



**LORETO SECONDARY SCHOOL,
CLONMEL**

**Transgender Students Procedures
for
Creating an open, positive and safe
school environment**

9th December 2020

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INTRODUCTION

In recent years we have become more aware of transgender people and their needs in Irish society. Most people express the gender that corresponds with their biological sex, but there are a number of people whose gender identity or expression is different from that traditionally associated with an assigned sex at birth. This is known as transgender. People who are transgender are those whose sex listed on their birth certificate does not match their internalised sense of their gender identity. There is a growing awareness of issues related to gender identity in recent years.

An increasing number of young people are 'coming out' and transitioning to new gender identities while attending school. Transition to one's chosen gender identity can greatly enhance a person's quality of life. Self-determination is an important principle, in that the responsibility for determining a person's gender rests with the individual themselves, or in the case of a young person who is not able to advocate for themselves, with their parents.

The decision to transition from one's gender, assigned at birth to another gender identity is a dramatic step. Critical to the student's wellbeing is the respect, acceptance and support of the family, friends and of the key members of the relevant educational community. How that transition is managed within the school environment will have the ability to shape what that person's life will look like in the future, their ability to progress through the educational system and how they are perceived within their community as a whole. It is in this context that Loreto Clonmel has developed these guidelines.

INITIAL MEETING

PARENTS/GUARDIANS MAKE THE INITIAL CONTACT

This can be a very stressful time for parents and often they can feel unsure and vulnerable. They are only too aware that how the school reacts to the prospect of a student making a social transition can have an impact not only on their child's mental wellbeing, but on their family life as a whole.

The school will endeavour to reassure the parents/guardians that everything will be done to ensure that supports will be put in place to enable the student to not only stay in the school but thrive and complete their secondary education.

Parents/Guardians may have difficulty accepting that their child may be transgender, and it can be extremely difficult coming to terms with this and it can often feel similar to a bereavement. It is important that they be given time, as even the most reluctant of parents/guardians usually come to some sort of agreement in time.

STUDENT MAKES THE INITIAL CONTACT

There are various reasons why a student may choose to inform the school themselves:

- they may be impatiently waiting for their parents/guardians to make the announcement
- their parents/guardians may not be ready to progress the transition just yet,

- or sometimes the parents/guardians are just not able to accept that this may happen.

Reassure the student that all will be done to provide support for them, but it will be better for all concerned if their parents/guardians are involved in all aspects of the support plan. If the student is reluctant to involve their parents/guardians, the Student Support Team will work towards involving both the parents/guardians and the student in a support plan for the student.

COUNSELLOR/STAFF MEMBER BRINGS IT TO THE ATTENTION OF THE PRINCIPAL

The Guidance Counsellor or other staff members may feel it necessary to bring it to the attention of the Principal that they are aware that a student is transgender. Unless a student has indicated that they want the Principal to know, the school should not approach the student about this. However, the school will make preparations for a plan of support should the student approach the Principal at a later stage, when they may be more confident about making a social transition.

LEGISLATIVE FRAMEWORK FOR THE SCHOOL

Transgender persons are protected on both the gender ground and the disability ground by the Employment Equality Acts 1998 – 2015, which prohibit discrimination in employment and occupation and vocational training, and the Equal Status Acts 2000 – 2015, which prohibit discrimination in the disposal of goods and the provision of services, as advised by Irish Human Rights and Equality Commission with particular focus on educational settings (2016).

WHAT IS THE GENDER GROUND?

For the purpose of equality legislation, the gender ground refers to differences in treatment between males and females.

The Court of Justice of the EU, in the context of pensions, has accepted that transgender persons are covered by the gender ground. This traditionally involved a comparison between the treatment of the person in their preferred gender and the opposite gender but has now evolved to address less favourable treatment that arises from the transgender status of the person. Accordingly, in considering whether a person has been subject to less favourable treatment on the gender ground, a comparison may be drawn between a person of the same gender who is not transgender, i.e. a person assigned as female at birth and a transgender woman.

WHAT IS THE DISABILITY GROUND?

For the purpose of equality legislation, the disability ground refers to differences of treatment where one person has a disability, and the other person either does not have a disability or has a different disability. The term 'disability' in this context includes a range of physical and psychological conditions.

Gender dysphoria is a recognised medical condition and involves a conflict between a person's physical or assigned gender and the gender with which they identify. It is not the function of the school to ascertain whether or not the student is transgender. There is no one way to be transgender and schools do not have the expertise to make such a diagnosis, nor should they insist that one be provided. This can be a very complex and testing journey for families and is very much dependent on local services and sometimes a family's ability to advocate for themselves.

Whilst equating being transgender with having a disability is not appropriate or relevant in most circumstances, nonetheless the protection afforded by the disability ground can be useful in a legal context, as it imposes a positive obligation on an employer or service provider (in this case the school) to afford reasonable accommodation to the person concerned.

WHAT DOES 'REASONABLE ACCOMMODATION' MEAN?

Discrimination on the grounds of disability includes a failure or refusal by a service provider to do all that is reasonable to accommodate the needs of a person with a disability, by providing special treatment or facilities, unless such provision would give rise to more than a nominal cost to the service provider in question.

WHAT IF IT IS A SINGLE SEX SCHOOL?

The student will have already been offered a place in Loreto on production of their birth certificate, if the student subsequently makes a social transition to another gender it does not change the fact that they were enrolled using their birth certificate which is still in existence. The student will be permitted to remain as a student of the school (Section 7, Equal Status Acts).

BOARD OF MANAGEMENT

IS IT NECESSARY TO INFORM THE BOARD OF MANAGEMENT?

As with all draft guidelines and policies it is important that the Board of Management approve the guidelines after the normal consultations.

IS IT NECESSARY TO OBTAIN PERMISSION FROM THE BOARD OF MANAGEMENT TO PROCEED WITH A TRANSITION PLAN?

If the Draft Guidelines have been adopted, then the school leaders and the Board will have agreed a course of action. Nonetheless, the Board should be kept informed as a matter of courtesy. As with all references to the Board the identity of the student should remain confidential. As this is a new challenge facing schools it is important that the Board is aware and as is normal school leaders should consult with the Chairperson of the Board of Management, seek informed advice and keep a record of any child protection issues that arise.

TRANSITION PLAN

It is important to develop a plan that involves both the student and their parents/guardians. The school follows appropriate advice from external agencies. Examples of agencies that might support the school are Transgender Equality Network Ireland (TENI) is an organisation who have particular expertise in supporting schools and families to formulate a transition plan.

NAME AND PRONOUN

A change of name and pronoun can be very challenging for staff but can make an incredible difference to the student in helping to validate their identity and also showing students that the school is supportive. A school can change the name on their local system for day to day administration without the need for a deed poll, but a deed poll is needed if a change is required for the P-POD system, especially if a name change is desired for examinations. However, it is relatively straightforward to change a name on an examination certificate retrospectively – the student can make a special case to the State Examinations Commission.

UNIFORM

At the moment here in Loreto Clonmel a transgender student may wear the school tracksuit. However, the Student Council in the course of the 2019-2020 and 2020-2021 school years worked towards a gender-neutral option. From September 2020 there will be the option of a trouser uniform (trousers, shirt and tie and jumper).

BATHROOMS

Loreto, Clonmel has allocated the use of the wheelchair accessible toilet to be used as our 'Gender Neutral' toilet near Room 13.

P.E. AND CHANGING FACILITIES

Loreto, Clonmel has allocated the use of the wheelchair accessible toilet in the Sports Hall to be used as our 'Gender Neutral' toilet and changing area.

The school understands that a transgender student may be 'binding' so the school and PE teachers will consult with the student regarding the safety of participating in the PE class.

SHOULD THE OTHER STUDENTS BE INFORMED?

In Loreto the student and parents/guardians are consulted about whether or not to inform other students. Generally, it is advisable to formally inform students even if a number of them are already aware of the student's gender identity as it can provide a platform to put policies in place to prevent bullying.

The school's position is that the transgender student should not be responsible for educating the other students about what it means to be transgender, so it is important that there is an adequate opportunity for other students' questions to be addressed.

Sometimes the transgender student will want to be present when their class is being informed as they may want control of the information that is being shared with them. For the most part however, it is advisable to make the announcement without them present as it can make it easier for other students to ask questions that they might find difficult when the transgender student is present.

The school will consult with the student and parents/guardians in advance of talking to other students. Generally, a team will address the class. This team might include some from: the Principal, the Year Head, the Guidance Counsellor, an Inclusion Team member, Tutor, SPHE team member, or other teacher.

WHERE DO WE START?

At this meeting the team might start by saying something like

‘A fellow student has something that they would like to share with you, something they have been struggling with for some time’.

‘Mary tells me that their gender identity does not match their body, that Mary is in fact transgender, and would very much like your support whilst they make a social transition’.

‘Mary would like to be known as John from now on and will be using male pronouns’

From this moment onwards all staff will endeavour to use John and male pronouns as it will set the tone for what will be expected of students.

The team meeting the students will explain that this is a safe place where students can ask questions, but although students will certainly have questions, they may not be comfortable about asking them right now. The team might pose and answer questions that the students might have and might not be ready to ask.

The team might say something like,

‘I suppose you might be wondering what uniform John will be wearing? Well, he will be wearing the school PE uniform.’

‘I suppose you might be wondering what bathroom John will be using? Well he will be using the Gender Neutral one near Room 13.’

The team will answer any questions with the plan already developed in consultation with John and will try to cover all aspects of the plan and leave space for questions.

HOW CAN WE PREVENT BULLYING?

The impact of transphobic bullying on transgender students can be detrimental to their education so it is important that protections are put in place. The positive leadership shown by teaching staff can shape the attitudes of the wider community and can have a positive impact on the life of the transgender student.

Bullying in this context is often the result of students being genuinely curious or looking for explanation of something they don't understand but do not always have the maturity to ask in a respectful way. By encouraging students to talk to one or two identified teachers to address these curiosities we can prevent this type of behaviour.

The school, via the team working with the class group, will let the students know which teacher(s) can be approached with questions that students might have and the school will also let the students know that these teachers don't have all the answers, but will endeavour to find the answer. The team will also ensure that that students realise that it is rude to ask anyone what medication or surgery they may be contemplating, but if they do have questions that they can ask the designated teacher(s).

The school will acknowledge that a name and pronoun change will be challenging and that both staff and students will find it difficult. But that persistent and purposeful mis-pronouncing and using the wrong name in a way that is meant to cause harm or hurt will not be tolerated and will be deemed as bullying.

As a school we recognise that teachers will make mistakes, but it is important to show leadership when we do, by simply acknowledging the mistake, apologise and explain publicly that it will take them time to get used to the new name. This will show students how to deal with mistakes in a respectful manner.

Education strategies such as 'National Stand Up Week', or a mental health awareness week, as well as engaging external speakers to come and speak to students can often provide a suitable platform to open up a discussion about diversity and provide appropriate information. The school embraces such activities.

FREQUENTLY ASKED QUESTIONS

Is it necessary to inform the entire school?

Every situation is different, so it is important consult with the student in question. All students should through the SPHE programme be informed on LGBTI+ issues, so that all students know what this is and that the school does have LGBTI+ students.

Is it not more advisable to move to a co-educational school?

Making a social transition is an extremely big step and the student will need all the support possible within an environment that is familiar and where they have built up a degree of social capital. Changing school is also a big step, so making the two big changes together is not necessarily in a student's interest.

What does the term 'Gender non-binary' mean?

Historically, gender was typically thought of as a binary concept, however more recently we have begun to realise that it is much more complex. It may be useful to think about gender in terms of a spectrum, with female at one end and male at the other, and this spectrum encompassing many genders along that spectrum, and these would be typically described as non-binary identities. (Some non-binary identities are included in the glossary at the end).

What if the student tells us they identify in a non-binary gender?

Non-binary gender identities can be quite challenging for people to understand but has equal importance when providing support for a student, staff training can be very useful in this context. Gender neutral pronouns may be part of the support plan here such as 'they/them', again it is important to work with the family and the student to ascertain what particular supports they need.

Is a Deed Poll necessary to facilitate a new name being used?

No, a change of name can be facilitated locally by configuring the School Software VSware so that both the name used for enrolment in the school and the new name appear side by side e.g. Sarah (John), however, this will not change the name on the P-POD system as that *will* require a Deed Poll. Examination certificates will be issued in the name that is on the P-POD system at the time of taking the exam, but this can be retrospectively changed (with the production of a Deed Poll) at a later date by making a 'Special Case' to the State Examinations Commission.

How can we support the siblings of the transgender student?

Siblings are very often overlooked and can find the prospect of advocating for their sibling (and themselves) very daunting. Every family situation is different so the school will pay close attention to the sibling(s) to make sure that they are not the victim of any bullying and if necessary to look for the support of their class or facilitate a discussion or information session about being transgender.

GLOSSARY

Below is just some of the terminology in current use, this is not an exhaustive list but encompasses the more commonly used terminology.

Sex

Sex is a medical term used to describe a biological or physical combination of hormones chromosomes, gonads, external gender organs, and secondary sex characteristics, commonly termed male, female and intersex. The phrase “sex assigned at birth” is a respectful way to acknowledge the process of sex assignment that occurs at birth through a perfunctory look at external anatomy, as some intersex variations do not become apparent until puberty and a person’s gender identity cannot always be determined at birth.

Gender identity

Gender identity is a person’s internal sense of being male or female or something else. It may not always correspond to the sex they were assigned at birth; it is often how a person ‘feels’ about their gender and is not necessarily visible to others.

Gender expression

Gender expression is how a person chooses to externally represent or express their gender identity. It can be expressed through mannerisms, grooming, physical characteristics, social interactions and speech patterns.

Sexual Orientation

Sexual orientation is distinct from sex, gender identity and gender expression, it refers to a person’s physical, emotional or romantic attraction to another person. Transgender people may also identify as lesbian, gay heterosexual, bisexual, pansexual, queer or asexual.

Cisgender

The term cisgender is used when someone’s gender identity and gender expression align with the sex that was assigned to them at birth, so anyone who do not fit under the transgender umbrella of terminology.

Non-binary identities

There are many non-binary identities and new terminology is emerging at an ever-increasing rate, below are just a sample of them.

Gender non-binary:

An umbrella term for gender identities that fall outside of the gender binary of male or female. This includes individuals whose gender identity is neither exclusively male nor female, a combination of male and female or between or beyond genders.

Androgynous or androgyne:

A person whose gender identity is both male and female, or neither male nor female.

Bi-gender:

A gender identity which can be literally translated as ‘two genders’ or ‘double gender’.

Gender fluid:

Is a non-binary gender identity; gender fluid individuals experience different gender identities at different times. A gender fluid person's gender identity can be multiple genders at once, then switch to none at all, or move between single gender identities. Some gender fluid people regularly move between only a few specific genders, perhaps as few as two.

Genderqueer:

(Note: this term is not embraced by all LGBTI+ people so it is best to use it about yourself rather than others)

A person whose gender varies from the traditional 'norm', or who feels their gender identity is neither female nor male, both female and male, or a different gender identity altogether.

Other non-binary identities include demi-gender, bi-gender, trigender, quad-gender, quin-gender, poly-gender, multigender, pan-gender. Neutrois or agender can be used to mean genderless.

Gender variant

People whose gender identity and/or gender expression is different from traditional or stereotypical expectations of how a man or woman 'should' appear or behave. Typically used more in relation to pre-pubertal children who may not conform to gender norms, (gender non-conforming). Medical practitioners often use the term to refer to someone who is not particularly distressed about their gender incongruence.

Transgender

This is an umbrella term that refers to a person whose gender identity, and/or gender expression differs from the sex assigned to them at birth and is often shortened to 'Trans'. This term can include diverse gender identities both binary and non-binary. Transsexual usually refers to someone whose gender identity is 'opposite' to the sex assigned to them at birth, so a more binary view of gender, although transsexual people may or may not take hormones or have surgery the term is still widely used in the medical community.

Intersex

Historically termed hermaphrodite but that term is now considered to be highly offensive, intersex variations can be a presentation of ambiguous genitalia observed at birth or sometimes a chromosomal variation that may not be known until later in life and sometimes not at all. There are over 40 intersex variations that include variations of chromosomes or gonads. Often termed Disorder of Sex Development (DSD) but can be a highly contested term as 'disorder' infers that there is something intrinsically wrong with the intersected body requiring it to be fixed as either male or female. Variation of Sex Development (VSD) is another term for 'intersex' preferred by some medical practitioners and intersex people in place of DSD as it removes the stigma of 'disorder'.

Pansexual

Someone who could be attracted to any person, regardless of their gender.

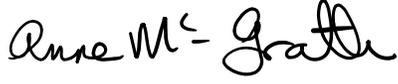
Bisexual

Someone who is attracted to more than one gender e.g. both men and women.

Further information from the Transgender Equality Network Ireland (TENI) website. www.teni.ie or
Belong To <http://www.belongto.org>

This procedure was read by the Board of Management on the date noted below.

Signed:  **Date:** 09/12/2020
Ms. Mary Ryan, Chairperson of Board of Management

Signed:  **Date:** 09/12/2020
Ms. Anne Mc Grath, Principal