

## Race Equality Teaching: Public Sector Equality Duty Special Issue, Part One, Institute of Education, 2014: 18-23

### Supporting transgender students: policy, procedure and practice

There were some people, only about 3 lads, who would deliberately call me my old name, even though they knew that I wanted to be called Ricky. And they used to ask me really horrible questions like how big my dick was, and there was just nothing I could say back to that, so... (young trans man)

I was always on my own a lot, and just sort of yeah, something wasn't right. I remember getting told [by a teacher] 'you'd get less hassle if you were more normal.'  
(young genderqueer person)

(McNamara & Stewart 2007)

This article presents a case study of good practice to demonstrate the ways in which some schools are meeting the Public Sector Equality Duty in relation to the support they provide for young people who are expressing gender variance or are identifying as transgender or genderqueer<sup>1</sup>. This article will also identify common examples of practice in schools where discrimination on the basis of a young person's gender identity occurs. These concrete examples enable a reflection on how procedures, policies and practices relating to the Public Sector Equality Duty, with specific regard to gender reassignment, can impact positively on young people's individual experiences of being part of an institution's community. The examples also seek to demonstrate the detrimental impact that poor practice, or a lack of support and intervention can have on young people in school settings.

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<sup>1</sup> Genderqueer describes someone who identifies their gender as other than 'man' or 'woman', or someone who identifies as neither, both, or some combination thereof. Some genderqueer people may identify as non-binary, a third gender or move between gender descriptions in a fluid way. Genderqueer can also be a political term challenges the binary of gender and heteronormativity. Significantly, reclamation of the historically derogative term 'queer' has not been universal. For more on definitions of this and other gender-related self-identifying categories see Gendered Intelligence & GALYIC, 2007.

*The Youth Chances Summary of First Findings: the experiences of LGBTQ young people in England* states:

We are very concerned about what we have found. The high levels of discrimination, abuse and mental health issues that young LGBTQ people face should be a wake-up call to all of us, whether we are involved in the day to day lives of young people as parents or carers, family members, teachers, youth workers, or we are shaping the responses and support young people can access as providers or commissioners of services or policymakers. Our young people are badly served. (Metro, 2014, p.2)

Gendered Intelligence is an organisation that aims to increase the quality of trans people's life experiences, especially those of young trans people. They work with young trans people across the UK through arts based programmes, creative activities and one-to-one mentoring to explore identity, community and the wide range of factors that affect our lived experiences. In addition Gendered Intelligence support professionals who are looking for guidance and information with regards to trans issues. They deliver workshops in schools and other settings in order to engage young people creatively with the themes of gender identity and sexual orientation.

### **The law with regard to gender identity within schools**

The general equality duty sets out the equality matters that schools need to consider when making decisions that affect pupils or staff with different protected characteristics. As a public body, a school has a legal obligation to show due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Gender reassignment is a protected characteristic under the Equality Act 2010 and it protects those who propose to undergo, are undergoing or have undergone a process (or part of a process) of reassigning the person's sex by changing physiological or other attributes of sex. A person does not have to be under medical supervision to have the protected characteristic of gender reassignment and does not need to be over 18 years old.

Young people who identify as transgender frequently report that they face disadvantageous circumstances and discriminatory attitudes during their schooling. Things happen to them that are a breach of the law. To date, there has not been a case brought against a school for discrimination on the basis of gender identity or gender reassignment though there have been many instances of discrimination reported at an informal level both internally within schools and also externally to other organisations. These include for example, steps not being taken to enable a young trans person to participate in residential trips, but instead, the school and the young person deciding it would be simpler for all parties if the young person did not go. They include teachers repeatedly failing to use the correct pronoun and name for a young person who has notified to school of their intention to transition. They can include, in our view, students moving to a reduced timetable by way of reducing the extent of their negative experiences and anxiety at school, rather than tackling the bullying behaviours that are causing the negative experiences. These things constitute discrimination on the basis of the young person's gender identity.

It is the view of the majority of young people who are involved with Gendered Intelligence that school-based learning related to gender is limited, conservative and hetero-normative. Discussion about human biology could include a more complex range of gendered bodies but currently does not. The subjects of gender diversity and transgender identities could be located in the Personal, Social and Health Education curricula but are not. Consequently, a range of negative behaviours emerge within social spaces which are largely uninformed when it comes to gender, such as bullying, harassment and discrimination. Young gender variant people testify to withdrawing from the learning process because they feel their lived experiences are not reflected or represented within the curriculum and they are therefore marginalised in the school environment.

In a study carried out by Keough et al (2006) 75% of the trans people who responded to the survey experienced problems at school. This is significantly higher than the lesbian, gay or bisexual (LGB) respondents (21%). The study found that problems in school included perceived harassment from teachers and students, being prohibited from using toilets, being expelled as a result of gender identity, and a lack of trans protection policies in schools (p. 18). Research carried out by Whittle et al. (2007) indicates that young trans people are suffering high levels of violence and abuse. Whittle's research shows that many of those people working with young trans people such as

school teachers, school psychologists and social workers have not received training in trans awareness and perpetuate negative attitudes and transphobia, possibly through their lack of confidence or awareness of how to think about and work with this group.

### **Gender non-normativity in school settings**

Schools can be, though are not necessarily always, highly policed environments in terms of gender. There are general social 'rules' or norms relating to how a 'man/ boy' or a 'woman/ girl' should present themselves. Some would argue that in contemporary society gender expressions and presentations are becoming more diverse: society is becoming more tolerant [Stonewall, 2012; PewResearch, 2013]. Others would argue that there is still a long way to go to reach a point where gender norms no longer constrain people and our experience at Gendered Intelligence is that schools are one type of environment that tends to actively enforce gender normativity through for example, uniform specifications, hair length, certain sports for male and female pupils in PE etc.

The guidance document, *School uniform: Guidance for governing bodies, school leaders, school staff and local authorities* (Department for Education, September 2013) includes a section on human rights, equality and discrimination considerations, pointing out that a school's uniform requirements must not put certain people at a disadvantage as a result of their connection with one of the Protected Characteristics. Most schools operate uniform policies that enable pupils to wear clothes that they feel comfortable in, regardless of their gender identity whilst also conforming to the school's ethos of engendering a sense of belonging to that community, a sense of order etc. However, there can still be a culture within a school which fails to tackle inappropriate behaviour where, for example, a female student who is masculine-identified and chooses to wear trousers, more of a 'masculine' top and to have a short boy-ish haircut.

The Crown Prosecution Service's *Lesbian, Gay, Bisexual and Transgender Hate Crime Schools Project* resource pack (2014) includes activities and guidance for teachers. The pack is an educational resource aimed at tackling homophobic and transphobic bullying and hate crime amongst young people. One of the short films for use within a lesson on developing an inclusive classroom and supportive peer group shows a young person who has disclosed a wish to transition

from female to male and has returned to school after a break, appearing as male (pp. 78-80). The film shows the young person's peers mocking him and question his gender identity, undermining his assertion that he is male and wishes to be referred to as male. This is not a clip about school regulations on uniform or hair length, and indeed in this clip the student seems to have been free to choose his uniform but the behaviours seen in the film show how the culture of the peer group need to be monitored and interventions need to be made where other young people are policing each other's gender expressions in a way that is discriminatory, hostile and offensive.

In 2007, Gendered Intelligence was commissioned by the Anti-bullying Alliance to carry out research into young transgender and genderqueer people's experiences of bullying at school. A wide range of issues were covered during focus group conversations, one of which was uniform, One young trans man said:

At my school, the uniform for PE is the biggest challenge. It's always, no matter what sport it is, it's a hockey skirt. And I refuse to wear it so I went up to the teacher...and I said 'I refuse to wear this, and I will refuse to do PE unless I get to wear the jogging trousers.' So I got to do that and then my other teachers gave me a load of hassle 'cause I've been made fuss of. (McNamara & Stewart, p.18)

The barriers that exist for trans and genderqueer young people are not limited to school environments but whatever the setting, as professionals, we should be making interventions to prevent these experiences – these breaches of equality legislation – from continuing.

### **Making a positive intervention: taking steps to meet the needs of a young trans person**

The following example of good practice is taken from a school in Oxfordshire. Staff were working with one young person in Year 8 who was planning to return after the summer break (into Year 9) as their self-identified gender which was female. They contacted Gendered Intelligence for advice

and guidance. Our point of contact at the school was an Assistant Head Teacher in charge of Lower School who was also the Key Stage 3 Co-ordinator.

Early on in the process of planning to support a transgender student, Jay Stewart (co-Director, Gendered Intelligence) delivered a training session with the Assistant Head, the student's Head of Year, the Deputy Special Educational Needs Co-ordinator, the school nurse and another teacher who was due to become tutor for an older trans student who also planned to join the Sixth Form the following September. The session focused on key terms and use of language around gender, sexed identity and sexual orientation in order to support staff as they developed their understanding of terms such as transgender, transsexual, gender variant, gender queer, masculinity and femininity, heteronormativity etc. The session also looked at compliance with the law around gender reassignment, specifically the Equality Act 2010 and the Gender Recognition Act 2004. Conversation centred on what discrimination and harassment could look like in a school, when relating to gender identity thereby enabling staff to think through some of the scenarios they were planning to prevent.

The group focused on constructing a projected timeline for supporting students who wish to attend school in their self-identified gender, looking at what steps the school, the parents and various other people can take to best support a young person. The school made a commitment to support their Year 8 student's transition within a safe and supportive environment. One of the first steps the staff took after the training session was to draft an action plan by meeting with the young person and their parents on a number of occasions while she was in Year 8 in order to share information and anxieties and, chiefly, to plan how to support the young person in sharing their trans status with the school community.

Before informing other students in the school of this student's intention to transition, the Assistant Head informed all teaching staff in a Staff Meeting. He followed this up with an email to all staff (teaching and non-teaching). A decision was taken to support the student's peer group friendships as a way of supporting the student. The Assistant Head and the Head of Year worked initially with a group of the Yr 8 student's friends before disclosing the student's trans status to the broader school community. The idea here was to create a safe network among the friendship group by ensuring these friends were aware of what it means to transition from male to female at school.

When the time came to think about informing the year group the Assistant Head and Head of Year planned a workshop for Year 8 students, delivered by tutors to their groups. This took place while the trans student was not present and it introduced students to what it means to be transgender, how a transgender person might feel, and how the school and each individual within it can support a particular transgender student. The workshop involved (among other things) the use of a statement written by the trans student titled 'What does transgender mean?' to discuss how she was feeling as well as an activity where each student wrote down a question for the trans student to respond to and a message for her to read. At the end of the session, the Head of Year led an assembly to the whole year group, pledging the school's support for the trans student.

At the end of the day, the year group was called together again for a second assembly. Here the trans student answered the main questions that had been posed by the year group in the morning's workshop. The student was accompanied to the front of the hall by her parents, brother and the Assistant Head. The year group was clearly moved by the student's ability to communicate coherently about her trans identity positively.

The school emailed a letter to all of the Year 8 students' parents as a way of clearly informing them of the Year 8 student's transition and of the measures that were put in place to support the process. It also gave relevant website addresses should anyone want more information on transgender identities.

With regard to practical arrangements for the student, it was agreed very early on by the trans student, her parents and the school that the student be allowed to use private toilet cubicles usually reserved for staff. She felt more comfortable doing this, at least for the initial stages of coming out to the school. There was a longer-term plan for her to use the female toilets when she felt ready. Similar arrangements were in place for PE in that the student was allowed to change for PE in a private cubicle. From the start of Year 9, the trans student attended girls' PE lessons, and continued to change privately until she felt ready to use the female changing rooms. It is perhaps important to note that this was agreed with her as something she preferred and was not something the school required her to do. Legally, a trans person must feel entitled to use the facilities of the gender that they self identify as. It would be discriminatory to require a trans student to use the toilets designated for people with disabilities for example.

All of the work with the student's year group (Year 8) took place in the penultimate week of the academic year. The idea was that any sensation and excitement would die down by the start of the new academic year. At the start of Year 9 the trans student came into school on an INSET Day to meet her new teachers so that she felt less anxious about beginning the new school year. All tutors in Years 7 – 11 read out a notice to their tutor groups about the school's commitment to protecting every student from harassment and discrimination on the first day of the new academic year.

## Conclusion

Bullying behaviour towards someone who is expressing their gender differently to the norm is complex and approaches to tackling this kind of bullying need to be planned and specific in order to make a real impact on the lives of trans people, among others. It is clear that bullying related to gender expression affects many people, not just trans and gender queer people. Ideas generated through the Gendered Intelligence 2007 report on bullying and more recently in the Youth Chances survey included the use of clear systems to report bullying in a safe way, and for those reports to be acted upon by staff who have a good understanding of gender diversity.

In this article, we have highlighted a number of specific actions that one school took in order to best-support one of its students. There are many others. One-to-one mentoring for young trans, non-binary and gender variant people in full time education is increasing. All mentors at Gendered Intelligence are transgender identified and can provide an opportunity for a young person exploring their gender identity or coming out as trans or non-binary to gain support, advocacy and work together to ensure their learning environment is safe and productive. Discussions can include topics such as undergoing a medical or social transition, as well as looking at difficult and challenging aspects of living and studying as a transgender person. Mentoring is funded by the school, college or University and sometimes by the local authority.

Experience to date indicates that a student is far more likely to complete their programme of study and thrive within a school environment if they have access to this kind of support, and the support of their staff and peers in the school environment. Equality of opportunity to make good



academic progress can be advanced and enhanced in a specific and concrete ways for transgender students.

As practitioners, the Gendered Intelligence team want to provide spaces, projects and opportunities that can enable young people who have a complex relationship to gender to engage in creative arts practice (as they might at school) within a group of peers and facilitators who were not hostile, uninformed or ignorant but who were positive about gender diversity, constructive and respectful of each others' differences. Gendered Intelligence wants also to support staff and students in school settings to make the school environment more trans-inclusive and more informed about gender diversity in order to make young people's lived experiences more positive and to enable schools to meet their legal duties to remove disadvantage and eliminate discrimination.

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