

Policy 1.4 –Transgender Policy

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Statement of Policy

The purpose of this policy is to explain Bridge Training Ltd practice in the consideration of Transgender in order to minimise the distress and disruption to all students by:

- ensuring teachers are dealing with Transgender matters inclusively and sensitively.
- providing an inclusive environment for any Transgender student
- ensuring all students are aware of and educated on issues of Transgender.

Aim:

Equal opportunities should permeate all aspects of Bridge Training life and are the responsibility of every student and staff member. Every student and staff member should be aware that every individual has a right to be considered of equal value and be given equal opportunity – this includes Transgender students. At Bridge Training equal opportunity means that everyone has the right to equal chances and each individual is respected for who they are.

Transgender Identity

A Transgender person feels that their external appearance (sex) does not match up with the way they feel internally about their gender identity. A Female to Male (F2M) person will have the external appearance or body of a female and identify their gender as male; a Male to Female (M2F) person will have the external appearance or body of a male and identify their gender as female.

The word Transgender is sometimes used interchangeably with the term gender-variant but usually has a narrower meaning and different connotations than gender variant, including non-identification with the gender assigned at birth. Students that experience or show gender variance may or may not be transsexual, as some will not retain their gender variance following puberty because gender variance can be fluid.

Gender Dysphoria (or Gender Identity Disorder) is a clinical condition that can present from as early as age 2 and can only be diagnosed by a medical and/or psychiatric expert. A person diagnosed with Gender Dysphoria may require treatment, e.g. hormone blockers (currently not available in the UK under the age of 16), to ameliorate the symptoms associated with being Transgender. A Transgender person may live their life without being or needing to be diagnosed as having Gender Dysphoria.

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Diagnosis and treatment for young people is currently only possible through a specialist team. It must be understood that some people with Gender Dysphoria may not want any treatment. Some may choose to be known by a different name or to wear different clothes. However, most or all young Transgender people (and their families) will need some expert support as they grow up and develop.

Legislation

The Human Rights Act 1998 - The following Articles from The Human Rights Act 1998 support the rights and needs of Transgender people to live their lives in their true gender.

- Article 8: right to respect for private life and family life
- Article 10: freedom of expression
- Article 14: the prohibition of discrimination.

The Gender Recognition Act 2004 - is mainly concerned with the process by which a person can get a Gender Recognition Certificate and correct their original birth certificate to match their true gender. This can only occur after a person reaches 18 years of age but is something that many younger people may aspire to.

Equality Act 2010 - ensures legal protection against discrimination, harassment and victimisation (direct or indirect) for everyone under the nine protected characteristics defined in the Act, one of which is Gender Reassignment (also known as Transgender). Part 6 of the Equality Act 2010 makes it clear that the Act specifically refers to young people. The Equality Act 2010 (2:1:7) states that: *'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'*. The Act applies to employment, education and a range of other areas where discrimination may take place. In order to be protected under the Act, a student will not necessarily have to be undergoing a medical procedure to change their sex, but they must be taking steps to live in the opposite gender or be proposing to do so.

Sex Discrimination (Gender Reassignment) Regulations 1999;

- Individuals who intend to undergo, are undergoing or have undergone gender reassignment are protected from discrimination in work, education and vocational training (including higher education study)
- Less favourable treatment relating to absences arising from gender reassignment is unlawful if:
 - the treatment is less favourable than if it had been due to sickness or injury
 - the treatment is less favourable than if it had been due to some other cause and, having regard to the circumstances of the case, it is reasonable not to be treated less favourably
- Less favourable treatment includes the arrangements relating to terms and conditions or arrangements under which employment, education or vocational training is offered.

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Discrimination

As stated, The Equality Act 2010 ensures legal protection against discrimination in employment, education, the provision of services and the delivery of public functions, in relation to the nine protected characteristics defined in the Act, one of which is Gender Reassignment.

The legislation states that Bridge Training must not discriminate against a student because of their Transgender status. Discrimination can be direct or indirect. Indirect discrimination occurs when a provision, criterion or practice applies to everyone but puts a person with a particular protected characteristic at a particular disadvantage, and it cannot be justified as a proportionate means of meeting a legitimate aim.

Attendance

Bridge Training will make reasonable adjustments to accommodate absence requests for treatment and external sources in line with the absence policy. Care will be taken to record the reason for absence in a sensitive way.

Terminology & Language

Correct terminology should be used in Bridge Training. It is recognised that sexual orientation (being heterosexual, bisexual, gay or lesbian) and gender identity (being male or female) are completely different things.

Some Transgender people choose a different first name for their new identities and want documentation and records to reflect this.

It is important to ensure that the correct gender, name, and pronouns are used uniformly to address Transgender people.

Transphobia and Bullying

Bridge Training has a robust anti-bullying policy. Incidents of transphobia will be recorded and dealt with in the same manner as other incidents that are motivated by prejudice, e.g. racist or homophobic incidents.

Toilet Facilities

There is provision at Bridge Training for unisex/accessible toilets. Transgender students will be able to use these facilities which are labelled sensitively and appropriately.

Work Experience

As already stated, the Equality Act 2010 encompasses every environment that students will be working in, therefore all placements should be aware of their duties and responsibilities. Where Bridge Training is considering allowing a Transgender young person to attend a work experience placement Bridge Training will complete a suitable assessment on the potential placement to establish if there is any risk to the young Transgender person, taking account of the young Transgender person's right to privacy – as a general principle, personal information on the young Transgender

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person must not be shared. Bridge Training will be sensitive to this in their planning before any young Transgender person is placed in any business or organisation. Careful discussion about the placement with the student and parents/carers, will occur to find the most suitable way forward to ensure the placement is successful.

Changing Names and Exam Certification

If a Transgender student wishes to have their preferred name recognised Bridge Training MIS system, this will be supported. Furthermore, the change of name and associated gender identity will be respected and accommodated by Bridge Training. It is a real indicator that the Transgender student is taking steps to, or proposing to move towards a gender they feel they wish to live in.

Students can be entered under any name with an Examination Board. However, once a result is accredited it will need to be linked with a Unique Pupil Number (UPN) or Unique Learner Number (ULN). UPNs and ULNs are only linked with legal names, not preferred names.

It is possible for examination certificates to be issued in the preferred name, but any young person finding themselves in this position should discuss this issue with Bridge Training and parents/carers to ensure the best way forward.

Bridge Training is encouraged to ensure a strategy is agreed with the student and their parents/carers, then agreed with the various Examination Boards.

It is possible for most documents to be changed to reflect the chosen name of the young person. Changing the gender recorded on a birth certificate is not possible until a Gender Recognition Certificate has been issued. In order to change a name on other official documents such as a passport, it might be necessary for evidence of change of name to be produced: there are two main ways in which this can be done, by deed poll and by statutory declaration. Transgender support organisations will have more information on this subject. A person under 16 years of age cannot change their name legally without the consent of a parent.

Dealing with concerns of staff, families and carers

Staff concerns can be dealt with by providing appropriate training and reference to the Transgender Policy and Equality & Diversity Policy. Confidential information about students must not be shared with other parents/carers. The following suggested statement is suitable in most circumstances in relation to Transgender issues: 'As this issue involves the personal circumstances of a young person, we are unable to make any comment on this individual case. Bridge Training is committed to working with families and other agencies to ensure that the needs of all students in our care are met and that they can achieve their full potential'.

Complaints Process

It is important that the Transgender Policy works in practice and is fully implemented. Where the policy is found not to be working and results in unfair treatment of

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students, employees or the public, then a complaint of unfair discrimination should be made to the Managing Director, following the procedure set out in the Complaints Policy. All complaints of unfair discrimination, including harassment, will be investigated fully.