



# RMS FOR GIRLS

## GENDER IDENTITY (PUPILS) POLICY

<b>School update</b>	
Responsible for review of policy	Deputy Head Pastoral
Last school update	February 2023
<b>Governor Sub-Committee approval</b>	
Sub Committee to review and approve	Pastoral
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## **1. Introduction**

1.1 Our school is an inclusive and respectful community. Our focus is on helping all pupils thrive, develop their authentic selves and be ready for the adult world. Changes in society and culture do and should impact upon how we live and work together as a school.

1.2 Gender identity is now a subject of much discussion interest and in some cases, has polarised opinion. People are now able to articulate that the gender they are assigned at birth (by some people called 'biological sex') does not match their internal sense of gender or that their internal sense of self does not fit within a traditional binary sense of gender at all ('non-binary'). Whilst this is not new at all, and there have been transgender people and gender non-conforming people in society throughout time, the digital age has increased awareness, access to information and, arguably created a societal environment in which these conversations can now more easily take place.

1.3 In the context of single-sex education such as ours, issues can be intensified particularly when a student's very place in the school might be called into question because of gender identity. This is particularly true because of the way that society has traditionally interchanged the use of the terms Sex and Gender. It is important therefore, that we have in place a process to manage situations positively and effectively when a pupil at our school identifies as transgender, gender fluid, non-binary or gender non-conforming. It is therefore also important that we seek to create a culture and practice in our school where both of these characteristics are respected equally and where every pupils feels valued, visible, respected and can therefore thrive and achieve their best in school and beyond.

1.4 We expect everyone in the RMS community to be treated and to treat others with respect. Our aim is to provide an environment free from harassment, intimidation, or discrimination in any form that may affect the dignity of the individual. Any behaviour, comments or attitudes that undermine or threaten an individual's self-esteem on these grounds will not be tolerated.

## **2. Purpose**

2.1 The purpose of this policy is to set out a framework for how the School will support pupils who wish to take steps to change their gender identity they were assigned at birth, are in the process of transitioning or have already done so.

2.2 This policy also supports members of the School community in meeting the requirements of relevant legislation including the Equality Act 2010, which lists gender reassignment as one of the nine protected characteristics on the grounds of which people are protected against unlawful discrimination, and the Gender Recognition Act 2004.

2.3 The policy sets out the steps the School takes to support transgender, genderfluid, non-binary or gender non-conforming pupils and prevent discrimination.

## **3. Scope**

This policy applies to current pupils of the school.

## **4. Objectives**

The aim of this policy is to ensure

- effective arrangements exist for dealing with gender identity matters
- all transgender, genderfluid, non-binary and gender non-conforming pupils are treated in a fair and consistent manner.

## **5. Definitions**

5.1 Definitions and terminology regarding non binary and/or transgender people are evolving. The appendix to this policy provides guidance on some of the most commonly used terms.

5.2 This policy covers the following groups

- People who do not identify with being male or female (non -binary), including those who identify in other ways, such as non-binary or agender.

5.3 In this policy Transgender (trans) is used to refer to the following group:

- People who are taking or have taken steps to change the gender identity they were assigned at birth. This includes people covered by the Equality Act definition: “A person has the protected characteristic of gender reassignment 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 sex by changing physiological or other attributes of sex.”

5.4 These terminologies are evolving and highly personal and this list is not exhaustive. Individuals will self-identify and how they choose to describe themselves, rather than assume, it is best to ask someone how they wish to be addressed. Using inappropriate language and terminology can cause offence and distress.

5.5 RMS recognises that gender identity and sexual orientation are not interchangeable terms. Transgender pupils can be bisexual, gay, heterosexual or lesbian and so staff should not assume that a transgender pupil has a particular sexual orientation.

## **6. The law**

6.1 Under the Equality Act 2010, schools must not discriminate or victimise pupils, in terms of admission to the school or in the provision of education, benefits, facilities and services on the grounds of any protected characteristic. These protected characteristics include sex and gender reassignment.

6.2 Sex: The Equality Act defines sex as biologically determined and fixed at birth, except where there is a Gender Recognition Certificate (GRC). That is not available to those under 18 however, so it is unlikely this will be a factor in relation to pupils.

6.3 Gender: A person has the protected characteristic of gender reassignment if that person is “proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person’s sex by changing physiological or other attributes of sex”. (Equality Act 2010)

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

6.5 On this basis, a person who is legally one sex and seeks to identify with the other gender, will fall under the protection of gender re-assignment, provided there is a declared intent to be so identified. The Equality Act does not included specific reference to non-binary or gender non-conforming (not identifying as either male or female) or gender fluid identities. However, an employment tribunal in 2020 (Taylor vs Jaguar Landrover) rules that the Equality Act does provide

protection for non-binary people, and so this should be considered the case until legislation is further clarified or the ruling of the tribunal is ratified.

## **7. Our approach**

7.1 In such a complex and personal journey, there is not a policy or process that will fit all pupils. Therefore, this policy aims to give everyone involved in the school some guidance as to how the school might consider responding to situations as a starting point for an individualised discussion and solution, understanding that all decisions are not finite.

7.2 It is important to recognise that the relationship between biological sex, gender identity and what this means for access to provision and recognition, is a highly charged and sensitive subject. The School does not form a view on this debate but focuses on providing a respectful, kind, safe and non-judgemental environment in which our pupils are able to explore their own identity in a way and timescale that is right for them, knowing that they will receive acceptance and support whatever conclusions they reach.

7.3 The underpinning ethos of this policy is that matters related to gender identities are acknowledged and handled in a respectful way, with the child's individual needs and circumstances at the centre of our thinking. Our fundamental duty is to look after each pupil's well-being: our pupils come first, and this will always guide our response.

7.4 For many young people. Expressions of gender identity are complex, and may or may not be bound with other matters. The school will therefore take a listening and facilitative role, whilst neither encouraging nor discouraging a particular decision by a pupil. Support will be available via the pastoral team (Form Tutor, Head of Year, Deputy Head Pastoral, Boarding and counselling team). Our role is to make sure the pupil has a safe space to be heard and to help them take as much time as they need to consider and reflect before any steps are taken to implement any decisions.

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

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

7.6 Support may include but is not limited to:

- Adopting a 'watchful waiting approach'
- Referring to school counselling
- Referring to a GP or CAMHS
- Facilitating a social transition in school if this is agreed in tandem with parents/carers and/or medical professional to be in the best interests of the pupil.

7.7 We remain a girl's school. However, during the process towards an affirmed binary male identity, existing pupils will be accommodated if:

- This is their wish, and
- A thorough process of discussion and assessment has taken place, including with parents/carers, school counsellors, GP, CAMHS or such other third-party medical professional as appropriate, and
- It is believed to be in the best interests of the pupil and their well-being, and
- Adjustments and processes can be put in place to ensure that both the pupil concerned, and other pupils can thrive and have their needs met.

7.8 A girls' school which permits a pupil who is undergoing gender reassignment to remain after they adopt a male gender role would not lose its single-sex status.

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

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

## **8. Terminology**

We are proud to be a girls' school. Throughout history, women have fought to be acknowledged as equal members of society and yet even now we know that gender stereotypes and gendered language can still limit girls' sense of what they should be and their aspirations. We are also attuned to the feelings of those pupils who may feel excluded or diminished by gendered language. For all of these reasons, we will be pragmatic and intentional when we are using either gendered or gender-neutral language. We will strive to challenge gendered stereotypes. This will be in collaboration with our pupil body. Our objective will always be to empower the next generation to thrive and use their voice to shape their world.

## **9. Confidentiality**

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

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

## **10. Particular Considerations: Changing Name**

10.1 For many trans people, the opportunity to change their name and pronouns is a pivotal and affirming point, even as they move through their own exploration. If a non-binary/gender fluid/transgender/gender non-conforming pupil wishes to have their personal data recognised on official school systems, this must be supported by parents/carers as it will feed into letters home, report cycles, information etc. If this is supported by at least one parent or guardian but ideally both, the change of name and associated gender identity should be respected and adopted throughout the school.

10.2 In relation to official examinations, the school will ensure a strategy is agreed with the pupil and their parents or carers, then agree with the various exam boards prior to starting accredited courses where possible. This will be done in good time to encompass the length of time the process of re-registering may take. Guidance may be sought from exam boards where appropriate. It may not always be possible to change details on exam certificates.

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

#### Parameters

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

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

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

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

Printed documentation which is made public, such as

- public exam entries
- any formal communication which relates to the pupil's official status as a member of the school, for example on official certificates, applications to other schools, visa applications and UCAS applications.

10.8 After consultation with the school and parents, the chosen male or non-binary gender identity could be used in

- School-based, often verbal situations such as form time, being mentioned in assembly, being addressed, or referred to by teachers and peers, and also being named internally in sports teams, cast lists etc.
- Auditioning for mixed gender play with boys also being case, where the pupil may wish to audition for the male roles.

## **11. Uniform**

The school will ensure that there are a range of uniform choices so that some items will always be suitable for pupils who are non-binary or transgender (as well as meeting other needs such as religious, body image and disability). Clothing will be appropriate and comfortable. We believe such uniform options will benefit all pupils irrespective of transgender identities.

## **12. Toilets and changing facilities**

RMS has individual student cubicle toilets, and all pupils have access to cubicles within the changing facilities. In addition, RMS has identified and signposted gender-neutral toilets and changing facilities in School and will continue to review this provision over time.

## **13. Trips**

If participating in a school trip involving an overnight stay, an individual risk assessment would be undertaken, and decisions made accordingly based on individual and trip circumstances. The safety and wellbeing of all pupils, including the non-binary/gender fluid/transgender/gender non-conforming pupil, is the primary consideration.

## **14. Boarding**

School staff should work together with non-binary/gender fluid/transgender/gender non-conforming pupils and their families to find an approach that is practical and enables the pupil to fully participate. For some pupils it may be possible to allocate a single room. For pupils identifying as non-binary there are unlikely to be significant concerns to address specifically in relation to boarding. The school will, however, give consideration to the implications of being in a particularly gendered environment. The same considerations around toilets, bathrooms and changing facilities as suggested for elsewhere in the school will be followed.

## **15. Disclosure**

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

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

## **Appendix A: glossary**

**Acquired gender:** Used in the Gender Recognition Act 2004 to describe a person's gender after transitioning. As this is a legal term, many people now prefer to use the term "affirmed" gender.

**Assigned gender:** The gender assigned to someone at birth, based on their physical characteristics.

**Cisgender:** Refers to someone who identifies with the gender they were assigned at birth.

**Cross dresser:** Someone who chooses to wear clothes not conventionally associated with their assigned gender. "Cross dresser" is now used in preference to the term "transvestite", which is considered to be outdated and can cause offence. Cross dressers are generally comfortable with their assigned gender and do not intend to transition.

**Gender dysphoria:** A recognised medical condition where the individual experiences severe discomfort and anxiety because their gender identity does not align with their biological sex.

**Gender expression:** How someone manifests their gender identity in society, for example through their appearance and behaviour.

**Gender fluid:** Refers to someone whose gender identity changes over time from one end of the spectrum to other.

**Gender identity:** A person's internal perception of their gender, their sense of self. For transgender people, their gender identity does not match the gender they were assigned at birth.

**Genderqueer:** Refers to someone whose gender identity falls on the spectrum between male and female.

**Gender reassignment (or transitioning):** The process where an individual changes their expressed gender to live fully in the gender with which they identify. For example, a person who was born female decides to take steps to live the rest of their life as a man. Gender reassignment does not require medical treatment and is a protected characteristic under the Equality Act 2010.

**Intersex:** An intersex person is born with ambiguous genitalia and/or sex chromosomal variations, making it difficult to classify their biological sex. There are many different intersex conditions. An intersex person may self-identify as a man or a woman or neither.

**Non-binary:** An inclusive term to describe people whose gender identity is fluid and not exclusively male or female. A non-binary person may identify as neither male nor female or may feel that they embody elements of both genders, or that they are something different. The terms intersex and non-binary are not interchangeable.

**Transgender (or trans):** An umbrella term describing the diverse range of people whose gender identity or gender expression differs from the gender they were assigned at birth. The term can encompass individuals who are transsexual, cross dressers or non-binary.

**Transsexual:** A transsexual person has the protected characteristic of gender reassignment and is defined in the Equality Act 2010 as someone who is "proposing to undergo, is undergoing or has undergone gender reassignment". Gender reassignment is a protected characteristic under the Act. It is not necessary for a transsexual person to have to be under medical supervision to be protected in law from discrimination.

**Transphobia:** A fear of or a dislike of transgender people. It is based on prejudice and misunderstanding and can involve verbal abuse, physical violence and other forms of harassment.