



## **Policies and Procedures**

### **Document 16 – Trans Policy**

Date of last review: November 2022



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## **1) The Policy**

- i)* Gender is often an important part of an individual's identity and developing a positive sense of gender identity is part of growing up. However, gender identity is often complex and there is a spectrum of gender which is wider than just boy/man or girl/woman.
- ii)* Practice to support trans children is embedded across Musica Kirklees policies and builds on best practice already in place to eliminate discrimination, harassment and victimisation; advance equality of opportunity and foster good relations.
- iii)* This Policy seeks to provide a broad overview of the needs of trans children and their families and how Musica Kirklees will support them, inclusively and sensitively.

## **2) Principles In developing practice to support trans children,**

Musica Kirklees will try to follow these principles:

- i)* Listen to the child, their parents, carers and siblings. Wherever possible follow their lead and preferences.
- ii)* No child should be made to feel that they are the ones who are causing problems or that they owe anything to Musica Kirklees in return for being treated with the equality they deserve and are legally entitled to.
- iii)* Avoid seeing the child as a problem and instead see an opportunity to enrich the community and to challenge gender stereotypes and norms on a wider scale.
- iv)* Avoid where possible gender segregated activities and where this cannot be avoided, allow the child or young person to access the activity that corresponds to their gender identity.
- v)* Challenge bullying and discrimination.

### 3) Trans

- i)* An umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth.
- ii)* Trans people may describe themselves using one or more of a wide variety of terms, including (but not limited to) trans, transsexual, gender-queer (GQ), gender-fluid, non-binary, gender-variant, crossdresser, genderless, agender, nongender, third gender, bi-gender, trans man, trans woman, trans masculine, trans feminine and neutrois.

### 4) Further Definitions & Meaning

- i)* **Trans man**  
A term used to describe someone who is assigned female at birth but identifies and lives as a man. This may be shortened to trans man, or FTM, an abbreviation for female-to-male.
- ii)* **Trans woman**  
A term used to describe someone who is assigned male at birth but identifies and lives as a woman. This may be shortened to trans woman, or MTF, an abbreviation for male-to-female. (Stonewall)
- iii)* **Gender dysphoria**  
Used to describe when a person experiences discomfort or distress because there is a mismatch between their sex assigned at birth and their gender identity. This is also the clinical diagnosis for someone who does not feel comfortable with the sex they were assigned at birth.
- iv)* **Gender expression**  
How a person chooses to outwardly express their gender, within the context of societal expectations of gender. A person who does not conform to societal expectations of gender may not, however, identify as trans.
- v)* **Gender identity**  
A person's innate sense of their own gender, whether male, female or something else (see non-binary below), which may or may not correspond to the sex assigned at birth.

*vi)* **Gender reassignment**

Another way of describing a person's transition. To undergo gender reassignment usually means to undergo some sort of medical intervention, but it can also mean changing names, pronouns, dressing differently and living in their self-identified gender.

**Gender reassignment is a characteristic that is protected by the Equality Act 2010, and it is further interpreted in the Equality Act 2010 approved code of practice.**

**5) Legislation**

**The Data Protection Act 2018**

- i)* Information about a person's Trans status falls within a "special category of personal data." This means that such data can only be processed in certain limited circumstances such as where the employee gives explicit consent or where it is necessary for carrying out rights and obligations under employment law.
- ii)* Personal data must be looked after properly following the data protection principles, which include ensuring personal data is accurate, secure and processed fairly and lawfully.
- iii)* Failure to change a person's title, name and gender when requested could lead to an offence under the Act.

**6) The Human Rights Act 1998**

- i)* The following Articles from The Human Rights Act 1998 support the rights and needs of Trans people to live their lives in their true gender: -
  - Article 8 - right to respect for private life and family life
  - Article 10 - freedom of expression
  - Article 14 - the prohibition of discrimination

**7) The Gender Recognition Act 2004**

- i)* The Gender Recognition Act 2004 is mainly concerned with the process by which a person can get a Gender Recognition Certificate and correct their original birth certificate to match their true gender – this enable trans people to be legally recognised in their affirmed gender.
- ii)* This can only occur after a person reaches 18 years of age but is something that many younger trans people may aspire to although not all trans people will apply for a GRC.

## **8) The Equality Act 2010 (Great Britain)**

- i)* The Equality Act 2010 ensures legal protection against discrimination (direct or indirect), harassment and victimisation for everyone under the nine protected characteristics defined in the Act, one of which is Gender Reassignment (also known as Trans).
- ii)* The Equality Act 2010 (2:1:7) states that:  
A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.
- iii)* The Act applies to employment, education and a range of other areas where discrimination may take place. To be protected under the Act, a student will not necessarily have to be undergoing a medical procedure to change their sex, but they must be taking steps to live in the opposite gender or be proposing to do so.

## **9) Attendance at lessons/centres**

- i)* Musica Kirklees will make reasonable adjustments to accommodate absence requests for treatment. These would be treated in line with absences due to other medical reasons offering a reduction in fees if more than half a term's worth of lessons being missed.
- ii)* Sensitive care will be taken when recording the reason for absence on the Musica Kirklees database and with the teacher.

## **10) Bullying**

- i)* Transphobic bullying is when someone is bullied because they are trans, or perceived to be trans.
- ii)* Where children and young people are perceived not to be conforming to the dominant gender roles that may be widely expected of them, Musica Kirklees will be alert for signs of bullying.
- iii)* Transphobic bullying is commonly underpinned by sexist attitudes and can affect any child or young person. An individual may also experience transphobic bullying because of perceptions that a parent, relative or other significant figure does not conform to stereotypes about gender expression or is trans.
- iv)* Musica Kirklees has an Anti-bullying Policy (see Policy & Procedure document number 19).
- v)* In line with this policy, transphobia incidents will be recorded and dealt with in the same manner as other incidents that are motivated by prejudice (e.g., racist or homophobic incidents).

## **11) Changing/Toilet Facilities**

- i)* Musica Kirklees uses a variety of venues in the Kirklees area.
- ii)* Musica Kirklees will liaise with individual young people and their families as well as with the venues identified to provide the most appropriate toilet/changing facilities.

## **12) The Changing of a name**

- i)* Some trans children and young people may wish to change the name they are known by and their pronoun (e.g., he, she, they). Often this will be supported by and in communication with parents and carers, if this is not the case, Musica Kirklees will offer additional support and if necessary, seek further advice.
- ii)* Respecting a child or young person's request to change name and pronoun is a pivotal part of supporting and validating their identity. Some people who consider their gender identity as not fitting into a binary (boy/girl or man/woman) and may use gender neutral pronouns (for example, 'they' or 'zie'). The use of pronouns and gender identifiers are important to children and young people.
- iii)* If a Trans student wishes to have their preferred name recognised on Musica Kirklees systems, this will be supported and will feed on to all correspondence provided by Musica Kirklees.
- ii)* The change of name and associated gender identity will be respected and accommodated by Musica Kirklees.
- iii)* Technically, students can be entered under any name with a Music Examination Board. However, where an exam entry is dependent on a previous result – e.g., grade 5 theory, or grade 8 for Diploma candidates, care needs to be taken when organising future entries. It is possible for examination certificates to be issued in the preferred name, but students should discuss this issue with Musica Kirklees and parents/carers to ensure the best way forward.
- iv)* Changing the gender recorded on a birth certificate is not possible until a Gender Recognition Certificate has been issued. To change a name on other official documents such as a passport, it might be necessary for evidence of change of name to be produced: there are two main ways in which this can be done, by deed poll and by statutory declaration. The Citizens Advice Bureau and other Trans support organisations will have more information on this subject. A person under 16 years of age cannot change their name legally without the consent of a parent.



### **13) Participation in Events involving an overnight stay**

- i)* Students participating within a Musica Kirklees Centre/Central Ensemble may result in a concert tour or event being organised. This may lead to overnight stays both at home and abroad.
- ii)* Issues may arise for both young trans students and other students, but this must not mean trans students cannot be included on the visit.
- iii)* Musica Kirklees will give consideration well in advance of any additional needs which may include having a parent/carer (or member of staff) accompanying the visit to ensure the Trans student is fully included.
- iv)* The sleeping arrangements will be considered again in advance of the trip. It may be that the Trans student would prefer to have for example a separate room for the duration of the tour.
- v)* Each individual case and visit needs to be considered separately and in depth discussions will need to happen well in advance with all appropriate bodies linked to the available accommodation.
- vi)* In the event of a visit abroad, anyone can be searched at borders or security terminals. Different countries will have protocols they will be required to follow. In such an instance Musica Kirklees would need to liaise with any relevant border control or agency in advance to ensure that any policy or risk assessment completed by Musica Kirklees is accurate for that visit.
- vii)* There are countries that are not as legally and culturally open as the UK. In fact, some have laws that make it illegal to be part of the trans community. Some countries even make it an offence not to report to the authorities that someone is part of the trans community. Musica Kirklees will consider and investigate the laws regarding Trans communities in any country considered.

### **14) Members of staff who are Trans**

- i)* All of the information above applies in the event of a member of Musica Kirklees staff being trans.
- ii)* Regarding procuring a DBS check, this can be done confidentially for trans applicants in accordance with the Gender Recognition Act 2004. For further details, refer to the Policy & Procedures Document 15 - DBS & Vetting Policy.

## 15) Glossary of terms

<b>Binding</b>	A F2M adolescent that is developing breasts may strap down their chest so that it is less obvious. This can be hot, uncomfortable and restrictive but very important to their psychological and emotional wellbeing.
<b>F2M</b>	Female to Male, a person that was identified as Female at birth but came to feel that their true gender is actually Male.
<b>Gender Identity</b>	The way that a person feels about themselves in relation to their physical and mental self; the basis of their identifying as male, or female, or neither, or either, or both.
<b>Gender Recognition Certificate</b>	An official document presented by a Gender Recognition Panel that enables all official documents and records (including birth certificate) to be amended to the true gender of the individual thereby providing full legal recognition.
<b>Gender Role</b>	The social role/interaction with others, which gives expression to the inner gender identity and reinforces it.
<b>M2F</b>	Male to Female, a person that was identified as Male at birth but came to feel that their true gender is actually Female.
<b>Packing</b>	A F2M person may wear a prosthetic item in their pants that will give a “bulge” in their trousers to appear more male.
<b>Sex</b>	The way a person’s body appears, sometimes wrongly, to indicate their gender. See Stonewall terminology.
<b>Trans</b>	A person that feels the assigned gender and sex at birth conflicts with their true gender.
<b>True Gender</b>	The gender that a person truly feels they are inside.

## Glossary

This list will help you to understand some of the more common terms you might come across when tackling homophobic, biphobic and transphobic bullying and talking about lesbian, gay, bisexual and trans (LGBTQ+) people. See *Stonewall's guidance for teachers on supporting LGBTQ+ young people* for more information.

### SEXUAL ORIENTATION

A person's sexual attraction to other people, or lack thereof. Along with romantic orientation, this forms a person's orientation identity. Stonewall uses the term 'orientation' as an umbrella term covering sexual and romantic orientations.

### ROMANTIC ORIENTATION

A person's romantic attraction to other people, or lack thereof. Along with sexual orientation, this forms a person's orientation identity.

### GENDER IDENTITY

A person's innate sense of their own gender, whether male, female, non-binary or something else, which may or may not correspond to their sex assigned at birth.

### SEX

assigned to a person on the basis of primary sex characteristics (genitalia) and reproductive functions. Sometimes the terms 'sex' and 'gender' are interchanged to mean 'male' or 'female'

### LESBIAN

Refers to a woman who has a romantic and/or sexual orientation towards women. Some non-binary people may also identify with this term.

### GAY

Refers to a man who has a romantic and/or sexual orientation towards men. Also a generic term for lesbian and gay sexuality - some women define themselves as gay rather than lesbian. Some non-binary people may also identify with this term.

### BI

Bi is an umbrella term used to describe a romantic and/or sexual orientation towards more than one gender. Bi people may describe themselves using one or more of a wide variety of terms, including, but not limited to, bisexual, pan, queer, and some other non-monosexual and non-monoromantic identities.

### TRANS

An umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. Trans people may describe themselves using one or more of a wide variety of terms, including (but not limited to) transgender, transsexual, genderqueer (GQ), gender-fluid, non-binary, gender-variant, crossdresser, genderless, agender, nongender, third gender, bi-gender, trans man, trans woman, trans-masculine, trans-feminine, and neutrois.

### LGBTQ+

the acronym for lesbian, gay, bi, trans, queer, questioning and ace.

### HOMOPHOBIA

the fear or dislike of someone, based on prejudice or negative attitudes, beliefs or views about lesbian, gay or bi people. This can also include denying somebody's lesbian, gay or bi identity or refusing to accept it. Homophobia may be targeted at people who are, or who are perceived to be, lesbian, gay or bi.

**BIPHOBIA** is the fear or dislike of someone who identifies as bi based on prejudice or negative attitudes, beliefs or views about bi people. This can also include denying somebody's bi identity or refusing to accept it. Biphobia may be targeted at people who are, or who are perceived to be, bi.

**TRANSPHOBIA** is the fear or dislike of someone based on the fact they are trans, including denying their gender identity or refusing to accept it. Transphobia may be targeted at people who are, or who are perceived to be, trans. At Stonewall, we use 'trans' as an umbrella term to describe people whose gender identity is not the same as, or does not sit comfortably with, the sex they were assigned at birth. This includes non-binary people.

### GENDER STEREOTYPES

The ways that society expects people to behave according to their gender, or what is commonly accepted as 'normal' for someone of that gender.

### COMING OUT

when a person first tells someone/others about their identity as lesbian, gay, bisexual or trans

### QUESTIONING

the process of exploring your own sexual orientation and/or gender identity

### QUEER

Queer is a term used by those wanting to reject specific labels of romantic orientation, sexual orientation, and/or gender identity. It can also be a way of rejecting the perceived norms of the LGBTQ+ community (racism, sizeism, ableism etc). Although some LGBTQ+ people view the word as a slur, it was reclaimed in the late 80s by the queer community who have embraced it.

### CISGENDER

refers to someone whose gender identity is the same as the sex they were assigned at birth. Non-trans is also used by some people

### NON-BINARY

An umbrella term for people whose gender identity doesn't sit comfortably with 'man' or 'woman'. Non-binary identities are varied and can include people who identify with some aspects of binary identities, while others reject them entirely.

### TRANSSEXUAL

This was used in the past as a more medical term (similarly to homosexual) to refer to someone whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. This term is still used by some although many people prefer the term trans or transgender.