



**Transgender
Equality Policy**

2022 - 2023

Policy issue and updates

Pages	Issue No.	Date
Whole Document – review after transition to Progress Education Division	1	March 2020
Whole document – annual review	2	August 2020
Whole Document – annual review	3	August 2021
Whole Document – annual review	4	August 2022

The following policy has been approved by the Leadership Team at Progress Careers.

The policy will be reviewed on an annual basis unless circumstances arise requiring the policy to be reviewed earlier.

Approved by Managing Director: August

2022 Board signatory:



Mrs Paula M Thompson
(necessary)

Planned review: August 2023 (or as

1. Policy overview

- 1.1 The purpose of this policy is to explain our good practice in the field of transgender consideration in order to minimise the distress and disruption to all staff, associates and students/clients by;
 - ensuring all staff and associates are dealing with transgender matters inclusively and sensitively
 - providing an inclusive environment for any transgender student/client
 - ensuring all students/clients are aware of and educated on issues of transgender

2. Gender identity

- 2.1 Gender is a spectrum, which is not limited to male or female – but can span anywhere between these two binary points. 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 (*FTM, or trans male*) person will have been assigned as female at birth, but will identify their gender as male; a male to female (*MTF, or trans female*) person will be assigned as male at birth, but will identify their gender as female.
- 2.2 The word transgender is a term used to describe people who identify with the opposite gender to which they were assigned at birth; however it is also an umbrella term which can include people who do not feel exclusively male or female (*non-binary*)(as is the term *genderqueer*). Gender can be fluid, and some children and students that do not relate to their assigned gender may never fully transition in to the opposite gender, but may choose to use alternative pronouns. For example, someone who is gender fluid but chooses to keep their sex as male, may prefer to be known by 'she/her/hers' pronouns. Others may prefer to be known by 'they/them/theirs'.
- 2.3 Gender Dysphoria is a clinical condition that can present from a very

early age and can only be diagnosed by a medical expert. A person diagnosed with Gender Dysphoria may require treatment, e.g. hormone blockers to delay puberty, before being prescribed hormones of their desired gender. A transgender person may live their life without being, or needing to be diagnosed as having Gender Dysphoria. Diagnosis and treatment for young people is available from specialist Gender Identity Clinics (GICs) – of which are available in many locations across the UK. 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.

3. Legislation

3.1 Data Protection Act 2018 (UK)

- 3.1.1 Information about a person's transgender status is considered 'special category personal data' and is subject to tighter controls than other personal data. Explicit consent is required before it can be processed.
- 3.1.2 Personal data must be looked after properly following the eight data protection principles, which include ensuring personal data is accurate, secure and processed fairly and lawfully.
- 3.1.3 Failure to change a person's title, name and gender when requested could lead to the following offences under the Act.
- 3.1.4 Disclosure of personal information that is used, held or disclosed unfairly, or without proper security
- 3.1.5 Failure to ensure personal information is accurate and up-to-date
- 3.1.6 Processing of data likely to cause distress to the individual

3.2 The Human Rights Act 1998

- 3.2.1 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.

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

3.3 The Gender Recognition Act 2004

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.

3.4 Equality Act 2010 (Great Britain)

3.4.1 The 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).

3.4.2 Part 6 of the Equality Act 2010 makes it clear that the Act specifically refers to School and 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."

3.4.3 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.

3.5 Sex Discrimination (Gender Reassignment) Regulations 1999

3.5.1 Individuals who intend to undergo, are undergoing or have undergone gender reassignment are protected from discrimination in work, school and vocational training (including higher education study).

3.5.2 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.

3.5.3 Less favourable treatment includes the arrangements relating to terms and conditions or arrangements under which employment, education or vocational training is offered.

4. Discrimination

- 4.1 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.
- 4.2 The legislation states that a school 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. An example might be an inflexible school uniform rule which offers no "unisex" options such as trousers for girls, and which would therefore create a particular difficulty for a FTM student.

5. Transphobia and bullying

- 5.1 Each partner organisation will have a robust behaviour and anti-bullying policy which will be provided in your induction. This will outline the partner organisations arrangements for dealing with any form of bullying.

6. Training

- 6.1 In order to ensure all staff and associates have the skills to deal with transgender issues, we hold training sessions on topics such as:
- 6.1.1 Safeguarding

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- 6.1.2 Confidentiality
 - 6.1.3 Gender Identity
 - 6.1.4 Tackling transphobia
 - 6.1.5 Relevant legislation

All topics will be refreshed at least annually.

7. Name changing

- 7.1 If a transgender student/client wishes to have their preferred name recognised on Progress Careers systems, this will be supported (after consultation with the partnering school – see 7.2) and will feed on to letters home, guidance notes, reports etc. Furthermore, the change of name and associated gender identity will be respected and accommodated. It is a real indicator that the transgender student/client is taking steps to, or proposing to move towards a gender they feel they wish to live in.
- 7.2 Progress Careers staff and associates will defer to partner organisation policies on where legal names are used which may link to the students UPN (unique pupil number) or ULN (unique learner number). It is assumed that there is already an agreement in place with the transgender student/client regarding this.

8. Glossary of terms

AFAB – assigned female at birth.

Agender – Not relating to any particular gender.

AMAB – Assigned male at birth.

Binary/Non-binary – Refers to the gender spectrum: Binary refers to the two fixed ends of the spectrum – male and female; non-binary can be used to describe someone who identifies not solely with either of these genders, but somewhere in between.

Binding – a FTM adolescent that is developing breasts may strap down their chest so that it is less obvious. This can be hot, uncomfortable and restrictive but very important to their psychological and emotional wellbeing. It might make certain PE lessons difficult for them to participate in and could sometimes lead to breathing difficulties, skeletal problems and fainting.

Cisgender – Someone who identifies completely with their assigned gender at birth (which also corresponds to their sex).

FTM – Female to Male, a person that was identified as Female at birth but came to feel that their true gender is actually Male.

Gender – the way that a person feels about themselves in relation to their physical and

mental self; the basis of their identifying as male, or female, or neither, or either, or somewhere else on the spectrum.

Gender Dysphoria – the medical condition that describes the symptoms of being transgender.

Gender Fluid – Someone who identifies as gender fluid will identify with a different gender on a varying basis. They may feel more feminine some days and more masculine on other days; or feel that neither male nor female describes them fully.

Gender Identity – the gender that a person truly feels they are inside.

Gender Identity Disorder – GID is a medical term describing being transgender, this tends not to be used owing to the subtext around the word 'disorder'.

Gender Recognition Certificate – an official document presented by a Gender Recognition Panel that enables all official documents and records (including birth certificate) to be amended to the true gender of the individual thereby providing full legal recognition.

Gender Spectrum – the continuum between the two binary points of male or female. This is vast and many people identify at different points.

Hormone Suppressors/Puberty Blockers – drugs that are given in order to delay that process of puberty. These can be prescribed before a child is old enough to start taking hormones such as oestrogen or testosterone.

MTF – Male to Female, a person that was identified as male at birth but came to feel that their true gender is actually female.

Packing – a FTM person may wear a prosthetic item in their pants that will give a bulge in their trousers so as to appear more male.

Sex – the way a person's body appears, sometimes wrongly, to indicate their

gender.

Transgender – a person that feels the assigned gender and sex at birth conflicts with their true gender.

Trans Female – Someone who was assigned male at birth but identifies as female.

Trans Feminine – A person who was assigned male at birth but identifies with the more feminine side of the spectrum.

Trans Male – Someone who was assigned female at birth but identifies as male.





Trans Masculine – A person who was assigned female at birth but identifies with the more masculine side of the spectrum.

Transition – The process of changing gender. This may be by having surgery to change sex organs, or by taking hormones.

Tucking – AMTF person may tuck (and sometimes tape) their genitals between their legs so that it does not show at the front.





