

Education Department Guidance Document

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Table of contents

Introduction	2
Principles to be adopted to support trans* children	2
Definition.....	2
Trans* children and vulnerability.....	3
What concerns might trans* children have at school?.....	3
What changes could be made to support trans* gender children in school?	4
Developing a whole school approach	4
How do schools make this happen?	4
Language	5
Curriculum, teaching & learning.....	5
Providing support for a trans* child	5
Uniform	5
Names and pronoun changes	6
Confidentiality	6
Toilets.....	6
Changing rooms.....	7
Physical Education	7
Residential Trips	8
Transition and medical intervention.....	8
Admissions and single sex schools.....	9
Useful Links.....	9

Introduction

Schools and other educational establishments may find meeting the needs of trans* children challenging, however the purpose of this guidance document is to support schools to ensure the best interests of children are always put first. Staff should be reassured that they are making the correct decision when supporting trans* children and that policies relating to admissions, curriculum, behaviour and bullying are all reviewed and adhered to.

The purpose of this document is to:

- Provide schools and other educational establishments with guidance on how to support trans* pupils in their community and prevent transphobia;
- Increase the confidence of staff to support trans* children whether they are beginning to question their identity or are coming out as trans*;
- Ensure schools and other educational establishments embed practice to support trans* children within all policies and ensure all staff adhere to the Discrimination (Jersey) Law 2013.

Principles to be adopted to support trans* children

- Trans* children should be viewed as enriching the school community and providing an opportunity for all pupils to challenge gender stereotypes and norms;
- There should be a recognition that gender identity is complex and is a spectrum which encompasses more than simply male and female;
- The views of children, parents and carers must be listened to and respected;
- Providing support to a trans* child at a point in time does not mean they will necessarily conform to a single trans* identity or follow a particular path of transition;
- Gender segregated activities should try to be avoided and if this is not possible a trans* child should be able to access the activity which best corresponds to their gender identity;
- Staff should ensure the wider school community is aware of issues surrounding transphobia, sexism, homophobia and biphobia, incorporating learning within curriculum content, to challenge bullying and prejudice;
- No child should be made to feel that they are causing problems or owe something to the schools for being treated with the equality they deserve and are legally entitled to.

Definition

The term trans* (with an asterisk) is an umbrella term that encompasses transgender people and a range of gender identities that are other than man or woman (boy or girl), i.e. gender identities that are non-binary in nature.

The term trans or transgender are accepted terms to describe a person whose biological sex and the gender they were assigned at birth are not in alignment with their sense of gender or gender identity. This has a clinical name: gender dysphoria.

A person with gender dysphoria may seek medical assistance to transition from the gender they were assigned at birth to the gender they recognise themselves to be. Most trans people will elect to use the pronouns associated with their recognised gender.

There is a rich diversity of vocabulary that trans* people may prefer to use to describe their gender identity. Non-binary identities include genderfluid, gender-neutral, genderqueer,

agender, bigender, neutrois, androgyne. People who do not identify as one of the binary identities may elect to use neutral pronouns such as they/them/their.

Children and students that experience or show gender variance may or may not be transgender, and some will not retain their gender variance following puberty because gender variance can be fluid.

Trans* children and vulnerability

Trans* children are more at risk of dropping out of schools, self-harming, suffering depression, having eating disorders or attempting suicide.

Possible signs of a trans* child who may need additional support includes:

- Lack of concentration;
- Poor educational performance (or conversely, total immersion in school work);
- Reluctance to use the school toilets;
- Reluctance to do physical exercise especially if it is strongly associated to the assigned birth gender, including a reluctance to use the showers and changing rooms;
- Truancy;
- Sickness and Absenteeism;
- Self-harm;
- Often at the receiving end of bullying, sometimes severe often transphobic and/or homophobic bullying;
- Few friends;
- Depression;
- Eating Disorders.

Staff must remember that if a child displays these characteristics it is not caused by the child being trans* but by society's attitude towards transgender people and commonly held views which are unaccepting of people, often displayed through irrational fear, hatred and abuse.

What concerns might trans* children have at school?

- How to tell people;
- Who to tell;
- 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 students and/or teachers;
- Not having someone in school to talk to as teachers don't have an understanding of the issues;
- No resources, books, leaflets etc;
- The speed and quality of healthcare available in Jersey;
- Social events or lessons where students are acting out hyper-masculine or hyper-feminine roles, e.g. school prom, drama class, sports teams.

What changes could be made to support trans* gender children in school?

- Education for staff;
- Understanding of issues by staff;
- Toilets and changing facilities need to be gender neutral or unisex;
- Flexible interpretation of uniform regulations;
- Having a trained person to talk to in the school;
- Workshops in PSHE / SRE lessons so pupils understand;
- Science lessons to include gender more broadly.

Developing a whole school approach

A whole school approach is required to support trans* children, their families, staff and other pupils. Jersey schools by the 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.

How do schools make this happen?

- Staff and pupils must acknowledge there will be trans* people in the community as parents, staff, carers, governors and pupils and that trans* people enrich our community in a positive way;
- Incorporate trans* issues within school policies;
- Monitor the curriculum to ensure trans* issues 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 trans* issues in training for staff and governors;
- Participate in events such as LGBT History Month and celebrate the achievements of trans* people;
- Ensure appropriate support through the school and other agencies is provided to trans* children and their families.

Staff must be aware when challenging transphobic behaviour directed at a child. For example, the member of staff may be aware the child is trans* but the child is yet to come out to the rest of the school community. There may also be situations when transphobic behaviour has wider safeguarding implications or involve criminal behaviour.

Schools must take a balanced approach to dealing with issues and concerns raised by members of the school community regarding transgender issues. At no point must the health, wellbeing and confidentiality of a trans* child be compromised, however schools

should recognise that some individuals within the school community may struggle to understand the issues surrounding trans* people or feel uncomfortable by them. Schools should structure learning to promote a greater understanding of lesbian, gay, bisexual and transgender issues, without putting the trans* child in a more vulnerable position.

Language

Staff must be careful to use the correct pronoun when referring to a trans* child or adult. This may include reflecting on the use of terms 'ladies', 'gents', 'boys' and 'girls' to describe groups of children. However, schools must be careful not to deny gender as an important part of identity and a balance must be struck not to exclude those who do not see themselves as male or female or make assumptions about them.

Curriculum, teaching & learning

The whole school environment, including assemblies, form groups and the curriculum can be utilised to explore the issue of gender, identity, sex and transphobia. Consideration should also be given to teaching approaches which may have a negative impact on trans* children, which may make them confused or uncomfortable. For example, this may mean not grouping children by gender when undertaking certain activities, or enabling a trans* child to be grouped according to their gender identity as opposed to their biological sex.

Providing support for a trans* child

If a child begins to present as trans* then it is vitally important to support them. This may include how they feel about their identity or how they feel about their gender. Staff should be aware that 'transition' will mean different things to different people. Most aspects can be divided in the following way:

Social transition is where a trans* person chooses to live their life as their recognised gender, and may include:

- A name change;
- A change of pronoun (he, she, they, zie, etc);
- Wearing clothing associated to their gender identity;
- Use of toilets and changing rooms appropriate to the gender identity rather than their biological sex.

Medical transition is the process in which a trans person takes steps to physically change their body, and may include:

- Taking puberty blockers (drugs that inhibit natural puberty);
- Taking hormones to alter the secondary sex characteristics to align with the recognised gender;
- And / or having gender reassignment surgery.

A child'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.

Uniform

Schools should enable trans* children to dress according to their chosen gender identity. Often choosing to wear a uniform in accordance with a gender identity is one of the first steps made by a child transitioning and staff should be aware that this can be very daunting.

Allowing a trans* child to dress in clothes which make them feel comfortable and associated with their gender identity will enable them to become empowered and bring their outward appearance in line with their gender identity. Schools which adopt a flexible uniform policy will find that a regulated structure is retained but does not exclude children based on gender identity. Sensitivity will need to be adopted in relation to swimwear and this is best resolved through discussion with the child.

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 a name of their choice and therefore the pronoun that reflects their chosen gender identity should be adopted by the school community.

Exams are more complicated. The Joint Council for Qualifications states:

'The centre 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 centre is his/her 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. Trans* students may elect to take this to the passport office with a letter from their GP stating that they are transitioning in order to amend their passport to their new name and recognised gender.

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

Confidentiality

A child or adult has the right to keep private their trans* status at school. Information about a child's trans* status, legal name, or gender assigned at birth may constitute medical and confidential sensitive personal data under the Data Protection (Jersey) Law 2005.

Staff should not disclose information concerning a child's trans* status to others, including parents, carers and other members of the school community unless legally required to do so or because the child has asked the school to do so. A child's trans* status must not be discussed by staff outside of school with friends etc and the confidentiality of the child should be foremost in their minds.

The child has the right to determine when information about their gender identity is released to the school community. If the child has yet to come out, then school staff must continue to use the child's legal name and the pronoun corresponding to their gender assignment at birth. Confidential information should not be shared with the parents or carers without the child's permission, unless there are safeguarding reasons not to do so.

Toilets

Children in transition must be allowed to choose which toilets they wish to use. If for whatever reason a child wishes for increased privacy, then a single stall toilet must be made available to them. This could be a disabled toilet however a child wishing for increased privacy who does not identify as having a disability must not be forced to use such a toilet.

Ideally, all toilets within schools would be single stalled toilets available to all children. The use of toilet monitors has also proved successful in ensuring children feel safe using the toilet which corresponds to their gender identity.

Changing rooms

Ideally a child should be able to choose which changing room they wish to use. However, this can be a complex issue and staff should discuss the most appropriate arrangement with the individual pupil to develop a plan which best meets their needs. Central to all thinking by a school is to ensure children are able to participate in physical education and sport and to protect the health and wellbeing of all pupils.

If a child requires increased privacy then this must be made available, either by facilitating an additional changing area or by staggering changing times. Any alternative arrangement should be provided in a way that protects the child's ability to keep his or her trans* status confidential.

Physical Education

Schools 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* 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 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* student when a trans* child is to compete in a gender-segregated competitive event. Consideration should be given to whether exclusion of the trans* student from the sporting event will be detrimental to the trans* student'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* student 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 in order to arrange appropriate changing facilities for a trans* child in order that this is managed in a sensitive way.

Residential Trips

Staff should plan how best to meet the needs of trans* children on a residential trip. A trans* child should be able to sleep in a room appropriate to their gender identity. If a trans* child is uncomfortable with this, alternative arrangements must be provided.

The level of participation in physical activities should be discussed prior to the trip as taking part in certain activities may be difficult or uncomfortable for the child. For example, young trans* men who are binding their breasts can often experience a great degree of discomfort when participating in activities such as climbing or canoeing. Where a trans* child or young person feels that they do not want to or cannot participate, alternative arrangements should be made to allow for those children or young people to participate in a more appropriate activity.

Staff should always undertake risk assessment prior to any residential trip being carried out and this should include input from the child and if appropriate their parents or carers.

Transition and medical intervention

Some trans* children may 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 will refer the child to CAMHS. CAMHS will then refer trans* children to a specialist NHS Gender Identity Clinic, however there are no gender therapists currently available in Jersey.
- Medication to block the production of the natural hormones that feminise or masculinise the body during puberty. These are available to pubescent trans* children in consultation with their gender therapist. So called “puberty blockers” act as a “pause button” until the child reaches 16 years of age when they may elect to undergo full hormone therapy. Should a child not wish to continue with the puberty blockers at any stage they may stop taking them and normal puberty will resume.
- 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 usually 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 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 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 a Jersey practitioners’ priority with rapid referral to an NHS Gender Identity Clinic 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.

Admissions and single sex schools

Single sex schools in Jersey must refer to the department's Transgender Admissions Policy when developing their own admissions criteria. However, single sex schools should be aware that denying a trans* girl (i.e. male to female trans student) admission to an all-girls school or denying a trans* boy (i.e. female to male trans student) 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 and their own school policies must reflect this.

Useful Links

<http://www.mermaidsuk.org.uk/>

<http://genderedintelligence.co.uk/>

<https://liberate.je/>

<https://transjersey.org/>