

Gender Questioning Children Interim Policy

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Review Cycle: Annual

Last review date: 8th January 2024

New review date: January 2025

This interim document has been issued 1 January 2024.

It will remain in effect pending revision of the draft consultative document [Gender Questioning Children Non-statutory guidance for schools and colleges in England Draft for consultation](#).

1 Policy Background

1.1 This policy document follows the government guidance document [Gender Questioning Children Non-statutory guidance for schools and colleges in England Draft for consultation](#).

2 Overarching Principles

2.1 Burlington House School Tooting acknowledges the five general principles for schools to use in framing their response to requests for social transition, identified as the basis of [Gender Questioning Children Non-statutory guidance for schools and colleges in England Draft for consultation](#):

1. Schools and colleges have statutory duties to safeguard and promote the welfare of all children.
2. Schools and colleges should be respectful and tolerant places where bullying is never tolerated.
3. Parents should not be excluded from decisions taken by a school or college relating to requests for a child to 'socially transition'.
4. Schools and colleges have specific legal duties that are framed by a child's biological sex.
5. There is no general duty to allow a child to 'social transition'.

2.2 In accordance with guidance, Burlington House School Tooting takes a cautious approach, and takes decisions in regard to social transition with appropriate involvement of parents.

2.3 Burlington House School Tooting considers how best to fulfil safeguarding duties towards the child who is making such a request and their peers, ensuring that any agreed course of action is in all of their best

interests. The school recognises that there are some requests for a type of social transition that are not compatible with a school's legal duties.

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3 Terms and Definitions

3.1 This policy is based on and adopts the following terms and definitions, as provided by [Gender Questioning Children Non-statutory guidance for schools and colleges in England Draft for consultation](#):

- Child / children
 - For the purposes of this policy, a child is anyone under the age of 18.
- Parent(s)
 - The term parent(s) refers to any adult with parental or caring responsibilities for a child, and includes any person who is not a biological parent but who has parental responsibility, or who has care of the child and defined in the Department for Education guidance [Understanding and dealing with issues relating to parental responsibility September 2018](#).
- Transgender
 - This policy does not use the term “transgender” to describe children. Under UK law children cannot obtain a Gender Recognition Certificate and therefore cannot change their legal sex. ●
- Gender identity
 - Gender identity is a contested belief. It is a sense a person may have of their own gender, whether male, female or another category such as non-binary. This may or may not be the same as their biological sex. Many people do not consider that they or others have a gender identity at all.
- Gender questioning
 - Gender questioning is a broad term that might describe children and young people who are asking questions about their biological sex and perceived gender identity.
- Gender distressed or confused
 - Gender distressed or confused is a way of describing distress or confusion that may arise from a broad range of experiences connected to a child's understanding of their biological sex and associated attributes and behaviours, but where a formal diagnosis of gender dysphoria has not been made.
- Social transition
 - Social transition is a term often used to refer to a process by which people change their name, pronouns, clothing, or use different facilities from those provided for their biological sex. Not all people who go through this process will do so in the same way. Not all requests made to schools or colleges will comply with legal duties to safeguard children. Social transitioning is not a neutral act, as it has been recognised that it can have formative effects on a child's future development.
- Gender incongruence
 - Gender incongruence is a medical diagnostic term for a marked and persistent incongruence between an individual's experienced gender identity and their biological sex.
- Gender dysphoria
 - Gender dysphoria is a similar diagnostic term to describe gender incongruence of at least 6 months' duration, which is manifested by a number of criteria. The condition is associated with clinically significant distress or impairment in social or other important areas of functioning.

4 Responding to Requests for Social Transition and Engaging Parents

4.1 Burlington House School Tooting considers action in respect of social transition only after action has been explicitly requested by the child, and after the steps set out below have been followed, including engaging with parents.

4.2 Where a child discloses to a staff member, without requesting any change, that they may be questioning their gender, the staff member can listen respectfully about the child's feelings without automatically alerting parents, but for safeguarding reasons cannot promise confidentiality.

4.3 A staff member may not proactively initiate action towards a child's social transition.

4.4 Where a child requests a change in respect of social transition, the school waits for a period before considering making a change in response to the request, to ensure it is a sustained and properly thought through decision. This period of 'watchful waiting' may allow for the individual to be appropriately informed of the implications of social transition, which may require conversations with relevant staff, parents and any clinicians. The length of this period is decided by the school on a case by case basis with regard to all the circumstances including: the individual, their age, how long they have wanted social transition and how settled are their views.

4.5 Where a child requests a change in respect of social transition, unless informing parents might raise a significant risk of harm to the child, the school makes parents aware of the situation and, where appropriate, points them to support outside the school environment (for example, pastoral or medical support) if they request more information.

4.6 If, after waiting (see para 4.4 above), the child would still like their request to be granted, the school, involving the designated safeguarding lead, considers the request, taking into account the following points:

- A. **The school's safeguarding obligations:** Legal duties differ depending on the request. Where [Gender Questioning Children Non-statutory guidance for schools and colleges in England Draft for consultation](#) advises that schools or colleges should adopt a certain approach, or sets clear rules in a particular area, this applies in the overwhelming majority of cases and is the starting point for decision making. However, in some areas, the school is prepared to depart from the expected approach or from those rules in the exceptional case where it is necessary to do so to safeguard and promote the welfare of a child. In doing so, the school notes that safeguarding requires consideration of what is in the best interests of the child, which may not be the same as the child's wishes. [Gender Questioning Children Non-statutory guidance for schools and colleges in England Draft for consultation](#) states where schools or colleges do not need to consider an exception.
- B. **The view of parents:** the school properly considers the views of the child's parents, taking due account of parental consent as appropriate.
- C. **The age of the child:** Requests from younger children of primary age should be treated with greater caution, because they are more vulnerable as they are less able to articulate their feelings and will have

a less mature understanding of complicated issues.

D. Any relevant clinical information that is available: While neither children or their parents are obligated to share medical advice with the school, where such advice is available the school asks for appropriate access to it.

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E. The seriousness and context of the request: the school takes into consideration whether the child has made similar requests previously, and whether the child has properly considered the impact of their requests. As part of testing whether this is a sustained request, the school seeks to understand societal or other factors that may have influenced the child, for example:

- a. Has the child been influenced by peers or social media?
- b. Does the child feel pressured to identify differently because they simply do not align with stereotypes associated with their sex? This is relevant as some people think gender identity reinforces stereotypes about men and women.
- c. Whether it may be appropriate to seek input from the SENCO.
- d. Is there an interaction with a child's sexual orientation? The school notes that the Cass Review 'heard from young lesbians who felt pressured to identify as transgender male, and conversely transgender males who felt pressured to come out as lesbian rather than transgender. Where a child discloses that they are also questioning or exploring their sexual orientation, the school makes it clear that they are under no pressure to reach a particular outcome.
- e. **The long- and short-term impact on the child:** In the absence of definitive evidence on the long- and short-term impact of changes on children, and taking account of the view of the Cass Review's interim report that it could have significant psychological effects on a young person, the school takes a cautious approach.
- f. **The impact on other pupils:** the school considers the impact on other pupils, including any safeguarding concerns. Having balanced all the factors above, including the impact on the child, the school may conclude that the impact on the school and college community is such that it may not be possible to agree to support a request.

4.7 Following this process for decision making, the school aims to ensure that all members of staff support the child in a consistent way.

4.8 Members of staff should not unilaterally adopt any changes, including using a new name or new pronouns, unless or until this has been formally agreed by the school. If and where any change is agreed, the school communicates this to other pupils and staff where it is necessary and proportionate to do so. This is done sensitively, without implying that contested views around gender identity are fact. Other pupils, parents and teachers may hold protected religious or other beliefs that conflict with the decision that the school or college has made, and these legitimate views are respected.

5 Registration of Name and Sex

5.1 The Admission Register conforms with the requirements set out in the internal document [Admission register requirements at May 2023](#), including taking account of the internal [Pre-Admission Data Requirements](#).

5.2 Burlington House School Tooting ensures that all relevant staff are aware of a gender questioning child's biological sex, in support of the fulfilment of safeguarding duties.

6 Changing Names

6.1 Having fully consulted with the child's parents, Burlington House School Tooting allows a pupil to change their informal ('known as') name if it is in the best interests of the child to do so.

6.2 Where the school agrees to an informal name change, the new name is communicated appropriately to the school community.

7 Pronouns

7.1 Primary school aged children should not have different pronouns to their sex-based pronouns used about them.

7.2 Where Burlington House School Tooting considers the request of a child of secondary age to change pronouns, the child's parents are consulted, and all other relevant factors as given in this policy are considered. The school only agrees to a change of pronouns if it is confident that the benefit to the individual child outweighs the impact on the school community. It is expected that there will be very few occasions in which the school will be able to agree to a change of pronouns.

7.3 On the rare occasion that a change of pronoun is agreed by the school, no staff member or pupil is compelled to use the preferred pronouns. It does not prevent staff members from referring to children collectively as 'girls' or 'boys,' even in the presence of the child that has been allowed to change their pronouns

7.4 Even in the exceptional case where safeguarding requires the school to take an alternative approach, the school explores all other options, such as using first names, to avoid requiring other individuals to use preferred pronouns. In these exceptional cases, the school makes sure that all relevant staff are aware of a gender questioning child's biological sex, to fulfil their safeguarding and legal duties. In all cases, bullying of any child is not tolerated. No child is sanctioned for honest mistakes when adapting to a new way of interacting with another pupil. Whatever decision is taken with regard to the use of a new name or pronouns, the school still includes the legal name and sex of the pupil in the admissions register.

8 Single-Sex Spaces

8.1 All children in Burlington House School Tooting use the toilets, showers and changing facilities designated for their biological sex unless it will cause distress for them to do so. In these instances, the School seeks to find alternative arrangements, while continuing to ensure spaces are single-sex.

8.2 In order to protect all children, boys are not allowed to go into the girls' toilets and vice versa. If a child does not want to use the toilet designated for their biological sex, and all the relevant factors have been considered, the school considers whether it is practicable to provide or offer the use of an alternative toilet facility which is secured from the inside and for use by one child at a time, including for hand washing. Any such alternative arrangements do not compromise the safety, comfort, privacy or dignity of the child, or of other pupils.

8.3 If a child does not want to use the changing rooms and showers designated for their biological sex, and the school has considered all the relevant factors, the School considers whether it is practicable to provide or offer the use of an alternative changing or washing facility, while continuing to ensure spaces are single-sex,

or allowing access to facilities at an alternative time.

9 Boarding and residential accommodation

9.1 In allocating sleeping arrangements such as dormitories, tents or shared rooms for school trips, the school takes account of their safeguarding obligations set out in [Keeping Children Safe in Education \(KCSIE\)](#) and the relevant National Minimum Standards.

9.2 No child is allowed to share a room with a child of the opposite sex.

9.3 If a child questioning their gender does not wish to share a room with another child of the same sex, where possible, and only after the School has considered relevant factors outlined in this Policy, alternative arrangements are sought; any such alternative arrangements do not compromise the safety, comfort, privacy or dignity of the child, or of other pupils.

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10 Uniform

10.1 This Policy is in line with the school's Uniform Policy.

10.2 A child who is gender questioning is, in general, held to the same uniform standards as other children of their sex at the school.

10.3 Decisions on uniform are made only following consultation with the child's parents, having considered all the relevant factors. When making a decision, The school considers whether this applies to all elements of the uniform, such as swimwear.

10.4 Burlington House School Tooting ensures that all relevant staff are aware of any variations in uniform requirements agreed for a pupil, so that they are consistently applied, and that changes are communicated to others where necessary in a respectful way.

11 Physical Education and Sport

11.1 Where a child requests to participate in PE lessons or sporting competitions that are intended for the opposite biological sex, Burlington House School Tooting considers:

- the age of the child making the request
- how safe it would be to allow mixed-sex participation
- how fair it would be to allow mixed-sex participation

11.2 The school is not able to accommodate mixed-sex participation for sports where physical differences between the sexes, in particular past the age of puberty, threaten the safety of children and / or where issues of fairness arise.

12 Review of implementation

12.1 The implementation of this Policy is reviewed annually by the school's Senior Leadership Team in consultation with staff and a report is made to the Governance Body.

12.2 The school may submit to Cavendish Education proposals for amendments to this Policy.

12.3 This is an interim Policy. It is expected that the [Gender Questioning Children Non-statutory guidance for schools and colleges in England Draft for consultation](#) on which it is based will be revised by the Government at a date after Easter 2024, at which point this Policy will be accordingly revised.