

# GDST Gender Identity Guidance

In this policy 'transgender' or 'trans' is used to refer to the following groups:

- People who have the protected characteristic of gender reassignment under section 7 of the Equality Act 2010, which says: "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."; and (to the extent not already covered by the s7 Equality Act definition).
- People who do not wish to undergo a process to reassign their sex, but whose gender identity is different from their biological sex, including those who identify as third gender, non-binary or gender fluid. It also covers those who are intersex.

## 1. Introduction

1.1. Schools should aim to provide an environment for trans students in which they can:

- feel able to be themselves and valued for who they are;
- feel included and part of the school community;
- have access to resources and information relevant to them; and
- feel they have people to talk to and know how to access support services

1.2. In supporting a trans student, schools may have to re-think arrangements which have been accepted as 'standard' for a long time. However, no student should be made to feel they are the one who is causing problems or that they owe anything to the school in return for being treated with the equality they deserve.

1.3. The notes below are intended to guide schools on the various practical trans-related issues that schools may need to resolve. We are grateful to staff and students who have contributed to consultation and helped to inform our practice.

1.4. Whilst the emphasis of these guidance notes tends to be on practical adjustments, it should be emphasised at the outset that transition is first and foremost a process with significant and life-changing implications for an individual and their family. A young person contemplating or embarking on transition may well need considerable pastoral support for an extended period. The process of considering and potentially then beginning transition is unique to each individual. It is complex, lengthy and not necessarily linear. People can begin to question their gender identity at different stages in their lives and some will 'come out' at different stages of their lives and in different ways. Questioning or feeling unsure about gender identity does not necessarily mean that students are definitely trans or that they will go on to transition. The school's approach should be to give them the time and space to

explore their identity. Family members and friends may also need support during the process. With their strong tradition of pastoral care, GDST schools are well placed to offer students questioning their gender identity, or in a process of transition, expert non-judgemental emotional support and counselling where needed, and a safe space to explore their feelings. Staff are also experienced in communicating with parents and peers, and can help to negotiate some of the social and familial aspects of transitioning. Where appropriate, an individual support plan will be drawn up in consultation with the student, and discussed at each stage of the process.

1.5. Many agencies are involved in the process of an individual transitioning. Certain aspects of transitioning, such as medical treatment, require specialist advice, and students should be referred to their GP for such support. Any formal transition would require comprehensive professional support and parental engagement and is outside the school's remit.

## **2. Differences within trans identity**

2.1. Trans is used as an umbrella term to describe people who have a gender identity that is not the same as, or does not sit comfortably with, their biological sex. The terminology around gender identity continues to evolve and trans people may describe themselves using one or more of a wide variety of terms, including (but not limited to) transgender, transsexual, gender-queer, gender-fluid, non-binary, gender-variant, crossdresser, genderless, agender, nongender, third gender, bi-gender and neutrois. Gender incongruence (also termed gender dysphoria) is a term that describes a sense of unease that a person may have because of a mismatch between their biological sex and their gender identity. This NHS web page explains more about gender incongruence : <https://www.nhs.uk/conditions/gender-dysphoria/>

## **3. Remaining in/changing school and admissions**

3.1. Admissions to GDST schools are based on legal sex as detailed in the GDST's Gender Identity Policy. A trans student attending a GDST school will be supported to remain at the school post transition as long as they wish to do so. All schools have a responsibility to support a trans young person in making decisions about transitioning and to ensure measures are put in place to enable them to remain at their school. In the past a number of trans students at GDST schools have successfully chosen to do this.

3.2. However, if a trans student feels that moving to a different school might be beneficial and might provide different opportunities to explore transitioning to a new gender identity, this should also be supported. Schools should manage any move sensitively and pay particular attention to issues of confidentiality.

3.3. In all cases, schools should consider the individual needs and concerns of each transgender student or prospective student, as each transgender student is unique.

#### **4. Terminology and language**

4.1. Staff should be respectful in using language to describe trans people and challenge any other students who are not. Ongoing staff training may be necessary, as the usage and meaning of some terms is not fixed, and it is important to keep up to date on appropriate terminology and ask individuals themselves which terms they prefer if unsure.

4.2. There may be staff members, students or parents whose religious (or other) views mean that they do not agree with the idea that a person's gender identity may be different from their biological sex. In these circumstances, there may be a conflict between one individual's protected characteristic of religious or philosophical belief and another's of gender reassignment. There may not be an easy answer in such situations, as both characteristics are entitled to protection under the Equality Act 2010.

4.3. With reference to employees, the law allows an employee to hold gender critical beliefs, and some degree of respectful expression of those beliefs will be lawful, provided that they are not expressed in a discriminatory, aggressive or inflammatory way. In a school environment, the dynamic between staff and student may mean that the expression of personally held beliefs is not appropriate. Staff should also be mindful of the national Teachers' Standards which require teachers to be self-critical and to ensure that personal beliefs are not expressed in ways which exploit pupils' vulnerability. Staff should respect students' choice of pronoun when addressing them.

4.4. If situations arise with staff or parents involving conflict of this nature, schools are encouraged to approach the Legal Department at Trust Office for advice.

#### **5. Confidentiality**

5.1. When a student initially talks to a member of staff about questioning their gender identity it is important to talk to them about confidentiality and with whom, if anyone, they would like information to be shared. Being trans does not constitute a safeguarding risk. There are no provisions in safeguarding legislation specific to trans people, so young people should know that they can talk to school staff about gender identity and that this will remain confidential unless they or others are at risk of harm in some other way.

5.2. It is important that school staff do not disclose information that may reveal a student's transgender status or gender nonconforming presentation to others, including other members of the school community or the media unless there is a risk of harm, they are legally required to do so or because the student has asked them to do so. 'Outing' trans students against their wishes abuses their trust and can trigger serious difficulties for them in family and social circles, and could have mental health and/or safeguarding implications.

5.3. A situation in which a trans student has ‘come out’ at school before doing so at home is a particularly sensitive one, and can put the school in a difficult position. In such circumstances the school’s priority must be to act in the best interests of the student, including maintaining their right to confidentiality. Nevertheless, in most cases this will be on the understanding that the school will be supporting the student in progressing towards being able to talk about their gender identity with their parents.

5.4. Staff should not discuss trans students outside of school, even when making no particular reference to their name or personal details.

## **6. Use of names and pronouns**

6.1. A student aged 16 or over has the right to change their legal name without the consent of all those with parental responsibility. A student’s legal name cannot be changed under this age without the consent of all those with parental responsibility. However, where a student is under 16 and wishes to change their preferred name, they can do so if they are deemed to have capacity to make this change. If they are felt to be too young to make this decision independently, the change can still be made if parental consent is provided but not if this is withheld.

6.2. Assuming the student has capacity and/or parental consent is obtained, a student’s preferred name (and gendered pronouns) should be used consistently by staff and peers. This is explicitly stated in Technical Guidance for Schools published by the Equality and Human Rights Commission in 2014 (para 3.35)<sup>1</sup> which suggests that not doing so would be direct gender reassignment discrimination. Whilst it must be accepted that genuine mistakes will be made, particularly if a change is recent, it is worth stressing that ‘misgendering’ or ‘deadnaming’ a trans individual can cause significant distress, and the harm is cumulative if this happens repeatedly. Respecting preferred names and pronouns is part of the staff Code of Conduct, and an important part of providing an environment for trans students where they feel safe and supported.

6.4. Trans students can find it difficult to communicate a decision to change their name and pronouns to others. Schools should ensure there is an accessible and widely understood means to communicate such a decision (for example, via a formal communication to a Pastoral Lead, who can then pass this message on to other school staff, whilst respecting confidentiality). When contacting the parent or carer of a trans or gender questioning student, school staff should use the student’s legal name and the pronoun corresponding to the student’s birth certificate unless the parent has specified otherwise.

6.5. If there is disagreement between a trans student and their family members (or between family members) as to the name by which the student should be referred to, the school should

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<sup>1</sup> <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-schools-england>

do its best to manage the situation sensitively. One practical option is for the school to use a parent's preferred name when talking to that parent and the student's preferred name when talking to the student: if at all possible, having discussed and reached an agreement with the student about this. Where several parties are present at a meeting simultaneously, staff members should manage the situation as sensitively as possible, bearing in mind their ultimate responsibility to do what is best for the student.

6.6. On a more general point, the question of pronoun email footers is often raised. Schools are recommended to make clear that the option of stating pronoun preferences in email footers is open to all staff and students but not an expectation (which could cause difficulties with confidentiality).

## **7. Use of collective terms, titles etc.**

7.1. The use of collective terms can be a sensitive issue for trans students: there were more comments on this than on any other gender-related issue in the GDST's Undivided student survey. Nor is this solely a trans issue: we know that some of our students feel that the term "girl" has condescending undertones. Given the prevailing culture of the organisation, there is no intention to rename schools, or cease to use terms like 'girls' or 'young women' to describe our ethos or educational offer. However, in day-to-day communications where gendered and non-gendered options are effectively interchangeable, staff are recommended to use gender-neutral terms which do not inadvertently sound demeaning or casually exclude part of the community. Options include 'students', 'everyone', or the year group or class name ('Year 10', '11C'). Some teachers also use their subject discipline as a collective term, .e.g. 'scientists', 'mathematicians' etc. Schools should also consider alternatives to titles and other labels which could otherwise appear to exclude some members of the school community.

## **8. School and other records**

8.1. If a student has capacity and/or parental consent is obtained (see section 6 above), their personal information can be changed on the Management Information System. This will feed through into registers, letters, report cycles and other systems such as Firefly. For this reason, before making any changes at this level it is important to consider how publicly or widely a trans student has changed their name/gender and their parents' feelings about this.

8.2. Schools can update SIMS records to a preferred name and change settings to select this name for class registers. The legal name record should not be changed unless the student has changed their name legally. Such a request should be supported by the correct documentation. There are two main ways to change your name legally: by deed poll (which may be enrolled or unenrolled) and by statutory declaration. A person under 16 years cannot change their name legally without the consent of all those with parental responsibility and simply changing name does not change a legal gender identity.

8.3. The gender field in SIMS is a fixed M/F lookup which feeds into census information. Census guidance indicates that this relates to self-declared rather than legal gender and that schools can amend the gender of any student, within their own Management Information System, at any time<sup>2</sup>. So, on this principle gender should be changed on SIMS in line with any name change. For non-binary students, M or F will have to be selected, but some schools have added a 'non-binary' tick box as a user defined field to the basic details section on the school's version of SIMS. This is not recognised by the Department for Education but can be useful internally.

8.4. Everything in SIMS is date stamped so records relating to before a name or gender change will remain unaltered. Furthermore, a legal name change is not retrospective, and schools should avoid making any changes which may cause a discrepancy between school records and exam certificates. If a former student contacts the school to ask for records to be changed to a new name, this can be done on SIMS with a note made in the history, and the new name should be used henceforward. Historic records should not, however, be updated.

## **9. Public exam entries**

9.1. Students can be entered under any name with an exam board. Joint Council for Qualifications (JCQ) guidance specifically provides that *"whilst it is advisable to enter candidates under names that can be verified against suitable identification such as a birth certificate, driver's licence or passport, the decision is the candidate's/centre's to make. The centre is best placed to understand the candidate's circumstances and make an informed decision."*<sup>3</sup> However, 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, usually the name on the student's birth certificate with which they first entered the education system, not preferred names. It is possible for exam certificates to be issued in the preferred name. Whilst there is some flexibility in the system, schools are encouraged to recommend that students have exam certificates issued in their legal name in order to safeguard access to their qualifications in the future.

## **10. Curriculum and PSHE**

10.1. GDST school teaching on PSHE follows Department for Education guidance. All areas of the curriculum can be used to explore gender identity, challenge gender stereotypes and make visible trans people and experiences. As in other areas of school life, the aim should be to integrate rather than 'bolt on' trans-specific material in a tokenistic way. Staff should ensure curriculum materials, set problems, case studies etc. are free from stereotypes and feature a range of different genders and gender identities, as they would a range of different

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<sup>2</sup> <https://www.gov.uk/guidance/complete-the-school-census/data-items>

<sup>3</sup> [https://www.jcq.org.uk/wp-content/uploads/2021/06/Gen\\_regs\\_approved\\_centres\\_21-22.pdf](https://www.jcq.org.uk/wp-content/uploads/2021/06/Gen_regs_approved_centres_21-22.pdf)

ethnicities. RSE should integrate consideration of homosexual and trans relationships as part of relationships education, and include trans experiences in wider discussion (e.g. on friendships or sexual harassment) rather than focusing solely on the experience of women. In the same way, the library should contain books featuring trans individuals – authors, fictional characters, historical figures etc. on the shelves in the usual fiction/non-fiction topic sections, rather than segregated into an LGBTQIA+ section.

10.2. The Independent Schools Standards Regulations specifically require PSHE to encourage respect for other people, with particular regard to the protected characteristics under the Equality Act 2010. The protected characteristics should be referenced explicitly in PSHE curriculum documentation. The RSE Statutory Guidance states that, at the point which schools consider it appropriate to teach students about LGBTQIA+, they should ensure that content is fully integrated into their programmes of study for this area of the curriculum rather than a standalone unit or lesson so that all students are taught LGBTQIA+ content as part of the curriculum. It is a matter for individual schools to decide when to introduce LGBTQIA+ content, but junior schools are encouraged to bear in mind that younger students will naturally be coming across aspects of gender diversity outside school, and it is important to reflect this as part of their education.

10.3. Schools should also be aware of the September 2020 DfE guidance on planning the RSE curriculum:

*All pupils should receive teaching on lesbian, gay, bisexual and transgender (LGBT) relationships during their school years. Secondary schools should include LGBT content in their teaching. Primary schools are strongly encouraged, and enabled, when teaching about different types of family, to include families with same sex parents. [...]*

*We are aware that topics involving gender and biological sex can be complex and sensitive matters to navigate. You should not reinforce harmful stereotypes, for instance by suggesting that children might be a different gender based on their personality and interests or the clothes they prefer to wear. Resources used in teaching about this topic must always be age-appropriate and evidence based. Materials which suggest that non-conformity to gender stereotypes should be seen as synonymous with having a different gender identity should not be used and you should not work with external agencies or organisations that produce such material. While teachers should not suggest to a child that their non-compliance with gender stereotypes means that either their personality or their body is wrong and in need of changing, teachers should always seek to treat individual students with sympathy and support.’<sup>4</sup>*

The [PSHE Association](#) and [Sex Education Forum](#) are reliable sources for resources.

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<sup>4</sup> <https://www.gov.uk/guidance/plan-your-relationships-sex-and-health-curriculum#dealing-with-sensitive-issues>

## **11. Use of toilets and changing rooms**

11.1. The use of toilets and changing rooms is a potentially sensitive topic and care should be taken to be sensitive to the needs of transgender students whilst also recognising the needs and sensitivities of other students. Schools should ensure that 'gender neutral' toilets/facilities are available, and endeavour to use signage that is inclusive to all (such as 'gender-neutral/accessible toilet'). One solution for changing purposes is to allocate the student a separate time for changing if a separate changing area cannot be made available. It is important to talk to students rather than make assumptions about the facilities they would like to use or would be more convenient, and any arrangements should be made in a way that protects student confidentiality.

## **12. Sport and PE**

12.1. Physical education in GDST schools should be 'trans-inclusive' whereby the needs of all trans students are met and dignity, decency and respect are consistently evident when providing opportunity for any form of physical activity. Assumptions should never be made about someone's gender in a sporting setting and uninformed decisions should not be made. Each individual trans student will have their own needs. Discussion is encouraged, and solutions should be agreed with that individual student to ensure that their needs are being met and they are able to continue to participate. These discussions may include areas such as changing, clothing, swimming and use of toilets.

12.2. Further advice from the Association for Physical Education can be found here: [http://www.afpe.org.uk/physical-education/wp-content/uploads/H\\_S\\_Decemb2019.pdf](http://www.afpe.org.uk/physical-education/wp-content/uploads/H_S_Decemb2019.pdf)

## **13. Uniform and PE kit**

13.1. All schools should have a trousers/shorts option as part of uniform and PE kit for students in both junior and senior schools, and these items of uniform should be promoted as a neutral choice, rather than as an option associated with specific religions or gender identities. This approach should be reflected in school literature, website photos etc.

13.2. Schools are also advised to review how their dress codes are expressed. In the same way that guidelines on hairstyles etc. can discriminate against black students, other rules may indirectly discriminate against trans students – for example proscriptions on 'oversized' clothing which may appear to rule out the looser clothing some trans students prefer.

## **14. Work experience**

14.1. Generally, personal information regarding gender identity of students going on work experience should not be shared with the organisation hosting their placement. However, careful discussion with the student and, where possible parents, needs to occur in order to set up a placement so that it is successful.

## **15. Trips, Exchanges and Overnight Stays**

15.1. Consideration should be given in advance to the additional needs of trans students on trips, exchanges and overnight stays. A preference for a single room should be accommodated where possible. In all cases, there should be appropriate communication with any host school/family to ensure that both the trans student and the host family are comfortable with the proposed arrangements. The risk assessment should account for any particular circumstances that may arise (e.g. health and safety issues on activity holidays; searching at borders) and reasonable adjustments made if required to allow trans students to participate. For overseas trips, the passport office has a confidential service for trans people – for further information go to <https://www.gov.uk/government/publications/applying-for-a-passport-information-for-transgender-and-transsexual-customers>. Schools should consider the legal and cultural attitude to trans people in case the visit would pose a risk to the student. The International Lesbian and Gay Association (ILGA) website provides detailed information via its Trans Legal Mapping Report <http://ilga.org/>

## **16. Health and Safety**

16.1. In general, the same H&S provisions apply to trans as to other students. Irrespective of their gender identity, students should be encouraged to ensure they safeguard their physical health, including aspects of physical health relating to their biological sex. Medical treatment relating specifically to transition is beyond a school's remit and students should consult their GP for any advice or guidance on this matter.

16.2. However, there may be health implications in individual circumstances to which schools need to be alert, e.g. a trans student who is developing breasts may strap down their chest. This might make certain PE lessons difficult to participate in and there is the possibility that binding could lead to breathing difficulties, skeletal problems and fainting. Health considerations, if relevant, should be included in the student's individual support plan.

## **17. Vulnerability**

17.1. Being trans is not a mental-health issue, but distressing feelings relating to gender identity mean that some trans young people may experience mental distress (for instance, if this clashes with attitudes in their family or community). Statistically there is a high incidence of bullying, self-harm and suicide attempts in connection with trans young people<sup>5</sup>. Staff can help by being alert to this vulnerability, and by providing appropriate pastoral support.

## **18. Transgender students with SEND or Autism Spectrum Disorder**

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<sup>5</sup> See [Guidance for schools on preventing and responding to sexist, sexual and transphobic bullying](#), DCSF 2009 and [National Youth Chances Integrated Report 2016](#)

18.1. Children and young people with SEND may need additional support in understanding or accepting their own identity, learning about those who are different to them and understanding that difference is to be accepted, respected and celebrated. For example, some transgender pupils with SEND may not feel the same pressures or awareness of 'fitting in' socially, or may struggle with social empathy about how their families and friends may feel. The pupil may need support to understand that others may ask questions or take a while to understand, and that pupils and staff may get their name and/or pronouns wrong from time to time.

18.2. Further information on how to support transgender pupils with SEND can be found on the SEND Google Classroom. Useful guidance can also be found on the [National Autism Society](#) website.

## **19. Supportive Space**

19.1. Many trans young people particularly need and value a space where they feel they can be themselves. This might be a physical space in school, but can also be a club or society where they feel welcomed. Many schools have thriving LGBTQIA+ or Equality societies which welcome allies as well as trans students. Trusted and well-informed staff to talk to are also important, and schools should ensure that it is clear to all students who they might turn to on LGBTQIA+ matters.

## **20. E-safety**

20.1. Young people questioning their gender identity are likely to use the internet and social media to search for information and share experiences. It is important to reinforce the principles of e-safety and to signpost access to neutral, relevant, safe and age-appropriate websites with accurate information. Staff should also check firewall settings on school computers to ensure age-appropriate websites on trans issues are not blocked.

## **21. Responding to bullying and hostility**

21.1. Bullying related to gender identity and the increased vulnerability of LGBTQIA+ students to bullying is explicitly referenced in the GDST model Anti-Bullying Policy. There is also further guidance on transphobic bullying on the staff intranet.

21.2. There should be an overtly robust response to any instance of transphobic bullying, harassment or other forms of discrimination. The means of reporting issues and difficulties should be clearly communicated and well understood by students. Incidents should be recorded and monitored to inform whole school developments.

21.3. Students report that whilst serious transphobic incidents tend to be rare, casual aggressions such as comments on appearance, intentional misgendering or 'outing' a peer are more common and cause considerable distress. All students need to understand the

significant cumulative impact of such ‘microaggressions’ in relation to trans students, in the same way as awareness of this has been raised around racial issues. Victims should feel able to report these and confident that they will be treated seriously.

21.4. In some cases, hostility comes from the wider community rather than from other students. In such cases parents can be referred to the relevant legislation, including the Equality Act 2010, Independent School Standards Regulations (ISSRs) and RSE Statutory Guidance. A school should not enter into any discussion about individual students. Some schools have found a proactive approach to be productive, for instance by arranging information evenings on equalities awareness and British values. This more general approach can then lead into more specific consideration of individual protected characteristics.

## **22. Staff training**

22.1. Staff training on transgender matters should be provided on an ongoing basis as part of the school’s commitment to inclusion and diversity. As a minimum, staff should be provided with guidance by the GDST and an opportunity to discuss:

- relevant legislation, including the Equality Act 2010;
- what gender variance is and trans experiences;
- language and terminology;
- use of names, pronouns and collective terms – and why this is important;
- confidentiality;
- tackling transphobia, bullying and microaggressions; and
- listening and providing pastoral support.