

# Guidance for Schools, EOTAS Centres and Youth Service on Supporting Transgender Young People

Equality Service  
EANI



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## 1 About this Guidance

### What is the status of this guidance?

- 1.1 This Guidance is non-statutory – it does not constitute legal advice or impose any new legal obligations or requirements. While schools, EOTAS centres and Youth Service are not required to follow the Guidance, it does represent emerging good practice regarding the support of transgender<sup>1</sup> young people and should be considered carefully.

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<sup>1</sup> In this document the term ‘transgender’ refers to any young person whose gender identity or expression differs from the expectations placed upon them, regardless of how they identify (e.g. whether they identify as transgender, trans, non-binary, gender queer, gender fluid, non-gendered or gender questioning).



### Who is this Guidance for?

- 1.2 The Guidance applies to pre-schools, primary schools, post-primary and special schools, as well as other educational settings<sup>2</sup> under the control of the Education Authority, including EA Youth Service and EOTAS<sup>3</sup> centres. While the guidance applies to young people in all of these settings, it should be noted that a different approach is recommended for younger (pre-pubescent) children<sup>4</sup> compared to adolescents<sup>5</sup>.
- 1.3 The guidance is for governing bodies, school leaders, teachers (in particular pastoral care and safeguarding teams); support staff; EA Youth Service staff and staff working in EOTAS settings. While non-EA staff may find the guidance helpful, they should contact their own employing authority for further advice on specific issues.

### The role of schools and other educational settings

- 1.4 As part of their pastoral care responsibilities, Boards of Governors and principals have a common law duty of care towards their pupils, as well as a statutory responsibility for discipline and good behaviour in their school.
- 1.5 In taking account of the guidance, Boards of Governors should note their specific statutory responsibilities under education legislation to safeguard and promote the welfare of registered pupils<sup>7</sup> and to comply with human rights and equality legislation<sup>8</sup>. Department of Education guidance notes that 'all pupils have the right to learn in a

<sup>2</sup> Those employees whose work is in or takes them into a school setting or voluntary youth work setting, should also make themselves familiar with any policies pertinent to those settings

<sup>3</sup> Education Other Than at School (EOTAS) Centres. As this version is a generic document for all schools, EOTAS centres should read *schools* as EOTAS centres and *governors* as governance group. Other references should be considered in context as appropriate such as *principal* as manager or senior leader.

<sup>4</sup> Those who are in a pre-pubertal stage of development

<sup>5</sup> Those in whom puberty has commenced but are not yet legally adults

<sup>6</sup> This approach recognises that in most cases, gender dysphoria (i.e. the discomfort or distress caused by the mismatch between someone's birth assigned sex and their gender identity) will disappear before or in early puberty. See World Professional Association for Transgender Health – Standards of Care for the Health of Transsexual.

<sup>7</sup> Article 17 and 18 of the Education and Libraries Order (Northern Ireland) Order. Article 176 of the Children (Northern Ireland) Order 1995 includes a similar obligation in respect of voluntary grammars. Furthermore, the Schedule for Regulation 4 of The Education (School Development Plans) Regulations (Northern Ireland) 2010 requires schools to monitor and review (annually – Regulation 7) the progress made in the school's approach to promoting the health and well-being.

<sup>8</sup> Department of Education (2018): [Every school a good school – the governors' role. A Guide for Governors](#)



safe and secure environment, to be treated with respect and dignity, and not to be treated any less favourably due to their actual or perceived sexual orientation [or gender identity]<sup>9</sup>.

- 1.6 A school's approach to the inclusion of transgender pupils also forms part of its wider equality and inclusion policy, evaluated through ETI's inspection framework in relation to safeguarding and child protection<sup>10</sup>. Additionally, all EA staff have a duty to safeguard children and young people and promote their welfare. This means that they should consider, at all times, what is in the best interests of the child<sup>11</sup>.
- 1.7 There are many different views within and between people of different backgrounds on how to support a transgender young person. The guidance does not and cannot deal with all the considerations that schools and other educational settings need to consider. Therefore, the guidance does not recommend a 'one size fits all' approach but is designed to help staff in making justifiable decisions with regard to the support of transgender young people, including assessing any impact of those decisions on other pupils.
- 1.8 In order to make this document as helpful as possible, some illustrative scenarios are included throughout the document. These scenarios are examples of approaches taken in real life, but are not necessarily appropriate for every set of circumstances or context. Before taking any decisions, staff should take account of existing policy and guidance, particularly with regard to their pastoral care, safeguarding and General Data Protection Regulation (GDPR) obligations and seek further advice regarding specific issues if required.

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<sup>9</sup> Department of Education (2017): [Safeguarding and Child Protection in Schools - A Guide for Schools](#)

<sup>10</sup> See - ETI's Guidance for the Review and Evaluation of Safeguarding and Child Protection Section 7 of the Proforma – 'There is an ethos and culture of inclusion in the school for all pupils, irrespective of race, religion/belief, political views, gender, gender identity (e.g. transgender) and sexual orientation (LGBQ+)' \_ Note that there are different versions of this Proforma for different education and training sectors including Youth Service. For further information see [ETI's Safeguarding webpage](#).

<sup>11</sup> Article 3 of the United Nations Convention on the Rights of the Child



### Aim and guiding principles

- 1.9 This guidance aims to support schools and other educational settings to develop and sustain effective pastoral care systems which can accommodate and develop the social, emotional, educational, physical and spiritual needs of all pupils within the school ethos. In supporting a transgender young person, what is reasonable and proportionate in each setting will depend on the circumstances of each case and the overall context, including the needs of the young person concerned, the ethos of the school (EOTAS or youth service setting) and its financial resources.
- 1.10 The guidance has been developed in line with the Education Authority's statutory equality obligations under Section 75 of the Northern Ireland Act 1998<sup>12</sup>. It adopts a child's rights based approach, in line with the international human rights instruments including the United Nations Convention on the Rights of the Child (UNCRC)<sup>1314</sup> and is underpinned by three guiding principles:
1. **Best interests of the child** - All decisions should be made in the best interests of the child<sup>15</sup>, taking into account the rights and duties of their parents<sup>16</sup>, legal guardians, or other individuals legally responsible for them<sup>17</sup>. The views of the young person<sup>18</sup> should be given due weight in accordance with their age and maturity<sup>19</sup>.
  2. **Equality and Inclusion** - All decisions should be aimed at promoting an inclusive learning environment where every learner

<sup>12</sup> Appendix 1 of the Equality Commission's [Guidance on the use of model equality scheme](#) sets out that transgender people are included in the category 'men and women' for the purposes of Section 75 (see Appendix 2)

<sup>13</sup> Including the 2013 Concluding Observations of the UN Committee on the Elimination of Discrimination against Women (CEDAW) (Recommendation 45) and Recommendations 21, 26 and 29 the UN Committee on the Rights of the Child (UNCRC)

<sup>14</sup> The guidance also takes account of the [Yogyakarta Principles](#), in particular Principle 16 on the Right to Education and additional obligations relating to Principle 16 of [Yogyakarta plus 10](#).

<sup>15</sup> Article 3 of the United Nations Convention on the Rights of the Child

<sup>16</sup> Throughout this guidance, 'parents' should be taken to include all those with parental responsibility, including guardians and carers. Also see Department of Education Circular 1999/17 – Parental Responsibility – Guidance for schools

<sup>17</sup> Also note that under Article 3 1(a) of the Children (Northern Ireland) Order 1995 in any proceedings where a court determines any question with respect to the upbringing of a child, the child's welfare shall be the court's paramount consideration

<sup>18</sup> A young person who is capable of forming their own views.

<sup>19</sup> Article 12 of the United Nations Convention on the Rights of the Child



matters equally and where young people are free to develop themselves, knowing that differences are respected.

3. **Individualised support** - Support for the transgender young person should take account of their age, developmental stage and level of understanding. Reasonable and proportionate steps should be taken to ensure that a transgender young person is treated fairly and their individual needs are met.

- 1.11 Furthermore, given that, as children age their capability to make decisions increases, the evolving capacities of the child<sup>20</sup> should be a key consideration in making and reviewing decisions regarding support for transgender young people.

#### Review of the guidance

- 1.12 The guidance will be reviewed periodically to take account of any changes in law, new research and emerging good practice.

#### Acknowledgements

- 1.13 The Education Authority would like to thank all those who gave their time and expertise to assist the Authority in the development of the guidance, in particular the Transgender Guidance Steering Group and those schools and parents who took part in the project.

## 2 Transgender young people

### **What does it mean to be transgender?**

- 2.1 Each of us is assigned a sex at birth (male or female), based on our physical characteristics. Most people's gender identity (the gender with which they associate themselves) and gender expression (how they outwardly show their gender) will not differ from that typically associated with their assigned sex. Transgender people, however, have a gender identity which differs from that of their (assigned) birth sex<sup>21</sup>.

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<sup>20</sup> The concept of evolving capacity is central to the Convention on the Rights of the Child, which recognises children as "active agents in their own lives, entitled to be listened to, respected and granted autonomy in the exercise of rights, while also being entitled to protection in accordance with their relative immaturity and youth".

<sup>21</sup> Women and Inequalities Committee (2016): [Transgender Equality – First Report of Session 2015-16](#)



- 2.2 Intersex people are born with a reproductive or sexual anatomy that doesn't fit the typical definitions of female or male<sup>22</sup>. Intersex people are assigned a legal gender of either male or female at birth. However this may not be consistent with their gender identity as they grow up and may result in a desire to change gender roles at a later stage in life<sup>23</sup>.
- 2.3 Transgender young people refer to their diverse identities and experiences in a range of ways. Some transgender young people may refer to themselves as 'non-binary', (not exclusively male or female or somewhere in-between), while others report they feel both male and female.

### **Why are some people transgender?**

- 2.4 In 2010, the World Professional Association for Transgender Health (WPATH) released a statement noting that "the expression of gender characteristics, including identities that are not stereotypically associated with one's assigned sex at birth is a common and culturally diverse human phenomenon [that] should not be judged as inherently pathological or negative"<sup>24</sup>.
- 2.5 Research has highlighted that the concept of being 'transgender' is not new; there have been transgender people in Indigenous, Western, and Eastern cultures and societies from ancient times to the present day.
- 2.6 We do not know exactly why people are transgender. There are likely to be a range of influences that shape a person's gender identity, including biological, social and psychological factors<sup>25</sup>. We also know that how people express or experience their gender is linked to the culture and society they live in.
- 2.7 In addition to issues around gender identity, some transgender young people have other developmental issues (e.g. autism) or have experienced significant difficulties at some point in their early lives

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<sup>22</sup> See: [Equality Human Rights website Gender Reassignment Discrimination Section](#)

<sup>23</sup> Gender Identity Research and Education Society: [Terminology](#) (accessed 4<sup>th</sup> June 2019)

<sup>24</sup> World Professional Association for Transgender Health (2010); Standards of Care for the Health of Transsexual, Transgender and Gender Non-conforming people

<sup>25</sup> Zucker et al (2013): Memo outlining evidence for change for gender identity disorder in the DSM-5. Archives of Sexual Behavior 2013 42 901–914





(e.g. trauma). However, many transgender young people have not had any of these experiences.

### **Gender identity and sexual orientation**

- 2.8 Some people think sexual orientation and gender identity are the same, but the two are different. Sexual orientation describes a person's sexual or romantic attraction (to those of the same gender, the other gender, or more than one gender), while gender identity refers to someone's own personal sense of being male, female, both or neither. It also encompasses how individuals perceive themselves and what they call themselves.
- 2.9 As with any group, transgender young people may identify with different sexualities such as being gay, straight or bi-sexual.
- 2.10 Based on clinical experience, many transgender young people have spent a period of time identifying as lesbian, gay or bisexual before identifying as transgender, but for other adolescents *'it can be frustrating or invalidating that people often confuse their sexuality and their gender, or assume that they are the same thing'*<sup>26</sup>.

### **How many transgender young people are there?**

- 2.11 There are no reliable statistics on the number of transgender people in Northern Ireland and attempts to provide robust estimations are fraught with difficulty. Research on gender identity and its variance suggest that between 0.17% –1.3% of adolescents and young adults identify as transgender<sup>27</sup>.
- 2.12 While in the UK the number of adolescents referred to the Great Britain (GB) Gender Identity Development Service<sup>2829</sup> has increased in recent years, Northern Ireland (NI) referrals have remained fairly consistent (around 70 a year) since the NI service opened in 2014<sup>30</sup>.

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<sup>26</sup> Gender Identity Development Service (GIS): [Gender Identity and Sexuality](#) (accessed 11<sup>th</sup> February 2019)

<sup>27</sup> Connolly MD, Zervos MJ, Barone CJ, Johnson CC, Joseph CL (2016): [The mental health of transgender youth: advances in understanding](#). *J Adolesc Health*. 2016;59(5):489–495.

<sup>28</sup> It should be noted that not all transgender young people will access specialist services

<sup>29</sup> Tavistock and Portman

<sup>30</sup> Figures provided by Knowing Our Identity Service



### **What is gender dysphoria?**

- 2.13 Gender dysphoria is the discomfort or distress that is caused by a discrepancy between a person's gender identity and their sex assigned at birth. Only *some* gender variant or transgender people experience gender dysphoria<sup>31</sup>.
- 2.14 For the majority of gender variant children gender dysphoria does not persist into adulthood and is strongly associated with a lesbian, gay, or bisexual outcome<sup>32</sup>. However, if the distress reaches clinical levels, a young person may be diagnosed with gender dysphoria (the clinical condition)<sup>33</sup>. For gender variant children, the support of not only the family, but in general, all the people who surround the child or adolescent, is crucial<sup>34</sup>.

### **Can I tell if a gender variant child will go on to identify as transgender?**

- 2.15 The first signs of gender variance can appear at a very young age. Some children display gender variant behaviour as young as three, while others disclose a transgender identity later in adolescence or adulthood<sup>35</sup>.
- 2.16 For the majority of children, gender variance resolves itself by early adolescence. However, for others, distress develops or intensifies with the onset of puberty and can increase the risk of self-harming behaviours and suicide<sup>36,37</sup>.
- 2.17 While there have been efforts to identify factors to differentiate young children who will persist in their transgender identity during adolescence and adulthood, it is currently difficult to determine,

<sup>31</sup> Davy Z and Toze M (2018): [What Is Gender Dysphoria? A Critical Systematic Narrative Review](#)

<sup>32</sup> Ristori et al (2016): *Gender Dysphoria in Childhood*, *International Review of Psychiatry*, 2016, Vol 8, No. 1, pages 13-20

<sup>33</sup> Martinerie et al (2018): [Approach to the management of children and adolescents](#), *European Journal of Endocrinology* (2018),179, R1219–R237

<sup>34</sup> Martinerie et al (2018): [Approach to the management of children and adolescents](#), *European Journal of Endocrinology* (2018),179, R1219–R237

<sup>35</sup> Martinerie et al (2018): [Approach to the management of children and adolescents](#), *European Journal of Endocrinology* (2018),179, R1219–R237

<sup>36</sup> Martinerie et al (2018): [Approach to the management of children and adolescents](#), *European Journal of Endocrinology* (2018),179, R1219–R237

<sup>37</sup> Toomey et al (2018): [Transgender Adolescent Suicide Behavior](#)



persistence or desistence with certainty<sup>38</sup>. Research has highlighted that adolescents with persisting gender dysphoria and those in whom the gender dysphoria remitted, considered the period between 10 and 13 years of age to be crucial<sup>39</sup>.

- 2.18 Recent research, has also highlighted that there are early factors that differentiate ‘persisters’ from ‘desisters’ (for example, the use of “I am a....” rather than “I wish I were a....”), as well as ‘consistent, persistent and insistent articulation of the asserted gender identity’<sup>40,41</sup>. It should, however, be noted that rates of ‘persistence’ and ‘desistance’ in children and even the concept itself is heavily debated.

### **Where professional support is needed, what are the options?**

- 2.19 Young people who wish to seek professional support in relation to gender identity issues can be referred to professional support services. At times, staff may need to help a young person access wider support, whether that comes through their school, their GP or Child and Adolescent Mental Health Service (CAMHS).
- 2.20 Those under 18 who are experiencing distress in relation to their gender identity are usually first referred to CAMHS where they will undergo an age-appropriate assessment for gender dysphoria and any coexisting mental health concerns. If appropriate, CAMHS can then make a referral to Northern Ireland’s specialist child and adolescent Gender Identity Clinic – the Knowing Our Identity Service (KOI).
- 2.21 Staff at this clinic carry out detailed assessments of a young person over a period of time, to help them determine what information and support they need. Support is based on a staged model of care, which includes, where appropriate, therapeutic intervention, before

<sup>38</sup> Martinerie et al (2018): [Approach to the management of children and adolescents, European Journal of Endocrinology](#) (2018),179, R1219–R237

<sup>39</sup> Steensma et al (2011): Desisting and persisting gender dysphoria after childhood: a qualitative follow-up study. *Clinical Child Psychology and Psychiatry* 2011 16 499–516.

<sup>40</sup> Ehrensaft (2018): [Prepubertal social transitions: What we know; what we can learn – a view from a gender affirmative lens](#)

<sup>41</sup> Martinerie et al (2018): [Approach to the management of children and adolescents, European Journal of Endocrinology](#) (2018),179, R1219–R23



physical intervention (including prescribing medication) is considered.

- 2.22 Under the age of 16, the only physical treatment that is recommended for children struggling with issues around gender identity is puberty blockers. The decision on whether to prescribe puberty blockers is made by a multi-disciplinary team, which may include specialists such as mental health professionals and paediatric endocrinologists (specialists in hormone conditions in children).

### **What is social transition?**

- 2.23 Social transition refers to the reversible process that transgender individuals take to present as the gender they most strongly identify with (e.g. wearing clothes, adopting a different name or using facilities which correspond to their gender identity). Some young people socially transition as a way of alleviating gender dysphoria or exploring life in another gender role.
- 2.24 In older adolescence, birth assigned females may *'bind their breasts to create a more 'masculinised' chest or take contraceptive medication to manage their periods'*. Birth assigned males sometimes *'tuck their genitals or pluck facial hair to 'feminise' the way they appear to others'*<sup>42</sup>.
- 2.25 Research suggests that symptoms of anxiety and depression improve in transgender young people who are supported in their gender identity<sup>43,44</sup>. While social transition for younger children<sup>45</sup>, remains controversial<sup>46</sup> (largely due to the lack of empirical evidence around the long-term impact), recent studies show that some younger children with a persistent, strong, gender variance may benefit from transitioning, where they have difficulty functioning in their familial, social and educational domains<sup>47</sup>.

<sup>42</sup> [Gender Identity Development Service](#) website (accessed 14<sup>th</sup> February 2019)

<sup>43</sup> Olson et al (2018): *Management of transgender and gender diverse children and adolescents*

<sup>44</sup> Olson et al (2016): [Mental Health of Transgender Children Who Are Supported in Their Identities](#)

<sup>45</sup> Pre-pubertal

<sup>46</sup> Connolly MD, Zervos MJ, Barone CJ, Johnson CC, Joseph CL. [The mental health of transgender youth: advances in understanding](#). J Adolescent Health. 2016;59(5):489–495. Also see:

Martinerie et al (2018): [Approach to the management of children and adolescents](#), *European Journal of Endocrinology* (2018),179, R1219–R237

<sup>47</sup> Olson et al (2018): *Management of transgender and gender diverse children and adolescents*



### Can I know a young person is making the 'right' decision?

- 2.26 It is not always possible to know whether a young person's decision to transition is the 'right' one or whether the young person will go on to identify as transgender into adulthood. As with many decisions in life, a young person who is struggling with their gender identity must consider all of the information available to them and make decisions based on what seems best at the time.
- 2.27 According to the Gender Identity Development Service, gender development is complex and *'some young people's gender identity can be fluid over time even when they feel very sure that their identity or orientation is fixed'*<sup>48</sup>.
- 2.28 Regardless of the long term outcome, it is important that the young person feels supported and that their best interests are promoted. Current research suggests that, rather than focusing on who a child will become, valuing them for who they are, fosters secure attachment and resilience<sup>49</sup>.

## 3 Experiences of young transgender people at school

- 3.1 Gender variant young people face particular challenges at school, which can sometimes lead to depression, isolation and a desire to leave education as early as possible<sup>50</sup>.
- 3.2 Being refused access to facilities or wearing a uniform that does not correspond to their gender identity can *'be a cause of stress, anxiety and discomfort for young transgender people who are highly sensitive and generally distressed by their gendered appearance'*<sup>51</sup>.

<sup>48</sup> Gender Identity Development Service – [Our approach – empowering young people](#) (accessed 7<sup>th</sup> March 2019)

<sup>49</sup> Olson KR, Durwood L, De Meules M, McLaughlin KA: *Mental health of transgender children who are supported in their identities*. Pediatrics. 2016;137(3):e20153223pmid:26921285

<sup>50</sup> Ruari-Santiago McBride (2013): [Grasping the nettle: the experiences of gender variant children and transgender youth living in Northern Ireland](#), OFMDFM (the Executive Office)

<sup>51</sup> Ruari-Santiago McBride (2013): [Grasping the nettle: the experiences of gender variant children and transgender youth living in Northern Ireland](#), OFMDFM (the Executive Office)



- 3.3 Research by the Department of Education has found that of those pupils who identify as transgender<sup>52</sup>, many experience issues and difficulties<sup>53</sup> around participation in sport and school activities, the wearing of school uniforms and the use of toilet facilities.
- 3.4 Young transgender people are also more likely to experience social isolation and bullying than their peers. Based on research by the Department of Education<sup>54</sup>, two thirds of lesbian, gay, bisexual and transgender (LGBT) young people report not feeling welcomed or valued in their post-primary school<sup>55</sup>, while almost half have experienced bullying as a result of their sexual orientation or gender identity<sup>56</sup>.
- 3.5 This poor experience at school has a knock-on effect on transgender young people's mental health, attendance and ability to learn. Almost three quarters of transgender pupils' report that experiences at school have a negative or very negative impact on their emotional wellbeing<sup>57</sup> and educational experiences including attainment (38.5%), attendance (41.5%) and career planning (35.9%)<sup>58</sup>.
- 3.6 Some research suggests that transgender young people present four to six times more often with depression and three to four times more often with self-harm and/or suicidal behaviour compared with other adolescents<sup>59</sup>.

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<sup>52</sup> (N = 65), as the base for these questions is 65, the reader is asked to treat results in this section with caution.

<sup>53</sup> Department of Education (2016): [Post-Primary School Experiences of 16-21 year old people who are Lesbian, Gay, Bisexual and/or Transgender \(LGB&T\)](#) page 20

<sup>54</sup> 65 respondents identified as transgender. The Department advises that percentages should be treated with caution due to small number of participants.

<sup>55</sup> Department of Education (Northern Ireland) (2017): [Research briefing – Post-Primary School experiences of 16-21 year old people who are lesbian, gay, bisexual and/or Transgender \(LGB&T\)](#), page 2

<sup>56</sup> Department of Education (Northern Ireland) (2017): [Research briefing – Post-Primary School experiences of 16-21 year old people who are lesbian, gay, bisexual and/or Transgender \(LGB&T\)](#), page 2

<sup>57</sup> Department of Education (Northern Ireland) (2017): [Research briefing – Post-Primary School experiences of 16-21 year old people who are lesbian, gay, bisexual and/or Transgender \(LGB&T\)](#), page 2

<sup>58</sup> Department of Education (Northern Ireland) (2017): [Research briefing – Post-Primary School experiences of 16-21 year old people who are lesbian, gay, bisexual and/or Transgender \(LGB&T\)](#), page 2

<sup>59</sup> Kaltiala-Heino R, Bergman H and Frisén (2018): [Gender Dysphoria in adolescence – current perspectives](#), Volume 2018:9 Pages 31—41



## 4 What does the law say?

- 4.1 In Northern Ireland, transgender people have protection against unlawful discrimination in the areas of employment, vocational training and the provision of goods, facilities and services (in certain limited areas), as well as in the disposal or management of premises<sup>60</sup>.
- 4.2 However, unlike Great Britain<sup>61</sup>, there is no legal protection from discrimination for transgender pupils in education. Guidance from the Equality Commission for Northern Ireland outlines that although schools in Northern Ireland have a responsibility not to discriminate against pupils on the protected grounds of sex, sexual orientation, race or disability *'the law does not apply to age, religious belief and political opinion and gender reassignment in schools'*<sup>62</sup>.
- 4.3 This means that aggrieved pupils do not have protection against discrimination on the grounds of gender reassignment, in the field of education in schools or by qualifications bodies, although school staff are protected under sex discrimination law<sup>63</sup>.
- 4.4 The Equality Commission for Northern Ireland has recommended changes to equality law in Northern Ireland to strengthen protection for transgender children in schools; (including admission policies; the provision of education and access to facilities and services; or school exclusion policies) and by qualifications bodies<sup>64</sup>.
- 4.5 The Commission also recommends that schools adopt a best practice approach to the treatment of particular groups of young people, more specifically that:

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<sup>60</sup> Equality Commission for Northern Ireland (2016): [Gender Law Reform – Summary Report](#), page 12

<sup>61</sup> In Great Britain, the Equality Act 2010 provides legal protection from discrimination of pupils proposing, undergoing or who have completed a process of gender reassignment. In order to be protected under the Act, a pupil will not necessarily have to be undertaking a medical procedure to change their sex but must be taking steps to live in the opposite gender, or proposing to do so.

<sup>62</sup> Commission Website: [Equality Law for Schools](#)

<sup>63</sup> For further information see ECNI website: [Gender, Sex including Trans](#) (accessed 14<sup>th</sup> February 2019)

<sup>64</sup> Equality Commission for Northern Ireland (2016): [Gender Law Reform – Summary Report](#), page 13





*‘Good practice extends beyond the mere letter of the law to include pupils who are disadvantaged because they are transgender, or because of their religious belief and political opinion’<sup>65</sup>.*

- 4.6 This lack of bespoke equality law protection does not, however, prevent a challenge to any decision by the school or Board of Governors in respect of a transgender pupil by way of judicial review on human rights grounds<sup>66</sup>.
- 4.7 Despite the apparent gap in equality law protection, schools should ensure that transgender young people, are not singled out for different and less favourable treatment from that given to other young people. Schools should also ensure that transgender young people do not suffer unfair or less favourable treatment because of a school’s policies or practices, where possible. In particular, schools should take care when employing blanket policies and consider whether an exception can be made to reduce any disadvantage that the transgender young person may face.
- 4.8 Schools also have many other duties which cover transgender young people, including their duties under education legislation to promote and safeguard the well-being of all pupils in their care. Department of Education guidance, [\*Safeguarding and Child Protection in Schools – a guide for schools\*](#), reminds schools that *‘all pupils have the right to learn in a safe and secure environment, to be treated with respect and dignity, and not to be treated any less favourably due to their actual or perceived sexual orientation [or gender identity]’<sup>67</sup>.*
- 4.9 In addition, those who work with children, young people or families, in whatever capacity, have a particular responsibility to promote their welfare and ensure they are safe.

## 5 Gender identity and the curriculum

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<sup>65</sup> ECNI Website: [Good Practice: A transgender pupil](#)

<sup>66</sup> This is most likely to be in respect of a breach of Article 8 of the European Convention on Human Rights (right to family and private life, interpreted more broadly) and or Article 14 (right to freedom from discrimination, in conjunction with Article 8).

<sup>67</sup> Department of Education (2017): [Safeguarding and Child Protection in Schools - A Guide for Schools](#)





- 5.1 Relationships and Sexuality Education (RSE) provides an excellent opportunity to address the issue of transgender identity. As part of the Northern Ireland Curriculum, schools are expected to provide RSE under the Personal Development and Mutual Understanding (PDMU) area of learning at primary level and the Learning for Life and Work (LLW) area of learning at post-primary level<sup>686970</sup>. The flexibility offered by the NI curriculum also allows schools to teach RSE through other Areas of Learning.
- 5.2 The statutory curriculum for PDMU at primary level, and the Personal Development strand of Learning for Life and Work at post primary level, includes prescribed minimum content. This is a minimum entitlement that all children must **legally** receive.
- 5.3 Greater flexibility and less prescription are key features of the curriculum, which is designed to be adaptable and dynamic. This presents a number of advantages in regard to the delivery of RSE to children and young people. Schools and teachers are able to update and align curricular learning to reflect evolving societal requirements. They can also choose to deliver sensitive and important aspects of the curriculum at a time when they are the subject of national debate and when young people can make explicit connections between what they are learning in school and what is happening in the real world.
- 5.4 The flexibility of the curriculum aims to encourage more innovative and customised approaches to ensuring young people are both safe and well-informed about all of the issues they face in modern society.
- 5.5 In line with CCEA guidance, schools can increase knowledge and understanding of transgender identity in an age-appropriate way that is in keeping with the school's ethos and RSE policy. To support schools to plan and develop approaches to teaching controversial or sensitive issues at whole-school and classroom level, CCEA has

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<sup>68</sup> Department of Education (2015): [Circular 2015/22 - Relationship and Sexuality Education \(RSE\) Guidance](#)

<sup>69</sup> Also see guidance from ETI on [Relationships and Sexuality Education in Primary and Special Schools – report of an evaluation by the Education and Training Inspectorate](#)

<sup>70</sup> In addition, the Department also requires all publicly funded schools to develop their own written policy on how they will deliver RSE.



developed specific guidance around Teaching Controversial Issues at Key Stage 3.

5.6 Updated guidance, for both primary and post-primary schools, can be found on the CCEA website at the links below:

- [Guidance for primary schools](#)
- [Guidance for post-primary schools](#)
- [Circular 2015/22 - Relationship and Sexuality Education Guidance](#)

5.7 CCEA has also developed a range of additional LGBTQ+ resources, including [specific resources](#) on gender identity, LGBTQ+ History and Pride, Transgender in the media and Gender in different cultures, as part of its [new RSE hub](#).

## 6 Developing a whole school approach

6.1 Boards of Governors have a key role to play in ensuring that an inclusive ethos is embedded in the work of the school and is supported and endorsed by the whole leadership team. Department of Education guidance states that education for all children and young people should be provided in an inclusive environment that is nurtured within the whole community. This environment should be '*positively welcoming to all, whatever their identity*'<sup>71</sup>.

6.2 Differing expectations of boys and girls, based on stereotypical male or female behaviour, has the potential to be problematic if young people believe that their opportunities, interests and behaviours are rigidly defined by gender, or limited because of preconceived notions or expectations. By tackling gender stereotypes, schools can create an environment where all young people are free to make the choices that are right for them. Advice from CCEA<sup>72</sup> notes that teachers need to understand gender stereotypes and have the confidence to:

- use a range of resources to support a gender-aware approach to teaching and learning;

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<sup>71</sup> Department of Education (2018): [Every school a good school – the governors' role. A Guide for Governors](#)

<sup>72</sup> CCEA website: [LGBTQ+ Matters](#) (accessed 1<sup>st</sup> August 2019)



- use appropriate terminology and language;
- tackle gender stereotypes;
- challenge homophobic, transphobic or any other type of bullying; and
- use appropriate strategies to support transgender or gender-questioning children.

6.3 In keeping with the ethos of the school, staff may also consider a range of additional steps to help create an environment where transgender people, alongside people of all different identities, are valued, including measures to:

- Create an environment where young people feel confident in sharing issues of concern with a trusted adult by identifying a designated staff member to act as the first point of contact for those questioning their gender identity. (In schools this “go-to” person will usually be the pastoral care lead, while in Youth Service it will be the ‘worker in charge’, with support from the Senior Youth Officer);
- Reference transgender issues in wider school policies (e.g. by referring to transphobic bullying in the school’s bullying policy or developing a gender neutral uniform policy);
- Increase the visibility of transgender young people by supporting pupils in setting up a Gender and Sexual Orientation Alliance<sup>73</sup> or introducing transgender role models;
- Help young people to access advice from support organisations including by ensuring notice boards include telephone numbers and places to go for advice and help for young transgender people;
- Better understand the experiences of transgender pupils (e.g. through a confidential survey) and use books and resources to challenge gender stereotypes;
- Set clear expectations about acceptable behaviour and language and challenge transphobic bullying in line with school policy.

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<sup>73</sup> These groups provide safe spaces for lesbian, gay, bisexual and transgender (LGBT) young people. They can also help identity opportunities for LGBT young people and allies to assist in creating inclusive learning environments.



- 6.4 Information on transgender issues, is available from a range of resources<sup>74</sup> including CCEA's, [RSE hub](#). The LGBT Support Group Carafriend has also developed a [specific resource](#) for youth services.

## 7 Supporting younger children<sup>75</sup>

- 7.1 Most children who express themselves in ways that challenge others' expectations or stereotypes, (e.g. a boy who prefers dolls and dress-up play or a girl who refuses to wear skirts), have a gender identity that is consistent with their birth-assigned sex. However, some children exhibit persistent, consistent, and insistent gender variant behaviours<sup>76</sup>. These children may also experience gender dysphoria (discomfort or distress that is caused by a difference between their gender identity and their sex assigned at birth)<sup>77</sup>.
- 7.2 While better evidence is needed on the long term trajectories for pre-pubertal children, there is evidence to suggest that, in the majority of cases, the gender dysphoria will resolve and the child will identify with their birth-assigned sex by early adolescence<sup>78,79</sup>. However, for a small minority of children, these feelings will intensify and body aversion will develop or increase as they become adolescents and their secondary sex characteristics develop<sup>80</sup>.
- 7.3 Recognising that for most young people gender dysphoria will disappear before, or early in, puberty<sup>81</sup>, clinicians, 'encourage exploration of gender roles in younger children, with a view to keeping options open and not having any pre-conceived ideas as to

<sup>74</sup> NSPCC Learning – Making Sense of Relationships Key Stage 3 Lesson Plan 2: Gender Stereotypes; RSE Stage 2 Class Clips: [The Big Talk](#)

<sup>75</sup> those who are in a pre-pubertal stage of development

<sup>76</sup> Martinerie et al (2018): [Approach to the management of children and adolescents, European Journal of Endocrinology](#) (2018),179, R1219–R237

<sup>77</sup> World Professional Association for Transgender Health – [Standards of Care for the Health of Transsexual, Transgender, and Gender Non-conforming People](#)

<sup>78</sup> World Professional Association for Transgender Health – [Standards of Care for the Health of Transsexual, Transgender, and Gender Non-conforming People](#)

<sup>79</sup> Martinerie et al (2018): [Approach to the management of children and adolescents, European Journal of Endocrinology](#) (2018),179, R1219–R237

<sup>80</sup> Kaltiala-Heino R, Bergman H and Frisén (2018): Gender Dysphoria in adolescence – current perspectives

<sup>81</sup> World Professional Association for Transgender Health – [Standards of Care for the Health of Transsexual, Transgender, and Gender Non-conforming People](#)



the longer term outcome'<sup>82</sup>. Staff are therefore advised to support a child's exploration of their gender identity<sup>83</sup>, (e.g. wearing clothing that is stereotypically associated with the gender they identify with), without judgement or expectation, and to keep an open mind about how the child's interests and identity might develop over time<sup>84</sup>.

- 7.4 In cases where a child has a strong '*persistent, consistent and insistent*' cross gender identity and difficulty functioning without being able to express that identity, staff are advised to work with parents, support groups and relevant health professionals to determine what psychological support and practical assistance the child needs.
- 7.5 All decisions should be made in the best interests of the child, taking account of any risks and the need to protect the child from the negative reaction of others<sup>85</sup>. Where an educational setting is asked to make more significant changes (e.g. changing a child's name or pronoun) or has any questions or concerns, they should contact the EA Equality and Human Rights team or the Operations and School Governance team (relevant contact details are included in the '*Further support*' section of the Guidance).

## 8 Young people with increased vulnerabilities

### What if the young person also has mental health issues?

- 8.1 Being transgender is not, in of itself, a mental health issue. However young transgender people often experience higher levels of anxiety, depression and suicidality than other young people<sup>86,87</sup>.
- 8.2 Staff should consider making a mental health referral to CAMHS for any young person with gender dysphoria and co-existing anxiety, depression or suicidality; for those who have experienced trauma or

<sup>82</sup> Tavistock and Portman: [Social Transition Age](#) (accessed 24<sup>th</sup> May 2019)

<sup>83</sup> Olson et al (2018): *Management of transgender and gender diverse children and adolescents*

<sup>84</sup> NHS Gender Identity Development Service: [Our approach with younger children](#) (accessed 5<sup>th</sup> March 2019)

<sup>85</sup> Olson et al (2018): *Management of transgender and gender diverse children and adolescents*

<sup>86</sup> Martinerie et al (2018): [Approach to the management of children and adolescents](#), *European Journal of Endocrinology* (2018),179, R1219–R237

<sup>87</sup> Kaltiala-Heino R, Bergman H and Frisén (2018): [Gender Dysphoria in adolescence – current perspectives](#), Volume 2018:9 Pages 31—41



abuse, or where a young person is experiencing conflict either with peers or with their family.

- 8.3 The CAMHS service can provide support to the distressed young person and decide whether a referral to a specialist gender identity clinic, might also be helpful. They may also be able to provide some support for parents who are finding it difficult to come to terms with their child's feelings around their gender identity. Young people with mental health issues can continue to attend CAMHS appointments while also accessing specialist gender identity services.

*What about children with special needs or a disability<sup>88</sup>?*

- 8.4 Young people with special needs may identify as transgender, in the same way as other children and should be given the chance to express themselves using appropriate language and communication skills.
- 8.5 While evidence indicates an overrepresentation of youth with co-occurring autism spectrum disorders (ASD) and gender dysphoria, research has highlighted that *'many adolescents have persistent gender dysphoria independent of their ASD<sup>89</sup>*. Similarly, *'undiagnosed ASD can be missed if a clinician and/or parents view an adolescent's social difficulties as stemming from gender dysphoria-related challenges alone'<sup>90</sup>*.
- 8.6 Some young people with co-occurring ASD and gender dysphoria, may find it difficult or anxiety provoking to express their gender publicly, while others may be less worried about social expectations and how others may react to their gender presentation<sup>91</sup>. Additionally, research has highlighted that the co-occurrence of ASD and gender dysphoria can often lead to *'increased social isolation, as both ASD and gender dysphoria can in themselves be isolating, and together the impact is exacerbated'<sup>92</sup>*.

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<sup>88</sup> i.e. any child or young person who has a physical, sensory or learning impairment or a significant health condition

<sup>89</sup> Strang J (2018): [\*Initial Clinical Guidelines for Co-Occurring Autism Spectrum Disorder and Gender Dysphoria or Incongruence in Adolescents\*](#)

<sup>90</sup> Strang J (2018): [\*Initial Clinical Guidelines for Co-Occurring Autism Spectrum Disorder and Gender Dysphoria or Incongruence in Adolescents\*](#)

<sup>91</sup> Strang J (2018): [\*Initial Clinical Guidelines for Co-Occurring Autism Spectrum Disorder and Gender Dysphoria or Incongruence in Adolescents\*](#)

<sup>92</sup> Strang J (2018): [\*Initial Clinical Guidelines for Co-Occurring Autism Spectrum Disorder and Gender Dysphoria or Incongruence in Adolescents\*](#)



- 8.7 In supporting a transgender young person with special educational needs, staff should first assess if the young person has the capability to make decisions, before developing a support plan. Parent/caregiver involvement will often be necessary to help clarify key information and to agree on the most appropriate support.
- 8.8 In developing a support plan, staff should tailor their communication styles to meet the needs of the young person (e.g. by developing materials which translate more abstract gender concepts into more concrete language/imagery). Staff may also support a young person by helping them to understand their social interactions and develop strategies to manage any difficulties they encounter. In all cases, it is important that educational settings adopt a flexible approach to addressing gender identity issues, taking into account the special educational needs of the individual pupil.

## 9 Supporting adolescents with gender identity issues

### **How to respond when a transgender young person 'comes out'**

- 9.1 Staff have a significant role to play in responding to a pupil who 'comes out' to them. Where a pupil 'comes out' to a member of staff in a one-to-one situation it is important that the staff member responds respectfully. Staff are not expected to have all the answers or to make a judgement in relation to a young person's current or future gender identity, but they are expected to respect the uniqueness, individuality and specific needs of each pupil, in line with the General Teaching Council for Northern Ireland's core values<sup>93</sup> and the values<sup>94</sup> set out in EA's Strategic Plan (2017-27).
- 9.2 LGBT Youth Scotland<sup>95</sup> has provided some advice or 'tips' to teachers and other staff in responding to a young person who is questioning their gender identity, or who feels they might be transgender:
- Don't panic: they don't expect you to be an expert;
  - Say 'thank you': the fact that they have trusted you enough to speak to you is a privilege;
  - Ask what support you can give: listen to what they say;

<sup>93</sup> General Teaching Council for Northern Ireland's [Code of Values and Professional Practice](#), page 5

<sup>94</sup> Education Authority (2017): [Interim Strategic Plan \(2017-27\)](#), page 12

<sup>95</sup> LGBT Youth Scotland (2018): [Supporting Transgender Young People – Guidance for Schools in Scotland](#), page 14





- Don't deny their identity, or overly question their understanding of their gender identity;
- Don't agree to anything you're not sure of;
- Ask what name and pronoun you should use to address them.
- Check if that's all the time or in certain circumstances;
- Ask if you can share information and with whom (let them know that you will not share their information with anyone unless they give their permission or there is a risk to themselves or others);
- Arrange a time to meet up again, to check in and see how they are doing;
- Check if there's anything else they want to talk about.

9.3 Where a young person comes out to a member of staff, this should be treated as confidential information and should only be discussed with a parent/carer with the young person's consent (unless the staff member has legitimate cause for concern for the young person's safety). It is also helpful to discuss with the young person if they have "come out" at home and what sort of support they have received from their parents and siblings.

9.4 Young people who are experiencing issues in relation to their gender identity can often find it helpful to speak to other young people experiencing similar feelings. Contact details for organisations working with transgender young people and their families can be found on Transgender NI's website [Support in Northern Ireland](#). Schools and Youth Services should satisfy themselves that any support organisation they engage will be balanced and provide age appropriate support.

### **Developing a support plan**

9.5 Not all transgender young people will want to change how they express their gender identity. However, some may wish to take practical steps to transition while they are at school or other educational setting. There is no formal evaluation or diagnosis that a young person needs to provide to have their gender identity recognised and respected and staff are expected to address issues in a 'sensitive, non-confrontational and reassuring way'<sup>96</sup>.

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<sup>96</sup> CCEA (2018): [Relationships and Sexuality Education Guidance](#), Section 3





- 9.6 Where a pupil wishes to transition at school, it is good practice for a designated person to set up an initial meeting with them, and (where appropriate) their parents and relevant health professionals to establish what help or support they need, if any. In advance of the meeting the designated person should consider the advice of any medical professionals already involved with the young person (e.g. CAMHS or the Knowing Our Identity Service). Accessing such advice will require the consent of the young person and where appropriate, their parents.
- 9.7 Schools and other educational settings are not required to take any decisions regarding the appropriateness of medical treatment for a transgender young person, but should have regard to advice given by those medical professionals who are providing support and/or treatment for the young person. They may also need to allow them time off for medical appointments, in the same way as they would for any other child who needs to access medical services.
- 9.8 Where appropriate, at the initial meeting of the young person and their parents, the designated person may establish the extent of the transition (where requested), arrangements around the sharing of information and how to handle potential common challenges. Social transition does not have to be an all or nothing approach and should be led by the young person, taking into account their age and understanding.
- 9.9 The designated staff member should also be prepared to address, where appropriate, questions or concerns raised by other young people, parents or staff members. This can help set clear expectations for the young person and for staff, and help avoid any misunderstandings or breaches of confidentiality.
- 9.10 The support plan should include consideration of the following points (where appropriate):
- timing of the transition;
  - name and pronoun changes including the circumstances around use (e.g. if they would prefer to use their birth name in front of one or both of their parents);
  - when the young person wants to have their preferred name(s) incorporated into informal records (further advice on legal



name changes can be found in the section '*Names and Pronouns*');

- change of uniform;
- plan for access to toilets, changing rooms and taking part in activities;
- communicating the changes to the wider school community (or other young people within the educational setting);
- young person's experiences and perceptions concerning safety (including process for reporting bullying and harassment);
- other support e.g. access to CAMHS (or resilience support), educational psychology, counsellors or other medical professionals

- 9.11 An example of a template support plan is attached at Annex B of the guidance.
- 9.12 In making decisions in relation to the transition, staff are required to consider the potential negative impact of transition on the young person and any health and safety concerns (such as social isolation bullying and harassment). Staff should adopt a case by case approach to the assessment of risk, weighing concerns around safety and victimisation against benefits including the alleviation of psychological distress and improved self-worth of the young person concerned. Assessment of risk should be accurate and not used to unnecessarily delay social transition. However, where appropriate, a phased approach may be adopted.
- 9.13 While being transgender is not, of itself, a safeguarding or wellbeing concern, some transgender young people may present to staff with issues which may or may not be connected with their gender identity (for example anxiety or depression) and should be referred, as appropriate, to CAMHS services. Where a member of staff has safeguarding concerns, he/she must report this immediately to the Designated Teacher / Youth Worker who has specific responsibility for child protection.
- 9.14 As regards support, staff should be flexible and set regular dates for review of the plan, particularly in the first stages of the transition. The young person should also be reminded that even if they agree a support plan, they can change their mind at any stage of the process or take steps to reverse the transition.



## Scenario: Developing a support plan

Ryan is a trans boy (i.e. a birth-assigned female whose gender identity is male). Since he could talk, Ryan told his parents he was boy, chose boys clothes over girls and had his hair cut like a boy, describing himself as “a boy in my head”.

In Year 11 Ryan 9 approaches one of the school’s Teaching and Learning Assistants<sup>97</sup> (TLAs), Ms Roux, to tell her that he would like to transition to a boy at school. Ms Roux reassures Ryan but is unsure what to do and with Ryan’s permission, asks the Head of Pastoral Care, Mr Devlin, for advice.

What does Mr Devlin do?

*Mr Devlin asks to meet with Ryan to talk about how he is feeling and what the school can do to support him. He explains, “the process is not difficult, it’s not a thousand questions, it’s just about agreeing what to do next”. With Ryan’s permission, Mr Devlin contacts Ryan’s parents to set up a meeting. While Ryan’s parents are initially worried, Mr Devlin stresses the importance of acknowledging how Ryan is feeling and reassures them that the school will do everything it can to support Ryan and them, whatever lies ahead.*

*At an initial meeting with Ryan’s parents, the school discuss a support plan for Ryan including practical issues such as changing Ryan’s preferred name on the register and allowing him to wear trousers. The school also agrees that Ryan can use one of the disabled toilets and changing facilities (after assessing the impact on disabled pupils, they change the signage on the toilets to gender neutral signage). Mr Devlin suggests that they review the plan again in six months, but reassures Ryan that he can speak to him at any time, if he has any concerns or wants to change his mind.*

### Supporting parents and parental consent

- 9.15 With the consent and knowledge of the young person, staff working in schools or other educational settings, can inform a young person’s parents that they are questioning their gender identity or identify as transgender. While some parents may already be aware that the young person is experiencing these feelings, others may struggle to

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<sup>97</sup> Referred to by some schools as ‘classroom assistants’



accept the news or need more time to think. For parents who initially struggle to come to terms with their child's feelings, it can be helpful to speak to other families experiencing similar issues or seek further information from health professionals.

- 9.16 Particularly in the case of younger adolescents, where a young person wishes to take any steps to transition, with the consent of the young person, staff should discuss the matter with their parents, unless this would put the child at risk of harm.
- 9.17 If a young person has not informed their parents that they are questioning their gender identity or identify as transgender, it is important that staff do not do so without the young person's consent. Failure to do so may inadvertently put the young person at risk of harm. An exception to this is that child protection concerns must always be shared with the relevant agencies, even if this goes against the child's wishes.
- 9.18 Where a parent does not recognise a young person's gender identity or does not support their transition, staff working in schools and other educational settings, are generally advised to preserve the parent's right to make decisions about their child. However, this must be balanced with the rights of the young person to have their gender identity recognised, particularly where they are competent to make their own decisions.
- 9.19 Like adults, young people (aged 16 or 17) are presumed to have sufficient capacity to make decisions, unless there is evidence to suggest otherwise. For young people under 16, before making any decisions, staff will first need to decide whether a young person is considered '*Gillick competent*<sup>98</sup>' i.e. whether they have the maturity to make their own decisions and to understand the implications of those decisions<sup>99</sup>.
- 9.20 There is still a duty to keep the child's best interests at the heart of any decision, and the child or young person should be involved in the decision-making process as far as possible.

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<sup>98</sup> The 1985 judgement by the House of Lords on the Gillick case looked specifically at whether doctors should be able to give contraceptive advice or treatment to under 16-year-old girls without parental consent. Since then, they have been more widely used to help assess whether a child has the maturity to make their own decisions and to understand the implications of those decisions

<sup>99</sup> The [BMA website](#) provides useful information on assessing competency in medical decision which may also be useful for schools, EOTAS centre and Youth Service.



- 9.21 If staff have any concerns regarding a young person's competence and/or potential infringement of the child's confidentiality in individual cases, they should contact the Education Authority for further advice.

### **Scenario: Informing parents and parental consent**

Callum is a transgender boy (i.e. a birth-assigned female whose gender identity is male) in 6<sup>th</sup> form. One afternoon, after class, he approaches the Pastoral Care lead, Mrs Patterson, to tell her he is transgender and asks that instead of being called Eva, he would now like to be referred to as Callum and use male pronouns instead of female ones. He tells Mrs Patterson that he hasn't told his parents he is transgender and while he isn't *afraid* of his parents' response, he is worried they won't be supportive of the change. At Callum's request, Mrs Patterson contacts his parents to advise them that Callum feels he is transgender and wants to change his name at school. Callum's mum advises Mrs Patterson that, while she wants Callum to be happy, she and her husband think this "is just a phase". She asks Mrs Patterson to continue to use Callum's birth name, Eva, at school.

What did Mrs Patterson do?

*Mrs Patterson asks Callum's parents to a meeting to discuss the issue and agree a way forward. At the meeting, Mrs Patterson stresses that while it may be difficult to accept how Callum is feeling, it is important that they try to acknowledge that "this is where he is right now". She explains that using a new name or pronoun doesn't mean that this is the one Callum will use for life, but letting him try this out, is one way of showing their acceptance of him. She advises them, if they can't accept Callum's change of name right now, to think carefully about how they want to explain this to him, so that he understands their perspective. Mrs Patterson, also encourages Callum's parents to reach out to a local family support group for advice.*

*After the meeting, Callum's parents advise the school that they still think it's "just a phase" and refuse to refer to Callum by his preferred male name and pronouns. Seeing that Callum is very distressed by the news (and given Callum's age) the school agrees with Callum and his family, that he will be called Callum in school but that his parents will continue to use his birth name at home.*

**Confidentiality and sharing information**

- 9.22 In developing a support plan, the designated person should agree arrangements in relation to confidentiality and the sharing of information. There are a number of factors that help determine how much information schools, EOTAS centres and Youth Service may disclose to other young people and how the change should be communicated. The age, developmental stage and level of understanding of the pupil should all be considered, as well as the advice of any medical professionals involved with the young person.
- 9.23 Staff should be prepared for genuine uncertainty or concerns that may be expressed by other young people regarding the transition of a transgender young person and set clear boundaries about what it is appropriate to say or do. What is appropriate to say or ask may depend on the age of the young people or educational setting (e.g. a special school may allow children on the autistic spectrum to speak more openly around the practicalities of a transition than would be the case in a mainstream school).

**Scenario: Telling other pupils**

Kevin is a trans boy (i.e. a birth-assigned female whose gender identity is male). In Year 11 he decides that he would like to transition at school. As part of this process, the school asks Kevin and his parents to think about how and when to let other pupils know about the change.

**What do they agree?**

After an initial conversation with Kevin, the school arranges a meeting with Kevin and his parents to develop a support plan. As part of the support plan Kevin decides that he would like to tell those in his year group about his transition on the last day before Christmas break.

On the day of the announcement Vice Principal, Mr Watson, is there to support Kevin and his friends stand with him as he makes the announcement.

With Kevin's permission, Mr Watson speaks to Kevin's form class and answers any questions and concerns they have around Kevin's transition, including what questions might be inappropriate to ask Kevin directly. Without



referring to Kevin, the school's Gay Straight Alliance hold an assembly on LGBT bullying and put up posters around the school signposting young people to LGBT support organisations in the area.

As Kevin is one of a number of young transgender people at the school, Mr Watson and the Board of Governors decide to develop a policy specifically for transgender pupils. After a few months, Mr Watson meets with some of the transgender pupils to ask them whether the school can take any further steps to help them feel included.

- 9.24 While some staff or parents may wish to know the pupil's transgender status, this information is confidential. Staff should not disclose a pupil's preferred name, pronoun, or other confidential information relating to their transgender status to another parent or third party without the pupil's permission and where appropriate, the agreement of their parents.

### **Scenario: Confidentiality and responding to queries from other parents**

With the support of her parents, Erin has decided to transition (from male to female) at school. One week into the transition, parents begin to contact the school to raise concerns that Erin is too young to make this decision. One parent complains to the Principal that "this type of thing shouldn't be allowed" and that they are uncomfortable in "having to have these conversations with their children". Other parents feel that they should have been made aware of the changes ahead of time.

A few of the young people in Erin's class start to feel resentful of her. They say Erin is being given special privileges. One young person refers to Erin as "the tranny" and says she is just seeking attention.

### **What did the school do?**

In response to parental concerns, the Vice Principal, Ms Russell, makes it very clear that the personal information of children in her school is confidential. She also explains that the support of transgender young people is part of the inclusive ethos of the school.

The next day, Ms Russell addresses Erin's Year Group at Assembly. Without speaking about Erin directly, she reminds everyone about the importance of





using respectful language including what is and is not, appropriate to say in school. She also talks to individual pupils about their concerns.

- 9.25 It is also important that staff do not respond to media requests for information in relation to a transgender young person. The following suggested statement will be suitable as a response in most circumstances:

*As this issue involves the personal circumstances of a young person we are unable to make any comment on this individual case. Our school<sup>100</sup> is committed to working with families and other agencies to ensure that the needs of all children and young people in our care are met and that they can achieve their full potential<sup>101</sup>.*

- 9.26 Where there are concerns about the safety of a child, the sharing of information in a timely and effective manner between organisations may be necessary for safeguarding reasons, to reduce the risk of harm. For further information in relation to safeguarding, see the section *Safeguarding and child protection*.

### **Safeguarding and child protection**

- 9.27 The safety of the child or adolescent and the likelihood of acceptance by other young people are important considerations in making decisions in relation to a young person's social transition in school or at an EOTAS or youth centre.
- 9.28 Staff should be aware of signs which may indicate that a transgender young person is in need of additional support including reluctance to use public toilets and or changing facilities; depression/self-harming; truancy or lack of concentration; eating disorders, bullying and/or a breakdown in relationships (with either family or parents).
- 9.29 There are no prescribed safeguarding or child protection processes which are specific to transgender young people. In the event that staff have any concerns of a safeguarding nature, for a young transgender person, advice should be sought from EA's Child

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<sup>100</sup> This statement can be amended to take account of the particular setting e.g. EOTAS centre or Youth Service

<sup>101</sup> Cornwall County Council – [Schools Transgender Guidance](#)





Protection and Safeguarding team on the Helpline number (02895 985590).

- 9.30 Where a member of staff is concerned that abuse of a transgender young person may have occurred, he/she must report this immediately to the Designated Teacher / Youth Worker who has specific responsibility for child protection. It is important that any disclosure by a child, or concern that indicates a child may be at immediate risk, is reported immediately to the PSNI and Social Services Gateway Team to ensure that appropriate measures are taken. This is particularly important if there is a risk of significant harm to the child at home as a result of disclosing their transgender status.

## **10 Practical considerations**

### **11 Bullying and harassment**

- 11.1 Transgender young people often face high levels of transphobic and homophobic<sup>102</sup> bullying at school or other educational setting. The effects of a negative environment are long-lasting and can impact on a child's emotional well-being, attendance and academic performance.
- 11.2 Transgender young people have the right to an education free from bullying and harassment. Transphobic bullying can include:
- Name calling or spreading gossip about a young person's transgender identity including through texts and social media;
  - Physical attack (staff should be aware that physical assaults on transgender young people should be reported to the police);
  - Asking unwanted intrusive questions about a young person's gender identity or deliberately using the incorrect pronoun, first name or gender identifier in an attempt to bully or belittle a pupil (sometimes called 'misgendering');
  - 'Making fun' of a young person or excluding someone from conversations or games;
  - Homophobic and/or transphobic graffiti;

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<sup>102</sup> Schools should also be aware that sometimes a transgender person can experience homophobic bullying because other pupils confuse gender identity and sexual orientation.



- Threatening someone or spreading rumours through texts or social media;
- 'Outing' or threatening to 'out' someone to other people

- 11.3 Where staff are concerned that a young person's social transition (especially in the first few days or weeks) is likely to place them at greater risk of bullying, with the consent of the young person, they should discuss the issue with both the young person and their parents and agree the appropriate reporting process. In most cases it is useful to speak to other pupils in advance of these changes and ensure that staff members are particularly vigilant as regards any acts of bullying behaviour.
- 11.4 It is anticipated that from September 2019 schools will be required to adhere to the Addressing Bullying in Schools (NI) Act 2016. Complaints regarding bullying in relation to a person's actual or perceived transgender status must 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. Incidents should be managed in line with school policies and focussed on supporting the pupil experiencing bullying behaviour including by managing the future behaviour of the pupil displaying bullying behaviour.
- 11.5 Where a transphobic incident occurs in a group situation but the young person is not 'out' to the rest of the group, staff should take care not to 'out' the person being targeted. The incident would still be recorded as transphobic.
- 11.6 There may also be occasions where transphobic bullying has wider safeguarding implications or involves criminal behaviour (e.g. assault or grooming). In these cases, schools and other educational settings should follow the advice of the relevant agencies and/or seek advice from the EA Child Protection Support Service.
- 11.7 Further guidance on how to respond to LGBT prejudice based bullying, can be found in the Northern Ireland Anti-Bullying Forum document [Supporting Schools when responding to incidents involving Lesbian, Gay, Bi-sexual and Transgender Children and Young People.](#)



## **Toilets and Changing Rooms**

- 11.8 The use of toilets and changing facilities often generates strongly held views on the inclusion of transgender young people. Addressing these concerns requires staff to be sensitive to the needs of transgender pupils, as well as the needs of other pupils.
- 11.9 Where transgender children and young people feel more comfortable using a separate toilet or changing facilities (i.e. a gender neutral facility) they should be facilitated to do so. If these are accessible facilities, staff should ensure that access for young people with disabilities is not adversely affected.
- 11.10 It is good practice to rename gender neutral facilities using inclusive terms. A toilet symbol can be used for all-gender or gender inclusive bathrooms in addition to an active wheelchair symbol for accessible toilets. This symbol is preferable to the “half man, half woman” symbol which some transgender people find offensive or inappropriate. Access to appropriate sanitary facilities should also be provided.
- 11.11 Where requested, staff should give a transgender pupil access to toilets which match their gender identity, unless there is a good reason not to do so. Once a transgender young person is approved to use the bathroom that aligns with their gender identity, that young person should be required to use only those facilities, while at school or other educational setting.
- 11.12 In relation to changing, transgender young people often prefer to use gender neutral facilities. However, if a young person requests to use changing facilities consistent with their gender identity, this should be assessed on a case by case basis.
- 11.13 Reasonable efforts should be made to allow a transgender pupil access to changing and other facilities which correspond to their gender identity, as consistently asserted at school or other educational setting. That does not necessarily mean that staff must allow a transgender pupil access to the facility in all circumstances, but any refusal should be justified and proportionate (for example, ensuring the health and safety of the transgender young person would be a good reason).



- 11.14 Staff should only exclude a young person from facilities where it is reasonable to do so: every way to enable full inclusion should be explored. Under no circumstances should a school or other educational setting view excluding a transgender young person, on the basis of their gender identity, as something it *should* do.
- 11.15 If another pupil feels uncomfortable sharing changing facilities with a transgender young person, it may be appropriate to restrict access to the facility where the pupil's objections (or, likely objections) are *reasonable*<sup>103</sup>. A transgender young person's presence in a bathroom or changing room does not necessarily infringe a young person's right to privacy more than the presence of other young people who are not transgender. However, decisions regarding toilets changing can be sensitive issues and should be based on the full range of contextual information available, including proper consideration of the views of other young people.
- 11.16 While not directly applicable to schools, Equality Commission guidance on providing *services* to transgender people provides useful guidance in this area:
- "If there exist ways [service users] can change or use the facility with a fair degree of privacy (e.g. if there are separate cubicles for each individual), then one might doubt whether any purported objections are reasonable, or whether any purported embarrassment is serious"*<sup>104</sup>.
- 11.17 The guidance further states:
- 11.18 *"If other service-users object to sharing facilities with transsexual persons, one should not accept those objections at face value. [Service providers] should try to assess if they are reasonable or serious or genuine non-prejudicial reasons through discussion.... an objection that is based on prejudice... is not a reasonable objection"*<sup>105</sup>.
- 11.19 Alternatives to shared changing may include e.g. allowing either the young person access to a private part of a public area or providing a

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<sup>103</sup> Rationale based on ECNI Guidance: *Providing Services to Transsexual people*

<sup>104</sup> ECNI (2015): [Providing Services to Transsexual people](#), page 3

<sup>105</sup> Ibid, pages 3&4



privacy curtain, closed changing area or a schedule so that the pupil can change before or after other pupils.

- 11.20 In such cases it may be necessary to treat a young transgender person differently, but they should not be treated less favourably (e.g. they should be given access to gender neutral facilities and not forced to use changing rooms which do not match their gender identity). In all cases a school or other educational setting, must balance a pupil's request for privacy against the stigmatising impact of forcing a transgender pupil into using alternate facilities.
- 11.21 Ideally and where possible, gender neutral single-user accommodation should be available for any pupil who is uncomfortable in changing in front of their peers (whether transgender or not). Where the safety of the transgender pupil is a legitimate concern, staff should discuss the issue with the young person and their parents. To be taken into account in the decision making, such privacy or safety concerns should be reasonably foreseeable. Any decisions made should be communicated sensitively to the young person in question.

### **Scenario: Toilets and Changing**

After 'coming out' a transgender boy Ryan (a birth-assigned female whose gender identity is male) asks the local youth centre to support him in this social transition. Ryan tells the worker in charge, Anita, that being forced to use facilities of his birth assigned sex rather than his gender identity, (i.e. the female toilets and changing rooms), is causing him psychological distress. He asks what other options are available.

What does Anita do?

*Initially Anita asks Ryan if he would mind using a single use toilet and a separate changing adjacent to the boys changing rooms. The youth centre change the signs on the toilets to 'gender neutral' ones. Ryan is also allowed to choose a 'buddy', who can also use the facilities too, so he doesn't feel like he is being singled out. In time, after considering the issue in depth and, (with Ryan's consent), talking with the other boys, Anita tells Ryan that if he'd prefer, he can change with the boys, in the boys' changing room.*



## **Names and pronouns**

### *Every-day interactions*

- 11.22 Teachers and other staff working with young people should respect a young person's wishes and use their preferred name/pronoun in everyday interactions. This can be agreed informally with staff and should be included as part of the young person's support plan.
- 11.23 There is nothing to prevent a school or other educational setting from using a pupil's preferred name in day to day interactions. Legal recognition of the gender change is not required, and the pupil does not need to change their official records. However, in certain circumstances (e.g. in the case of young children), medical advice may be sought, to ensure that the decision is in the best interests of the child's mental and emotional health.
- 11.24 Where a decision has been made to allow a young person to use a preferred name this should be communicated to staff at either a staff briefing or by e-mail. An example of the type of communication which may be appropriate is set out below:

### **Sample e-mail: Advising staff of a name change**

Dear Colleagues,

"The pupil David Jones now wishes to be referred to by the name Emma Jones. This name is consistent with the pupil's female gender identity. From [date] please use the pupil's preferred name (Emma) in all your interactions with her, as well as female pronouns (she/her).

Other pupils should also refer to the young person by her chosen name and preferred pronouns. We appreciate that this change may be difficult at first. Should you mistakenly refer to Emma by her previous name and pronouns, simply apologise and move on. It should, however, be noted that intentional and repeated misuse of Emma's previous names and pronouns can be upsetting for the pupil concerned and appropriate steps will be taken to address the issue.



If you have any concerns or queries in relation to this issue please do not hesitate to contact me.

11.25 It is also important to note that an increasing number of young people are identifying outside the gender binary (i.e. male or female), and many use gender-neutral pronouns<sup>106</sup>. The most common form of gender neutral pronoun is 'they', for example:

- "They are doing really well in Maths this year"
- "I spoke to the Vice Principal about *them*"
- "It looks like someone left *their* book behind"

11.26 While it may be more difficult to adapt to gender-neutral pronouns, it is still important that staff respect a young person's non-binary gender identity.

### **Scenario: Name changes**

Lui is non-binary (does not identify as male or female) and uses the pronouns "they" and "their". For a while now, friends have referred to them as "Lui" but staff at school still call Lui by their birth name (Lisa) and use female pronouns.

In Year 9, Lui approaches Mrs Boyle, the Head of Pastoral Care, to tell her that they want to be referred to as "Lui" from now on and use gender neutral pronouns.

### **What does Mrs Boyle do?**

Lui and Mrs Boyle agree a date on which all the staff will start using the name "Lui". Mrs Boyle tells Lui that sometimes a teacher might call them "she" by accident, but that it will be an accident. Mrs Boyle also advises Lui that they can revert back to their birth name at any time. Mrs Boyle then sends out an e-mail to all staff advising them of the changes and asks office staff to update the information on the school's SIMS system.

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<sup>106</sup> For information on the use of gender neutral pronouns and how to pronounce them see [My Pronouns](#)



- 11.27 If staff are unsure what name or pronoun to use or when to use it, they should check with the young person discreetly and at a suitable time.
- 11.28 Where a young person (under 16) wishes to be known by a different name or pronoun and the change is not supported by one or both parents, staff should try to come to a compromise (e.g. by referring to the young person using a preferred gender neutral name, their surname, by a shortened version of their name or another name).
- 11.29 Staff should agree with the young person when to initiate the change of name and pronoun use and if/when and how this is communicated to other young people and their parents.

*Changes to preferred and legal names - school management information*

- 11.30 If an individual does not wish to change their legal name, or is unable to do so (for example if they are not a UK national) they can ask the school to use a preferred name and to change their details on the SIMS system. Changes to the 'preferred name' on the SIMS system will not amount to a legal change of name or gender and does not affect a pupil's Unique Pupil Number (UPN). UPNs are only linked with legal names, not 'preferred' names.
- 11.31 Where a parent or pupil requests a name change (which is not a legal name change) and the school agrees to the change, the preferred name can be entered into the 'Preferred First' name field of the school's SIMS database. To do this in SIMS, staff should go to: Tools | Setups | Attendance Setup | Module Setup and ensure that the box 'Show Preferred Forename' instead of 'Legal Forename' is checked – then save the record.





Staff should also ensure that letters and other reports, include the young person's preferred name and pronouns, if they are 'out' at home.

- 11.32 To ensure consistency, every effort should be made to immediately update a pupil's education records (for example, Individualised Education Plan (IEP) or forthcoming Personal Learning Plan etc.) with the pupil's preferred name, where this has been agreed as part of a young person's support plan. Pupil Statements of Special Educational Needs will continue to be issued in a young person's legal name and gender.
- 11.33 Changes to registers can be made without the need for a statutory declaration or deed poll. The previous name should be deleted and replaced with the new name, (to avoid unintentionally disclosing a previous gender identity). Once a school has amended a preferred name on the SIMS system, schools should contact C2k in EA to ensure that registers and reports are displaying the preferred forename.
- 11.34 It is important that schools ensure that personal information is not inadvertently disclosed to others and that the change of name is included on all documents (where this has been agreed as part of a young person's support plan). Schools should make arrangements for name changes to be effective on the date agreed, so that the preferred name appears on the register, reports, letters and other school documentation on the first day of transition. Great care



needs to be taken in terms of information security and misfiling where there are different names on different documents.

- 11.35 Schools should also ensure that, information shared with other schools or organisations (e.g. through a collaborative teaching arrangement), reflects the pupil's preferred name or legal name, as agreed as part of their support plan. The appropriate sharing of information will also need to be considered in relation to entitled pupil movement – SEN Referrals and Educated Other Than at School (EOTAS) Dual Registration Procedures.
- 11.36 If a pupil requests to change their *legal* name (as opposed to their preferred name) on the SIMS system, they are required to produce the appropriate legal documentation, (e.g. a court order, a deed poll or statutory declaration). Young people seeking free independent advice on this process should be advised to contact the [Childrens' Law Centre](#). The [General Register Office \(Northern Ireland\)](#) can also provide advice on changing the name on a birth certificate for someone born in Northern Ireland who is under the age of 18.
- 11.37 A child's legal name may be changed by Deed Poll *providing everyone with parental responsibility (PR)*<sup>107</sup> *for the child consents to the name change*. The deed poll should be checked by the school or other educational setting and a copy retained. Care needs to be taken if only one parent has signed the deed poll and there is no indication as to whether anyone else with parental responsibility has agreed to the name change. Where in doubt, staff should seek advice from the Education Authority.
- 11.38 If a child is 16 years of age or over (or approaching their 16th birthday), they must apply for their own Deed Poll for which parental consent is not required.
- 11.39 Young people can only legally change the sex recorded on their birth certificate when they turn 18 and satisfy specific conditions set out in the Gender Recognition Act 2004. A pupil's *gender* on SIMS should remain the one that was registered when the Unique Pupil Number was assigned, unless the birth certificate/legal gender is changed by way of a Gender Recognition Certificate.

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<sup>107</sup> Article 5 of the Children (NI) Order 1995



- 11.40 Transgender pupils, who transition after having completed school, may ask for their school records to be amended to reflect their new legal name and gender. When requested, and when satisfied with the legal documentation provided, schools should amend the pupil's record in SIMS with the new details, taking account of responsibilities in relation to the General Data Protection Regulation (GDPR).
- 11.41 Schools should be aware that as data controllers, the Board of Governors is accountable for ensuring that data protection practice within the school meets GDPR requirements, including principles regarding the sensitive sharing of information with other organisations and professionals.
- 11.42 If relying on consent as the lawful basis for processing a young person's data, it is worth noting that in the UK, only children aged 13 or over are able to provide their own consent. For children under this age, schools and other educational settings are required to get consent from whoever holds parental responsibility for the child. Further information can be found on the Information Commissioner's Office (ICO) website, ICO Guide [Children and the GDPR](#) and the Education Authority's [Think Data](#) online resource hub.
- 11.43 It is also worth noting that, while not expressly covered under GDPR guidance, information regarding a young person's new identity may be regarded as 'special category data' (i.e. more sensitive, and so needs more protection). As a matter of good practice, schools and other educational settings should therefore ensure that the young person (or where under 13, a young person's parents) has given explicit consent to the processing of their personal data for one or more specified purposes. This can be agreed as part of the young person's support plan.
- 11.44 If a school requires support regarding name changes on SIMS, it should contact the EA (C2k) Service Desk on 0870 6011666. Staff should take care not to disclose a young person's name on the initial inquiry.



### Uniforms, PE Kits and Swimwear

- 11.45 The wearing of a school uniform in Northern Ireland is not governed by legislation but falls to schools to determine. The day-to-day management of schools, including school uniform policy, is a matter for school Principals, subject to any directions that might be given by the Board of Governors.
- 11.46 Department of Education Circular 2011/04<sup>108</sup> sets out that ‘schools should ensure that their school uniform policy is *‘fair and reasonable, in practical and financial terms, and should have regard to their duties under relevant equality and other legislation’*. When reviewing uniform policy, it is recommended that schools consult widely and consider the effect the proposed policy might have on the various groups in the school.
- 11.47 Once the uniform policy has been agreed, schools are required to consider carefully any request for an exception to be made for any individual pupil on the grounds of religion, race or a medical condition. While not explicitly stated in the DE guidance, a similar approach would be reasonable in the case of a transgender young person.
- 11.48 For the purposes of this guidance, schools can either have a gender-neutral uniform policy or a sex specific uniform policy. In either case, it is recommended that schools adopt a flexible approach to meet the needs of a pupil who is transgender. Generally, if the school has a specific dress code for boys and girls, a transgender pupil should be allowed to wear the clothing that corresponds to their gender identity, regardless of their sex assigned at birth, unless there is a good reason not to.
- 11.49 Many schools have specific rules in relation to uniform, jewellery etc. Transgender pupils should be expected to follow the uniform policy in the same way as any other pupil. As a matter of good practice, schools may wish to introduce a ‘gender neutral option’, (e.g. trousers which can be worn by both boys and girls). This type of

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<sup>108</sup> Department of Education (last re-issued June 2018): [Guidance to schools on uniform policy](#)



policy can benefit all children, regardless of whether they are transgender or experiencing gender identity issues.

- 11.50 Given the revealing nature of swimwear, schools may need to consider clothing worn by transgender pupils when participating in swimming lesson (for example, allowing the pupils to wear skirted swimsuits, rash vests or shorts). It is good practice to consult with pupils and parents in relation to school uniform policy and to update the policy regularly to ensure it is inclusive of all pupils.

### **PE and sports**

- 11.51 Access to physical education is a key part of the Northern Ireland curriculum. Transgender pupils should only be treated differently in respect of their participation in P.E. and sports if it is necessary to do so to ensure fair competition or the safety of competitors. At primary school, the gender identity of pupils should generally not be an issue. Where activities are segregated by gender, pupils should be allowed to participate in a manner consistent with their gender identity.
- 11.52 At post primary level, the issue of physical risk within certain sports (particularly high contact sports) should be considered by schools and other educational settings, including whether it may be appropriate for the transgender pupil to participate. Where this is the case, the issue should be discussed in advance with the young person, and their parents.
- 11.53 Schools and other educational settings should not have a blanket policy of always excluding transgender young people from participating in a single sex sporting activity. Any refusal should be justified and proportionate (for example, ensuring the health and safety of the transgender young person or other competitors would be a good reason).
- 11.54 There may be sports where, depending on their age or developmental stage, a male to female transgender young person may have a competitive advantage over other girls. While in most cases this can be managed by staff in the context of lesson or activity planning, where staff decide to exclude a transgender young person as a competitor, this should be decided on a case by case basis, based on objective evidence.



- 11.55 In competitive contexts, schools and other educational settings are advised to seek the advice of the various sporting governing bodies as to whether participation gives the transgender pupil a physical advantage. Where that advice is not available, staff should not rely on assumptions and stereotypes but should adopt a common sense approach, taking into account the age and stage of physical development of the pupils and level of physical contact involved.

### **Overnight and residential trips**

- 11.56 Transgender young people should not be excluded from extra-curricular activities, overnight or residential trips because they are transgender. However, the sleeping arrangements should be thought about and agreed in advance, before a trip is undertaken, in consultation with the pupil and their parents.
- 11.57 There may be occasions where a school or other educational setting identifies a need to exclude a transgender young person from sharing single sex communal accommodation which aligns with their gender identity or birth sex but there must be a good reason for doing so and the reason must be justified and proportionate (for example, the health and safety of the transgender young person would be a justifiable reason).
- 11.58 In the case of adolescents, it may be appropriate to inform other young people or their parents of the sleeping and changing arrangements, with the consent of the transgender young person. Any objections to proposed changing or sleeping arrangements which may come from other people, should be discussed with the individual concerned and where appropriate their parents. They should never be based on other people's prejudice or transphobia. Alternative arrangements agreed on by staff (e.g. sharing a smaller room with friends) should aim to maximize the young person's ability to participate and socialise with peers while ensuring the young person's safety and comfort, and minimising stigmatization.
- 11.59 Where some part of the trip involves foreign travel, arrangements will need to be carefully considered in advance of any planned trip to ensure that pupils and staff are not exposed to risk of harm. Countries have different laws and cultural expectations in relation to gender identity. In some countries it is illegal to be a part of the



transgender community, while in others it is an offence not to report a transgender person to the authorities.

- 11.60 Further information and advice for LGBT travellers is available from UK government through the website [Lesbian, Gay, Bisexual and Transgender foreign travel advice](#) and from the Irish Government through the Department for Foreign Affairs and Trade website.

### **Supporting staff and responding to concerns**

- 11.61 There are many different views within and between people of different backgrounds on how to support a young transgender person. While teaching and learning should not be affected by a transgender pupil in the class or youth centre, staff should have the opportunity to express views or discuss any issues with senior staff.
- 11.62 Where there is a difference of opinion how the staff member carries out their role in supporting the child, the situation should be managed with skill and sensitivity and every effort should be made to reach an accommodation which works for everyone. This does not mean that staff have an unlimited right to freedom of expression.
- 11.63 If a staff member deliberately 'misgenders' a young person or makes comments which are deemed to be inappropriate, they should be made aware that their comments have upset or offended others, or have the potential to do so. If the staff member continues to make such comments, they should be made aware that their behaviour is unacceptable and could infringe the young person's rights.
- 11.64 Sometimes, providing appropriate training and having a clear policy around practical issues can help staff feel more supported and comfortable in dealing with these issues and knowing what is expected of them. In all cases, the overriding consideration will be the best interests of the child.

### **Scenario: Responding to staff queries or concerns**

Lui is a non-binary young person and prefers to use gender neutral pronouns. In the weeks after Lui's transition, a Year 12 form teacher, Mr McDermott, approaches the school's Head of Pastoral Care, Mrs Boyle. He asks if it is really





necessary to use gender neutral pronouns and if this means he should stop referring to the class as “girls”.

### **How did Mrs Boyle respond?**

Mrs Boyle, agrees that while it can be difficult to use gender neutral terms it is still important that Mr McDermott does so. She advises Mr McDermott that if he makes a mistake, he should apologise to Lui and move on. She tells Mr McDermott that it is important that Lui understands and really believes that it is a genuine mistake.

She advises Mr McDermott that “while St Clements is still an all-girls school, there are people for whom that label does not fit - if the term ‘girls’ excludes some young people, teachers will need to think about whether that language is appropriate”.

- 11.65 It is also important that the young person does not feel judged or shamed by staff for questioning their gender identity or being transgender. If a staff member does decide to express their personal views to a young person, they must ensure they do so in a way that does not impose those views on the young person.

### **Scenario: Responding to staff queries or concerns**

Miss Moore, the school’s Head of Pastoral Care, has been asked by a young person, Claire (a birth assigned male whose gender identity is female), for support in making a transition at school. Miss Moore wants to support Claire but is worried that some staff will not be “on board” with the transition.

One particular staff member, Mr Davies, is very vocal about his views on transgender people and says he won’t use the name “Claire” because this isn’t Claire’s “real name”.

#### *How did Miss Moore respond?*

*After Miss Moore has an initial discussion with Claire, she arranges a meeting with the Senior Management Team and the Board of Governors to discuss the school’s approach to supporting transgender pupils and agree a policy. Miss Moore asks a local transgender family support group to deliver a training*



*session to staff, to dispel some of the myths and misunderstandings around transgender people.*

*She also selects passages from research on the experiences of transgender young people to help staff understand Claire's experiences. Miss Moore advises Mr Davies, "if you have an opinion, that is your personal opinion and I respect that, but this is the 'space' we are operating in and supporting Claire is consistent with our inclusive school ethos, which everyone should be signed up to".*

### **Exam Entries and Certificate Changes**

- 11.66 It is up to the school or other educational setting and the candidate to choose the name the young person is to be entered under for exam purposes. However, the name should be capable of being verified against suitable identification, such as a birth certificate, passport or driver's licence. The Joint Council for Qualifications paper work states that:

*'The center agrees to: enter candidates under names that can be verified against suitable identification such as a birth certificate, passport or driver's license. You may need to check that the name the candidate is using within the center is his/ her legal name rather than a 'known as' name'<sup>109</sup>.*

- 11.67 This helps prevent issues at a later date, if the school or other educational setting is asked to verify the candidate's identity. In the case of exam entries, if a young person's name hasn't been legally changed<sup>110</sup>, staff should use a pupil's legal name and gender when entering them for exams. In schools, when using Exams Organiser in SIMS, only the legal name should be used for entries and amendments. This will later help to match candidates' details with ULN records in the LRS (Learning Record Service).

<sup>109</sup> Joint Council for Qualifications (2018): *General Regulations for Approved Centres – 1st September 2018 to 31 August 2019*

<sup>110</sup> Both Deed Poll and Statutory Declaration are valid ways to perform an official legally recognised change of name. The effective difference between Deed Poll and Statutory Declaration is how the documents are authorised.



- 11.68 Once a result is accredited it will usually be linked with a Unique Learner Number (ULN)<sup>111</sup>. ULNs are only linked with legal names, not preferred names. Guidance issued by CCEA<sup>112</sup> states that for a learner transitioning 'all ULN applications must be made using a learner's legal name and sex [gender] at the time of application... The application can include Male, Female, or not specified at this time'.
- 11.69 Further advice from the Learning Records Service states that learners '*gender can be changed to "9- unspecified" if the learner does not want their legal gender recorded. This will avoid the learner from being disadvantaged when other providers are trying to search for their record and if they request a copy of their PLR via the Gov.UK site*<sup>113</sup>
- 11.70 If a young person has legally changed their name, a school should update the pupil's details on their Personal Learning Record.
- 11.71 Transgender pupils who transition after having completed school may ask their previous schools to amend school records. When requested, and when satisfied with the appropriate legal documentation provided, schools should amend the pupil's record.
- 11.72 The Council for the Curriculum, Examinations and Assessment (CCEA) advise that that they do not change details, including names, on a qualifications certificate once it has been issued. The exception to this is where a candidate requests a name change on the original certificate because of gender re-assignment. If a young person wishes to have their name changed on their original certificate because of gender re-assignment they must send the following documents
- a completed application form;
  - two photocopies of current identification
  - either a deed poll certificate or a statutory declaration.

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<sup>111</sup> The Unique Learner Number (ULN) is a number to be used in education throughout your life. It is used in Northern Ireland, England and Wales for learners aged 14 and over in schools, colleges and training.

<sup>112</sup> CCEA (2017): [Unique Learner Number - Guidance for voluntary and community sector organisations](#), page 28

<sup>113</sup> Learning Records Service (LRS) – response to query (received on 18<sup>th</sup> April 2019)



- 11.73 Other exam boards have different proof of identity requirements. If requested the designated person should contact the relevant exam board to discuss their processes for registration and issue of exam certificates in the pupil's new name without disclosing the pupil's gender history.

## **12 Admission to single sex schools**

- 12.1 School admissions guidance is set out in the Department of Education [Circular 2018/01](#). There is nothing within that guidance with regard to the admission of transgender pupils into single sex schools. However, the guidance does cover admissions in 'exceptional circumstances'.
- 12.2 In considering a request for an exception to be made in the case of a transgender young person, Governors should take into account all relevant matters including any potential, negative or harmful effects on the pupil of not permitting the exception. Every situation should be considered on a case by case basis.
- 12.3 There is nothing in current equality law that will prevent a school from accepting a transgender pupil into a single sex school. Additionally, a policy that only admits pupils in accordance with their sex as recorded at birth would particularly disadvantage transgender pupils, and may be potentially challengeable.
- 12.4 In developing and revising admissions policies, schools should take steps to understand how the policy and admissions criteria impacts on pupils with different characteristics, including those who are transgender. It is good practice to monitor and evaluate an admissions policy regularly. A pupil who has transitioned or wants to transition should be allowed to continue to attend a single sex school.
- 12.5 If schools have any difficulties or queries regarding admissions they should seek legal advice from the Education Authority as to their position.



## **Annex A - Terminology**

Transgender young people refer to their diverse identities and experiences in a range of ways. Understandably many people will be unfamiliar with these terms and concepts. This guidance is aimed at helping educators and other staff use language in a way that is generally accepted or fits well with how young people feel and express their identity. However, we also acknowledge that language can sometimes be contested and preferred terms can change over time – it's always best to check with the young person about the words they use and the terms they are comfortable with.

### **Coming out**

refers to a young person's experience of telling others that they are questioning their gender identity or identify as transgender. It is a term that was initially used to describe the process that people went through when first revealing to other people that they were gay.

### **Gender assigned at birth**

is a term used to describe the gender that someone was identified as at birth, usually by looking at their genitalia.

Sometimes people use the term "biological" to describe the sex and gender someone was identified as at birth. However, some people tend to avoid this term as they feel that it privileges biology over their lived and felt identity.

### **Gender Dysphoria**

describes the distress that a person can experience because they feel a mismatch between the sex they were assigned at birth and their felt gender identity. Gender dysphoria is also a clinical diagnosis.

### **Gender expression**

is a person's gender-related appearance including clothing, haircut, speech and mannerisms. Young people may express their gender in ways which are not considered traditionally feminine or masculine. It should be noted that someone's gender expression does not always match their gender identity.

### **Gender identity**

is a person's deeply-felt internal and individual perception of their gender, for example: boy, girl, transgender and other diverse gender identities.



**Gender diverse/non-conforming/variant:** is a term used to describe young people (usually those under 12) whose gender expression does not conform to gender stereotypes in clothes, interests, behaviours or mannerisms e.g. a boy who prefers dolls and dress-up play or a girl who wears short hair and refuses skirts.

### **Gender Recognition Certificate (GRC)**

is a certificate which enables transgender people to be legally recognised in their affirmed gender and to be issued with a new birth certificate. Not all transgender people will apply for a GRC - you currently have to be over 18 to apply.

### **Intersex**

A variety of conditions that lead to atypical development of physical sex characteristics are collectively referred to as **intersex conditions**. Intersex people are assigned a legal gender of either male or female at birth – some grow up to be transgender. Some persons with intersex conditions prefer the term "disorders of sex development" (DSD).

### **LGBT**

is an acronym for lesbian, gay, bisexual and transgender.

### **Non-binary**

is a term used by young people who do not identify exclusively as a boy or as a girl (sometimes referred to by young people as 'genderqueer' or 'gender fluid').

Some non-binary people may have a gender identity which is located along a fixed or variable point on a continuum between male and female, while others will identify as neither male nor female. The degree to which non-binary young people may present as masculine, feminine or androgynous will depend on the individual. Sometimes a young person may use the term non-gender (alternatives include agender, nongendered, genderless, neutrois). This term refers to those without a gender identity, who see gender as wholly a societal construction which they do not subscribe to.



## **Queer**

is a term used in the past as a derogatory term for LGBT individuals. The term has now been reclaimed by LGBT young people in particular those who don't identify with traditional categories around gender identity and sexual orientation. It is still viewed to be derogatory by some and should be used with caution.

## **Sex**

is the classification of a person as male or female. At birth, infants are assigned a sex, usually based on the appearance of their external anatomy. A person's sex, however, is actually a combination of bodily characteristics including, chromosomes, hormones, internal and external reproductive organs, and secondary sex characteristics.

## **Sexual Orientation**

describes a young person's emotional, romantic and/or sexual attraction to others. Transgender young people may be straight, lesbian, gay, bisexual, or queer. For example, a young person who transitions from male to female and is attracted solely to boys/men would typically identify as a straight girl/woman.

## **Trans**

is a term sometimes used as shorthand to mean *transgender* or *transsexual*.

## **Transgender**

is an umbrella term for people whose gender identity or expression differs in some way from the sex assigned to them at birth. The most common gender identities which come under the transgender umbrella include trans boy/man, trans girl/women and non-binary.

## **Transgender boy/man**

is a person assigned 'female' at birth but who identifies as a boy or man. Sometimes, referred to using the term 'female-to-male' (FTM). A transgender boy may experience distress about being seen as female and/or having a female body or going through female puberty, including menstruation or





growing breasts. They are likely to express a consistent male gender identity. This is different from a girl who some people might describe as a 'tomboy' because she enjoys activities, toys or clothes traditionally associated with boys.

### **Transgender girl/woman**

is a person assigned 'male' at birth but who identifies as a girl/woman, sometimes, referred to using the term 'male-to-female' (MTF). A transgender girl may experience distress about being seen as a boy and/or having a male body or going through male puberty including growing facial hair or their voice breaking. This is different from a boy who some people might perceive as 'feminine' because he enjoys certain activities or clothes or toys traditionally associated with girls.

### **Transsexual**

a term used in the past, (similar to homosexual), to refer to someone who transitioned to live in the 'opposite' gender to the one assigned at birth. Most young people do not identify as transsexual and prefer the word *transgender*. If the term is preferred, it should be used as an adjective: transsexual woman or transsexual man.

### **Transition**

is the term used to describe the process to bring a person's physical characteristics more into conformity with their gender identity and presentation.

### **Social transition**

describes when transgender people take social steps to express their gender identity. This could include using a nickname or different pronoun or changing their style of clothes or haircut to more accurately reflect their gender identity.

### **Legal transition**

refers to changing the name or gender marker on legal documents (e.g. birth certificate, driving licence or passport). **Medical transition** refers to medical interventions (e.g. through hormones or surgery).



Some transgender young people may begin to medically transition while at school or other educational setting and may, for example, be prescribed hormone blockers to delay puberty. But not all transgender young people will take those steps. Outcomes in gender identification are diversifying. As well as many young people who do start physical interventions, there are those who choose not to do so - or who decide to wait a while.

### **Annex B – Support Plan Template**

**Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**D.O.B:** \_\_\_\_\_ **Year:** \_\_\_\_\_ **Gender Marker (M / F):** \_\_\_\_\_

**Designated staff member:** \_\_\_\_\_

**Engaged with any other services** (e.g. CAMHS, KOI) (attach reports where appropriate)

\_\_\_\_\_

**History/other relevant considerations** (e.g. siblings at the school)

\_\_\_\_\_

### **Parent/Carer**

**Parent/Carer informed**

Yes / No

**Parent/Carer contact information:** \_\_\_\_\_

**Parent/Carer in attendance at meeting**

Yes / No

**Further comments:**

\_\_\_\_\_

\_\_\_\_\_

### **Name/Pronoun Change**

**Is a name/pronoun change being requested?**



Yes / No

Preferred name: \_\_\_\_\_

Preferred pronoun: \_\_\_\_\_

From (date): \_\_\_\_\_

### **Gender Identification**

Does the young person have a gender identity different to that of their sex assigned at birth?  
(provide details):

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Is the young person requesting to have their gender identity recognised?

Yes / No

Change (From to) \_\_\_\_\_

From (date) \_\_\_\_\_

#### **Plans for Toilets**

From (date): \_\_\_\_\_

#### **Plans for Changing**

From (date): \_\_\_\_\_

#### **Plans for Residential Trips**

From (date): \_\_\_\_\_

**Plans for gendered activities (e.g. sport)** \_\_\_\_\_



From (date): \_\_\_\_\_

Plans for communication with wider school community/other young people

From (date): \_\_\_\_\_

Other support (e.g. access to CAMHS, educational psychology, counsellors or resilience support):

\_\_\_\_\_

From (date): \_\_\_\_\_

Plan next reviewed (date)

Pupil Name: \_\_\_\_\_ Date: \_\_\_\_\_

Parent/Carer Name (if applicable): \_\_\_\_\_ Date: \_\_\_\_\_

Staff Name: \_\_\_\_\_ Date: \_\_\_\_\_



## **Annex C - Further support**

### **Counselling & mental health services**

If you're worried about a young person's safety, or need to talk to someone urgently, you can call Lifeline free on **0808 808 8000**

Depending on a young person's age, they can also access some counselling & mental health support from charities like The Rainbow Project.

### **Gender Identity Services**

KOI (Knowing Our Identity) is a gender identity development service operated by the Belfast Health and Social Care Trust. The service is for children and adolescents (up to the age of 18) across Northern Ireland who are experiencing distress in relation to their gender identity development.

The preferred referral route is through CAMHS (Child and Adolescent Mental Health Service), however other professionals, including education, as well as young people and their families can contact the service direct to discuss a possible referral. More details can be found at:

[Child and Adolescent Mental Health Service](#)

If a young person is about to turn 18 or is already 18 or over, they can ask their GP to refer them directly to the Brackenburn Clinic.

### **Support for young people, parents, family and carers**

There are a number of support organisations across Northern Ireland which support gender questioning and transgender young people (those aged 12-25). Free, confidential support for parents, carers and other family members is also available. For further details on how to access support, staff should contact the Equality and Human Rights team or Operations and School Governance team.

### **EA Safeguarding**

The designated officers for child protection in the Education Authority (EA) are senior, experienced officers with responsibility for co-ordinating policy and action on child protection. The Child Protection Support Service (CPSS) can provide advice and training for Governors and Designated Teachers on child protection issues.

EA Child Protection Helpline: 02895 985590



The EA Safeguarding site also provides information on all aspects of safeguarding and child protection:

See the [EA Safeguarding and Child protection website](#)

### **Equality Commission for Northern Ireland**

Equality House

7-9 Shaftesbury Square

Belfast BT2 7DP

Telephone: 02890 500600

Email: [information@equalityni.org](mailto:information@equalityni.org)

### **Northern Ireland Human Rights Commission**

Temple Court,

39 North Street,

Belfast,

Northern Ireland,

BT1 1NA

Telephone: 02890 243987

Fax: 02890 247844

Email: [info@nihrc.org](mailto:info@nihrc.org)

### **Northern Ireland Commissioner for Children and Young People**

Equality House

7-9 Shaftesbury Square

Belfast BT2 7DP

Telephone: 02890 311616

Fax: 02890 314545

Email: [info@niccy.org](mailto:info@niccy.org)

Direct messaging [twitter.com/nichildcom](https://twitter.com/nichildcom)

Private messaging us at [facebook.com/nichildrenscommissioner](https://facebook.com/nichildrenscommissioner)

### **EA Contact Information**

For further details on how to access support, staff should contact the Operations and School Governance team or the Equality and Human Rights team (relevant contact details are set out below).



### EA Contact Information

If you have further queries, please contact the Operations and School Governance Team or the Equality and Human Rights team.

The relevant contact details will depend on the location of your school:

Locality 1 - (Schools in Council areas of Fermanagh & Omagh, Mid Ulster, Armagh Banbridge and Craigavon)

Operations and School Governance Team

Education Authority

Clounagh Centre,

Brownstown Road,

Portadown

BT62 3PY

T: 028 3836 8159

Locality 2 (Schools in Council areas of Derry and Strabane, Mid and East Antrim, and Antrim & Newtownabbey.)

Operations and School Governance Team

Education Authority

Antrim Centre

17 Lough Road,

Antrim,

BT41 4DH

T: 028 9056 6871

Locality 3 (Schools in the Council areas of Newry Mourne & Down, Ards & North Down, Lisburn & Castlereagh, and Belfast)

Operations and School Governance Team

Education Authority

Belfast Office

40 Academy Street

Belfast

BT1 2NQ

T: 028 9056 4189





For further advice or support relating to this Guidance, or broader Equality / Human Rights issues, please contact the Equality and Human Rights team  
Education Authority  
Belfast Office  
40 Academy Street  
Belfast  
BT1 2NQ  
T: 028 9056 4213  
[Equality.unit@eani.org.uk](mailto:Equality.unit@eani.org.uk)