

TRANSGENDER AND GENDER QUESTIONING POLICY

May 2025

1. Related information

1.1 Statutory guidance

This statutory policy has been reviewed in accordance with the following guidance: Equality Act 2010, Gender Recognition Act 2004

1.2 Supporting documents

The following Newcastle School for Boys policies are referred to in this policy: [Admissions policy](#), [Anti-bullying policy](#), [Attendance policy](#), [Equal opportunities policy \(pupils\)](#), [Online safety policy](#), [Relationships and sex education policy](#), [Safeguarding and child protection policy](#), Staff handbook

1.3 Terminology

‘parents’ includes one or both parents, a legal guardian, or education guardian.
‘School’ means Newcastle School for Boys.

‘pupil’ or ‘pupils’ means any pupil or pupils in the School at any age.

2. Introduction

This policy is drawn up to support transgender and gender questioning children and young people. It is applicable to all current and prospective pupils and will be reviewed regularly including in the light of the School’s experience of supporting transgender and gender questioning children. It aims to build on best practice already in place and ensure the School meets its legal obligations under the Equality Act 2010. Additionally, it aims to support the School in meeting its obligations under the Gender Recognition Act 2004.

It is unlawful to treat pupils less favourably because of their gender reassignment. This covers all aspects of school life including admissions and exclusions, provision of education and access to any benefit, facility or service provided by the school.

3. What do we mean by transgender and gender questioning children and young people?

Sex and gender have distinct meanings. A person's sex is their biological and physiological characteristics, whereas a person's gender refers to the socially constructed roles, behaviours, activities and attributes that society considers appropriate for men and for women. A pupil is considered transgender or 'trans' if their gender identity or expression differs in some way from the sex assigned to them at birth. Please see the *Glossary of terms* at Appendix 1.

Pupils will not have to be undertaking a medical procedure to change their sex in order to be protected but must be taking some steps to live in the opposite gender or proposing to do so. For example, a pupil may wish to start wearing clothes that are associated with their gender identity or change their name or pronoun (he/she/they/zie).

Wherever possible, individuals should be given opportunities to say how they identify or describe themselves rather than labels being ascribed to them.

Children and young people may question their gender identity for a range of reasons, and this does not mean they are transgender or will go on into transition. It is important to validate the young person's identity as it is now and support any changes that may arise as they come to explore their identity further.

Gender identity concerns one's internal sense of self (male, female, neither or both) and how one chooses to express oneself. This is completely different from sexual orientation which concerns who one is sexually attracted to.

The School aims to:

- Support the exploration of the challenges posed by the specific needs of transgender children and find solutions in the best interest of the pupil and the wider school community
- Avoid seeing the transgender child or young person as a problem but instead see them as an opportunity to enrich the school community and to challenge gender stereotypes and norms on a wider scale
- Provide support and listen to the child or young person and their parents and, wherever possible, follow their lead and preferences. Good and ongoing communication is essential with all those concerned including parents and pupils.
- Support the health and wellbeing of transgender pupils, supporting them through transition and enabling them to achieve their potential in their study and work
- Provide an individual action plan following discussion and agreement with the parents of the pupil who announces an intention to transition and the pupil themselves
- Ensure that the School's [Anti-bullying policy](#), [Equal opportunities policy \(pupils\)](#), and [Safeguarding and child protection policy](#) are implemented and monitored effectively so that any potentially discriminatory practices in school are tackled and that the School challenges and records any bullying and prejudice-based incidents

- Create an inclusive environment, demonstrating respect to the transgender pupil, as well as their family members and friends, in terms of:
 - their gender identity
 - their right to work and study with dignity
 - their name and personal identity
 - their privacy and confidentiality.

4. Legislation

4.1. Data Protection Act 2018

The School will comply with its statutory obligation under data protection legislation in force from time to time.

4.2. The Gender Recognition Act 2004

The Gender Recognition Act 2004 contains provisions for the process by which a person can obtain a Gender Recognition Certificate, to amend their original birth certificate to reflect their acquired gender. This can only occur after a person reaches 18 years of age but is something that younger people may aspire to.

4.3. Equality Act 2010

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).

Part 6 of the Equality Act 2010 specifically refers to schools and young people and provides that it is unlawful for the 'responsible body' of a school to discriminate against, harass or victimise a pupil or prospective pupil:

- in relation to admissions
- in the way it provides education for pupils
- in the way it provides pupils access to any benefit, facility or service
- by excluding a pupil or subjecting them to any other detriment.

This means that it is unlawful for the School to treat pupils less favourably because of their gender identity or reassignment. The School will therefore have to factor in gender reassignment when considering its obligations as part of its wider equality duty.

The Equality Act 2010 (Part 2: Chapter 1: Section 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. To be protected under the Act, a pupil 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.

The School will also consider the following guidance and best practice resources:

[The Equality Act 2010 and schools](#), Department for Education (May 2014)
[Keeping Children Safe in Education 2024](#) (KCSIE), Department for Education (September 2024)
[Gender Reassignment Discrimination](#), Equality and Human Rights Commission

5. Confidentiality

The School will respect the confidentiality of all transgender pupils and will not reveal sensitive personal information without prior agreement of the individual except to protect their vital interests.

If a child or young person notifies the School about their intention to transition during their education, the School will agree with them (if it is in accordance with their wishes) the date from which their details will be changed on records, as far as is possible. A transgender pupil's file should reflect their current name and gender. Any material related to that pupil's transgender status will be stored confidentially and no records will be changed without the pupil's permission. There may be situations in which a pupil identifies as transgender but does not wish this information to be disclosed more widely. If a pupil has sufficient age and understanding to provide instructions about their status then, until they have given consent for information to be shared, their legal name and gender assigned at birth should be used. However, the School's legal obligation to disclose a pupil's status in accordance with its safeguarding duties will prevail over the pupil's own request.

On receipt of a Gender Recognition Certificate, the pupil has the right to request all references to their former name and gender to be removed and replaced with their current name and gender. The School will update all records promptly.

6. Safeguarding and child protection

The School is clear that being transgender does not in itself constitute a safeguarding risk. However, [KCSIE \(2024\)](#) recognises that gender-based violence is a specific safeguarding issue and this can include violence towards transgender people.

Pupils should know that they can talk to members of staff about their gender identity in confidence through appropriate pastoral staff within the School, and the guidance counselling services that are available to all pupils.

Staff should treat pupil transgender issues with sensitivity. If a member of staff considers that a pupil is in immediate danger or at risk of harm, referral should be made to children's social care and/or the police immediately. Please see the School's [Safeguarding and child protection policy](#) for further details on the formal process for referral where this is appropriate.

7. Admissions and school attendance

The School accepts applications for, and admits pupils irrespective of their gender reassignment, race, disability, sexual orientation, pregnancy or maternity, religion or belief or special educational needs and will not discriminate on these grounds in the terms on which a place is offered. The School will treat every application in a fair, open-minded way.

Every application will be considered on its merits within the School's criteria for selection on grounds of the pupil's ability and aptitude as set out in the School's [Admissions policy](#). However, this is subject to the School being able to continue to meet its charitable objects. The School's [Admissions policy](#) reflects the School's approach towards equal opportunities and is consistent with this policy.

The School will consider requests for absence requests for any treatment or other external appointments in line with their [Attendance policy](#). It is possible that the young person may be accessing support from outside of school so provision must be made for the pupil to be absent from School, but confidentiality must be maintained always when complying with absence procedures. Sensitive care will be taken when recording the reason for absence. The pupil may need time off for a medical appointment and it should be recorded as a T code rather than being off sick.

While the School will comply with its legal obligations and will take all reasonable steps to accommodate transgender pupils, it reserves the right to review a pupil's ability to continue to attend the School in view of the welfare and needs of the pupil and the school community as these develop over time.

8. Guidance, support and training for staff

Guidance, support and training will be provided to staff to ensure that the School's obligations to transgender pupils are met.

Individual staff (academic and support) will be encouraged to attend appropriate training session to be able to support the needs of the transgender pupil and the wider school community.

Members of staff may be required attend any relevant, multi-agency meetings about the transgender pupil.

9. Notes on guidance for accommodating the needs of transgender pupils

As with common practice for all of the School's pupils, the School will aim to provide a safe and nurturing environment for transgender pupils in which they can:

- Feel comfortable with being themselves and valued for who they are
- Feel included within the whole school community
- Have access to resources and information relevant to them
- Know how to access relevant support services both inside and outside School.

Outlined below are some more practical points to ensure that the School has thought about the possible transgender related issues facing a transgender pupil and ensuring that their needs are being met.

10. Curriculum

The School will ensure the curriculum provides opportunities to challenge stereotypes, including those based on gender, and avoids making assumptions about sex, gender, gender identity and sexual orientation. The School will closely monitor all areas of the curriculum and resources to ensure that they do not contain gender stereotypes or transphobic material. The School will aim to foster a positive sense of gender identity and develop an understanding of transgender issues and prevent transphobia. LGBTQ+ issues are addressed in personal, social, health education (PSHE) and relationships and sex education (RSE) lessons.

11. E-safety

It is likely that young people questioning their gender identity will 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 relevant safe websites with accurate information. Transgender pupils, in line with the [Online safety policy](#) of the School, are encouraged to report to a member of staff any concerns they have arising from the use of the internet. IT systems should be checked regularly to ensure age-appropriate websites on trans issues are not blocked.

12. Language

Members of the school community should strive to use the preferred pronoun for a transgender child, young person or adult. In addition, staff should think carefully about the language they use and when possible, attempt to use gender neutral language which does not reinforce a binary approach to gender (i.e., there are just males and females).

13. Registration of name and sex

The School must know and record the name and sex of each pupil in its admissions register. Schools must store and process a pupil's data according to the law. By law, schools and colleges must safeguard and promote the welfare of children for whom they provide education. It is often necessary to know a child's sex in protecting them or others from harm. The School will make sure that all relevant staff are aware of a gender questioning child's biological sex. Having the correct information about a child is important in the context of schools and colleges fulfilling their safeguarding duties.

For all schools, the information to be contained in a school admissions register is statutory and is set out in section 434 of the Education Act 1996 and subsequent regulations. The Education (Pupil Registration) (England) Regulations 2006 set out that the School is required to register each pupil's sex (along with their name,

date of birth and other details). Schools and colleges must record a child's sex accurately wherever it is recorded.

All those who process others' personal data have to follow strict rules set by the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA). One of the principles of data protection is accuracy. It is not accurate to record a male child as female or a female child as male, or to record a male child as a girl or a female child as a boy.

14. Changing names

The School must record a child's legal name in its admissions register. The School allows pupils to change their informal ('known as') name if they believe it is in the best interests of the child to do so. Having fully consulted with the child's parents, schools and colleges can allow a child to change the name by which they are known. It is common for people to be known by names other than those on their birth certificate. However, due consideration still needs to be given by the School to all the relevant factors described above before making a decision. Where the informal name change is agreed, the new name should be communicated to the school community.

15. Examination certification

Entry for examinations and examination certificates are more complex. The Joint Council for Qualifications requires that centres must enter candidates under names that can be verified against suitable identification such as a birth certificate, passport or driving licence. 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 examination year. UPNs and ULNs are only linked with legal names (the name in which a pupil or pupil arrives in education for the first time. This is often the name on their birth certificate), not preferred names.

To use a chosen or preferred name on an examination document, a pupil will need to have changed their name by deed poll. 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. To change a name on other official documents such as a passport for those over 16 it might be necessary for evidence of change of name to be produced. There are two main ways in which this can be done, by deed poll or by statutory declaration.

More information on changing names on birth certificates can be found at <https://www.gov.uk/change-name-deed-poll/change-a-childs-name>

The School will ensure a strategy is agreed with the pupil and their parents, and then agreed with the various awarding organisations prior to starting the process to accredited courses. Awarding organisations may be very experienced in gender identity issues, so they may be able to guide the School through the process. It is possible for most documents to be changed to reflect the chosen name or gender identity of the young person, even if a Gender Recognition Certificate has not been

issued. Changing details on a birth certificate is not, however, possible until a Gender Recognition Certificate has been issued.

16. Sports and physical education

Sports and physical education are an integral part of the School's curriculum incorporating the physical and mental well-being of pupils. A young transgender person has the same right to physical education as other young people.

The issue of physical risk within certain sports should also be managed properly within the lesson context rather than preventing young transgender people from participating (which would be discriminatory).

Pupils binding their chests is a particular concern. They should be monitored carefully during particularly physical activities and in hot weather. There is a chance that the binding could cause discomfort or even impair breathing.

When competing at another school or outside venue, school staff must try to ensure there is appropriate sensitive provision available. The School may also refer to the relevant governing sporting body for further advice and guidance.

17. Swimming lessons and activities

The pupil should be given the choice as to whether they wish to partake in swimming lessons or not. If the transgender pupil wishes to partake in swimming lessons or events, then a risk assessment of the changing facilities and appropriate swimwear should be completed. There must be careful consideration, in consultation with the pupil and in line with the health and safety policy of the leisure centre or swimming pools health and safety procedures. For example, it may be against health and safety regulations to wear a t-shirt in the swimming pool and therefore would be more appropriate for a female to male pupil to wear a swimsuit or similar.

18. Use of toilets and changing facilities

There is the potential that transgender pupils may find themselves in vulnerable situations such as a toilet or changing room where they could fall victim to unwanted attention, that could (if escalated), lead to sexual bullying, assault or other physical or emotional harm, but equally, that they are seen and treated as a member of their acquired gender. Transgender pupils may prefer to use the School's gender-neutral facilities which are labelled appropriately.

19. Safe space

Many young transgender people express the need for a safe space where they feel they can be themselves. The School will seek to offer a safe and supportive environment. The Designated Safeguarding Lead (DSL) will speak to the transgender pupil to ascertain if there is a member of staff the pupil feels particularly comfortable with. This may or may not be the Designated Safeguarding Lead. This designated member of staff will meet regularly with the transgender

pupil and the transgender pupil's family to create an action plan for the pupil which is reviewed on a termly basis or as required.

20. School uniform

Transgender pupils are expected to wear the School's uniform including trousers.

If any transgender pupil has particular difficulty meeting the School's uniform requirements, they should raise this with a member of staff, and the School will consider valid and reasonable concerns on a case-by-case basis.

21. School visits

Learning about different cultures and lives and taking part in activities may lead to overnight stays, both at home and abroad. Issues may arise for transgender pupils, but this must not mean transgender pupils cannot be included on the visit. Consideration should be given in advance of any additional needs to ensure the transgender pupil is fully included. The sleeping arrangements will be considered before a visit is undertaken. It is possible that the transgender pupil would prefer to have a separate room etc. Each individual case and visit needs to be considered separately and discussions will happen well in advance, with all appropriate bodies, linked to the accommodation available. Where a transgender pupil is travelling abroad as part of a visit, the School will consult with the relevant authorities to obtain guidance around any cultural and/or social issues which may require further consideration.

22. Vaccinations

Transgender pupils should be able to opt out of gender specific vaccinations unobtrusively if they do not feel they are appropriate.

23. Vulnerability

Being transgender is not a mental health issue but distressing feelings relating to gender identity mean that some transgender pupils may experience mental distress. Statistically there is a higher incidence of bullying, self-harm and suicide attempts in transgender pupils. The School should be alert to this vulnerability and offer appropriate support through the pastoral team, counselling or information about therapy.

Appendix 1 - Glossary of terms

Binding - a female to male adolescent that is developing breasts may strap down their chest so that it is less obvious. This can be hot, uncomfortable and restrictive but 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.

Female to male - a person that was identified as female at birth but came to feel that their acquired gender is 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 both.

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 acquired gender of the individual thereby providing full legal recognition.

Gender role - the social role/interaction with others, which gives expression to the inner gender identity and reinforces it.

Male to female - a person that was identified as Male at birth but came to feel that their acquired gender is female.

Packing - a female to male person may wear a prosthetic item in their underwear that will give a 'bulge' in their trousers to appear more male.

Sex - assigned to a person according to 'the different biological and physiological characteristics of males and females such as reproductive organs, chromosomes, hormones, etc.' (The World Health Organisation)

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

Transsexual - a transgender person who lives fulltime in their acquired gender.

Acquired gender - the gender that a person truly feels they are inside.

Appendix 2 - further sources of information and guidance

- Humankind <https://humankindcharity.org.uk/>
- Schools' Inclusion Alliance <https://www.schoolsinclusionalliance.co.uk/>
- Gender Identity Research & Education Society
<https://www.gires.org.uk/information-for-educators/>
- Outright International <https://outrightinternational.org/>
- Educational Action Challenging Homophobia (EACH)
<https://each.education/>
- The Genderbread Person <https://www.genderbread.org/>
- Trans Student Educational Resources (TSER)
<https://transstudent.org/about/>
- Pop 'n' Olly <https://www.popnolly.com/>