

# Abstract

The purpose of this policy essay is to explore the impact of the Equality Act 2010 in the post-compulsory education sector on transgender, intersex and gender non-conforming people.

Under the Equality Act 2010, the rights of transgender people are protected; however, the rights of those who are intersex or gender non-conforming are not protected. It examines the issue within the context at Reading College, part of the Activate Learning group, the wider educational context, societally and within the policy making process. Within these contexts, the use of social media has been explored, examining its ubiquity and exposure to young people. Alongside this, interviews were conducted with students and teachers and statistics gathered from studies and through online tools for gathering data from Twitter.

There are three recommendations made for how post compulsory education could be more inclusive of transgender, intersex and gender non-conforming people, specifically looking at the impact within Reading College. The recommendations were: a change in policy, adaptation of toilets and a change in the law to include those who are intersex and gender non-conforming.

## The Equality Act 2010 and the Impact of it on the Post-Compulsory Education Sector



#1  
The Equality Act 2010



#2  
Definitions



#3  
Impact



#4  
Solutions

### The Equality Act 2010

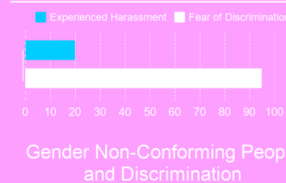
There are nine 'protected characteristics', which means that there are particular aspects of or that is associated with a person that should be protected under law from the various forms of discrimination.

### Implications

People who identify as gender non-conforming and those who are intersex are not protected under the Equality Act 2010.

Section 7 only protects those who are transgender. Section 11 only protects those who are male or female.

Currently, the discrimination and harassment they receive is not illegal.



There are between 32,500 to 43,000 people who are intersex in the UK



## 1 The Equality Act 2010

### s.7 Gender reassignment

(1) 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.

(2) A reference to a transsexual person is a reference to a person who has the protected characteristic of gender reassignment.

### s.11 Sex In relation to the protected characteristic of sex

(a) a reference to a person who has a particular protected characteristic is a reference to a man or to a woman;

(b) a reference to persons who share a protected characteristic is a reference to persons of the same sex.

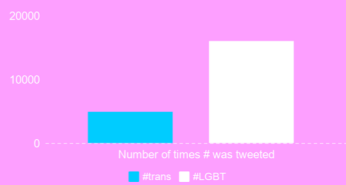
(3) In relation to the protected characteristic of gender reassignment—

(a) a reference to a person who has a particular protected characteristic is a reference to a transsexual person;

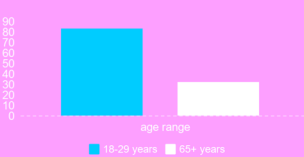
(b) a reference to persons who share a protected characteristic is a reference to transsexual persons.

## 3 Impact

Hashtag (#) Use on 8th December 2017



Percentage of an Age Group Using Social Media

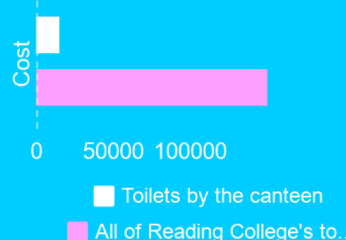


In an interview with a learner at Reading College, they stated that the college was very good at handling LGBT+ issues and especially their teacher, who is one of the lead figures in the college for the LGBT+ community. The learner did mention some difficulties they had from other learners, on in particular one whom called them a 'transformer' due to their pansexuality. Their tutor dealt with this promptly and enforced boundaries for the perpetrating learner. This academic year, the learner has found that it is going very well with regards to his identity. The learner feels that there does not need to be any increase in awareness for those at Reading College with regards to LGBT+ issues. With this learner's experiences, it could be seen that Reading College is inclusive and deals with insensitivity/discrimination well. The learner has a teacher who has great understanding of LGBT+ issues and is a part of that community themselves.

With the increased exposure to the experiences of those shown on YouTube and with the exposure to other social media, the learners are indeed likely to have the higher level of understanding around trans, intersex or gender non-conforming issues, as the learner from Reading College said in the interview. With the stories of students who have come into college as trans, the issues they faced were not from learners, but from staff. This further supports the idea that learners are inclusive of those who identify as trans, intersex or gender non-conforming.

## 4 Solutions

### Improved Amenities: Toilets



A part of the high cost in this would be due to the fact that legislation requires that for unisex toilets to have separate rooms for the toilet (Health and Safety Executive 2011). A more suitable approach could be altering the most frequently used toilets, such as those by the canteen on the ground floor (which is A floor). However, as a long-term investment, this could be a good and viable option for the college because it would afford the college, staff, students, and visitors a more inclusive environment, as architecture has an effect on our behaviours and cognitions (Bell, Greene, Fisher, J., & Baum1996).

### Increasing Societal Understanding

At Activate Learning, what would be beneficial is for staff and students to be educated more on the concepts around transgender, intersex and gender non-conforming. It could be done by those from Gires of Gendered Intelligence; however, a member of staff with an excellent understanding, accompanied by the resources from Gires (2017a) and Gendered Intelligence (2017), could deliver the training. This could also be accompanied by someone from the student body to support this.

### Recognition in the Law

s.7 to no longer be about 'sex' but 'gender'.

This will shift the focus on physical and biological traits and will include those who do not fit into the 'male/female' dyad.

s.11 to be 'gender reassignment' instead of 'gender reassignment'.

This means that a person is having their gender reformed to a way that suits their identity and is therefore more sensitive to their needs.

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