



THE BRITISH RACING SCHOOL

Transgender Policy

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This Policy links to:

BRS Safeguarding Policy
BRS Equality and Diversity Statement

Introduction

“Safeguarding is everyone’s responsibility”

The British Racing School has zero tolerance for any kind of discrimination or bullying and strongly promote equality. The importance of such is regularly delivered through educational sessions for all staff and trainees.

As increasing numbers of children young people and adults in the UK seek referrals for gender identity clinics, schools are being encouraged to become more proactive and inclusive.

Beneath the jargon, “trans or transgender” people are just like everyone else. They include adults and children, teachers and trainees, 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. 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”.*

There are several pieces of legislation which ensure legal protection around equalities. These include The Equality Act (2010) which has a particular section on public sector duty, The Gender Recognition Act (2004) and The Human Rights Act (1998).

The Equality Act (2010) means it is unlawful to discriminate against staff and trainees, either directly or indirectly on grounds of gender reassignment, in access to education, employment or training or in regard to working conditions, treatment within the organisation, progression within courses, promotion or dismissal. It also makes it unlawful for an organisation to treat a person less favourably by reason of gender reassignment, or to harass or victimise them.

This legislation protects a person who intends to undergo transition from the moment they decide to start the process.

The Equality Act protects everyone, including young people. When a young person informs the school that they are transitioning, the school has a duty to support the trainee, protect them from discrimination and harassment, and provide appropriate training for all staff and trustees.

The British Racing School (BRS) policy is to celebrate diversity, and actively challenge discrimination be it intentional or unintentional, direct or indirect with regard to a person’s or group’s gender identity.

The BRS believes that all staff and trainees in the school have the right to work and learn in safe and secure environments where they are treated with dignity and respect. Embedding equality and respect for others into the whole school environment, and ensuring that anti-bullying and equality policies are effectively implemented and monitored we are proactive in tackling potentially discriminatory practices at the BRS.

The BRS is committed to maintaining confidentiality, and ensuring that there is no discrimination in the school or any other area on the grounds of gender identity and to promote equality of opportunity for everyone irrespective of their perceived gender by recognising and supporting a person's self-identity.

By ensuring that transgender people are treated with respect, an inclusive community is developed where everyone is enabled to achieve the best they can. This commitment extends to all who attend, work or visit the BRS.

The BRS will recognise the gender in which an individual chooses to live their life, and acknowledge that an individual is not obliged to disclose transition or gender reassignment, although they may wish to do so.

The BRS will carefully consider how best ensure equality of opportunity whilst also ensuring the welfare, health and safety of all trainees and others.

SCOPE

This policy applies to all trainees, staff, trustees and visitors.

The information included in this document has been gathered from a number of sources:

- Current literature on gender variance
- relevant equality policy and legislation

COMMUNICATION

Communication and sharing of information is paramount and noted by the BRS as integral in preventing discrimination or prejudice.

The BRS will act in a prompt manner to amend course lists, update systems, and brief appropriate staff when a person's previously identified gender and/or name has changed.

Staff will adhere to the Confidentiality Statement for The BRS.

The BRS will document discussions and conversation regarding adjustments that may be considered or needed including timescales for any agreed action.

The BRS will follow up to ensure what has been agreed is working in practice.

Practical implications for the BRS

The BRS is largely governed by the practicalities of any residential arrangement, again, good communication and a managed process will be key.

In practice however, a change of facilities presents some challenges – particularly restricted in terms of facilities and rooms available.

- We acknowledge that we are not obliged to provide separate bed spaces, or allow transgender trainees to sleep in rooms appropriate to their gender identity; however we will consider what adjustments can be made to ensure the trainee is not excluded or suffers any other detriment.
- The BRS will carry out an appropriate risk assessment to help inform as to what adjustments can be made to accommodate the trainee.
- The BRS assessment will endeavour to take into account the wishes of the individual trainee, any requests from the trainee as to confidentiality, any health and safety considerations and the potential implications of any proposed adjustments on other pupils and the wider school community.

If a separate room cannot be provided, the BRS will explain to the trainee and if present guardian, together with what adjustments can be made to accommodate them.

The BRS routinely accommodates genders together, someone who chooses a new gender will need to be accommodated with that gender.

Alongside this the Boot Room (trainees store their outside footwear and clothing) is also gender allocated, and will be, as above.

Physical Fitness/Activity regime is a core part of the BRS education programme:

Guidance for all

- Maintain confidentiality when necessary
- Carefully consider the language you use and show due respect to trainees, staff and visitors of the BRS or those that you come into contact with.
- Think of the person as being the gender they want you to think of them as.
- Use the name and pronoun that the person asks you to.
- If you aren't sure what the right pronoun is, ask.
- If you make a mistake with pronouns, correct yourself and move on.

- Respect people's privacy.
- Don't ask what their 'real' or 'birth' name is. Those who are, have or intend to undergo gender reassignment are often sensitive about revealing information about their past, especially if they think it might affect how they are perceived in the present.
- A young person in transition is still a young person, and they have the same needs as other young people.
- Teaching and learning should not be affected by a Trans' trainee in the class, and 'business as usual' is the best policy.
- 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 the young Trans person.
- Be alert to transphobic teasing, tormenting and bullying, and address them in line with school policy.
- Protect the privacy and dignity of Trans 'trainees in the same way that you would any trainee, and never gossip about them to third parties.
- NB Any contact from the press or other outside bodies should be referred promptly to the Senior Management Team.
- Do not advise trainees about their gender issues; they need teaching, like everyone else in the class.
- Design schemes of work and lesson plans that, where relevant, explore issues of gender so to improve understanding and foster a culture of respect for all.
- Listen with respect and empathy and signpost or refer them to the BRS School Nursing Service.

BRS Responsibilities

To ensure:

- that policies are inclusive of trans trainees and, in particular, cover situations where boys and girls are treated differently.
- Records should be updated and gender markers changed in consultation with the trainee and their family. In England, Department for Education (DfE) guidance allows schools to amend the gender of any trainee at any time within their own management information systems.
- 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.

Support for Those who Are, Have or Intend to Undergo Gender Reassignment.

Staff, trainees and prospective trainees:-

- Can expect to be treated with respect throughout their time at the BRS and in their dealings with any member of staff, trainee, trainee, and visitors.
- Can expect support to be provided, should they decide to discuss gender reassignment or desire to go through this process, with a member of staff and that their discussion will be kept confidential unless the discloser decides to reveal that information for themselves, to other parties.
- They can also expect to receive impartial advice on specialist organisations to contact, that could give them support and information specific to their needs, directly from the BRS School Nursing Service or by signposting through the Safeguarding Team.
- Can expect a quick response to any disclosure of bullying or harassment against themselves on the grounds of gender reassignment.
- Can expect that where references are written for them for a job or university application that their gender identity is not revealed/referred to unless that individual specifically wishes it to be the case.

Confidentiality and Information Sharing

- A transgender trainee will have the right to privacy, which includes the right to keep their transgender status confidential. This means that information about their status (including gender assigned at birth) must be kept secure and confidential in accordance with the BRS data protection obligations.
- This will of course be subject to any prevailing legal obligation to disclose a pupil's personal data e.g. where a court order requires disclosure or the BRS is obliged to disclose confidential information in accordance with their safeguarding duties.

Confidentiality Statement

The British Racing School will respect all staff and trainees right to privacy and confidentiality and have a duty of confidentiality to all who attend and visit the BRS.

The BRS will ensure that staff and trainees are informed about how and why information may be used and shared with others in their duty to safeguard and protect.

The BRS will share necessary information with other professionals, employers, and agencies only when the interests of staff and trainees health, safety and public protection override the need for confidentiality.

The sharing of information which relates to safeguarding and protection will be delivered by the Designated Safeguarding Lead to the most appropriate person in a sensitive and secure manner, and in a way that promotes and retains confidentiality.

References

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