



# **SUPPORTING THE INCLUSION OF**



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## 1.0 Introduction

Equality and diversity within the Oasis vision is important. Our vision is for community – a place where everyone is included, making a contribution and reaching their God-given potential. Our ethos is a statement of who we are and it is an expression of our character. Rooted in the story and beliefs of Oasis, we describe our ethos through a particular set of values that inform and provide the lens on everything we do.

**A passion to include**

**A desire to treat people equally while respecting differences**

**A commitment to healthy relationships**

**A deep sense of hope that things can change and be transformed**

**A sense of perseverance to keep going for the long haul**

It is these ethos values that we want to be known for and live by. It is these ethos values that also

s



## 2.0 What is this guidance about?

### In brief

As a Trust we recognise that the issues around transgender identities are complex; linked closely with a sense of self-identity, well-being, worth and value. As Oasis, and specifically within our Academies it is our aim to support our transgender staff and students, supporting them and their families, and adapting where possible and appropriate our provision. This guidance explains what the legal requirements are in relation to transgender pupils and how they will be implemented within the wider Oasis family.

Gender reassignment is defined in the Equality Act as applying to anyone:

- Who is undergoing or has undergone gender reassignment,
- And of particular relevance to schools:
  - Is proposing to undergo a process (or part of a process) of reassigning their sex by changing physiological or other attributes.

This definition means that in order to be protected under the Act, a transgender pupil will not necessarily have to be undertaking any medical procedures, but will be considering or taking steps to live in the gender they feel they identify more closely with.

### In more detail

In 2014, the Equality and Human Rights Commission (EHRC) published guidance on the Equality Act 2010 and how it applies to schools in England.

Across the Oasis Trust our academies and settings are subject to safeguarding duties to protect pupil wellbeing and so have referenced included anti-bullying practice within our Child Protection & Safeguarding Policy; specifically naming homophobia, bi-phobic and transphobic bullying. Decisions on uniform, provisions for shared sanitary and changing facilities and mixed sport are primarily made by our academies themselves, within the respective framework provided by the Trust.

The charity Stonewall, working with Cambridge University, published their School report in 2017, which surveyed the experiences of transgender children in British schools. Included amongst its findings were:

- Nearly two thirds (64%) of surveyed pupils reported experiencing transphobic bullying;
- One in three pupils in transition (33%) were not able to be known by their preferred name at school;
- Around three in five (58%) were not allowed to use the toilets they felt comfortable in;

Transgender identity is not a sexual orientation. The terms sex and gender are often used interchangeably in colloquial discourse, though they have distinct meanings. For this guidance, sex refers to the classification assigned at birth, based largely on external reproductive characteristics. Gender identity and self-representation. This is not to diminish the varied, self-determined expressions of the young person but solely to facilitate the application of this guidance.

Therefore in line with the Oasis ethos and 9 Habits, Oasis Community Learning (OCL) fully recognises its responsibilities to safeguarding its students and recognise their choices around gender identity. Their welfare and safety is at the heart of Excellent Education at the Heart





## 5.1 Registration & Academy Records

Under 13 years of age the registration of pupils who wish to identify as transgender will be under the instruction of the persons holding Parental Responsibility. If a parental request is made that the pupil be registered and known as their chosen, rather than birth name and gender then this request will be upheld.

registration of their child, the permission of only 1 parent is required (if the parents are separated the view of the parent where the child is resident will be dominant) and the voice of the child will help determine the decision taken.

Where the child under 13 years requests a re-classification of gender identity



A guide to language and definitions can be found on the Gender Identity Research & Education Society (GIREs) website:

<https://www.gires.org.uk/wp-content/uploads/2019/05/Terminology-May-2019.pdf>

### **5.3 Uniform**

uniform should not exist rather an academy uniform is promoted. This applies to the main academy uniform as well as any requirements around sports kits.

This not only supports those pupils who identify within a transgender identity, but those students who from a social or faith perspective who wish to cover legs/arms etc.

### **5.4 Toilets**

Where possible gender neutral toilets should be available. Any new build or refurbishment will include this requirement in their initial design.

The pupil should use the toilet facilities in line with their affirmed gender identity and wishes, with the



A pupil in transition has the same right to physical education as other young people, there should be reasonably few, if any, issues regarding participation within the sports usually associate with their identified gender choice.

Recognition should be given to the possibility of hormone-blockers, whether prescribed under the relevant court order or under parental consent, leading to lack of energy. This should be considered during PE lessons and reflected in any academic progress report.

Under section 195 of the Equalities Act; sports, games or other activity of a competitive nature in circumstances where the physical strength, stamina or physique of the average girl (or boy) would put her (or him) at a disadvantage in competition with the average boy (or girl) are exempt from Equality Act consideration. Therefore it is possible to have unisex sports within the academy but consideration on a 1:1 basis should be given as to whether a transgender student could participate. E.g. a person born as a girl, but now identifies as a boy, with a passion and skill at football could play in a despite the exemption rule.

If a pupil is binding their chest, they should be monitored carefully during particularly physical activities and in hot weather. There is a chance that the binding could cause discomfort or even impair breathing. Short breaks from activity could be offered discretely.

### **5.7 Trips, Visits & Work Experience Placements**

For trips and visits that do not include an overnight stay the issues of transition should have little impact.

If the visit is for swimming or work experience, then the Academy does not need to notify the facility that the party includes a transgender pupil, and should not identify that pupil. The pupil should be given the choice as to whether they wish to take part in swimming lessons or not. If the trans-pupil wishes to take part in swimming lessons, a risk assessment of the changing facilities or work experience placement should be completed. A copy of this guidance should be shared with the Facility if they do not hold their own gender recognition policy.

As in Experience Placemee





discouraged. Any replies to queries from other parents should









## Appendix A – Memorandum of Understanding

### We have agreed that:

#### Academy Records

From *(insert date)* *(insert old name)* will be known within the Academy as *(insert new name)* and that this new name and gender identity will be recorded on the Academy system and any classroom list.

To this end:

- All staff will use the new name;
- Any letters or notes sent home will use the name of choice;
- Any record of gender from the above date will refer to the chosen gender identity.

#### Support in the Academy

The Academy will try to make the transition period as easy as possible, but understand that this is a difficult period in your life.

To this end:

- (insert name)* will be available from the Academy staff as a Pastoral link for you;
- The Academy will take seriously any bullying - simply it will not be tolerated;
- You will wear the OCL uniform that best suits your chosen identity;
- You will participate in PE activities appropriate for your chosen gender identity;
- Time will be given for any health appointments relating to your transition.

#### Academy Facilities

In accordance with the law you are able to use the toilet and changing facilities that you feel most comfortable with.

Changing Rooms & Toilet Facilities (delete as appropriate):

- Toilets in our Academy are gender neutral so you will use the nearest to your classroom
- Whilst we address the long term provision of gender neutral toilets in our Academy you have decided to use *(insert location)*
- The changing facilities in our Academy have cubicles for you to use and you have decided to use the *(insert choice: boys/girls)* changing room
- Whilst we address the long term provision of our changing facilities you have chosen to use *(insert choice: boys/girls/unisex facilities with access)*.

But, please remember you can change your mind at any point but do discuss this with your Link Mentor.

#### School Visits & Residential Trips

Every effort will be made to ensure that there is appropriate provision for you. For residential trips this will be a single room. If this is not possible the Academy will meet with you and your family to agree a way forward.

#### Agreed:

Principal

Parent/Carer

Pupil