



Durham Cathedral Schools Foundation

GENDER IDENTITY POLICY

1. Policy Aims

- 1.1 This Policy aims to enable Durham Cathedral Schools Foundation (DCSF) to fulfil its mission of instilling in all of its staff and pupils self-confidence, tolerance and respect for others. This is to allow the fostering of a learning environment which is free from harassment and discrimination, regardless of gender identity, gender reassignment, or gender expression.
- 1.2 This Policy also aims to promote healthy communication between staff, parents/carers and other professionals around the issue of gender identity so as to better support the successful education, development and wellbeing of every pupil.
- 1.3 The statutory Early Years Foundation Stage Framework enshrines the importance of children developing a positive sense of themselves as part of personal, social and emotional development. This Policy outlines one way in which DCSF will promote and develop with all children an understanding of 'self' and who they are in relation to other people. We will support pupil voice, choice and advocacy around celebrating their unique identity.
- 1.4 Gender identity is a subject of much discussion, interest and some controversy that can polarise opinion. People are now able to articulate that the gender they are assigned at birth (also called 'biological sex') does not match their internal sense of being male or female, or that their internal sense of self does not fit within a traditional binary sense of gender at all. It is perhaps inevitable that gender identity-related issues will come to the fore in schools given that school-age children are beginning to explore and navigate their identity. This Policy details the approach that DCSF will take should a pupil question or change their gender identity.

- 1.5 While this Policy mostly deals with the gender identity of pupils, DCSF is committed to furthering the wellbeing of its staff members. Staff members and visitors to the School who are LGBT+ will be fully supported and consulted on how they wish the Foundation to respond to any issues that may arise. The general ethos of inclusivity and respect that underpins this Policy should be used as a guide when dealing with issues of staff or visitor gender identity.
- 1.6 The Foundation commits in this Policy to observing the principles of the Equality Act 2010 and does not discriminate on any grounds. This Policy also sets out DCSF's obligations under the Gender Recognition Act 2004.

2. Policy Statements

- 2.1 DCSF is committed to providing a safe, supportive and nurturing environment in which all of its pupils can learn, develop and thrive. Our policies are underpinned by our values of Moral integrity, Ambition, Responsibility and Kindness, which encourage pupils and staff to support and respect others, whether in person or online. Every individual in our community has equal worth, and DCSF is a place where everyone's needs are recognised, aspirations are encouraged, and achievements are celebrated, regardless of their gender identity and/or gender reassignment.
- 2.2 Diversity is a reality of our community, and we believe that the working environment for staff, and the educational experience we offer to our pupils, is enriched by exposure to a broad range of people. As an inclusive and respectful community, changes in society and culture do and should impact upon how we live and work together as a Foundation.
- 2.3 The relationship between biological sex and gender identity is a highly charged and sensitive subject. However, for the purpose of our Foundation community, we do not need to form a view on this debate. Rather, our focus is on providing a respectful, kind, safe and non-judgmental 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 (or even if they don't in their time in our community).
- 2.4 DCSF is committed to advancing equality of opportunity and acceptance of diversity for people from different groups, and to nurturing positive relationships between and among them by: valuing diversity; promoting mutual respect and tolerance; challenging stereotypes; and rejecting all forms of prejudice, discrimination and bigotry. DCSF has a zero-tolerance approach to bullying, and this includes homophobic, biphobic and transphobic (HBT) bullying. In using this abbreviation, DCSF recognises that sexist, sexual or transphobic bullying are not the same as homophobic or biphobic bullying.

However, sexist attitudes often manifest themselves in homophobic bullying as any pupil who is perceived as not expressing stereotypically masculine or feminine traits might experience homophobic or transphobic bullying. Any incidents of bullying, harassment, discrimination, or pupils being 'outed' against their will, will not be tolerated, and will be dealt with under the Anti-Bullying Policy.

- 2.5 DCSF recognises that being trans is not in itself a safeguarding issue and that there are no provisions in child protection and safeguarding legislation specific to trans or gender questioning children, aside from what is in place to keep all pupils safe. However, *Keeping Children Safe in Education* (2021) does highlight how emotional abuse that 'may involve serious bullying' is a safeguarding issue, and the higher prevalence of bullying experienced by trans children means that DCSF will make tackling any HBT bullying a high priority. Additionally, when people's understanding of their own gender differs from the expectations of those around them, they and their families can experience high levels of anxiety. Some studies find trans young people to be at an increased risk of self-harm and suicide, although this risk is significantly reduced when the young person is effectively supported.

3. Definitions

- 3.1. The terminology around gender identity is ever-changing, but for the purpose of clarity, the following terms will be used in this Policy:
- 3.1.1. 'Trans' is an umbrella term for anyone who may be experiencing feelings of discomfort with their gender identity, or who may not be comfortable with the gender they were assigned at birth, or who may not fit within a traditional binary sense of male or female. 'Trans' also refers to individuals who may be transitioning socially or medically from the gender they were assigned at birth.
 - 3.1.2. 'Gender diverse', 'non-binary', 'gender non-conforming' and 'gender fluid' refer to any individual whose internal sense of self does not fit within a traditional binary sense of gender.
 - 3.1.3. 'Gender questioning' refers to any individual who is questioning their gender identity.
 - 3.1.4. Female to Male (FtoM) refers to any person who has been assigned a female sex at birth but identifies their gender as male. Male to Female (MtoF) refers to any person who have been assigned male at birth but identifies their gender as female.

4. What the Law Says

- 4.1 Under the Equality Act, schools must not directly or indirectly discriminate against 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.
- 4.2 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).
- 4.3 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 particular 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.
- 4.4 On this basis, a person who is legally one sex and seeks to identify with the other sex, will fall under the protection of gender reassignment, provided there is a declared intent to be so identified. The Equality Act does not include specific reference to non-binary, gender non-conforming, or gender fluid identities. However, an employment tribunal in 2020 ruled that the Equality Act provision does provide protection for non-binary and gender fluid people, and so this should be considered the case until legislation is further clarified or the ruling of the tribunal is ratified.
- 4.5 Unlike most of the protected characteristics, the protection outlined in the Equality Act works in one direction only: not being transgendered is not a protected characteristic. Schools may therefore take special steps to meet the needs of trans pupils, staff and visitors without being accused of discriminating against those who are not trans.
- 4.6 There is no legal requirement to make 'reasonable adjustments' for trans pupils in law, but as explained in Section 6, DCSF will take reasonable and appropriate steps to ensure that trans pupils are properly catered for.
- 4.7 Schools are required to comply with General Data Protection Regulations (GDPR) in respect of all pupils (data subjects) and personally identifiable information relating to individuals. Under GDPR Article 9, personal data concerning gender identity is classified as 'special category data' meaning that there are additional controls around when it can be lawfully processed. This will be allowable where there is legal duty to do so, or where processing meets a substantial public interest such as safeguarding.

5. Admissions

- 5.1 All admissions to DCSF are considered within the broad framework of its educational aims which are: 'to provide an outstanding educational experience which promotes equality of opportunity for all our pupils, 3-18, allows them to fulfil their potential, and fully prepares them for further education and the global environment beyond.'
- 5.2 DCSF is an inclusive and equal opportunities establishment. In line with the Equality Act and its educational aims, DCSF does not discriminate against or victimise pupils in terms of admission to our Schools 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. Procedure

- 6.1 It is clear that, in such a complex and personal experience, there is not one single procedure that will fit all pupils. Therefore, this Policy aims to provide guidance as to how DCSF would approach responding to such situations as a starting point for individualised discussions and solutions, in tandem with parents/carers and/or other professionals as appropriate.
- 6.2 The underpinning ethos of our approach is that issues of gender identity should be acknowledged and handled in a respectful, inclusive and child-centred way. Our fundamental duty is to ensure each pupil's wellbeing. Support will be available from pastoral staff (Tutor, Assistant and Senior Housemaster/mistress, Senior Mental Health Lead, Pastoral Lead and the School Nurses).
- 6.3 Should a pupil disclose that they are experiencing gender identity issues, that they identify as trans, gender fluid, gender diverse, gender non-conforming, non-binary, or gender questioning, the Foundation'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;
 - Acknowledge the pupil's personal and individual experience;
 - Make it clear to the pupil that the Foundation is acting in the pupil's best interests and is accepting of their exploration of their identity;
 - Work collaboratively, as necessary, with the pupil, parents/carers, and any other professionals to safeguard the needs of the pupil.

Support may include, but is not limited to:

- Adopting a 'watch and wait approach';
- Referring to the Senior Mental Health Lead;
- Referring to the pupil's GP or to CAMHS;

- Facilitating a social transition in School if this is agreed in tandem with parents/carers and/or medical professionals to be in the best interests of the pupil.
- 6.4 The details of the adjustments that might be needed to facilitate a social transition will be specific to the needs and experience of each individual pupil. These will be discussed openly and comprehensively, as appropriate with the pupil, their parents/carers, appropriate external professionals, and essential Foundation staff in order to understand an ideal picture and then determine what is feasible.
- 6.5 The underpinning ethos of these discussions should be that adjustments must be in the best interest of the pupil, and without having significant negative impact on the learning or wellbeing of other pupils.
- 6.6 What information is given to whom, and when, are important considerations. The Foundation will take into consideration the balance of safeguarding, confidentiality, and support when making these decisions.
- 6.7 There will be no normal requirement to inform the parent body or to seek the views of the parent body in making decisions, and confidential information about pupils will not be shared with other parents without the permission of the pupil and their parents/guardians. DCSF does, however, recognise that lack of knowledge or differences in viewpoints may lead to concerns being raised. We will deal with such issues sensitively, and within the law and the inclusive ethos of the Foundation.

7. Particular Considerations: Changing Name and Pronouns

- 7.1 Changing their name and gender identity is a pivotal and affirming point for many trans people. If a trans pupil wishes to have their personal data recognised on official DCSF systems, this needs to be supported by parents/carers, as it will feed into letters home, reports etc. If this is supported by parents/carers, the change of name and associated gender should be respected and adopted throughout the School. In this case, a pupil's chosen gender identity (including their choice of pronouns) should be used in:
- School-based, often verbal situations, such as roll call, being mentioned in an assembly, being addressed or referred to by staff and peers, and also being named internally in sports team sheets, cast lists etc.
 - Auditioning for a mixed gender play, where the pupil may wish to audition for roles allocated to their chosen, rather than their birth, gender.
 - School uniform and appearance. This includes School sports kit and any other School-related dress requirements, although see Section 9.4 for additional considerations here.
- 7.2 Notwithstanding Section 7.1 above, there may be occasions on which DCSF will need to distinguish between respecting an individual's right to choose their personal gender

identity and its obligation to use their official/legal gender and birth name. These are likely to include, but may not be limited to printed documentation which is made public, such as:

- Public exam entries;
- Any formal communication which relates to the pupils' official status as a member of the Foundation, for example on applications to other school, visa applications, on official certificates, and UCAS applications.

These obligations will be explained to trans pupils 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, gender assigned at birth, and/or related pronouns.

- 7.3 In keeping with our Safeguarding Policy, confidentiality should only be broken to safeguard a child or young person. A pupil being trans or exploring their gender identity is not something the pupil's parents/carers must be informed of. When contacting a pupil's family, therefore, respecting a trans or gender questioning pupil's confidentiality may very occasionally require staff to use their legal name and the pronoun corresponding to their sex registered at birth.
- 7.4 It is important to consider school photos, the DCSF website, and social media posts etc. to ensure that images do not reveal any confidential information about pupils. If images and names are not protected, they may be used later in the trans person's life to 'out' them as trans. DCSF will ensure that pupils (and their parents/carers if appropriate) are aware of these risks and consent accordingly. Under GDPR, individuals also have the right to have personal data removed
- 7.5 If a trans pupil receives a Gender Recognition Certificate, they have the right to request that all references to their former name and gender are removed from Foundation records and replaced with their current name and gender. In this case, DCSF will update records promptly.
- 7.6 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 School system. This will also be discussed with parents/carers before it is adopted.

8. Particular Considerations: Toilets and Changing Facilities

- 8.1 Reg 4(2) of the School Premises (England) Regulations 2012 provides that: 'Separate toilet facilities for boys and girls aged 8 years or over must be provided 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 trans pupils will be assessed on a case-by-case basis in discussion with the pupil and their parents/carers. DCSF recognises that there are health risks such as urinary infections for pupils unable

to access toilets during the school day and will therefore ensure that appropriate facilities are made available to trans pupils. For FtoM pupils, it may be necessary to ensure access to bins for menstrual products within the toilet cubicle.

- 8.2 Regulation 4(4) of the School Premises (England) Regulations 2012 provides that: 'Suitable changing accommodation and showers must be provided for pupils aged 11 years or over at the start of the school year who receive physical education'. The Equality and Human Rights Commission states that:

'If a school fails to provide appropriate changing facilities for a transsexual pupil and insists that the pupil uses the boys' changing room even though she is now living as a girl, this could be indirect gender reassignment discrimination unless it can be objectively justified. A suitable alternative might be to allow the pupil to use private changing facilities, such as the staff changing room or another suitable space.'

At DCSF, the use of changing rooms by trans pupils will be assessed on a case-by-case basis in discussion with the individual pupil and their parents/carers. The goal will be to maximise social integration and promote an equal opportunity to participate in PE and Games classes and sports, while ensuring safety and comfort of all pupils.

9. Particular Considerations: Physical Education (PE), Games and Representative Sport

- 9.1 PE and Games are key aspects of the DCSF curriculum and contributors to the physical and mental wellbeing of our pupils. They develop pupils' competence and their confidence to take part in a range of physical activities that may become a central part of their lives, both in and out of School.
- 9.2 Under the Equality Act, where lessons or activities are single sex, pupils have the right to attend the single sex class of the gender with which they identify. However, a pupil who identifies as non-binary, or gender fluid, may not identify with either gender or may move between them. In this case, a discussion will be held with the pupil and their parents/carers to agree a strategy. In order to ensure consistency within lessons and curriculum, it may not be feasible to allow a gender fluid pupil to regularly switch classes.
- 9.2.1 Within the Chorister School, PE lessons are mixed gender and so there should be no issues for trans pupils. Games lessons may be split by gender, depending on the sport. In this case, a trans pupil should attend the single sex class of the gender with which they identify. Any issues should be managed carefully and sensitively within the lesson context, rather than by preventing trans pupils from participating.
- 9.2.2 Within Durham School, PE lessons are mixed gender and Games lessons may be split by gender. While trans pupils should attend the single sex class of the

gender with which they identify, there may be sports where, due to the nature of contact and physicality, we will need to consider whether trans pupils' participation in full contact lessons is appropriate as puberty develops. In this case, decisions will be made prior to the delivery of these classes and in discussion with the trans pupil and their parents/carers.

- 9.3 In relation to competitive and representative school sport, DCSF will seek advice from the various sporting governing bodies. If no specific advice has been given at school level, DCSF will take a common-sense approach to the issue and deal with specific circumstances on a case by case basis. Considerations are likely to include:
- 9.3.1 FtoM trans pupils are unlikely to gain a physical advantage in most sports so this should not affect their participation, however there may be an issue regarding physical risk to the trans pupil in high contact sports which will need to be considered.
 - 9.3.2 MtoF trans pupils may gain a physical advantage in some sporting contexts. This is likely to depend on the age of the pupil, the pupil's size and level of skill, and the sport in question. Significant differences may need to be taken into account when making decisions.
 - 9.3.3 In certain circumstances, trans pupils may be in receipt of hormone blockers or cross-sex hormones (also known as gender-affirming hormones). This may affect those pupils' performance and eligibility for competitions.
- 9.4 Access to changing facilities will need to be managed carefully at competitive or representative level. When competing at another school or external venue, sports staff will need to make sure appropriate and sensitive provision is made for changing which respects both the dignity and privacy of the trans pupil. It would be appropriate for a member of sports staff to contact a venue in advance to let them know that they will be bringing a trans pupil, without giving any further details about the pupil.
- 9.5 Trans pupils should be able to wear the sports kits of the gender with which they identify.
- 9.5.1 There may need to be some consideration in relation to FtoM pupils who are binding (see Section 9.6 below).
 - 9.5.2 When participating in swimming lessons or water-based activities, consideration should be given to the swimwear to be worn by trans pupils so as to avoid potential issues that could develop due to the revealing nature of this type of clothing. Trans pupils may wish to wear skirted swimsuits, rash vests or short wetsuits. A discussion as to the most appropriate swimwear will

be held with the pupil and their parents/carers in advance of any such lessons or activities.

9.6 Sports staff and School Nurses should be aware if a FtoM pupil is binding and should take this into consideration when planning activities and responding to pupils. While chest binding is generally considered to be safe, it is known to have a number of potential side effects. In one study of more than 1,200 FtoM people, for example, nearly 89% experienced at least one health problem caused by chest binding. The most common symptoms reported in the study were:

- Damage to skin, such as rashes or break down of tissue (77.7%)
- Back pain (53.8%)
- Overheating (53.5%)
- Chest pain (48.8%)
- Shortness of breath (46.6%)

Some people had numbing, stomach and digestive problems. A very few even had scarring on their skin and fractured ribs.

10. Particular Considerations: House membership and Boarding

10.1 Whilst it is not currently possible for a trans pupil to be accommodated as a (flexi, weekly or full) boarder within a house appropriate to their gender identity, trans day pupils will be able to join a house appropriate to their gender identity. In such instances, a risk assessment will be conducted to inform what reasonable and appropriate adjustments might be made. The assessment will take into account the wishes of the individual pupil, any requests from the pupil as to confidentiality, any health and safety considerations and the potential implications for other pupils and the wider school community. As per Section 8, where possible, designated bathrooms and changing facilities will be provided in the house.

10.2 DCSF recognises that a pupil who identifies as non-binary, or gender fluid, may not identify with either gender or may move between them. In this case, a discussion will be held with the pupil and their parents/carers to agree a strategy as to which house they will join. In order to ensure consistency of pastoral care, it will not be feasible to allow a gender fluid pupil to regularly switch houses.

11. Particular Considerations: Residential School Trips

11.1 All pupils have equal rights to School trips. Where a School trip involves an overnight stay, an individual risk assessment should be undertaken, and decisions made accordingly based on individual and trip circumstances. The safety and wellbeing of all pupils, including the trans pupil, are the primary considerations.

- 11.2 Some trans pupils and students may choose to use different kinds of undergarments to support them in feeling comfortable in their gender identity. Therefore, privacy on residential and in changing rooms will be of key importance to them.
- 11.3 When planning overseas trips, staff will consider and investigate the laws regarding trans communities in countries considered for school visits. Some countries have laws that make it illegal to be part of the trans community; some countries even make it an offence not to report to the authorities that someone is part of the trans community. The International Lesbian and Gay Association (ILGA) have information on their website about countries where trans individuals may be at risk.
- 11.4 Legal documentation such as the pupil's passport may not have been changed to the name and/or gender they are using. This will be handled sensitively by the leaders of the trip.
- 11.5 Trip leaders should consider that, just as anyone can be searched, a trans pupil may be searched at borders or other places. Different countries will have different policies and procedures that they will follow. The trip leader should contact the relevant border control or agency in advance to ensure that any policy or risk assessment completed by the school is accurate for that trip.

12. Particular Considerations: Miscellaneous

- 12.1 Consideration will be given to trans pupils if sex-specific vaccinations are being delivered at school by the Schools Immunisation Team. For example, a FtoM pupil might find it very difficult to stand in a queue of girls awaiting a female-specific vaccination, or to be left behind when one gender is invited to leave class for a vaccination. In this case, DCSF will either facilitate an individualised appointment for the trans pupil or arrangements will be made for the vaccination to be delivered at the pupil's GP surgery.
- 12.2 In the case that any lessons or workshops are delivered to pupils in single sex groups (for example, SRE or puberty-focused sessions), a trans pupil will be able to join the session being delivered to pupils of the gender with which they identify.
- 12.3 DCSF will make reasonable and appropriate adjustments to accommodate absence requests for trans pupils to receive treatment and support from external sources in line with our attendance policy. Care will be taken to accurately and sensitively record the reason for the absence, e.g., the use of 'M' for medical appointments.
- 12.4 With the exception of some sports teams (e.g., netball captain), student leadership positions within DCSF are all available to pupils of any gender, and have gender neutral titles, e.g., Head of School, Head of House, Head Chorister etc.

- 12.5 With the exception of some sporting activities (see Section 9), all co-curricular activities available at DCSF are available to pupils of any gender. This includes membership of the Cathedral Choir.

13. Responsibilities

Responsibilities under this policy are set out in Sections 6 to 12 above. In addition to this, it is the responsibility of:

- all staff to be alert to the possible harassment, discrimination and/or bullying of pupils who are, or who are perceived to be, trans, both inside and outside of the School, and to deal with such incidents according to the DCSF Safeguarding Policy and Behaviour Policy.
- appropriate pastoral staff to have regular contact with the parents/carers of trans pupils to discuss the support in place.
- the Senior Leadership Team to make any necessary and appropriate reasonable adjustments to ensure the wellbeing of the trans pupil and other pupils.
- the Designated Safeguarding Lead (DSL) to ensure that appropriate support is made available for pupils who require support with their gender identity. This may be through signposting to external agencies such as Humankind or the Anna Freud Centre.
- the Pastoral Lead to ensure that appropriate staff CPD occurs to ensure all members of staff are aware of their responsibilities, as well as to develop their skills and knowledge.
- the Pastoral Lead to review and amend this Policy, taking into account new legislation and Government guidance, and previously reported incidents in order to improve procedures.

14. Cross Reference to Other Policies and Documents

This Policy is linked to the following Policies:

- Safeguarding Policy
- Behaviour Policy
- Equality and Diversity Policy
- Educational Visits Policy
- Data Protection Policy
- Admissions Policy

15. Oversight

Oversight of this Policy is undertaken by the Education Committee of the Governing Body, and the policy will be reviewed at least once in every three-year period.

Policy written and last reviewed by
Harriet Thompson, Pastoral Lead, March 2022