

Key Action Points – Confidentiality + Parents + carers ^①

In your groups, please discuss this key point from the draft Transgender Policy for Denbighshire Schools and answer the following questions:

"School staff shouldn't tell anyone else about a young person's transgender status unless they have to legally, or the young person has asked them to. This includes telling parents or carers, professionals and other young people"

1. What might make this difficult for young people and for schools?

2. How could we solve any problems that might come up? Or even better, stop them from happening?

3. What are the risks to young people if these problems aren't solved?



Key Action Points

In your groups please discuss this excerpt from The draft Transgender Policy for Denbighshire Schools 2017. Consider and answer the following questions:

1. What challenges can you foresee in implementing these specific issues points from the policy?
2. How might these challenges be overcome?
3. What are the risks to the following stakeholders should these challenges not be met?
 - a) Young people
 - b) The school
 - c) Partner agencies and local networks
 - d) Parents, families & the community

Confidentiality & Information Sharing

All people, including children and young people, have a right to privacy. This includes the right to keep private one's trans status or gender nonconforming presentation at school. Information about a child or young person's transgender status, legal name, or gender assigned at birth may also constitute medical and confidential information under the Data Protection Act.

School staff should not disclose information that may reveal a child or young person's transgender status or gender nonconforming presentation to others, including parents, carers and other members of the school community unless legally required to do so or because the child or young person has asked them to do so. Staff should not discuss trans children and young people outside of school with friends and so on, even when making no particular reference to their name or personal details. The trans community is such a small one that even a casual reference to a 'certain pupil' may be enough to out that individual or, at the very least, compromise confidentiality. 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.

Trans and gender questioning children and young people have the right to discuss and express their gender identity openly and to decide when, with whom, and how much to share information. When contacting the parent or carer of a trans or gender questioning child or young person, school personnel should use the individual's legal name and the pronoun corresponding to the child or young person's gender assigned at birth unless the child, young person, parent, or carer has specified otherwise.



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Parents & Carers

Many parents and carers of a child or young person who identifies as trans or gender questioning will be supportive of their child's gender identity; however, this is not always the case. When working with parents and carers, schools should bear 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 child or young person are taken into account with a view to supporting them during potential transition. Confidential information must not be shared, even with the parents and carers, without the child or young person's permission, unless there are safeguarding reasons for doing so.

Very nice



Key Action Points

In your groups, please discuss this key point from the draft Transgender Policy for Denbighshire Schools and answer the following questions:

"Trans and gender questioning children and young people should be allowed to wear the school uniform that best fits their gender identity"

1. What might make this difficult for young people and for schools?

2. How could we solve any problems that might come up? Or even better, stop them from happening?

3. What are the risks to young people if these problems aren't solved?

Key Action Points – uniform

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In your groups please discuss this excerpt from The draft Transgender Policy for Denbighshire Schools 2017. Consider and answer the following questions:

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Uniform & Dress

Trans and gender questioning children and young people have the right to dress in a manner consistent with their gender identity or gender expression. By providing a choice of approved items of uniform and allowing children and young people to choose what they wish to wear, schools will allow for regulated structure but without exclusion. Indeed, many female born children and young people prefer to wear trousers to school or may have religious or faith based reasons for doing so.

Depending on the individual, the choice to begin dressing in the clothes associated with preferred gender can be a very big step and potentially very daunting. This can often represent one of the earliest stages of social transition and is a profound statement of acceptance of one's identity and commitment to it. In doing so though, these children and young people are making themselves more visibly different from much of the school community and effectively 'outing' themselves to the rest of the school as trans.

Care must be taken to ensure that trans-identified children and young people are fully supported during this time. Staff training is paramount to ensure that all staff have an understanding of what it means to be trans and exactly why a child or young person may be dressing differently. Remember that a child or young person who identifies as a trans girl but was born a genetic male is not a 'boy dressed as a girl' but is a girl who outwardly at this point resembles a boy. By allowing a trans child or young person to dress in clothes in which they feel comfortable, schools empower them to express themselves by bringing their outward appearance in line with that of their internal gender identity at that point in time.

Inclusive practice, therefore, would suggest that schools should list items allowed to be worn as school uniform without segregating these into uniform for boys and girls. This allows for regulated structure, but does not exclude on the basis of gender identity or religion. In particular, sensitivity may need to be shown in relation to swimwear and this would best be resolved through discussions with individual children or young people.



Key Action Points - Toilets

③

In your groups, please discuss this key point from the draft Transgender Policy for Denbighshire Schools and answer the following questions:

"Trans young people should be allowed to use the toilets that they feel most comfortable using or that fits with their gender identity"

1. What might make this difficult for young people and for schools?

2. How could we solve any problems that might come up? Or even better, stop them from happening?

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Toilets

Children and young people have the right to access the toilet that corresponds to their gender identity. Any child or young person who has a need or desire for increased privacy, regardless of the underlying reason, should be provided access to a single stall toilet, such as a toilet accessible for people with a disability. However, no child or young person shall be required to use such a toilet unless they wish to or identify as having a disability.

Ideally schools would provide single stall toilets that can be used by all. Some schools have already begun to use this system with success. If need be, a member of staff or designated children or young people can be allocated as 'toilet monitor' during break times to ensure that children and young people feel safe while using the facilities. Some cisgendered or non-trans females, however, have expressed concerns about these toilets and the fact others might know they have their periods because of time spent in the toilet – there may be a case for also exploring how this range of needs can be met.



Key Action Points – Changing facilities

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In your groups, please discuss this key point from the draft Transgender Policy for Denbighshire Schools and answer the following questions:

"Trans young people should be allowed to use the changing rooms that match their gender identity or be provided with other arrangements if they wish"

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Changing Facilities

The use of changing rooms by trans children and young people should be assessed on a case-by-case basis in discussion with the individual. The goal should be to maximise social integration and promote an equal opportunity to participate in physical education classes and sports, ensuring the safety and comfort, and minimising stigmatisation of the child or young person. In most cases, trans children or young people should have access to the changing room that corresponds to their gender identity. This approach is underpinned by the Equality Act (2010) whereby refusing a child or young person access to the changing room of their gender identity would constitute an act of discrimination.

Any child or young person 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 the use of a private area (e.g. a nearby toilet stall with a door, an area separated by a curtain or a nearby office), or with a separate time to change (e.g. using the changing room that corresponds to their gender identity before or after other children or young people). Any alternative arrangement should be provided in a way that protects the child or young person's ability to keep his or her trans status confidential.



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“Trans young people should be supported to participate in the PE activity which corresponds to their gender identity if this is what they request”

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Key Action Points

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PE & Fitness

Schools should aim to reduce as far as possible segregating children and young people by gender. Trans children and young people should be supported to enable equal access to PE and where lessons are segregated by gender should be enabled to participate in the activity which corresponds to their gender identity if this is what they request.

Concerns have been raised that some trans children and young people may be at a competitive advantage, particularly young trans women, whose bodies may well have developed slightly stronger than their genetic female class mates. This should not be a problem if lessons are carefully structured, managed and learning is appropriately differentiated. Similarly concerns have been raised about trans young men playing contact sports like rugby and potentially being of a smaller build than some male students. PE teachers are used to differentiating their lessons and taking into account the range of size, build and ability in the class to keep all children and young people safe and so the same principles can be applied. These issues should be discussed with trans children and young people themselves and, if appropriate with their parents or carers.

Trans and gender questioning children and young people should be permitted to participate in competitions and sports days in a manner consistent with their gender identity if they wish to do so. It is unlikely that pre-puberty there would be any issues with a trans child or young person competing and representing the school. In the case of competitive secondary sports schools may need to seek advice from the relevant sporting body. The handling of changing facilities at an 'away game' would also have to be sensitively managed in advance of the event.



Key Action Points – TRIPS + Residentials

6

In your groups, please discuss this key point from the draft Transgender Policy for Denbighshire Schools and answer the following questions:

"Trans young people should be able to sleep in dorms appropriate to their gender identity. Some trans young people may not feel comfortable doing this, and in such cases, alternative sleeping arrangements should be made in advance"

1. What might make this difficult for young people and for schools?

2. How could we solve any problems that might come up? Or even better, stop them from happening?

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Key Action Points

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Residential Trips

A degree of discussion, care and preparation is required to enable trans children and young people to participate in residential trips. To exclude trans children and young people from residential trips would be discriminatory and contravene the Equality Act.

As far as possible, trans children and young people should be able to sleep in dorms appropriate to their gender identity. Some trans children and young people may not feel comfortable doing this, and in such cases, alternative sleeping and living arrangements should be made in advance of the event.

Similarly, the degree of participation in physical activities that a trans child or young person feels comfortable with should be discussed prior to any residential trip with them and if appropriate their parents or carers. 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. Risk assessments should be carried out prior to residential trips in order to make reasonable adjustments which would enable the participation of trans children or young people.

Schools and colleges should consider and investigate the laws regarding trans communities in countries considered for school visits. The International Lesbian and Gay Association (ILGA) have information on their website about countries that pose a risk to trans individuals.



Key Action Points – names + pronouns

(7)

In your groups, please discuss this key point from the draft Transgender Policy for Denbighshire Schools and answer the following questions:

"Young people have the right to be addressed by a name and pronoun that corresponds to their gender identity"

1. What might make this difficult for young people and for schools?

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Key Action Points

7

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Names & Pronouns

Respecting a child or young person's request to change name and pronoun is a pivotal part of supporting and validating that young person's identity. It is also important to consistently use preferred pronouns and names in order to protect a child or young person's confidentiality and to not 'out' them in ways that may be unsafe and exposing.

Some trans children and young people may wish to change their name to make it in line with their chosen gender identity. Although they may not have changed their name legally, individuals have the right to choose the name by which they are known to staff, friends and family. Any problems are likely to be the practical ones of proving that different names refer to the same person.

There's some useful information from the Citizens Advice Bureau at:

http://www.adviceguide.org.uk/wales/relationships_w/relationships_birth_certificates_and_changing_your_name_e/changing_your_name.htm

While a child or young person may legally be allowed to change their name without doing anything official, a name needs to be changed by deed poll in order to obtain a new birth certificate or passport.

More information on changing names on birth certificates can be found at:

www.ukdps.co.uk/CanABirthCertificateBeChanged.html#EnglandWales

As has been stated, a child or young person has the right to be addressed by a name and pronoun that corresponds to their preferred gender identity. A change of name by deed poll is not required, to make a change to school records on systems such as SIMS. Currently it is understood to be the case that the gender has to remain the one that was registered at the time of the Unique Pupil Number assignment, unless the birth certificate/legal gender is changed by way of a Gender Recognition Certificate.

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However, entry for exams and exam certificates are more complex. The Joint Council for Qualifications paper work states that:

'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.'

Furthermore, once a result is accredited it will need to be linked with a Unique Pupil Number (UPN) or Unique Learner Number (ULN) which existed in the school census information submitted in January of the exam year. UPNs and ULNs are only linked with legal names, not preferred names. In order to use a chosen or preferred name on an exam document a child or young person will need to have changed their name by deed poll. If the child or young person is under 16 the consent of all people with parental responsibility is required. Once the young person is 16 they can apply for a deed poll in their own right. Parental consent is no longer required.

Although some children and young people may feel that they want to change their name by deed poll, others may not feel that this is a step that they are ready to take. This will mean that although they may have established themselves within the school under a chosen name and gender identity, when filling in exam documentation, they will have to use their legal birth name and gender. This can be a source of distress for that individual and care should be taken by staff to support such a child or young person to accept that this is a necessary measure but that it does not invalidate their chosen identity. Emphasis could be put on the notion of them biding their time perhaps until they are finished with their exams before taking steps to change their name and gender identity officially. Staff should remain sensitive and supportive during such times.

Schools and colleges are encouraged to ensure a strategy is agreed with the child or young person and their parents and carers, then agreed with the various exam boards prior to starting GCSE courses as some exams may be sat in Year 10 and the need to consider the length of time the process of re-registering may take.

