



Trans Equality in Schools and Colleges

Advice and Guidance for
Teachers and Leaders



The issue of trans identity is complex. It is therefore recommended that this comprehensive guidance should be read in its entirety.

The NASUWT is very grateful to Dr Debbie Hayton (Teacher) for assisting in the development of this guidance.

Introduction

Trans people face widespread prejudice and discrimination. In 2016, a recruitment agency survey found that 60% of respondents had experienced discrimination in the workplace because they were trans, and 36% had left a job because the environment was so unwelcoming.¹ Violent physical abuse is thankfully uncommon but the pernicious effects of suspicion and bias, and ongoing verbal harassment – sometimes dismissed as ‘banter’ – can leave trans people vulnerable and isolated.

The NASUWT believes that all staff and students in schools and colleges have the right to work and learn in safe and secure environments where they are treated with dignity and respect. The NASUWT is committed to supporting trans teachers, pupils, and teachers with trans students in their classes. Consideration should also include family members of trans people who may feel vulnerable, and without a support network of any kind. However, this guidance is not just about addressing issues or solving problems. It is about raising awareness to make sure that schools and colleges are supportive environments for everyone.

Trans People and Trans Terminology

Beneath the jargon, **trans** or **transgender** people are just like everyone else. They include adults and children, teachers and students, and they are found across society. According to research conducted on behalf of the Home Office, they may comprise 1% of the population: possibly one teacher and several children in each school.² They do not by necessity share anything in common with each other beyond the experience of **gender incongruence**, where their **gender identity**, or inner feeling of self as a woman or a man, does not coincide with their biological sex or the gender norms attributed to their sex.

‘Sex’ and ‘gender’ have distinct meanings. According to the World Health Organization (WHO), **sex** refers to *‘biological and physiological characteristics’*, and can denote male or female. **Gender** is a broader term that has been used in this context only since the 1970s. The WHO defines it as *‘the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for men and women’*, and states that ‘masculine’ and ‘feminine’ are gender categories. In doing so, it identifies **gender role** and **gender expression** as **gender norms** constructed by society.

Gender incongruence can lead to **gender dysphoria**, a distressing and debilitating condition that can cause profound mental health issues. The origins of gender dysphoria are unclear, but the effects are real. Some people manage without changing any aspect of their outward gender expression and rely on coping

¹ <https://www.totaljobs.com/insidejob/trans-employee-survey-report-2016/>

² <http://www.gires.org.uk/assets/Research-Assets/Prevalence2011.pdf>

strategies that they have developed, sometimes from a very early age. Other people find a workable solution in a **dual role** where they present as a woman in some situations and as a man in others. Others undergo **gender reassignment** where they **transition** and then live as a member of the opposite sex for all purposes. They may be described as **transsexual**, though this term is now widely seen as anachronistic. Many, but not all, seek medical and surgical treatments to support their transition. Reparative therapies such as electric shock treatments that were tried in previous generations have been totally discredited.

Transition can be described as male-to-female (**MTF**) or female-to-male (**FTM**). Some individuals may adopt the respective terms **transwoman** and **transman**, but once someone is living in their **acquired gender** (or **affirmed gender** or **target gender**), they should be referred to quite simply as a **woman** or a **man**.

The terms **transvestite** and **tranny** are now considered pejorative and should be avoided. **Cross-dresser** is more neutral but it is always best to ask before applying labels to anyone. Many describe themselves simply as 'trans'.

People who do not fit social gender norms may be described as **gender non-conforming**. Some may reject both social gender roles and present themselves androgynously. They use various terms to describe themselves: **non-binary** is most common, but **agender** and **neutrois** are also used. Non-binary people may prefer non-binary pronouns; for example, *they* rather than *he* or *she*, and gender-neutral titles such as *Mx* instead of *Mr* or *Ms*. Depending on how rigidly gender norms are constructed, broad terms such as **gender variant** could be extended very widely across society.

'Trans' is separate from sexual orientation. Like everyone else, trans people can be attracted to men, women, both or neither. But sadly, like lesbian, gay and bisexual people, they suffer specific prejudice and discrimination in society (known as **transphobia** in the case of trans people) and they have found common purpose as **LGBT** people.

'Intersex' covers a number of medical conditions in which a person is born with a reproductive or sexual anatomy that may fit the typical definitions of 'female' or 'male'. Increasingly, the needs of intersex people are being considered alongside the needs of LGBT people because of the prejudice and discrimination they face.

Legal Issues

NASUWT members are advised to report suspected cases of discrimination to the Union at the earliest opportunity, as any legal action would need to commence within strict time limits.

(a) The Equality Act 2010

The **Equality Act 2010** applies in England, Scotland and Wales and protects against direct and indirect discrimination, harassment and victimisation under nine protected characteristics, including gender reassignment. It is illegal to treat someone less favourably because they intend to transition or they have transitioned in the past, and someone remains protected even if they do not proceed with their transition. The Act covers all types of employment, including contract workers and temporary workers, as well as the provision of goods and services by a business.

In Northern Ireland, similar protections are provided under the Sex Discrimination (Gender Reassignment) Regulations (NI) 1999.

(b) The Gender Recognition Act 2004

The **Gender Recognition Act 2004 (GRA)** enables adults over the age of 18 to gain full legal recognition of their acquired gender. Under this Act, the **Gender Recognition Panel (GRP)**, comprising lawyers and doctors, was established to consider applications for a **Gender Recognition Certificate (GRC)**. The criteria for awarding a GRC include a medical diagnosis of gender dysphoria, at least two years living in the acquired gender and a declaration that the change of social gender role is permanent; medical treatment is not required. Once a person has been granted a GRC, the sex indicated on their birth certificate is changed and they must be legally considered to be a member of that sex for all purposes. The employer must ensure that all records, including historical records, are changed accordingly. Good practice would be to do this for all trans members of staff, regardless of the existence of a GRC.

Many trans people never apply for a GRC. Some may be ineligible under the criteria; others may be eligible but perceive no benefit. It is a personal matter, and the GRC does not affect their rights in their school or college. It is never appropriate for anyone else to ask to see a GRC, though they may ask to see a birth certificate if required to do so – for example, for pension purposes.

(c) The Human Rights Act 1998 and Data Protection Act 1998

Article 8 of the Human Rights Act gives trans people the same rights as everyone else to privacy and family life. Under the Data Protection Act, information

regarding gender reassignment or an individual's gender history is deemed to be sensitive and it is illegal for anyone to disclose it in an official capacity. Employers should consider it good practice not to reveal it in any capacity without the express permission of the individual concerned.

Medical Issues

Medical treatment is a personal matter and it would be impertinent for others to pry. Those seeking a medical pathway can ask their GP for a referral to an **NHS Gender Identity Clinic (GIC)**. For adults, there are seven clinics in England and separate provision in Scotland and Northern Ireland. Welsh patients are currently treated in England. Young people are referred to clinics specialising in the treatment of trans children and adolescents. Treatment includes:

- **Psychiatry.** GICs are led by psychiatrists who can confirm a diagnosis of gender dysphoria.
- **Counselling.** Coming out can be a massive step for a trans person, and the psychological impact on them and their families is huge. It can be a very painful, stressful and turbulent time. Regular sessions with a counsellor may require repeated absence during the school day. It would be discriminatory for an employer to treat requests for time off in a different way to other medical appointments.
- **Endocrinology. Hormone Therapy (HRT)** uses cross-sex hormones to cause the development of secondary sex characteristics of the desired sex. Physical changes occur within a few months, and they become increasingly difficult to reverse the longer the treatment is continued. Trans people can stay on HRT indefinitely to maintain their hormone levels in the target range for their acquired gender.
- **Surgery. Gender Reassignment Surgery (GRS)** is a major procedure that requires a lengthy convalescence. GRS is essentially irreversible so medical protocols require at least one year's **Real Life Experience (RLE)** in the acquired gender beforehand. Further surgical procedures may also be needed. Employers should treat these absences in the same way as any other surgery.
- GICs may offer further treatments such as facial-hair removal and voice coaching to improve the lives of their patients.

Time off for treatments associated with gender reassignment is specifically protected under the Equality Act 2010, so absences cannot be used against trans people when, for example, considering promotion or pay progression. Medical appointments relating to gender dysphoria should not be classed as disability leave.

Gender Reassignment – Supporting Colleagues and Students

Everyone probably knows more trans people than they realise. Some trans people are able to live with their gender dysphoria; others operate in a dual role and keep those roles separate; other people may have transitioned in the past, and live in their acquired gender without drawing attention to their history. Challenging transphobic prejudice will be noticed and appreciated by trans people, their friends and family members. When someone transitions, however, they may feel particularly vulnerable and need active support in their workplace.

(a) When a teacher transitions

The Equality Act protects both the teacher and, by association, those who support them. It is unlawful to treat an employee less favourably as a result of their transition. The protected characteristic – gender reassignment – relates purely to social gender role, and there is no need for a medical diagnosis or treatment, nor full legal recognition through the GRA. Public sector employers have additional duties under the Equality Act's Public Sector Equality Duty, which covers gender reassignment and states that organisations must have 'due regard' to the need to: eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

However, despite these protections, prejudice and bias remain rife. Trans people find it harder to find work and then keep their jobs. Employers have a moral as well as a legal duty to stamp out discrimination and harassment in all its forms. The NASUWT plays an important role in supporting trans members and offering advice and experience to their colleagues and employers.

Every trans person is different so every transition is different, but common issues will arise:

- **Planning.** Transition is an unusual event and it is therefore likely to impact the community as a whole. It is advisable to establish a planning team around the trans person, to consider timescales, disclosures, policies and procedures, and identify likely problems; they will know their own school and that local knowledge will be invaluable. (See Case Study 2: The planning team – Ashley, p.11.)
- **Confidentiality.** Speculation and rumour can cause situations to run rapidly out of control. This could be devastating to the trans person and their family. Nothing should be said to anyone outside the planning team unless there is a specific and compelling reason to do so.
- **Timescale.** The employer should work to the teacher's choice of date for their transition. Effective planning can be done in a few weeks, but a period of six to 12 months would allow time to engage external consultants who can then advise the school and offer staff training. If the teacher does not yet have a fixed date, planning can still be undertaken so that procedures are in place.

- **Medical Appointments.** The teacher may need to attend medical appointments pertinent to their transition. Section 16 of the Equality Act states that an employer must not treat absence because of gender reassignment less favourably than they would treat absence due to sickness or injury. The same principle applies to time off for any surgery and convalescence.
- **Disclosure.** The planning team will need to consider when to tell the wider school management, the governing body, colleagues with pastoral responsibilities, the teaching staff, support staff and, finally, students and their parents. The trans person should be involved at every stage. It is wise not to disclose too early, but colleagues will appreciate time to digest the news themselves before they are expected to counsel others. Students and their parents need no lead time at all. The press have sometimes taken an interest when teachers have transitioned so it may be prudent to have a press release prepared, although it is clearly best if it is never required. Transition is a private matter and there should be no public interest in the transition of a teacher or anyone else.
- **Training.** External consultants can offer expert advice on policies and procedures, provide staff training, and support the education of students. The NASUWT can signpost schools to organisations including the Gender Identity Research and Education Society (GIRES) and Gendered Intelligence who have prior experience of working in schools. Contact details are provided at the end of this guidance. The NASUWT offers trans awareness training courses, free of charge to all members. See the website www.nasuwt.org.uk for details.
- **Communication.** Clear and open dialogue between the school, the teacher and their union representative(s) is vital. There is huge scope for misunderstanding, especially in an evolving situation where the teacher will be working through the issues in their private life at the same time.
- **Pronouns and titles.** The trans person should be referred to by their preferred pronouns (e.g. *he, she, they, zie*) and title (e.g. *Mr, Miss, Mrs, Ms, Mx*) and the employer has a duty to ensure that this is understood by everyone. Mistakes are to be expected in the weeks after transition but, when this happens, a quick apology and correction should suffice.
- **Records.** When the teacher transitions, school records should be updated with their new name, gender marker and preferred title. Electronic resources, including management information systems, should not indicate the previous name nor refer historically to the transition. Paper records are more difficult to update but all reasonable steps should be taken to protect the teacher's privacy. Colleagues cannot be expected to suddenly forget the trans person's past identity, but they do not need to be reminded. Going forwards, the trans person should be referred to exclusively in their acquired gender.

The Government Equalities Office guidance for employers, *The recruitment and retention of transgender staff*, states that the employer needs to address: 'what needs to be changed, when will this happen, what will happen to "old" records?

This includes photographs/biographies etc. on company websites through to historical information on personal records (such as a reference to a previous period of maternity leave for a transgender man).'

- **Privacy.** It is a criminal offence under the GRA to disclose information acquired in an official capacity about a person's application for a GRC, or about the gender history of a successful applicant. It defeats the objectives of the GRA to ask someone to provide evidence of a GRC, so it is best to assume that any person who has transitioned has full legal gender recognition and treat them accordingly. For all people, information about an individual's gender history would constitute 'sensitive data' under the Data Protection Act that can only be disclosed for certain specified reasons, as set out in the Act. Furthermore, Article 8 of the Human Rights Act gives everyone the right to privacy and family life.

Employers must make every effort to ensure that all historical records are amended, or protected.

- **Dress codes.** The NASUWT sees no requirement for schools and colleges to have dress codes for teaching staff. Where, against NASUWT advice, dress codes do exist for men and women, the trans teacher should dress appropriately for their acquired gender from the date of their transition, though employers should allow some flexibility at the start.
- **Pensions.** The Teachers' Pension Scheme (TPS) is not gender and sexual-orientation neutral and discriminates against women and same-sex couples in terms of the benefits which their adult survivor partners may receive.

As a result, the TPS may continue to refer to a trans person in their birth sex until they acquire a GRC. Members who are transitioning should contact the NASUWT for assistance over this issue.

- **Sex-segregated facilities.** Trans teachers should be free to use toilets appropriate to their acquired gender from the date they transition. Where a teacher is intending to transition, the employer and teacher should discuss and agree the timescale within which the teacher will start to use the facilities for the gender to which they are transitioning. This will usually be at the point at which the teacher begins to live permanently in the gender in which they identify, provided that the teacher is able to give the employer sufficient notice so that the employer can communicate with other employees (if appropriate in the circumstances).

Transgender teachers are entitled to support from their employers, and the employer has a duty to dispel prejudice amongst other employees. Employers must act reasonably and must not act in a way which violates the dignity of a transgendered teacher.

For example, it is not acceptable in the longer term for an employer to insist that a teacher who is transitioning must use separate toilet facilities, such as a unisex disabled toilet, and such conduct is likely to constitute unlawful discrimination. If communal changing areas or showers present a problem, then the employer might consider installing individual cubicles to protect the privacy of all staff.

Experience has shown that effective planning and clear communication can ensure a smooth transition for the teacher and for the school.

Case Study 1: Debbie

Debbie teaches in a secondary school in the West Midlands. She had been in post for nine years when she told her employer that she intended to transition from male to female later in the year. She wanted to keep her job and her employer was keen to retain her but neither had any prior experience of the issues involved, and the likely impact on the school was unknown. The management took expert advice from a consultant, whilst Debbie approached her union, the NASUWT.

The Union responded swiftly and a full-time officer met with Debbie to discuss the situation in school and the legal protections. Support was then provided through a caseworker who, having the confidence of both Debbie and her employer, was a trusted figure in the conversations and meetings that followed. The employer supported Debbie's wish for the NASUWT to be involved throughout the planning process, and they included her caseworker in all communications. Union staff provided ongoing support and they were consulted at each stage, and before disclosures were made to staff and then to the wider school community. The school was able to proceed with confidence, and the response from colleagues, students and their parents was overwhelmingly positive. Confidentiality was maintained and there was no press intrusion.

Following Debbie's transition, she continued to teach the same classes and there was no disruption to the life of the school. Constructive partnership and clear communication between employer, consultant, employee and union helped secure a positive outcome to everyone's satisfaction.

Case Study 2: The planning team – Ashley

Ashley transitioned in a large secondary school. Very early in the process, a planning team was set up comprising:

- *Ashley;*
- *Ashley’s union representative. The Workplace Representative conducted the casework with support from the Local Association. The Regional Centre was fully briefed in case it was necessary to involve them;*
- *the headteacher;*
- *the deputy headteacher who line-managed Ashley’s department. She had an excellent knowledge of the staff involved and where difficulties may occur;*
- *the school administrator who was responsible for implementing changes to school records and updating IT systems;*
- *a member of staff from the pastoral team with specific responsibility for counselling in the school;*
- *a governor who had prior first-hand experience of a colleague transitioning in their own workplace.*

This team of seven met four times. Ashley discussed their expectations and timescale at an initial meeting. External consultants were then appointed, and they then met with the team for a half-day training session six months before Ashley transitioned. Further meetings were held to discuss plans shortly before news was disclosed to the wider staff and then to the pupils and parents. Throughout the process, open communication was maintained between team members as questions arose and decisions were taken.

(b) When a student transitions

The Equality Act protects everyone, including young people. When a family informs the school or college that their child is transitioning, the school has a duty to support the student, protect them from discrimination and harassment, and provide appropriate training for teachers, support staff and governors. Specialist organisations such as Gendered Intelligence and GIREs can help with staff training and provide educational resources for students. NASUWT members should contact the Union for advice if they feel their training needs have not been fully met. The NASUWT provides specialist training for members, workplace representatives and caseworkers.

The NASUWT believes that all schools and colleges should ensure that teachers, other school staff and governors should be given access to professional advice, guidance and training, in order to ensure that trans matters are dealt with appropriately and inclusively.

NASUWT good practice guide for teachers

- Trans children are children, and they have the same needs as other children. Teaching and learning should not be affected by a trans student in the class, and ‘business as usual’ is the best policy.
- Use the student’s preferred name and pronouns. If you get it wrong, apologise, correct yourself and move on without drawing undue attention to the oversight.
- Avoid discriminating between boys and girls. When boys and girls share the same experience, there is no need to make special arrangements for trans children.
- Where boys and girls are treated differently (for example, in PE lessons), follow school policies and report any difficulties promptly to the school. The NASUWT can provide further advice to members if necessary.
- Be alert to transphobic teasing, tormenting and bullying, and address them in line with school policy.
- Protect the privacy and dignity of trans students in the same way that you would any student, and never gossip about them to third parties. Any contact from the press or other outside bodies should be referred promptly to the headteacher.
- Do not advise students about their gender issues; they need teaching, like everyone else in the class.

NASUWT good practice guide for schools

- Ensure that policies are inclusive of trans students and, in particular, cover situations where boys and girls are treated differently.
- Records should be updated and gender markers changed in consultation with the student and their family. In England, Department for Education (DfE) guidance allows schools to amend the gender of any student at any time within their own management information systems. Unique Pupil Numbers and Unique Learner Numbers are linked with legal names (that is the name under which a student starts their education, often the name on their birth certificate), but preferred names can be used extensively, including official registers. Exam certificates can also be issued in a preferred name. There is no specific guidance for Northern Ireland, Scotland and Wales on provision for trans pupils in schools and colleges. There is, however, provision for exam certificates to be issued in a preferred name.
- Absence for medical appointments should be granted in the normal way according to established policy, ensuring the privacy of the young person.
- Equalities should be embedded in the curriculum, and gender should be covered along with other protected characteristics. Staff may need specific training to deliver lessons effectively.
- Issues surrounding toilets, changing facilities, PE and games lessons, school trips, exchanges and overnight stays should be addressed on a case-by-case

basis in consultation with the young person and their family. If in doubt, expert advice should be sought.

- School uniform should not present a problem for transitioning students, and they should expect to follow the dress code for their acquired gender. Issues may arise with sports kit, especially for swimming. Schools may wish to review their arrangements and allow all pupils to wear skirted swimsuits, long shorts or short wetsuits as alternatives to traditional costumes.

Best practice is best practice for all. All children benefit from being members of diverse communities where everyone can make their own distinct contribution.

Case Study 3: Jason

Anne had been a student at her single-sex girls' school for five years. Her parents had requested a meeting with the headteacher on the first day of the autumn term where they disclosed that their child was trans, was under the care of Child and Adolescent Mental Health Services (CAMHS), and had been living as Jason throughout the summer holidays. Jason felt a lot more comfortable with himself and he wanted to continue in this role in the sixth form. The school wanted to support Jason and they took expert advice as the school year began.

A senior member of staff met with Jason regularly, but widespread goodwill ensured a smooth transition. Toilets were an issue because the male facilities were reserved for staff. The headteacher made it clear that Jason should not have to use the disabled toilet in the sports block, and specific arrangements were made in consultation with Jason and his family. The liberal dress code for sixth form students meant that Jason could wear what he wanted to wear. The school helped him obtain a GCSE certificate in his new name and supported his university applications in his acquired gender.

School notices were reviewed to avoid the use of such words as 'girls' and 'she', and Jason received separate gender-appropriate letters from school. Occasional oversights slipped through but Jason's family were gracious about them. Staff became more gender-neutral in their language and they were often very upset when they made a mistake. The parental body was also very accepting. One mother insisted that Jason was welcome in their home as he had been for the previous five years, and he was still invited to sleepovers. Hormone therapy caused Jason's appearance to become increasingly masculine, which occasionally surprised people who were unfamiliar with his transition, but school life carried on with many students oblivious to what had happened, as were the press and the outside world.

Jason grew in confidence and flourished in the sixth form of his single-sex girls' school. The school did not lose its single-sex status as a result.

(c) When a family member (of a teacher or a student) transitions

Gender reassignment can also impact schools if, for example, a teacher has a spouse who is transitioning, or a student has a parent who is transitioning. School may be a refuge for family members who share the stresses and turmoil of a transition, often without prior warning. These situations may or may not be known to the school, and that alone is reason why staff training and the education of students should be proactive rather than in reaction to specific events in school.

Children with a trans parent may be happy to talk about it, but they may fear the news becoming public. Barney's primary school was proactive when his father transitioned.

Barney's Story

My dad transitioned when I was ten. My school was very supportive during this time. They provided counselling on what would change and what would stay the same. It was reassuring to know that it was completely normal and almost everything would stay the same within the family or in my dad. (I'm sure the 50% of DNA that we share didn't change too!)

As I was in a primary school, most of the children in the class had little or no knowledge of LGBT, including me. Looking back, if they had known what was happening (which they didn't), they wouldn't have given it a second thought. When you are going through this situation, though, the last thing you want is teasing about it.

However, if a child is in secondary school, where 'gay' may be used as an insult, I think the school should have an LGBT lesson in Personal and Social Health Education (PSHE) about how it is normal. While this should not be targeted at the child, the general session will help, since it lets them know that everyone is learning about it.

Supporting Dual-role People

Some people manage their gender dysphoria by living as a man or a woman in different aspects of their lives. For example, they may work in a male role but socialise in a female role.

Although the protected characteristic under the Equality Act is gender reassignment, it is best to assume that dual-role people are covered by perception that they might transition. Like everyone else they deserve to be treated with dignity and respect.

In practical terms, there should be no issues unless the different aspects of their lives overlap in some way. For example, a male teacher might want to attend a staff party as a woman. In that case they would probably prefer to use a female

name and feminine pronouns, and they should be allowed to use the toilets appropriate to the gender in which they are presenting.

As referenced on page 4, it is always far better to ask the person concerned before applying any arbitrary label to them.

Celebrities such as Eddie Izzard have helped to raise the profile of dual-role people and overcome some of the stigma that has existed in the past.

Supporting Gender Non-conforming People and Non-binary People

‘Trans’ is a general term. It includes gender non-conforming people who do not identify with social gender norms, and non-binary people who do not fit the gender norms associated with either sex. There is much variation and it is unwise to generalise, though carefully designed policies and procedures will protect people when they express their gender identity.

Rigid gender norms restrict everyone and, whilst there are occasions where sex segregation is necessary, many examples are purely cultural or traditional. For example, is it necessary for schools and colleges to:

- maintain separate dress codes for men and women?
- have different uniform policies for boys and girls?
- arrange students into single-sex groups?
- restrict parts of the curriculum to one sex or the other?

New-build schools may have unisex toilet facilities comprising individual cubicles and an open-plan area for sinks or hand-dryers that are easy for duty staff to monitor. However, if schools have traditional toilet areas, it may be more satisfactory to designate certain individual cubicles as unisex for gender non-conforming and non-binary people to use if they choose.

NASUWT good practice guide for teachers

- Use preferred names or initials – for example, RJ Smith may prefer to be referred to as RJ.
- Use preferred pronouns. Non-binary people may adopt non-gendered pronouns, for example ‘they’, ‘them’, ‘their’ rather than ‘she’ or ‘her’. Others prefer bespoke pronouns such as ‘zie’, ‘zim’, ‘zir’.
- Continue to use the person’s preferred name and pronouns when they are not present.
- Avoid discriminating between the sexes in the classroom and the staffroom. For example, is it necessary to separate boys and girls for an activity? Or is it necessary to refer to colleagues as ‘ladies and gentlemen’?
- The use of inclusive language and inclusive practice is necessary if gender non-conforming and non-binary people are to feel comfortable in the workplace and

the community in general. Everyone probably knows more gender non-conforming and non-binary people than they realise.

Supporting Intersex People

The term ‘intersex’ is distinct from ‘trans’. Whilst ‘trans’ arises from gender incongruence, ‘intersex’ concerns the development of the body. Intersex people may be trans in the same way that non-intersex people may be trans, but most will identify with their designated sex. However, the binary model of male/man/masculine and female/woman/feminine can fail intersex people as it can fail trans people, and intersex people also face prejudice that arises out of ignorance.

‘Intersex’ covers several medical conditions. Some people have XY (male) chromosomes, but their external development may be entirely female or atypical. One possible cause is complete androgen insensitivity syndrome where the body is unaffected by androgens. Other people with congenital adrenal hyperplasia have XX (female) chromosomes, but raised androgen levels before birth lead to a body that is more male in appearance. Others have neither XX nor XY chromosomes. They may have just one (XO, Turner syndrome) or they may have three (for example, XXY, Klinefelter syndrome).

Sex is designated according to the appearance of the genitalia at birth. In approximately one in 2,000 births, there is sufficient ambiguity to warrant hesitation, and some babies require multiple tests before their parents can say whether they have a boy or girl. Intersex conditions are also diagnosed later in life, perhaps at puberty – if development is atypical – or when people have difficulty conceiving children of their own; other people may never know that they are intersex. Overall, about 1% of the population has an intersex condition of one form or another.³

The NASUWT believes that equality and diversity training should be mandatory for staff in schools and colleges. Intersex issues should be included in this training.

Staff and students should know that intersex concerns variations of biology, not gender identity or sexual orientation. Intersex people need to be confident that their confidentiality will be respected and any specific health and wellbeing issues will be supported. Policies should cover discrimination and harassment on the grounds of being intersex. Adding the letter I to LGBT is a start, but intersex people need to be consulted in the development of policy. You will not find out if someone is intersex by asking about their sex or gender, so consider asking the question, ‘are you intersex? (yes/no/prefer not to say)’ when collecting personal information from staff and students.

³ <http://www.isna.org/faq/frequency>

Privacy and Confidentiality

Privacy and confidentiality are paramount. Everyone has the right to a private life, and it is against the law for someone in an official capacity to disclose someone's trans status or trans history without their permission. There is a moral obligation on all to maintain the privacy of friends and acquaintances. Disclosing a trans person's status to third parties requires careful consideration and should be based on whether there is any actual need for the other person to be told. Good practice would always be to consult with the trans person beforehand.

Teachers and children have transitioned in schools and colleges across the UK, and gender non-conforming, non-binary and intersex people are increasingly visible in society. Experience has shown that these matters should not impact teaching or learning, and life can go on in schools and colleges free from public scrutiny.

Specialist Services and Organisations

Charing Cross Gender Identity Clinic (West London Mental Health NHS Trust)

The largest and oldest clinic of its type, dating back to 1966. It accepts GP referrals from all over the UK for adults with issues related to gender, most commonly gender variance associated with gender dysphoria.

<http://www.wlmht.nhs.uk/gi/gender-identity-clinic/>

Diversity Role Models (DRM)

DRM seeks to prevent homophobic and transphobic bullying in UK schools.

<https://www.diversityrolemodels.org/>

Education Support Partnership

Incorporating the Teacher Support Network, a charity dedicated to boosting health, happiness and wellbeing among education staff and organisations.

<https://www.educationsupportpartnership.org.uk/>

Galop – the LGBT+ anti-violence charity

'If you've experienced hate crime, sexual violence or domestic abuse, we're here for you. We also support lesbian, gay, bi, trans and queer people who have had problems with the police or have questions about the criminal justice system.'

<http://www.galop.org.uk/>

Gendered Intelligence

'Our vision is of a world where people are no longer constrained by narrow perceptions and expectations of gender, and where diverse gender expressions are visible and valued. We work predominantly with the trans community and

those who impact on trans lives; we particularly specialise in supporting young trans people aged 8-25.’

<http://genderedintelligence.co.uk/>

The Gender Identity Development Service (GIDS)

GIDS, established in 1989, is a highly specialised clinic for young people presenting with difficulties with their gender identity.

<http://gids.nhs.uk/>

Gender Identity Research and Education Society (GIRES)

GIRES’ purpose is to improve the lives of trans and gender non-conforming people, including those who are non-binary and non-gender.

<http://www.gires.org.uk/>

LGBT Foundation

A national charity delivering a wide range of services to LGBT communities.

<http://lgbt.foundation/>

Mermaids

Mermaids supports young people up to 19 years old suffering from gender identity issues, and their families.

<http://mermaidsuk.org.uk/>

National Trans Youth Network (NTYN)

NTYN is a network of trans youth groups from around the UK, and includes the youth workers who support them.

<http://ntyn.org.uk/>

Press for Change

One of the leading agencies in the UK providing legal advice and support to trans and other gender variant people.

<http://www.pfc.org.uk/>

SAIL (Support, Acceptance, Information and Learning)

SAIL is a voluntary support group in Northern Ireland for family, friends, carers and individuals living with gender issues.

<https://sailni.com/>

Scottish Transgender Alliance

The Scottish Transgender Alliance works to improve gender identity and gender reassignment equality, rights and inclusion in Scotland.

<http://www.scottishtrans.org>

The Sibyls

A UK-based confidential Christian spirituality group for transgender people, their partners and supporters.

<http://sibyls.gndr.org.uk/>

Stonewall

Stonewall works to achieve equality and justice for lesbians, gay men, bisexual and trans people.

<http://www.stonewall.org.uk/>

Transgender in Wales | LGBT Consortium

Supporting, promoting and working with the transgender community in Wales.

<http://www.lgbtconsortium.org.uk/directory/transgender-wales>

Transgender NI

Transgender NI is the hub of information for trans, non-binary, questioning and intersex people and those who support them across Northern Ireland.

www.transgenderni.com

Trans Media Watch

A charity dedicated to improving media coverage of trans and intersex issues. Trans Media Watch also helps trans and intersex people who are interacting with the media to get results they are comfortable with.

<http://www.transmediawatch.org/>

Transworkers UK

Promoting stories of trans employment across all sectors: private and public; union and non-union.

<https://www.facebook.com/groups/1567046180239641/>

Transwiki

A comprehensive directory of the groups campaigning for, supporting or assisting trans and gender non-conforming individuals, including those who are non-binary and non-gender, as well as their families across the UK.

<http://www.gires.org.uk/the-wiki>

The United Kingdom Intersex Association (UKIA)

An education, advocacy, campaigning and support organisation which works on behalf of intersex people.

<http://www.ukia.co.uk/>

Specialist Guidance and Literature

Cornwall Schools Transgender Guidance

https://www.cornwall.gov.uk/media/13620644/schools-transgender_guidance_booklet-2015.pdf

Employment Statutory Code of Practice

Guidance published by the Equalities and Human Rights Commission to give individuals, businesses, employers and public authorities the information they need to understand the Equality Act, exercise their rights, and meet their responsibilities.

<https://www.equalityhumanrights.com/sites/default/files/employercode.pdf>

Looking after trans, non-binary and non-gender employees in the workplace (GIRES)

An employers' guide on supporting trans people in the workplace.

<http://www.gires.org.uk/assets/Workplace/Transition-in-workplace-policy-Nov-2015.pdf>

NHS Choices: Gender Dysphoria

<http://www.nhs.uk/Conditions/Gender-dysphoria/Pages/Introduction.aspx>

The recruitment and retention of transgender staff

Guidance published by the Government Equalities Office to help recruit and retain transgender employees. It is also a useful guide for the managers of trans staff and for trans staff themselves. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/484855/The_recruitment_and_retention_of_transgender_staff_guidance_for_employers.pdf

Technical Guidance for Schools in England

Guidance published by the Equalities and Human Rights Commission to help schools understand the Equality Act and apply it in practice.

https://www.equalityhumanrights.com/sites/default/files/technical_guidance_for_schools_england.pdf

Transforming the Workplace

A TUC guide for trade union activists on supporting trans members

<https://www.tuc.org.uk/sites/default/files/Transformingtheworkplace.pdf>



The NASUWT is very grateful to Dr Debbie Hayton (Teacher) for assisting in the development of this guidance.

