) bullying. However, sexist attitudes often manifest themselves in homophobic bullying, as any child or young person who is perceived as not expressing stereotypically masculine or feminine traits expected of them, might experience homophobic or transphobic bullying.

Staff will need to use their professional judgement as to whether some incidents should be recorded as homophobic or transphobic but take care not to under-record transphobia.

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

If a transphobic incident occurs in a group situation and the member of staff dealing with it is aware that the child or young person is trans\* but they are not 'out' to the rest of the community the member of staff must challenge the prejudice, but may need to take care not to label the incident as transphobic in front of other pupils and then as a result 'out' the person being targeted. The incident would still be recorded as a transphobic incident. More information on coming out is in section 14.3.

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

## **12. Managing specific issues for trans\* people**

Access and safety for all: The Equality Act promotes access to facilities, the curriculum and extracurricular opportunities for all children and young people. Educational settings should ensure that the welfare of trans\* pupils is included in exactly the same way.

Educational settings will come across children and young people who are at various stages of exploring their identities or socially transitioning. This includes, but isn't limited to, those who are just coming out as trans\*, those who have come out as non-binary, those who have socially transitioned either partly or fully and those who are exploring their gender identity with no fixed pathway. Therefore, the information which follows will be relevant to some children and young people and not others. Educational settings should consider the guidance below and apply on an individual, case-by-case basis and seek advice if needed from CYPES and other providers listed in section 37, useful resources and training.

As part of ongoing work to ensure safe learning environments, educational settings should carry out a range of activities that ensure respectful behaviour by all pupils in all areas of the school building, including toilets and changing rooms. This will include, as part of a settings' ongoing anti-bullying work, encouragement to all pupils 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.

## **13. Single-sex space**

The guidance is not promoting the removal of single sex spaces but encourages a mixed model of provision, where possible. Staff are best placed to evaluate how to balance any competing sensitivities whilst actively supporting the welfare of all pupils.

It is recommended that schools carry out equality impact assessments when making changes to provision with the purpose of reducing or preventing any potential negative impacts of changes.

## **14. Toilets**

Separate toilet facilities for boys and girls aged 8 years or over must be provided as well as a gender-neutral option, 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.

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

Anecdotal feedback from children and young people who are trans\* 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.

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

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

## **15. Changing rooms**

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

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

CYPES recommends that in making an assessment schools should consider that for children and young people who are trans\* this is an important issue and should be discussed with the child and family as to what is going to work for them safely. It is therefore encouraged that schools should enable this discussion and ensure that a gender-neutral area is provided.

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

## **16. Physical Education and Sport**

Schools and educational settings should provide equal sporting opportunities. Schools and educational settings should aim to ensure all children and young people participate in sport safely and should encourage maximum participation. Physical activity participation by girls drops in the teenage years (source: [World Health Organisation](#)) and children and young people who experience gender incongruence and/or dysphoria tend to avoid sport with its emphasis

on the body – it is important that schools and settings are mindful of any actions that might exacerbate these two scenarios further.

Schools and educational settings should try to minimise segregation wherever possible during physical education. If segregation is a requirement, then the child should be allowed to choose which group they wish to join.

Staff should be aware of any perceived competitive advantage or differences in size of a trans\* (or any other) child when undertaking a range of physical education activities. Thought should be given to the structure of lessons and learning appropriately differentiated to overcome this. Staff should always involve the child and, if appropriate, the parents or carers in making decisions about how best to deliver physical education for the benefit of the child.

Trans\* children and young people should be permitted to participate in competitions and sports days in a manner that corresponds to their gender identity. At pre-puberty it is unlikely there would be any issues with a trans\* child competing and representing the school. At secondary level, staff may need to use their discretion in consultation with the trans\* pupils when a trans\* pupil is to compete in a gender-segregated competitive event. Consideration should be given to whether exclusion of the trans\* pupil from the sporting event will be detrimental to the trans\* pupil's development whilst not making a significant difference to the outcome of the sporting fixture.

For a certain level of competition, school staff may wish to contact sporting bodies concerning the participation of a trans\* child in a gender-segregated event. When excluding a trans\* pupil, care should be taken not to discriminate against them.

The Discrimination (Jersey) Law 2013 permits discrimination against transgender people participating in gender-affected activity as their recognised gender only if it is necessary to secure:

- Fair competition; or
- The safety of competitors.

For away fixtures, staff should liaise with their counterparts to arrange appropriate changing facilities for a trans\* pupil in order that this is managed in a sensitive way.

## **17. Residential trips**

CYPES recommends, that as far as possible, trans\* children and young people should be supported to be able to stay in residential accommodation appropriate to their gender identity.

In allocating sleeping arrangements such as dormitories, tents or shared rooms for school trips, each child's sex is relevant. Schools and educational settings must meet their safeguarding obligations set out in [Keeping Children Safe in Education policy](#)

However, discussion should be had with the child or young person who is trans\* and their parents (if there are no safety concerns that may lead from informing parents of their child's status) prior to residential trips to firstly identify what the pupil wants and needs, and how this can be accommodated in discussion with appropriate others including relevant friendship groups in a way in which confidentiality is protected. Risk assessments can be carried out prior to residential trips in order to make reasonable adjustments which would enable the participation of the pupil.

Some pupils who are trans\* may choose to use different kinds of undergarments to support

them in feeling comfortable in their gender identity. Therefore, privacy on residential trips and in changing rooms will be of key importance to them.

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

When planning off-island trips, schools should consider and investigate the laws regarding LGBTQ+ communities in countries considered for school visits. The International Lesbian and Gay Association (ILGA) have information on their [website](#) about countries where LGBTQ+ 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.

#### **18. Concerns that children or young people who are trans\* might have at school**

- How to tell people
- Who to tell or trust
- People will be judgmental
- Anxiety when in public areas around 'what people will think'
- People using their old name and the wrong pronouns
- Not being allowed to use their chosen name or recognised gender
- Being misgendered
- Using toilets and changing rooms, where no gender-neutral ones are available
- Attending a single sex school with no uniform matching their gender identity
- Disparity between their appearance and their voice
- Being bullied by pupils and/or teachers
- Not having someone in school to talk to as teachers don't understand the issues
- No resources, books, leaflets etc.
- The speed and quality of healthcare services that might support them being available in Jersey
- Social events or lessons where pupils are acting out hyper-masculine or hyper-feminine roles, e.g. school prom, drama class, sports teams.

#### **19. Changes that could be made to support children in school**

- Education and training for staff
- Understanding of issues by staff
- Toilets and changing facilities available that are gender-neutral or unisex
- Flexible interpretation of uniform regulations
- Having an identified, trained person to talk to in the school
- Workshops in PSHE / SRE lessons so pupils understand
- Science lessons to include gender more broadly

#### **20. Developing a Whole School Approach**

A whole school approach is required to support pupils, their families, staff and other pupils. Jersey schools by their very nature are inclusive places and this should be built upon to develop:

- A culture which celebrates diversity and where all children, irrespective of their characteristics, are valued
- Systems and support services are in place to support vulnerable children;
- Effective bullying and equality policies are adopted across the whole school community which challenges prejudicial behaviour, including transphobia, sexism, homophobia and biphobia;

- A curriculum which provides children with the opportunity to challenge stereotypes and avoid making assumptions about sex, gender, gender identity and sexual orientation.

## **21. How Do Schools Make This Happen?**

- Staff and pupils acknowledge there will be people in the community as parents, staff, carers, governors and pupils who are trans\* and that these people have a right to exist and can enrich our community in a positive way
- Incorporate a transgender policy within school policies
- Monitor the curriculum to ensure transgender identities are discussed by pupils and that there are sufficient and adequate resources to do this in a meaningful way
- Ensure transphobic behaviour is challenged and dealt with at all levels, including abuse, bullying (name-calling, derogatory jokes, graffiti, unacceptable and unwanted behaviour, intrusive questions and harassment
- Include transgender awareness training for staff and governors, where applicable
- Participate in events such as LGBT History Month and celebrate the achievements of people who are transgender or gender diverse

Ensure appropriate support through the school and other agencies is provided to children who are trans\* and their families. Staff must be aware of confidentiality when challenging transphobic behaviour directed at a child. For example, a member of staff may be aware the child is questioning their gender, but the child is yet to come out to the rest of the school community. There may also be situations when transphobic behaviour against a pupil has wider safeguarding implications or involves criminal behaviour.

Schools must take a balanced approach in dealing with issues and concerns raised by members of the school community regarding a transgender or gender diverse pupil. At no point must the health, wellbeing and confidentiality of that pupil be compromised; however, schools should recognise that some individuals within the school community may struggle to understand the issues experienced by transgender people or feel uncomfortable about them. Schools should structure learning to promote a greater understanding of LGBTQ+ matters, without putting a child or young person who identifies as part of the LGBTQ+ community in a more vulnerable position.

## **22. Language**

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

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



gender-neutral language that reflects their community such as: learners, Year 8, folks, partner, all genders etc. and use when appropriate.

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

All staff, pupils and pupils should use the name, pronoun and honorific (Ms/Mr/Mx) requested (see the flowchart guidance in Appendix 1 on requests for any kind of social transitioning). It is usual for it to take time to adjust to a new name and/or pronoun, particularly when you have known the pupil for a long period of time; however, an effort should be made to get it right and if mistakes are made, to acknowledge a mistake and commit to not repeating it.

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

### **23. Curriculum Teaching and Learning**

A curriculum that represents diversity. Trans\* identities and awareness should be taught in age-appropriate ways within a whole school curriculum where all protected characteristics are represented.

Use diversity as a thread running through the whole curriculum:

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

### **24. Teaching and learning approaches and supporting learning needs**

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

Putting children and young people into single sex groups may be one of these times. There may be times when single sex groups are needed to support the learning needs of groups (e.g. boys and literacy). Providing a clear need is identified, the Discrimination (Jersey) Law allows for such provision. However, it is recommended that school staff only group by sex when it is educationally necessary.

Speak to the child or young person who is trans\* in advance to see how they would like to be accommodated in single sex groups and decide whether any additional support is needed.

Pupils undergoing social transition should be allowed to attend the single sex class that accords with the gender role in which they identify.

Statutory Guidance, Relationships Sex and Health Education recommends that all pupils have

access to the same information about puberty:

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

## **25. Providing Support for an individual child who is trans\***

### **An individualised approach to support**

It is vital that an individual approach is taken in supporting a child or young person who is trans\*, allocating a key member of staff is an important first step. Each child and young person should be met with the kindness, compassion and support needed to keep them and their peers safe and well. There may be additional challenges for pupils who are trans\*, pupils from certain faith or cultural backgrounds, or because of a special educational need or disability. It is important for educational settings to see all aspects of a child's identity and experience in thinking about how to best support and respond. Each journey will be unique.

### **Coming out**

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

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

A "watch and wait policy" can be adopted.

It is advised that you seek permission from the child/young person to share the disclosure with a trained member of staff or support the child or young person to do so. Remember that coming out is not in itself a safeguarding issue, but depending on their environment at school, home or elsewhere it could make them a target of bullying, which would then become a safeguarding issue in which case the educational setting should follow the established safeguarding procedures.

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

In some educational settings, the child or young person may have transitioned in a previous school setting. School staff should be mindful that this child or young person may only come out to a small number of school staff or their peers and as such their information must be kept private and confidential (unless confidentiality needs to be broken for safeguarding reasons). It is also the case that educational settings may not be aware of all the pupils in their community who are trans\*.

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. Schools and settings could use a Memorandum of Understanding template with the pupil, see Appendix 2.

## **26. Working with the parents, carers and siblings of trans\* pupils**

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

Many parents and carers of a child 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. Occasionally, parents and carers will seek to prevent their child from making any steps towards a transition and extra time, support and care will need to be offered to this family.

Parents and carers of children and young people who are trans\* can be referred to Liberate Jersey for one-to-one discussion or to the Jersey Youth Service (JYS) parent support group (the LGBTQ+ parental support groups run quarterly). JYS also host a weekly drop in for LGBTQ+ young people & by extension families every Wednesday from 2pm-7pm at the YES Project.

When working with parents and carers, settings should keep in mind that they are representing the interests of the child or young person. As far as possible, care should be taken to ensure the wishes of the individual pupil are considered with a view to supporting them during potential transition. In line with their pastoral policies, it would be good practice to make a record of support provided to children and young people who are trans\* or gender non-conforming which includes decisions made in the best interests of the child.

Siblings of a trans\* child or young person may need support, especially if they attend the same school. They may find the situation difficult themselves and find it hard to accept their sibling's gender identity. Even if they are supportive to their sibling, they may also encounter transphobia and transphobic bullying as a result of having a trans\* family member. Parents and carers may be distracted and be giving more attention to a child who is trans\*, which can lead to issues for siblings. They should be given opportunities to discuss their own feelings with pastoral members of staff.

A pupil's goals in terms of transitioning may change over time and staff will need to be aware on how best to support them to reflect this changing need. Staff across the school community must be able to offer consistent support to reflect this.

Trans\* young people should be encouraged to avoid using constricting bandages or inflexible tape that may be injurious to their health, and to access specialist advice from responsible sources that understand their needs. If there are concerns that the young person is engaging in a practice which is causing injury this may need to be escalated with empathy and understanding. Both the Jersey Youth Service and Liberate can offer advice to young people and their parents on safe practices when transitioning.

## **27. Names and Pronoun Changes**

Although a child may not have changed their name legally, they may wish to be known by a different name associated with their gender identity. An individual has the right to be called by the name of their choice and therefore the pronoun that reflects their chosen gender identity should be adopted by the school community. School records allow for a 'known as' box to be completed. This does not replace the pupil's legal name on examination certificates. Exams are more complicated.

The Joint Council for Qualifications states:

*'The center agrees to enter candidates under names that can be verified against suitable identification such as a birth certificate, passport or driver's licence. You may need to check that the name the candidate is using within the center is their legal name rather than a 'known as' name.'*

Children can obtain a deed poll (document to change their name legally) with the agreement and co-signature of a parent or guardian.

Further advice should be sought in circumstances where a pupil does not have a deed poll document and, if possible, agreement reached with the child and exam board prior to the starting of courses.

It is important to follow the lead of the child/young person and family, keep confidential where appropriate and take timely action to protect the wellbeing and welfare of all involved.

Be aware of any safeguarding concerns and follow the appropriate safeguarding procedures.

When supporting a child/young person it is important to take in all aspects of the child to produce an individualised plan as no two journeys are the same.

## **28. Children or young people with additional vulnerabilities**

### **Intersectionality**

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

Therefore, all educational settings should recognise the uniqueness of their pupils, address their needs holistically and challenge all forms of prejudice, whilst keeping in mind the impact of intersectional identities.

## **29. Special Educational Needs and Disabilities (SEND)**

Children and young people with SEND may need additional support in understanding or accepting their own identity, learning about those who are different to them, and understanding that difference is to be respected and celebrated.

Staff, parents, carers, and wider professionals may need support in understanding that a child or young person with SEND is just as likely to be lesbian, gay, bisexual, trans or gender exploring as any other person.

It is important that a child or young person's words or actions are not automatically attributed to their SEND, for example, preferences for clothing types or hair length being seen as a sensory need, or behaviours described as a new special interest, fascination, curiosity or phase. Whilst this may be true in some instances, it is important to listen without judgement so

that expressions of questioning gender identity are not dismissed.

Emotions related to gender identity are complex for anyone to understand and express, and this could be exacerbated in those with communication and interaction difficulties.

Some children and young people with SEND may not see the need to communicate and may not understand that others don't already see them in the same way as they see themselves or know themselves to be. This could obviously lead to increased frustration and anxiety and impact negatively on well-being and mental health. Providing one-to-one support for the child or young person to explore issues in a non-judgmental, safe way with conversations that go at the child's pace will be important.

Differences in social understanding, empathy and communication may mean specific support is needed. Tools such as Mind Mapping, Comic Strip Conversations and Social Stories may be useful to support communication and understanding.

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.

### **30. Race, ethnicity and faith backgrounds, and those in care**

As referenced earlier, taking an intersectional approach to understanding identities is important as those with multiple minority/marginalized identities are likely to face discrimination based on their race and gender, and this can make seeking support harder.

Additionally, children who are in care/care experienced children 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.

Children and young people of faith may risk losing their communities by coming out as trans\* or gender non-conforming.

Schools and educational settings can signpost pupils to the Jersey Youth Service and or Liberate Jersey as a helpful resource for children, young people and their families.

For children living in care, it will be vital that communication between professionals, school, carers and child is clear and transparent.

### **31. Signposting to additional support**

Jersey has specialist locally based support for children, young people and their families and schools. The Jersey Youth Service support trans\* children and young people and children who identify as part of the LGBTQ+ community whether through a sexual orientation that is not heterosexual or a gender identity that is transgender or gender diverse. These services provide a safe and non-judgmental space where trans\* children and young people (aged 5 to 25) can receive support and find community links. Further information can be found at [Jersey Youth Service](#). Children and young people with other vulnerabilities including mental health needs can be referred on to appropriate services through the usual school pathways.

### **32. Confidentiality**

#### **Confidentiality and information sharing**

Most parents and carers of trans children and young people will be involved in working in

partnership with the school and their child to appropriately plan and deliver support. Settings will encourage pupils to talk with their parents and carers about their trans\* status, including offering to talk with the parent or carer on the child's behalf. When a child or young person initially discloses their trans\* status, it is important to talk to them about confidentiality and who, if anyone, they would like information to be shared with. The members of staff should make clear that they may need to share the information with another trained member of staff and potentially discuss who else may need to be told.

In line with pastoral policies (e.g. Safeguarding, Wellbeing), it would be good practice to keep a record of support provided to children and young people who are trans\*. Information about a child or young person's trans\* status, legal name, or sex registered at birth should not be shared without consent or unless there is a legal basis to do so. Educational settings should follow their usual policies related to information sharing to support the wellbeing of a child or young person. In keeping with safeguarding policies, confidentiality should only be compromised to safeguard a child or young person.

A child or young person being LGBTQ+ or exploring their gender identity does not in itself constitute a safeguarding concern, nor is it something the child's parents or carers must be informed of. When contacting a child's family, therefore, respecting a child's confidentiality, may very occasionally require staff to use their legal name and the pronoun corresponding to their sex registered at birth.

It is important to consider school and college photos, websites and social media platforms 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 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, refer to [Data Protection \(Jersey\) Law 2018](#) for more information. All people, including children and young people, have a right to privacy. Staff should not discuss trans\* children and young people outside of school with friends or family members. The trans\* community is such a small one that even a casual reference to a child or young person may compromise confidentiality.

### **33. Transition and Medical Intervention**

The medical pathway for under 18s is lengthy with waiting times to see a gender therapist in the NHS approximately five years. In practice, most school age children will not undergo medical treatment whilst at school.

In theory, some children who are trans\* could undergo medical treatment during their time at school. Staff should be aware of the different stages of medical intervention, so they are in the best position to provide support.

Medical treatment is provided in a series of phases that include:

- A psychological assessment and counselling. Initially this would happen locally with a GP who would refer the child to CAMHS. CAMHS will then refer trans\* children to a specialist NHS Gender Identity Development Service. There are no gender therapists currently available in Jersey for under 18s.
- Medication to block the production of the hormones that feminise or masculinise the body during puberty. These used to be available to pubescent trans\* children in consultation with their gender therapist, however these are no longer prescribed due to a legal change that means they are not available (according to the NHS website at the time of writing). These so called 'puberty blockers' have been used to act as a 'pause button' on puberty to alleviate the distress caused by pubertal changes in a child experiencing gender dysphoria.

- Hormones to masculinise or feminise the body. These are available for children aged 16 and over in consultation with their gender therapist.
- Gender reassignment surgeries would not be carried out until a person is over 18 years.
- Coming to terms with your gender identity if you are trans\* can be a difficult time for any person and starting the initial stages of medical transition can be particularly demanding for the young person and their family. It is a time when schools and educational settings may be required to provide support to the young person. Staff should also be aware of the impact this time will potentially have on the young person's mental health and wellbeing.
- Schools and educational settings should provide an appropriate structure to support a young person at this time. This will include access to counselling. As there are no professionals in Jersey qualified to work as gender therapists at this current time, a trans\* youngster's general mental health and well-being will need to be Jersey practitioners' priority with referral to CAMHS and on to an NHS Gender Identity Development Service for specialist transgender matters.
- The young person may be required to miss some schooling due to medical appointments and therefore the school should record absence accordingly. Support for the young person's learning will need to be put in place should there be a period of time spent away from school.

#### **34. Admissions and Single Sex Schools**

Single sex schools in Jersey must refer to the department's [Trans\\* Inclusion policy for admissions to single sex provided schools](#) when developing their own admissions criteria. However, single sex schools should be aware that denying a trans\* girl (i.e. male to female trans\* pupil) admission to an all-girls school or denying a trans\* boy (i.e. female to male trans\* pupil) admission to an all-boys school on the grounds of their being transgender may constitute direct discrimination under the Discrimination (Jersey) Law 2013.

For children already part of a single sex school community who are in transition and make the school aware of this, support and guidance should be provided in accordance with this guidance. The school should act, in consultation with the trans\* child and their parents, with the welfare of the child and the smooth continuance of their studies placed uppermost.

Should the trans\* child wish to stay at their current school, the Discrimination (Jersey) Law 2013 makes it clear that this does not negate the status of the school as a single sex school. Should the trans\* child wish to move to another school, support should be provided to make the change as easy as possible, with the trans\* child being consulted for permission to disclose their trans\* status to the new school.

Single sex schools must be aware of their responsibilities under the Discrimination (Jersey) Law 2013 (*Part 3 - 15 Sex: admission to schools*) and their own school policies must reflect this.

#### **35. Glossary and Further information and related documents**

This guidance has used various sources of information and listened to different external groups to gather information and write this guidance to help support schools.

## **Glossary**

### **Gender distressed or confused**

Gender distressed or confused is a way of describing distress or confusion that may arise from a broad range of experiences connected to a child's understanding of their biological sex and associated attributes and behaviours, but where a formal diagnosis of gender dysphoria has not been made.

### **Gender Dysphoria**

Gender Dysphoria is a medically diagnosed condition with a number of clinical markers, whereby an individual experiences distress, which may be to a lesser or further extent for each individual, at the incongruence between their individual gender identity and their biological sex/assigned gender at birth.

**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 or gender divergent.

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 boy who is trans or not. 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 identity**

Gender identity can be defined separately from biological (physiological, hormonal, chromosomal) sex and is a multifaceted, personalised and flexible interpretation of how someone sees themselves, how they wish others to see them and how they feel most authentic interacting in the world.

This may, or may not, correspond to someone's sex assigned at birth, which has a clinical name.

### **Gender incongruence**

Gender incongruence is a medical diagnostic term for a marked and persistent incongruence between an individual's experienced gender identity and their biological sex.

Some trans\* individuals experience gender incongruence. Gender incongruence is when your gender is different to the sex that you were born. This could lead to individuals experiencing gender dysphoria, which is the sense of unease that a person experiences due to the mismatch between their biological sex and their gender identity. This sense of unease or dissatisfaction could be so intense which could lead to depression and anxiety that could have a harmful impact on daily life.

Children and young people who are experiencing low mood and anxiety due to experiencing gender dysphoria should be referred to CAMHS for mental health support. While CAMHS do not offer gender affirming therapy, CAMHS can offer support while a referral is made to specialist Gender Identity Development Service in the NHS UK.



## **Gender questioning**

Gender questioning is a broad term that might describe children and young people who are asking questions about their biological sex and perceived gender identity.

## **Gender stereotypes**

The World Health Organization (WHO) explains that: “While most people are born either male or female, they are taught appropriate norms and behaviours – including how they should interact with others of the same or opposite sex within households, communities and workplaces.”

Many people's gender identity and or gender expression will be stereotypical, however gender stereotyping becomes harmful when it limits an individual's capacity to develop, make choices and pursue careers outside of a stereotype. “When individuals or groups do not “fit” established gender norms they often face stigma, discriminatory practices or social exclusion – all of which adversely affect health.”

The wellbeing of all children and young people can be harmed by stereotyping. All educational settings will want to enable and support pupils who wish to challenge gender stereotypes by giving the message that there are many ways to be a girl or a boy, e.g. girls supported to take Science, Technology, Engineering and Mathematic (STEM) subjects. 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.

## **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. 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. Trans\* people, like everyone else, can have a range of sexual orientations.

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

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

## **Trans\*(gender)**

Trans\* or transgender is an umbrella label used to describe an individual whose gender identity does not match to their biological sex, nor gender assigned at birth. Trans\* can encompass not only an individual who experiences gender dysphoria and wishes to transition from one gender to another (i.e. transman or transwoman), but also includes (and is not limited to) non-binary, gender-queer, gender-fluid, agender, gender-neutral, gender-questioning or bigender individuals who do not feel they exist comfortably within the binary concepts of “boy/man” or “girl/woman”.

Someone who identifies as trans\* does not need to have had any surgical procedures but can self-identify as wishing to distinguish their gender as different to that which was assigned to them at birth.

It is important to note that using the term “questioning” does not negate the validity of a person’s identity or process of exploration of that identity but allows for a fluidity which some might feel more comfortable with.

Trans\* identity, as a gender identity, is separate to sexual identity/orientation.

### **Social Transition**

Some trans\* individuals may want to begin socially transitioning, which means exploring the way they appear to, and interact with, other people. They may express their gender identity through their physicality (clothes, hair etc.), and/or tone and depth of voice, and/or pronouns (she, he, they) and/or chosen name.

Social transitioning can reduce the negative impact of gender dysphoria and for some, is sufficient to effectively manage it. For others, this may be the first step in a longer transition journey with other elements (legal and/or medical) involved at later stages. It is important to remember that there is no one “right” way to transition and it will be different for each individual, as gender is so diverse.

Social transitioning can also increase gender euphoria – a feeling of joy and satisfaction when someone is expressing the gender which feels most comfortable and true to them.

Whilst it is recognised that a young person’s records cannot be changed without official documentation such as deed poll (which can be done with parental consent under the age of 18), it is not uncommon for trans\* individuals to want to be known ‘unofficially’ by another name or different/additional pronouns.

We strongly recommend respecting an individual’s stated name and pronouns in order to support and respect them, as a key factor to the positive impacts of social transition for an individual is the wider support given in doing so. Staff and other pupils should not be sanctioned for making one-off mistakes. However, any repeated non-use of correct pronouns/name should be considered under the school’s behaviour policies and/or codes of conduct. In all cases, bullying, teasing and unkindness must never be tolerated.

### **Acronyms**

“AFAB” = Assigned Female at Birth

“AMAB” = Assigned Male at Birth

### **Transphobia**

Transphobia is not a “fear” in the traditional sense of a phobia but is a more complex mix of attitudes and behaviours. Broadly, it can be defined as intolerance of and discriminatory behaviour towards a trans\* (or perceived trans\*) person on the basis of their gender identity, which can result in any of the below:

- Restriction or removal of rights
- Misrepresentation
- Abuse (physical and/or verbal)
- Systematic oppression and/or exclusion

### **Legal Considerations**

This guidance covers areas that remain untested in the courts. Whilst it is not possible for the guidance to state a definitive legal position on all areas, the guidance seeks to provide clear

advice to schools and educational settings to help inform their decisions. In doing so, it identifies the factors that schools and educational settings should consider when making decisions.

The statutory guidance [Keeping Children Safe in Education \(KCSIE\)](#) sets out the legal duties that must be followed to safeguard and promote the welfare of all children under the age of 18 in schools and colleges. These duties also apply to high-needs learners up to the age of 25 please refer to the KCSIE guidance for further details.

## **Useful resources and training**

<https://liberate.ie/training>

[Jersey Youth Service](#)

- The LGBTQ+ parental support groups run quarterly
- Weekly drop in for LGBTQ+ young people & by extension families every Wednesday from 2pm-7pm at the YES Project. [LGBTQ - Youth Enquiry Service](#)
- JYS regular offer is 3 youth club sessions weekly for LGBTQ+ young people primarily aged 11-18, and a social session for young adults aged 18-25.
- JYS meet with new young people prior to them attending sessions to see the youth club spaces, answer any questions that they might have.

<http://genderedintelligence.co.uk>

<https://transjersey.org>

[Brighton & Hove Trans Inclusion Schools Toolkit 2021](#)

[education.gov.uk/equalities-political](http://education.gov.uk/equalities-political)

[Gender Questioning Children - non-statutory guidance](#)

[Gender dysphoria - NHS](#)

[World Health Organization \(WHO\)](#)

Office for National Statistics:

[Sex and gender within the context of data collected for the Sustainable Development Goals \(SDGs\) - Office for National Statistics](#)

[Useful contacts - LGBTQIA+ mental health - Mind](#)

<https://lgbtplushistorymonth.co.uk/>

<https://www.justlikeus.org/>

Below are some suggestions for training and further information.

### **Jersey:**

[Training | Liberate](#)

**UK based providers:**

[Pride & Progress](#)

[Diverse Educators](#)

**Secondary School resources:**

[TransCatholicTeacher](#)

[CES Project\\_Homophobic Bullying Booklet\\_JUN18.indd](#)

[Adam Brett - Our staff - University of Derby](#)

**Books / useful reading**

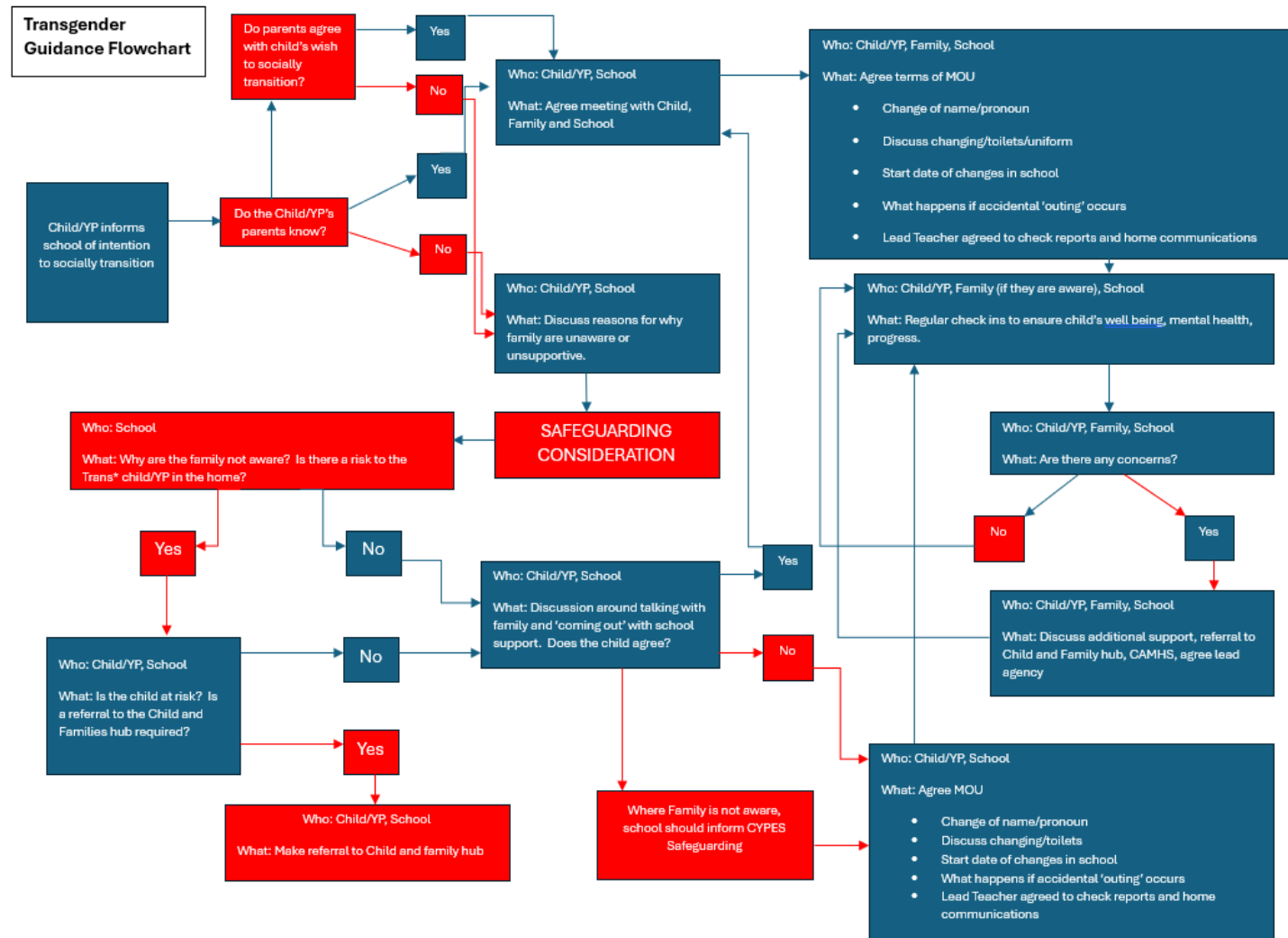
How to Transform Your School into an LGBT+ Friendly Place: A Practical Guide for Nursery, Primary and Secondary Teachers - by [Dr Elly Barnes MBE and Dr Anna Carlile](#) (3 Mar. 2018)

Celebrating Difference: A whole-school approach to LGBT+ inclusion - by [Shaun Dellenty](#) (30 May 2019)

Diverse Educators: A Manifesto by [Bennie Kara](#) (Editor), [Hannah Wilson](#) (Editor) (11 April 2022)

## APPENDIX 1

### Flowchart guidance for schools when a pupil approaches school of intention to socially transition



## APPENDIX 2

### MEMORANDUM OF UNDERSTANDING CHECKLIST

#### For pupils wanting to socially transition

A Memorandum of Understanding (MoU) is a note of the conversation between you and the pupil you are supporting and provides a plan for how you are both going to progress. This conversation should be guided by the pupil. The MoU should reflect what has been discussed and agreed on and be signed by both parties. It should be reviewed regularly (every six months) and updated should the pupil's plans and wishes have changed.

Items to discuss with the transitioning pupil	
	Have they chosen a new name and, if so, a name they wish to be known as?
	What is their preferred gender pronoun(s)?
	When would they like to start using their new name and gender pronoun(s)? And who would they like to use them (everyone in school)?
	How would they like to inform people of their transition? Face-to-face? Gradually?
	Who would they like to inform people of their transition? Will they do it personally?
	Has the pupil /person told their family? Does everyone at home know about their transition? Are they supportive? [If the individual is only transitioning at school due to a lack of support at home, for example, discuss the need for the sharing of information about their transition to be handled sensitively at school until such time as they are 'out' at home.]
	Has the pupil /person told their friends or any other trusted person?
	Does the pupil understand their rights under the Discrimination (Jersey) Law not to be discriminated against at school? Explain that this is supported by the school.
	Does the pupil have any concerns they want to discuss with their transition at school? Are there areas in which the school can help?
	Does the pupil have any uniform concerns?
	Ensure that the pupil knows what toilet/changing room facility that corresponds with their gender identity is available to use.
	Discuss plans with the pupil about support from the family and what agency support is available.
Action points	
	Draw up a memorandum of understanding from your discussion for you both to sign.
	Once approved amend the school register to show a new name, likes to be known as and update all staff.

## Change History

Version	Date Issued	Issued by	Reason for change
1.6	03.08.2021	Service Manager for Vulnerable Children	Updated to reflect current practice
1.7	02.12.2024	Service Manager for Vulnerable Children	Updated to reflect current practice and link to new Equality in Education Policy – which is the overarching document

## Approval

Presented to	Approved by	Date
SMT		09.2021
SLT		22.11.2021
CYPES SLT		02.12.2024
CYPES Ministerial Team		04.03.2025