

One person's journey at one school – preventing transgender discrimination

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There were some people, only about three lads, who would deliberately call me my old name, even though they knew that I wanted to be called Robert. And they used to ask me really horrible questions like how big my dick was, and there was just nothing I could say back to that, so...

(Young trans man)

I was always on my own a lot, and just sort of yeah, something wasn't right. I remember getting told [by a teacher] 'you'd get less hassle if you were more normal.'

(Young genderqueer person quoted in McNamara and Stewart, 2007)

In this article we present a case study of good practice. We show how a school can meet the public sector equality duty (PSED) to provide support for young people who are expressing gender variance or identifying as transgender or genderqueer.

First, a semantic note. The term *genderqueer* describes someone who identifies their gender as other than 'man' or 'woman', or someone who identifies as neither, both, or some combination thereof. Some genderqueer people may identify as non-binary, a third gender or move between gender descriptions in a fluid way. Genderqueer can also be a political term which challenges the binary of gender and heteronormativity (see McNamara and Stewart, 2007, for a fuller discussion of semantics and terminology).

In this article we identify common examples of practice in schools where discrimination on the basis of a young person's gender identity occurs. These concrete examples enable a reflection on how procedures, policies and practices relating

to the PSED, with specific regard to gender reassignment, can impact positively on young people's individual experiences of being part of an institution's community. The examples also seek to demonstrate the detrimental impact that poor practice, or a lack of support and intervention, can have on young people in school settings.

The report *Youth Chances Summary of First Findings: The experiences of LGBTQ young people in England* states:

We are very concerned about what we have found. The high levels of discrimination, abuse and mental health issues that young LGBTQ people face should be a wake-up call to all of us, whether we are involved in the day to day lives of young people as parents or carers, family members, teachers, youth workers, or we are shaping the responses and support young people can access as providers or commissioners of services or policymakers. Our young people are badly served. (Metro, 2014: 2)

Gendered Intelligence is an organization that aims to increase the quality of trans people's life experiences, especially those of young trans people. It works with young trans people across the UK through arts-based programmes, creative activities and one-to-one mentoring to explore identity, community and the wide range of factors that affect lived experiences. In addition Gendered Intelligence supports professionals who are looking for guidance and information with regards to trans issues. It delivers workshops in schools and other settings to engage young people creatively with the themes of gender identity and sexual orientation.

The law with regard to gender identity within schools

The general equality duty sets out the equality matters that schools need to consider when making decisions that affect pupils or staff with different protected characteristics. Gender reassignment is a protected characteristic under the Equality Act 2010 and it protects those who propose to undergo, are undergoing or have undergone a process, or part of a process, of reassigning their sex by changing physiological or other attributes of sex. A person does not have to be under medical supervision to have the protected characteristic of gender reassignment and does not need to be over 18-years-old.

Young people who identify as transgender frequently report that they face disadvantageous circumstances and discriminatory attitudes during their schooling. Things happen to them that are in breach of the law. To date, no case has yet been brought against a school for discrimination on the basis of gender identity or gender reassignment, although many instances of discrimination have been reported informally both internally to the school and externally to other organizations. It has been reported, for example, that:

- a young trans person was not allowed to participate in residential trips; instead, the school and the student decided it would be simpler for all if the student did not go
- teachers repeatedly fail to use the correct pronoun and name for a young person who has notified the school of their intention to transition
- a school limited a student's timetable in an attempt to reduce the extent of their anxiety and negative experiences, rather than tackling the bullying behaviours causing them. These things constitute discrimination because of the young person's gender identity.

Most of the young people who are involved with Gendered Intelligence take the view that school-

based learning related to gender is limited, conservative and heteronormative. Discussion about human biology could include a more complex range of gendered bodies than it currently does. The subjects of gender diversity and transgender identities could be included in the Personal, Social and Health Education curricula – but they are not. Consequently, negative behaviours such as bullying, harassment and discrimination arise. Young gender-variant people testify to withdrawing from the learning process because they feel their lived experiences are not reflected or represented within the curriculum and they are therefore marginalized in school.

In a study carried out by Keogh and colleagues (2006), 75 per cent of the trans people who responded to the survey said they experienced problems at school. This is significantly higher than the lesbian, gay or bisexual (LGB) respondents (21 per cent). The problems reported included perceived harassment from teachers and students, being prohibited from using toilets, being expelled because of gender identity and a lack of trans protection policies in the school.

Research carried out by Whittle *et al.* (2007) indicates that young trans people are suffering high levels of violence and abuse. Their research shows that many of the people working with young trans individuals – the teachers, school psychologists and social workers – have received no training in trans awareness and perpetuate negative attitudes and transphobia, possibly through their lack of confidence or awareness of how to think about and work with this group.

Gender non-normativity in school settings

Schools can be, though are not always, highly policed environments in terms of gender. There are general social 'rules' or norms relating to how a 'man/ boy' or a 'woman/ girl' should present themselves. Some would claim that gender expressions and presentations

are becoming more diverse, that society is becoming more tolerant (Stonewall, 2012; Drake, 2013). Others argue that there is still a long way to go to reach a point where gender norms no longer constrain people. Our experience at Gendered Intelligence is that a school's environment tends to actively enforce gender normativity through, for example, uniform specifications, hair length, gender-specific sports and so on.

The Department for Education document, *School Uniform: guidance for governing bodies, school leaders, school staff and local authorities* (DfE, 2013) includes a section on human rights, equality and discrimination considerations, pointing out that a school's uniform requirements must not put certain people at a disadvantage as a result of their connection with a protected characteristic. Most schools operate uniform policies that enable pupils to wear clothes they feel comfortable in, regardless of their gender identity, while also conforming to the school's ethos of engendering a sense of belonging to that community, a sense of order etc. However, there can still be a culture within a school that fails to tackle inappropriate behaviour directed at, for example, a female student who is masculine-identified and chooses to wear trousers and a 'masculine' top and have a boyish haircut.

The Crown Prosecution Service's resource pack for schools on lesbian, gay, bisexual and transgender hate crime (2014) offers activities and guidance for teachers. This is an educational resource aimed at tackling homophobic and transphobic bullying and hate crime among young people. One of the short films for use in a lesson on developing an inclusive classroom and a supportive peer group shows a young person who has disclosed a wish to transition from female to male and has returned to school after a break, appearing as male. The film shows the young person's peers mocking him and questioning his gender identity, undermining his assertion that he is male and wishes to be referred to accordingly.

This clip is not about school regulations on uniform, and it looks as though the student has been free to choose his uniform. What it emphasizes is the behaviours, showing how the culture of the peer group needs to be monitored and indicating that interventions are needed if people police each other's gender expressions in ways that are discriminatory, hostile and offensive.

In 2007, Gendered Intelligence was commissioned by the Anti-Bullying Alliance to carry out research into young transgender and genderqueer people's experiences of bullying at school. A wide range of issues were covered during focus group conversations. One was about uniform, in which a young trans man said:

At my school, the uniform for PE is the biggest challenge. It's always, no matter what sport it is, it's a hockey skirt. And I refuse to wear it so I went up to the teacher ... and I said 'I refuse to wear this, and I will refuse to do PE unless I get to wear the jogging trousers.' So I got to do that and then my other teachers gave me a load of hassle 'cause I've been made fuss of. (McNamara and Stewart, 2007: 18)

The barriers that exist for trans and genderqueer young people are not limited to school environments. Whatever the setting, we as professionals should be making interventions to prevent such experiences – these breaches of equality legislation – from happening.

Positive intervention to meet the needs of a young trans person

Staff at a school in Oxfordshire were working with a student in Year 8 who was planning to return after the summer break to Year 9 as female – her self-identified gender. They contacted Gendered Intelligence for advice and guidance via the assistant head teacher in charge of the lower school who was also the Key Stage 3 Co-ordinator.

Early on in the process of planning to support the transgender student, Jay Stewart, co-director of Gendered Intelligence, delivered a training session with the assistant head, the student's head of year, the deputy special educational needs co-ordinator, the school nurse and another teacher who was due to become the tutor of an older trans student who had planned to join the sixth form the following September. The session focused on key terms such as transgender, transsexual, gender variant, genderqueer, masculinity and femininity, heteronormativity, and so on, to help staff develop their understanding of the issues around transgender. It also considered compliance with the law around gender reassignment, specifically the Equality Act 2010 and the Gender Recognition Act 2004. Conversation centred on what discrimination and harassment around gender identity could look like in a school, to enable the staff to think through some scenarios they wished to avoid arising.

The group constructed a projected timeline for supporting students who wish to attend school in their self-identified gender. They considered what steps the school, parents and other people could take to best support the students. The school made a commitment to support the Year 8 student's transition, ensuring a safe and supportive environment.

After the training session, the staff began by drafting an action plan, meeting with the young person and her parents several times while she was still in Year 8 to share information and discuss anxieties and, chiefly, to plan together how to support her in sharing her trans status with the school.

Before informing other students in the school of the student's intention to transition, the assistant head informed all teaching staff about the decision in a staff meeting and followed this up with an email to all the staff, teaching and non-teaching. A decision was taken to support the student's peer group friendships as a way

of helping her with her transition. The assistant head and the head of year worked initially with a group of her friends in Year 8, before disclosing her trans status to everyone in the school. The idea was to create a safe network among the student's friends by ensuring that they were aware that she would be transitioning from male to female and what that would mean at school.

When the time came to think about informing the year group the assistant head and head of year planned a workshop for all the Year 8 students, delivered by tutors to their groups when the trans student was absent. The workshop introduced the students to what it means to be transgender, how a transgender person might feel, and how the school and each of its individuals can support the transgender student. The workshop drew on a statement written by the trans student titled 'What does transgender mean?' to discuss how she was feeling. In another activity, each student wrote down a question for the trans student to respond to and a message for her to read. At the end of the session, the head of year led an assembly for all of Year 8, pledging the school's support for the trans student.

At the end of the day, Year 8 was again called together for a second assembly, at which the trans student was present. She was accompanied to the front of the hall by her parents, brother and the assistant head. She replied to the main questions that had been posed by her peers in the morning's workshop. The Year 8 students were clearly moved by her ability to communicate coherently and positively about her trans identity.

The school emailed a letter to all of the Year 8 students' parents to inform them fully and clearly about the student's transition and the measures that had been put in place to support the process. It also gave relevant website addresses for anyone who wanted more information on transgender identities.

With regard to practical arrangements for the student, it was agreed very early on by her, her parents and the school that she should be allowed to use private toilet cubicles usually reserved for staff. She felt more comfortable doing this, at least for the initial stages of coming out to the school. The longer-term plan would be for her to use the female toilets when she felt ready. Similar arrangements were in place for PE in that the student was allowed to change for PE in a private cubicle. From the start of Year 9, she attended girls' PE lessons, and continued to change privately until she felt ready to use the female changing rooms. It is perhaps important to note that this was agreed with her as something she preferred, not a requirement by the school. Legally, a trans person must feel entitled to use the facilities of the gender they self-identify as. It would be discriminatory to *require* a trans student to use the toilets designated for people with disabilities.

All the work with the student's year group took place in the penultimate week of the school year. The idea was that any sensation and excitement would die down by the start of the next academic year. At the start of Year 9 the trans student came into school on an inset day to meet her new teachers so she would feel less anxious about facing everyone when she began the new school year. On the first day that the students came into school, all the tutors in Years 7 through 11 read out a notice to their tutor groups about the school's commitment to protecting every student from harassment and discrimination on the first day of the new academic year.

Conclusion

Bullying behaviour towards someone who is expressing their gender differently to the norm is complex, and approaches to tackling it need to be specific and carefully planned so they make a real impact on the lives of trans people – or whoever the school is trying to help. It is clear that bullying related to gender expression affects

many people, not just trans and genderqueer people. Ideas generated through the report by Gendered Intelligence (2007) on bullying and more recently in the Youth Chances survey stressed the importance of using clearly set out systems to report bullying in a safe way, and for those reports to be acted upon by staff who have a good understanding of gender diversity.

In this article we have highlighted the specific actions taken by one school to support one of its students. There are many other strategies and approaches. One-to-one mentoring for young trans, non-binary and gender variant people in full-time education is increasing. All the mentors working at Gendered Intelligence are transgender identified and they can give a young person exploring their gender identity or coming out as trans or non-binary the opportunity to gain support and advocacy or to work together with them to ensure their learning environment is safe and productive. Matters such as undergoing a medical or social transition, can be discussed with a mentor, as well as looking at difficult and challenging aspects of living and studying as a transgender person. Mentoring is funded by the school, college or university and sometimes by the local authority.

Experience to date indicates that a trans student is far more likely to complete their programme of study and thrive within a school environment if they have access to this kind of support, and the support of their staff and peers in the school. Equality of opportunity to make good academic progress can be advanced and enhanced for transgender students in specific and concrete ways.

As practitioners, the Gendered Intelligence team want to provide spaces, projects and opportunities that can enable young people with a complex relationship to gender engage in creative arts practice – as they might at school – among a group of peers and facilitators who are not hostile, uninformed or ignorant but positive about gender diversity and constructive and

respectful towards each other's differences. Gendered Intelligence wants also to support staff and students in school settings to make the school environment more trans-inclusive and better informed about gender diversity so they can make young people's lived experiences more positive and enable schools to meet their legal duties to remove disadvantage and eliminate discrimination.

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