

# Gender-questioning: Advice for Schools

Approved by RET Board

Approved on August 2024

RET contact Headteacher

Revision due Every 2 years



RUSSELL EDUCATION TRUST

## 1. Context

- Education Act (1996)
- Education and Inspections Act (2006)
- Equality Act (2010)
- Gender Recognition Act (2004)
- Supplementary Guidance SRE for the 21st century (2014)
- Keeping Children Safe In Education – Statutory safeguarding guidance (2020)
- Children and Social Work Act (2017)
- Relationships Education, Relationships and Sex Education (RSE) and Health Education Draft statutory guidance (February 2019)
- Cass Review, Feb 2022
- Tavistock Report, March 2022
- Draft DfE Guidance, December 2023

This advice should be considered alongside other advice and policies:

- Anti-Bullying Policy
- Child Protection and Safeguarding Policy
- Relationships and Sex Education Policy
- RET PSHCE Framework
- Equal Opportunities Policy
- Curriculum Policy
- Mental Health Policy
- SMSC Policy
- Special Educational Needs Policy

## 2. Overview

- a. This document provides guidance to Designated Safeguarding Leads (DSLs), Headteachers and Advisers on matters related to students questioning their beliefs about sex or gender.
- b. It is intended to set out the overall framework of our approach rather than to give specific advice on all possible situations.
- c. Heads and DSLs are expected to seek advice from the Trust, about individual students or situations not clearly covered by this document.
- d. This document has been updated in the light of the interim Cass Report and Tavistock Report (March 2022) and the Draft DfE December 2023 guidance. It will be reviewed again when the final report is published and in the light of any future guidance from the DfE.

## 3. Safeguarding context for our approach

- a. The Trust puts the safeguarding of every student at the forefront of its work. Our aim is to carefully support children, making referrals to support services where necessary. When working with students who are questioning their gender, our Headteachers, DSLs and safeguarding teams will take all circumstances and historic information into consideration.
- b. As part of our Safeguarding duty, we help students to recognise that if they are questioning or finding their sexuality – or resisting gender/sex stereotyping – this does not necessarily mean they should question their sex or label themselves transgender. Similarly, we are sensitive to the needs of the small minority of adolescents whose issues relate to their beliefs about gender and sex.
- c. We recognise the advice of the Cass review and Tavistock report is that students questioning their gender/sex are often amongst the most vulnerable students in our schools. Students questioning their gender (by which most initially mean sex) are predominantly teenage girls or boys and girls with autism, other mental health needs or those who have suffered trauma. They may also be lesbian and gay students or those who do not wish to conform to boy/girl stereotypes.
- d. **Social transition** (changing name/clothing/pronouns/wishing to be treated as a member of the opposite sex) is sometimes pursued in childhood and adolescence by those who self-identify as trans or of the opposite sex. The Cass review concludes that social transition (including in school) can have “significant

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effects on a young person’s psychological functioning” and “better information is needed about outcomes” for those that make some form of social transition during childhood.

- e. **Medical transition** is generally managed through a Gender Identity Clinic when a student reaches 18. It can include hormone therapy and/or sex changing surgery. School staff should not lead children to believe that this can occur earlier than 18 nor should staff encourage children to believe this is the only option for them. When appropriate, affected students over 17 and parents, working in partnership with the relevant professionals, should be able to seek pastoral support through the school.

## 4. RSE and PSHCE

- a. Our approach in RSE and PSHCE is mindful of the fact that gender-questioning children may find some lessons particularly challenging. Although the curriculum is not amended for these students, staff are sensitive to their needs and aware of the affected students. The curriculum does however deal with gender reassignment as a legally protected characteristic for adults.

## 5. Gender Recognition Act

- a. Gender Identity (the disputed theory that each person has an internal sense of being male or female) is not referenced or recognised in the Gender Recognition Act (GRA). This act provides for men or women over the age of 18 to apply for a Gender Recognition Certificate.

## 6. Approach

### a. Parents and Carers

- a. In the first instance, where students disclose that they are questioning their gender or sex or want to assume a different gender to their sex, they should be encouraged to talk to their parents/carers if they have not already done so. The school will then follow up with a discussion with parents about our watchful waiting approach. Colleagues will discuss school and external support as well as the findings of the Cass review (see Safeguarding), Draft DfE 2023 guidance and the school’s recommended approach of watchful waiting.
- b. The school will make clear that social transition is rarely facilitated in our schools, and then only under appropriate medical advice and specialist supervision. In those cases the decision must be taken in the interests of the child and considering the whole context.
- c. The school may offer to accompany the student in any discussion with parents/carers if this helps or to tell the parent/carer if the student finds it difficult to make the first move. It is in a student’s best interests for all those with parental responsibility to have appropriate information about their child. The only exception would be if a staff member (with cause) fears for the safety of a student concerned should the parent/carer gain knowledge of trans or non-binary feelings in which case, a referral to appropriate Children’s services should be made by the school.
- d. The school will want to establish the students and parents’ sources of information and or support (see 6c).
- e. A student’s feelings should be discussed carefully and sensitively by someone experienced and prepared. For these reasons, the Headteacher, or DSL, or DDSL or an experienced member of the pastoral and/or safeguarding team will generally be that person. In these cases, the Headteacher should always take the lead and be fully informed.

- b. **Watchful waiting** is a widely used approach to medical issues in which time is allowed to pass before medical intervention or therapy is used. In this context it is one that encourages children and adolescents to wait until adulthood before making any kind of social transition. This approach involves working with parents, teachers and other professionals to support gender-questioning children by encouraging them to wait and discover, rather than labelling themselves through adolescence. It stresses the need for kindness and understanding, and the need to give children and young people time and support so that they do not only see their needs; through the lens of gender identity. Its emphasis is on identifying and meeting mental health and or learning needs and facilitating the discovery of sexuality or indeed of the need for gender reassignment or transition during adulthood. It discourages parents, friends and teachers from equating caring support with affirming the child’s self-diagnosis or trying to change their minds. In taking this approach, staff will be mindful of the whole context of the student and any related health and safeguarding concerns.

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## c. Support from external groups

- a. A large number of charities offer counselling and support to gender-questioning children. We advise against involvement with most of the groups which conflate LGB sexuality with transgender (gender-questioning). The school will advise gender-questioning children and their parents to be cautious about advice from and involvement with groups which may have a political and campaigning agenda on either side of the debate rather than the necessary clinical and professional skills to support vulnerable children. Similarly, we advise great caution in relation to online groups; and advise parents to take the same approach.

## d. Scarcity of external support

- a. Our schools (in common with others) are increasingly managing a range of mental health conditions without timely support from mental health professionals. Nevertheless, the school will continue to support students internally, giving opportunities to talk at school and making referrals for support. We work closely with parents, students, their GPs and other professionals such as CAMHS and the local MASH.

## e. Toilet Use and Changing Facilities

- a. The Trust recognises issues around toilet use and changing facilities, both for gender-questioning students and for their peers. For this reason, a gender-questioning student will have the option of using a unisex assigned toilet and/or changing space or the toilet/changing space of their sex. Unisex toilets will be clearly labelled as such.

## 7. Primary to secondary or school changes

- a. Headteachers will work with parents and the primary (or originating) school to decide what is in the child's best interest. Headteachers will wish to make clear the approach to social transition and watchful waiting. Where children have already started some form of social transition (e.g. name, pronouns, uniform) headteachers will discuss how to manage this situation before they start school and within the framework of this guidance.
- b. Where there has been social transition in a previous school, our approach is not to automatically assume that this will be appropriate in a new context especially if this is a new phase of education.
- c. Any safeguarding concerns arising from social transition in a primary age child, will be raised through the appropriate channels.

## 8. Sports

- a. The legal requirement for our schools is to assess age and stage when deciding which sporting events/activities a student takes part in. In some of our schools, certain sports and/or activities are single-sex. A student will not be permitted to join a single sex team of the opposite sex. Some mixed girls' and boys' sports in our schools present no issues, but many competitive sports are governed by external rules that schools are required to comply with.

## 9. Relationships with other students

- a. In accordance with our Anti-bullying and Equal Opportunities policies, we promote tolerance of the (legal and decent) opinions of others and do not tolerate unkindness or bullying. Students are entitled to differing opinions about sex and gender but must always express these (and treat each other) with respect:
  - a. The views of students who believe in or question gender must be treated with respect. Respect does not mean that gender-questioning students can insist that forms of social transition are observed by students and staff.
  - b. Similarly, students' who have views about the immutability of sex and the protection of girls/women's spaces, must also be treated with respect.
- b. Other students, parents and teachers may hold protected religious or other beliefs that conflict with the decision that the school or college has made, these are legitimate views that must be respected.

## 10. Safeguarding Disclosures or Concerns

- a. Any safeguarding concerns MUST be referred to local authority services immediately, as they would be for any child. This includes age-inappropriate sexual experiences, suspected grooming or CSE and a

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student being subjected to abusive and/or prejudiced language behaviours or influences outside school and/or online.

## 11. Residential Trips

- a. Gender-questioning students will (as in school) use toilets, sleeping and changing facilities of their sex at birth, or other separate facilities if available. The arrangements available must be discussed with parent and student before the trip.

## 12. Other Materials and Organisations

- a. Headteachers should use centrally provided or approved materials in SRE and PSHCE rather than those from external organisations. Schools should not directly or indirectly reference or endorse external organisations on materials used with students on displays or on social media. Headteachers must seek advice from RET before authorising any organisations to work directly with the school and students.