Felsted

POLICY FOR GENDER-QUESTIONING PUPILS

WHOLE SCHOOL
INCLUDING EYFS AND BOARDING

Governors' Committee normally reviewing:	Senior Leadership Team
Date last formally approved :	Autumn 2024
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Period of Review:	3 years
Next Review Date :	Autumn 2027

Person responsible for implementation and monitoring :	DSL
Other relevant policies : ● Safer Recruitment Policy ● Anti-Bullying Policy ● Bereavement Policy ● Crisis Management Policy ● Online Safety and ICT Acceptable Use Policy ● First Aid Policy ● Administration of Medicines Policy ● Equality Policy ● Curriculum Policy ● PSHE Education Policy ● Relationships and Sex Education (RSE) Policy ● Health and Safety Policy ● Promoting the Welfare of Pupils Policy ● Preventing Radicalisation Policy	● Health Education Policy ● Medical Policy ● Data Protection Policy ● Tutoring Policy ● Social Media Policy ● CEIAG Policy ● Continuing Professional Development Policy ● Healthy Schools Award Government Documentation ● Alcohol Policy ● Drugs and Drugs Testing Policy ● Interviewing Pupils Policy ● Parent and Guardian Relationship Policy ● Round Square Exchanges Policy

The following Policy encompasses the Aims and Ethos of the Preparatory School and the Senior School

Aims and Ethos

SAFEGUARDING STATEMENT
Felsted is committed to maintaining a safe and secure environment for all pupils and a 'culture of vigilance' to safeguard and protect all in its care, and to all aspects of its Safeguarding and Child Protection Policy.

EQUAL OPPORTUNITIES STATEMENT
The aims of the School and the principles of excellent pastoral care will be applied to all children irrespective of their characteristics and the School will aim to provide a positive culture of tolerance, equality and mutual respect.

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Statement of Intent

Felsted School recognises that gender-questioning young people and their families face particular challenges and hurdles and are likely to need extra support from the school to help them achieve their potential. The School is committed to supporting all the pupils in their care, and their families, on an individual basis and will put into place as many extra levels of pastoral care as possible for all pupils who need it, including young people who are questioning their gender.

The School takes **a do-no-harm approach** which ensures that children experiencing gender-identity issues are fully included and supported in education and safeguarding, without pressure to make life-defining choices at an early age.

DfE guidance states: *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.*[1]

Definitions

For the purposes of this document and for clarity, the following definitions will be used:

Sex *referring to the biological aspects of an individual as determined by their anatomy, which is produced by their chromosomes, hormones and their interactions*[2]

Gender *the state of being male or female in relation to the social and cultural roles that are considered appropriate for men and women.*[3]

Gender Identity *a person's innate sense of their own gender, whether male, female or something else, which may or may not correspond to the sex observed at birth*[4]

Gender Expression *how a person chooses to outwardly express their gender, within the context of societal expectations of gender. A person who does not conform to societal expectations of gender may not, however, identify as trans.*[5]

Gender Non-Conforming *exhibiting behavioural, cultural, or psychological traits that do not correspond with the traits typically associated with one's sex*[6] *: having a gender expression that does not conform to traditional societal definitions of gender expression.*

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[1] https://www.gov.uk/guidance/plan-your-relationships-sex-and-health-curriculum

[2] https://www.ons.gov.uk/economy/environmentalaccounts/articles/whatisthedifferencebetweensexandgender/2019-02-21

[3] https://www.collinsdictionary.com/dictionary/english/gender

[4] https://emedicine.medscape.com/article/917990-overview

[5] https://www.stonewall.org.uk/help-advice/faqs-and-glossary/list-lgbtq-terms

[6] https://www.merriam-webster.com/dictionary/gender%20nonconforming

Transgender or Trans *of, relating to, or being a person whose gender identity differs from the sex the person had or was identified as having at birth*[7]

Questioning one's Gender

The School recognises that a transgender person feels that their external appearance does not match up with the way they feel internally about their gender identity. A Female to Male (FtoM) person will have been observed as female sex at birth yet feels their gender is male; a Male to Female (MtoF) person will have been observed as male at birth yet feel their gender is female.

The term ***Transgender*** originally was understood to refer to FtoM or MtoF people, but it has become an umbrella term used to encompass many different people; from those who cross-dress or are gender non-conforming to people who wish to undergo gender reassignment. The School recognises that young people who experience issues with their gender development or are gender non-conforming may or may not be transgender, as some will not retain their gender variance following puberty as in many cases, this can be fluid/temporary.

Gender Dysphoria (or Gender Identity Disorder) is a clinical condition that can only be diagnosed by a medical and/or psychiatric expert. A person diagnosed with Gender Dysphoria may require treatment (e.g. hormone blockers) to ameliorate the symptoms associated with their condition. A transgender person can live their life without being or needing to be diagnosed as having Gender Dysphoria. However, most or all young gender-questioning people (and their families) will need some support or information as they grow up and develop.

Legislation

Legislation that informs this policy and the participation of gender-questioning) pupils and students in the school include the:

- Human Rights Act 1998
- Gender Recognition Act 2004
- Equality Act 2010.
- KCSIE 2026

The Human Rights Act 1998

The following Articles from The Human Rights Act 1998 support the rights and needs of gender-questioning people to live their lives in their chosen gender:

- ➢ Article 8: right to respect for private life and family life
- ➢ Article 10: freedom of expression
- ➢ Article 14: the prohibition of discrimination (See resources section for more information)

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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 the gender with which they identify. This can only occur after a person reaches 18 years of age but is something that many younger people may aspire to and therefore may be of concern to them.

The Equality Act 2010

The Equality Act 2010 ensures legal protection against discrimination (direct or indirect) for everyone under the nine protected characteristics defined in the Act, one of which is Gender Reassignment.

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

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 pupil will not necessarily have to be undergoing a medical procedure to alter their physical aspect to correspond with the gender identity with which they identify, but they must be taking steps to live in the opposite gender or be proposing to do so.

Keeping Children Safe in Education 2026 (KCSIE)

This is statutory guidance for all schools and colleges in England and Wales which is updated annually. It makes reference to the above legislation as well as the Cass Report and guides schools in their responsibilities towards gender-questioning pupils and the wider school community.

Discrimination

The Equality Act 2010 ensures legal protection against discrimination in employment, education, the provision of services and the delivery of public functions, in relation to the nine protected characteristics defined in the Act, one of which is Gender Reassignment. The legislation lays down that a school must not discriminate against a pupil because of their transgender status. Discrimination can be direct or indirect, which includes discrimination based on perception and on association. 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 can't be justified as a proportionate means of meeting legitimate aim. An example might be an inflexible school uniform rule which offers no "unisex" options such as trousers for girls, and which may therefore create a particular difficulty for an F2M pupil.

Unlike most of the protected characteristics, such as sex, race and religion, but like disability, this protection works in one direction only – not seeking gender reassignment is not a protected characteristic. Although there is no legal requirement, as there is for

disability, to make “reasonable adjustments” for trans pupils, the school will discuss the situation with the pupil and their parents.

It should be noted that the category of “non-binary” and other gender variants are not currently protected under the characteristic “gender reassignment” but these are still subject to the statutory guidance provided in KCSIE2 2026

Absence from School

The school will make reasonable adjustments to accommodate absence requests for treatment and support from external sources. The absence must be requested in advance by the parents/carers. The School will protect the confidentiality of the student in these circumstances.

Terminology and Language

It is good practice to focus on correct terminology and the use of factual language in school. As a school, it is a good idea to focus some education in relevant lessons (such as PSHE) and in an age-appropriate manner, around sexual orientation and gender identity, so that everyone has a clear understanding that sexual orientation (being heterosexual, bisexual, gay or lesbian) and gender identity (identifying with the traditional, societal and cultural expectations of being male or female), are completely different things. Terminology and language can be confusing around gender-questioning issues.

Different individuals and organisations sometimes prefer different terms to identify themselves and the nature of being gender-questioning and the school will take its lead from the pupil on an individual basis. The school, in discussion with the pupil and his/her parents, will change the pupil’s ‘called’ name as requested. As a matter of fairness, respect and inclusion, it is hoped that staff ensure that the new name is used uniformly to address the student.

Using pronouns (other than those that are sex-based) may be problematic. Some people do not accept that a person can change their sex, and so, they believe that pronouns should reflect a person’s biological sex. There is conflict at times, in wanting to support the gender-questioning person but rejecting the idea of compelled speech.

Sometimes people use the incorrect pronoun, first name or gender identifier in a deliberate attempt to bully or belittle a student. This will not be tolerated at Felsted School, in line with the school anti-bullying policy. Transphobic incidents will be recorded and dealt with in the same manner as other incidents that are motivated by prejudice or hate e.g. racist, homophobic and disablist incidents. However, there is a difference between malicious deeds and conscientious actions, and thorough investigation is necessary to ascertain the truth.

Training

Training around gender-questioning issues will be given to all staff, as appropriate. This will include:

- Confidentiality;
- Gender identity;

- Privacy and dignity;
- Tackling transphobia;
- Relevant Legislation

Sports and Physical Education

A young gender-questioning person has the same right to physical education and fitness as other young people. At Felsted School there should be no difficulty with this. All PE lessons are mixed sex and a gender-questioning pupil should be allowed to wear the sports kit that corresponds with their gender identity. In swimming, some adjustments may have to be made on an individual basis, perhaps with a T-shirt worn over a costume or a short wetsuit. Arrangements need to be made for the provision of showering and changing facilities and this needs to be done for each individual circumstance, depending on the availability of private individual use showers and changing areas but in accordance with the government guidance.[8] It is not lawful for pupils to negotiate access to the facilities of the opposite sex.[9]

Team sports also have to be dealt with on an individual basis. Pre-puberty in the Preparatory School should present no particular issues and pupils should be able to compete according to the biological sex with which they feel most aligned. However, in later adolescence there may be welfare and safeguarding concerns if there is a discrepancy between size and strength of a gender-questioning pupil. Although this needs to be handled sensitively, and in consultation with that pupil and their parents, the safety of every pupil who will be involved needs to be the first priority. Within the competitive and representational aspects of school sport, advice will be taken from the relevant sporting governing bodies on a case-by-case basis.
In inter-school matches or competitions, care needs to be taken to ascertain what facilities would be available for a trans pupil that respects their dignity and privacy.

Transition from one school to another

Changing schools can be seen as a new start so this may well be the point at which young trans people make a conscious decision to be known by their preferred gender. At times this may be problematic, negatively affecting friendships, behaviours and reputation in the school. However, changing schools can also be a very empowering time if the correct support and preparation is in place. It must be remembered that in school transition, young gender-questioning people may, for the first time, find they are able to express themselves and feel truly at ease, and thus contribute positively and successfully both to their own academic development and to the school's and college's learning environment. The management of a move between schools and/or colleges needs consideration and good communication between the old and new school or college. The rights, thoughts, concerns and wishes of the young trans person and their family or carers need to be established and considered at the earliest opportunity. A

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8 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719398/Gender-separation-guidance.pdf

9 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719398/Gender-separation-guidance.pdf

single point of contact needs to be established between the trans pupil, parents and previous school and at Felsted. This would likely be a member of the Senior Leadership Team (SLT) or Prep LT Team in consultation with the relevant Housemaster/Housemistress or pastoral support. This will help make the transition from one school to the other as seamless as possible. The school then takes on a responsibility for preparing their school community in a safe and secure way so that the child is supported in the most appropriate way for them. The same process needs to be put into place for a Felsted gender-questioning pupil moving to another school. At all times, the pupil and parents should be involved in any decisions and give permission for the sharing of sensitive information

Dealing with concerns of Staff, Families and Carers

There is a clear expectation and understanding that all Felsted staff give academic and pastoral support to the best of their ability, equally to all pupils. Comprehensive and informative training is given so that staff can feel confident about the issues involved. Confidential information about pupils must not be shared with other parents and any queries or questions from other parents about this must be referred to the Head and the DSL.

Unfortunately, there may be occasions when, due to their own personal beliefs or feelings, a parent or guardian may not always be the most supportive or appropriate person to assist the young person through transitioning. It may not be necessary for a parent or guardian to provide permission for a trans student to take steps to transition as there may be issues raised of Fraser competence if parents will not consent. However, unless there are specific safeguarding reasons to do so, the school will not keep secrets from parents/carers as this would go against the spirit of Working Together to Safeguard Children 2026.[10] In this case, the school will liaise with external agencies, such as Children's Social Care and CAMHSs so they can provide the best support they can for both the young person and their family.

Press Interest

The School shall provide factual information regarding this policy in relation to media enquiries and this policy will be published on the School's website. It will not make comments or provide details relating to any individual case. Media enquiries should be directed towards the marketing department.

Boarding and the Use of Toilets and Changing Facilities

There are a number of single-occupancy toilets on the Felsted School Site, and these can be used by everybody, including gender-questioning pupils. It is understood that a gender-questioning pupil might wish to use the facilities and boarding accommodation that is most comfortable to them at various stages of their transition. However, the sensitivities of other pupils and the limitations of some of the (mainly older) buildings may make this difficult at times. The school will refer to the Equalities Act 2010 for guidance on the provision of appropriate single-sex communal accommodation and will

10 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/942454/Working_together_to_safeguard_children_inter_agency_guidance.pdf (para 16)

do everything that it reasonably can to manage this potential conflict. There will include consideration of this issue when planning renovations or new builds.

Uniform

The School has a gender-neutral uniform and will allow the pupil to wear the uniform of the gender with which they identify when appropriate. It is understood, however, that skirts are still strongly associated with “female”.

Personal Social Health Education, RSE and the Curriculum

PSHE lessons are an important part of preparing young people for some of the issues that they will come across in their lives. The curriculums and schemes of works are updated annually, in line with the statutory guidance on relationships education, relationships and sex education (RSE) and health education, the latest guidance from The PSHE Association, and awareness of gender-questioning issues is embedded within the themes of tolerance, inclusion, equality and embracing difference. Due care is taken to ensure that these themes are referred to in an age-sensitive and factual manner.

Changing Names and Preferred Gender and Exam Certificates

Changing their name and gender identity is a pivotal point for many gender-questioning people. If a pupil wishes to have their revised data recognised on school systems, this will be supported wherever possible.

In accordance with the Education (Pupil Registration) (England) Regulations 2006, a School is required to record the legal full name of every pupil in the admissions register

The School is required to ensure that an admission register is maintained in accordance with the Education (Pupil Registration) (England) Regulations 2006. For each pupil, the admission register must contain sex; this should be the biological sex unless an individual has obtained a gender recognition certificate (not available under the age of 18).

Public examination entries require a pupil's full legal name

Support organisations listed in the resources section will have more information on the subject of changing names. A person under 16 years cannot change their name legally without the consent of a parent and simply changing name does not change a legal gender identity.

*Legal Name refers to the name on a pupil's passport or birth certificate.

Vaccinations

Generally, vaccinations are given in the GH, BKA or the Ross Hall. However, consideration should be given to allowing the young gender-questioning person to receive their vaccinations from the Medical Centre if the vaccination is sex specific i.e. a F2M trans pupil or student may find it very difficult to stand in a queue of girls awaiting a female specific vaccination.

Vaccinations are not always separated by sex (male/female) and if it is still necessary to have mass vaccination sessions in school, then a mixed queue will be used, as well as screens for the person receiving the vaccination be supplied to promote privacy whilst being included in the mainstream (See Article 8 Human Rights Act 2004).

School Trips, Exchanges and Overnight Stays

Learning about different cultures and lives, and taking part in activities, may lead to overnight stays, both at home and abroad. Gender-questioning pupils are entitled to access appropriate trips but consideration should be given well in advance to any additional needs there may be.

The sleeping arrangements will need to be thought about before a trip is undertaken; it is possible that the student would prefer to have a separate room for example. Each individual case and trip needs to be thought of separately and in-depth discussions should happen well in advance with any and all appropriate bodies.

When travelling abroad it is the case that, just as anyone can be searched, a gender-questioning pupil may be searched at borders and other places. Different countries will have policies and procedures that they will follow. It is good practice for the trip leader to contact the relevant border control or agency in advance so that any risk assessment is accurate for that visit or trip.

Some countries may have laws that make it illegal to be part of the gender-questioning community or make it an offence not to report to the authorities that someone is part of that community. If there is any uncertainty about this the laws regarding gender-questioning communities in countries considered for school visits, this will be investigated. The International Lesbian and Gay Association (ILGA) have more information on their website about countries that pose a risk to gender-questioning individuals.

In relation to passports the passport office has a confidential service for people that are trans (0800 448 8484) and more advice can be found here:

https://www.gov.uk/government/publications/applying-for-a-passport-information-for-transgender-and-transsexual-customers

Appendix 1: Resources, Links and Guidance

The external links listed below is not an exhaustive list of resources that are available to support young trans people, their families and professionals working with them . They are merely a guide to the range of resources available and should at all times be assessed and screened for their appropriateness and validity.

It should be noted that the content of external websites and other resources, sometimes vary over time. Therefore, the content of these resources may need checking periodically to ensure that they are current and remain suitable.

Equality & Human Rights Commission
http://www.equalityhumanrights.com

Gender Recognition Certificate
https://www.gov.uk/apply-gender-recognition-certificate/changing-your-gender

LGBT Collective
http://www.lgbtcollective.org.uk

Human Rights Article List
http://www.legislation.gov.uk/ukpga/1998/42/schedule/1

Equalities Act 2010 (Part 6 Education)
http://www.legislation.gov.uk/ukpga/2010/15/part/6

Equality Act 2010 Advice for Schools
https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools

AQA Education Board
http://web.aqa.org.uk

Transgender Trend
www.transgendertrend.com

An organisation which questions the trans narrative and medical interventions of children. They offer support and resources for children, parents and teachers

Stonewall
www.stonewall.org.uk

"At Stonewall, we stand for lesbian, gay, bi, trans, queer, questioning and ace (LGBTQ+) people everywhere. We imagine a world where all LGBTQ+ people are free to be themselves and we can live our lives to the full."

The Cass Report
https://webarchive.nationalarchives.gov.uk/ukgwa/20250310143933/https://cass.independent-review.uk/home/publications/final-report/

Keeping Children Safe in Education 2026
https://assets.publishing.service.gov.uk/media/6a4cf903b7203c4c023fd2f3/Keeping_children_safe_in_education_2026_.pdf