



# Equality Policy

Incorporating Transgender Policy

September 2017

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## OUR VISION & VALUES

Our vision is simple. We are an ambitious school at the heart of the community. We constantly strive to improve everything we do. Our mission is to provide all students with a high-quality education that encourages them to be articulate, resilient, courageous, curious and have the confidence to stand up for what they believe in.

At Tytherington we are committed to ensuring equality of education and opportunity for all pupils, staff, parents and carers receiving services from the school, irrespective of age, race, gender, sexual orientation, marriage and civil partnership, gender reassignment, pregnancy and maternity, religion or belief or socio-economic background.

We aim to develop a culture of inclusion and diversity in which all those connected to the school feel proud of their identity and able to participate fully in school life. Our school values which have been agreed by all members of the school community reflect this commitment.

We are proud of our record of promoting the spiritual, moral, social and cultural (SMSC) development of our pupils. This policy contributes to our SMSC work by:

- promoting tolerance and harmony between different cultural traditions by enabling students to acquire an appreciation of and respect for their own and other cultures.
- encouraging respect for other people.

This Equality policy contributes to our aim of increasing the understanding and knowledge expected of pupils as a result of our promotion of fundamental British values. In particular, we aim to provide:

- an appreciation that living under the rule of law protects individual citizens and is essential for their wellbeing and safety.
- an understanding that the freedom to choose and hold other faiths and beliefs is protected in law.
- an acceptance that other people having different faiths or beliefs to oneself (or having none) should be accepted and tolerated, and should not be the cause of prejudicial or discriminatory behaviour.
- an understanding of the importance of identifying and combating discrimination.

The achievement of pupils will be monitored by race, gender and disability and we will use this data to support pupils, raise standards and ensure inclusive teaching. We will tackle discrimination by the positive promotion of equality, challenging bullying and stereotypes and creating an environment which promotes respectful relationships for all.

## EQUALITY & THE LAW

- We welcome our duties under the Equality Act 2010 to eliminate discrimination, advance equality of opportunity and foster good relations among all members of the school community and particularly with regard to protected characteristics
- We welcome our duty under the Education and Inspections Act 2006 to promote community cohesion
- We recognise that these duties are essential for achieving the five outcomes of the Every Child Matters framework and that they reflect international human rights as expressed in the UN convention on the

rights of the child, the UN convention on the rights of people with disabilities and the Human Rights Act 1998.

- We recognise that the nine protected characteristics under law are:
  - age
  - disability
  - gender reassignment
  - marriage and civil partnership
  - pregnancy and maternity
  - race
  - religion or belief
  - sex
  - sexual orientation

At Tytherington we see all people as of equal value, whether or not they have a protected characteristic.

## DEFINITION OF DISABILITY

The Equality Act 2010 defines a disabled person as someone who has ‘a physical or mental impairment which has a substantial and long-term adverse effect on that person’s ability to carry out normal day to day activities’. Some specified medical conditions, HIV, multiple sclerosis and cancer are all considered as disabilities regardless of their effect.

The disability provisions in the Equality Act are different from those of other protected characteristics. Rather than just treating a person with a disability equally with those that don’t, there are times when they should be treated more favourably in order for them to be able to benefit from what we offer to the same extent as a person without a disability.

We will make all reasonable adjustments to ensure that members of our community with a disability are fully included in our school.

## DEFINITIONS OF DISCRIMINATION (ADAPTED FROM THE EQUALITIES ACT 2010)

**Unlawful discrimination** is when a person is treated less favourably than others in comparable circumstances, because of a special characteristic such as age, disability, gender or race.

**Indirect discrimination** occurs when a provision, criterion or practice is applied equally to all but has a different impact on members of one or more protected groups of which the complainant is one and is placed at a disadvantage as a result.

**Victimisation** is unlawful which is treating a person less favourably because they have taken action in respect of discrimination e.g. by bringing a complaint or giving evidence

**Harassment** is also unlawful and is when there is unwanted conduct which violates a person’s dignity or creates an intimidating and hostile degrading humiliating or offensive environment for them on the grounds of one of the relevant characteristics.

## AIMS

The key aims of this policy are to:

1. Ensure that all students have the opportunity to achieve their full potential and be motivated to succeed, secure in the knowledge of their own worth

2. Ensure that students and staff treat each other with complete respect and dignity at all times
3. Prepare students for life in a diverse society where they exercise respect and understanding for everyone
4. Explain the protection afforded to staff under the Equality Act

Additionally, this policy aims to meet our obligations to publish information to demonstrate how we are complying with the Public Sector Equality Duty and to publish equality objectives.

We make the following commitments:

- We will work towards eliminating discrimination and other conduct that is prohibited by the Equality Act 2010.
- We will advance equality of opportunity between people who share a protected characteristic and people who do not share it.
- We will foster good relations across all characteristics, and between people who share a protected characteristic and people who do not share it.

## RESPONSIBILITIES

All staff are expected to deal with any discriminatory incidents that may occur. They are expected to know how to identify and challenge prejudice and stereotyping; and to support the full range of diverse needs according to a pupil's individual circumstances.

Racist and homophobic incidents and other incidents of harassment or bullying are dealt with by the member of staff present and will be escalated using the school's behaviour procedures where necessary. All incidents are reported to the head teacher and logged in SIMS and racist incidents are reported to the governing body and local authority on a termly basis.

Incidents between staff will be dealt with in accordance with our Dignity at Work Policy.

## WHAT IS A DISCRIMINATORY INCIDENT?

Harassment on grounds of race, gender, disability, sexual orientation or other factors such as socio-economic status, can take many forms including verbal or physical abuse, name calling, exclusion from groups and games, unwanted looks or comments, jokes and graffiti. It may include use of technology such as mobile phones or email, instant messaging or social networking websites.

A racist incident is defined by the Stephen Lawrence Inquiry Report (1999) as: 'any incident which is perceived to be racist by the victim or any other person'.

See Behaviour Policy and Anti-Bullying Policy for details of how incidents are dealt with. In addition to the specific actions set out in Appendix A we will:

### GENERAL

- Ensure that we comply with all relevant legislation
- Communicate our commitment to equality and diversity to all members of the school community.
- Inform all staff, students and governors of their responsibility in promoting and maintaining equality.
- Monitor progress and achievement data by race, gender and disability.

## CURRICULUM

- The curriculum will display a discriminatory free approach to teaching and learning throughout the school.
- Departments will present opportunities for promoting cultural diversity within subjects.

## ENVIRONMENT

- All reasonable measures will be taken not to discriminate against staff or students with protected characteristics
- Staff will be informed at the beginning and throughout the year of the individual needs of particular students
- We will ensure through the Accessibility Plan that the school is a welcoming and accessible environment for all.

## EXTRA-CURRICULAR ACTIVITIES

- The school will endeavour to provide a range of activities to apply the interests of all students.

## EMPLOYMENT

- The school will comply with the law regarding equal opportunities and employment
- We will not ask health-related questions of applicants before a job offer, unless the questions are specifically related to an intrinsic function of the work
- New staff will be made aware of the policy and will be welcome to contribute to its development
- Advertising will state that we are an equal opportunities employer and will appoint the best candidate for the job.

## CONSULTATION AND REVIEW

It is a requirement that the development of this plan and the actions within it have been informed by the input of staff, pupils and parents and carers. We have achieved this by using the following to shape the plan:

- Feedback, parents' evening, parent forum meetings,
- Input from staff surveys or through staff meetings / INSET;
- Feedback from the Friends of Tytherington School, school council, form period, pupil voice survey
- Issues raised in annual reviews or reviews of progress on Pupil Profiles
- Discussion at the Disability Equality group involving parents and staff
- Feedback at Governing Body meetings.

The Plan has been agreed by our Governing Body. In line with legislative requirements, we will review progress against our Equality Objectives annually and review the entire policy and accompanying action plan on a three-year cycle.

We make regular assessments of pupils' learning and use this information to track pupil progress. As part of this process, we regularly monitor achievement by ethnicity, gender and disability, to ensure that all groups of pupils are making the best possible progress, and take appropriate action to address any gaps.

In order to meet the statutory requirements to publish information to demonstrate how we are complying with PSED, we will:

- Publish this policy and our equality objectives on the school website;
- Raise awareness of the objectives through the school newsletter, assemblies, staff meetings and other communications;
- Make sure hard copies are available.

# TYTHERINGTON EQUALITIES OBJECTIVES

## OBJECTIVE 1

*Continue to narrow the achievement gap between Pupil Premium and non-Pupil Premium students.*

### **Why we have chosen this objective:**

Although the achievement gap is narrowing at Tytherington School, we are passionate about ensuring that all students, irrespective of social background, should achieve well.

### **To achieve this objective, we plan to:**

Please refer to the Pupil Premium plan on our school website.

### **Progress we are making towards achieving this objective:**

Please refer to the Pupil Premium plan on our school website.

## OBJECTIVE 2

*Each year, at least 90% of pupils give positive feedback in the evaluation of our ROSE Days (Respect of Others, Self and the Environment).*

### **Why we have chosen this objective:**

To build a strong school community by growing understanding and respect of other cultures, religions and viewpoints. For everyone to be included, to feel happy and safe and enjoy respectful relationships we need understanding and respect of all the many cultures and religions present in the school.

### **To achieve this objective, we plan to:**

- Continue to refine and promote our already successful ROSE Days.
- Create a space for sharing and promoting cultural and religious difference in our Communities Group.
- Confront negative incidents with resolve sensitively but firmly

### **Progress we are making towards achieving this objective:**

We have a vibrant Philosophy department which exposes students to a variety of faiths and religions.

## OBJECTIVE 3

*End the casual use of homophobic language.*

*Zero reports of the use of homophobic language by 2018*

### **Why we have chosen this objective:**

For everyone to be included, to feel happy and safe and enjoy respectful relationships we need understanding and respect of differences of sexuality amongst students and staff. Homophobic language, however lightly used, is offensive and is not respectful.

### **To achieve this objective, we plan to:**

Change the culture so that the work 'gay' is not a general derogatory word used by students.

**Progress we are making towards achieving this objective:**

We invited Ben Smith from the 401 Challenge (<http://www.the401challenge.co.uk/>) and he shared his experiences of homophobic bullying with the students.

Posters are on display around the school and staff and students are encouraged to challenge anyone heard using the word in this way.

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This policy and procedure document links with and is supported by the following other policy and procedure documents:

- Anti-Bullying Policy & Procedure
- Attendance and Absence Policy & Procedure
- Conduct and Safety Policy & Procedure
- Safeguarding Policy & Procedure

## TRANSGENDER POLICY

### PURPOSE

The purpose of this policy is to explain Tytherington School's good practice in the field of Transgender consideration in order to minimise the distress and disruption to all students by:

- ensuring teachers and Governors are dealing with Transgender matters inclusively and sensitively
- providing an inclusive environment for any Transgender student
- ensuring all students are aware of and educated on issues of Transgender

### TRANSGENDER IDENTITY

A Transgender person feels that their external appearance (*sex*) does not match up with the way they feel internally about their gender identity. A Female to Male (*F2M*) person will have the external appearance or body of a female and identify their gender as male; a Male to Female (*M2F*) person will have the external appearance or body of a male and identify their gender as female.

The word Transgender is sometimes used interchangeably with the term *gender-variant* but usually has a narrower meaning and different connotations than gender variant, including non-identification with the gender assigned at birth. Children and students that experience or show gender variance may or may not be transsexual, as some will not retain their gender variance following puberty because gender variance can be fluid.

Gender Dysphoria (*or Gender Identity Disorder*) is a clinical condition that can present from as early as age 2 and can only be diagnosed by a medical and/or psychiatric expert. A person diagnosed with Gender Dysphoria may require treatment, e.g. hormone blockers (currently not available in the UK under the age of 16), to ameliorate the symptoms associated with being Transgender. A Transgender person may live their life without being or needing to be diagnosed as having Gender Dysphoria.

Diagnosis and treatment for young people is currently only possible through a specialist team from the Tavistock clinic in London (*the Tavistock hold regular satellite clinics in Exeter*). It must be understood that some people with Gender Dysphoria may not want any treatment. Some may choose to be known by a different name or to wear different clothes. However, most or all young Transgender people (and their families) will need some expert support as they grow up and develop.

## LEGISLATION

### DATA PROTECTION ACT 1998 (UK)

Information about a person's Transgender status is considered „sensitive personal data“ and is subject to tighter controls than other personal data. Explicit consent is required before it can be processed.

- Personal data must be looked after properly following the eight data protection principles, which include ensuring personal data is accurate, secure and processed fairly and lawfully.
- Failure to change a person's title, name and gender when requested could lead to the following offences under the Act.
  - Disclosure of personal information that is used, held or disclosed unfairly, or without proper security
  - Failure to ensure personal information is accurate and up-to-date
  - Processing of data likely to cause distress to the individual

### THE HUMAN RIGHTS ACT 1998

The following Articles from The Human Rights Act 1998 support the rights and needs of Transgender people to live their lives in their true gender.

- Article 8: right to respect for private life and family life
- Article 10: freedom of expression
- Article 14: the prohibition of discrimination

### THE GENDER RECOGNITION ACT 2004

The Gender Recognition Act 2004 is mainly concerned with the process by which a person can get a Gender Recognition Certificate, and correct their original birth certificate to match their true gender. This can only occur after a person reaches 18 years of age but is something that many younger people may aspire to.

### EQUALITY ACT 2010 (GREAT BRITAIN)

The Equality Act 2010 ensures legal protection against discrimination, harassment and victimisation (direct or indirect) for everyone under the nine protected characteristics defined in the Act, one of which is Gender Reassignment (also known as Transgender).

Part 6 of the Equality Act 2010 makes it clear that the Act specifically refers to School and young people.

The Equality Act 2010 (2:1:7) states that:

*“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.”*

The Act applies to employment, education and a range of other areas where discrimination may take place. In order to be protected under the Act, a student will not necessarily have to be undergoing a medical procedure to change their sex, but they must be taking steps to live in the opposite gender, or be proposing to do so.

## SEX DISCRIMINATION (GENDER REASSIGNMENT) REGULATIONS 1999

- Individuals who intend to undergo, are undergoing or have undergone gender reassignment are protected from discrimination in work, school and vocational training (including higher education study).
- Less favourable treatment relating to absences arising from gender reassignment is unlawful if:
  - the treatment is less favourable than if it had been due to sickness or injury
  - the treatment is less favourable than if it had been due to some other cause and, having regard to the circumstances of the case, it is reasonable not to be treated less favourably.
- Less favourable treatment includes the arrangements relating to terms and conditions or arrangements under which employment, education or vocational training is offered.

## DISCRIMINATION

As stated, The Equality Act 2010 ensures legal protection against discrimination in employment, education, the provision of services and the delivery of public functions, in relation to the nine protected characteristics defined in the Act, one of which is Gender Reassignment.

The legislation states that a school must not discriminate against a student because of their Transgender status. Discrimination can be direct or indirect. Indirect discrimination occurs when a provision, criterion or practice applies to everyone but puts a person with a particular protected characteristic at a particular disadvantage, and it cannot be justified as a proportionate means of meeting a legitimate aim. An example might be an inflexible school uniform rule which offers no “unisex” options such as trousers for girls, and which would therefore create a particular difficulty for a F2M student.

## SCHOOL ATTENDANCE

Tytherington School will make reasonable adjustments to accommodate absence requests for treatment and external sources in line with their absence policy. Sensitive care will be taken when recording the reason for absence.

## TRANSPHOBIA AND BULLYING

Tytherington School have a robust anti-bullying policy. In line with this policy, transphobia incidents will be recorded and dealt with in the same manner as other incidents that are motivated by prejudice, e.g. racist or homophobic incidents.

## TRAINING

In order to ensure all staff and Governors have the skills to deal with Transgender issues, Tytherington School will hold training sessions on topics such as:

- Safeguarding
- Confidentiality
- Gender Identity
- Tackling transphobia
- Relevant legislation

All topics will be covered during the Tytherington School INSET programme and will be revisited annually.

## THE CURRICULUM

The issues connected to Transgender will be visited for all students during curriculum time during the PSHE programme. These issues will also be touched upon during other subjects.

## PHYSICAL EDUCATION

Sports and Physical Education is a key aspect of the national curriculum and the physical and mental well-being of young people. Physical Education develops students' competence and confidence to take part in a range of physical activities that become a central part of their lives, both in and out of school. A young Transgender person has the same right to Physical Education as other young people.

With regard to young Transgender people at school or college, there should be reasonably few, if any, issues regarding participation within the sports of their true gender. There may be sports where, as puberty develops, M2F Transgender participants may have a physical advantage over other girls but this should not present a problem within a carefully and sensitively managed lesson context. The issue of physical risk within certain sports should also be managed properly within the lesson context rather than preventing young Transgender people from participating (which would be discriminatory).

It may be that due to the nature of contact and physicality of sports such as rugby, the school would consider whether a Transgender person participating in full contact lessons is appropriate towards the latter stages of puberty. This is something that Tytherington School will take a view on prior to the delivery of those lessons, in discussion with parents or guardians.

The use of changing room facilities will also be carefully considered. Facilities for Transgender participants will be sensitive to their needs and also recognise the needs and sensitivities of other students. When competing at another school or outside venue, school staff must ensure there is appropriate sensitive provision available.

## WORK EXPERIENCE

As already stated, the Equality Act 2010 encompasses every environment that pupils will be working in, therefore all placements should be aware of their duties and responsibilities. Where Tytherington School is considering allowing a Transgender young person to attend a work experience placement the school will complete a suitable assessment on the potential placement to establish if there is any risk to the young Transgender person, taking account of the young Transgender person's right to privacy – as a general principle, personal information on the young Transgender person must not be shared.

Tytherington School will be sensitive to this in their planning before any young Transgender person is placed in any business or organisation. Careful discussion about the placement with the student and parents or guardians, will occur to find the most suitable way forward to ensure the placement is successful.

## CHANGING/TOILET FACILITIES

There is provision in Tytherington School for unisex toilets. Transgender students will be able to use these facilities which have been labelled sensitively and appropriately. Tytherington School has conducted an audit of the appropriateness of the facilities.

## SCHOOL UNIFORM

Transgender students will be expected to follow the School Uniform Policy, which covers uniform, make-up and jewellery.

There is a generally broad range of uniform available for both genders (i.e. girls and boys can wear trousers and all students must wear a blazer, shirt and tie).

## NAME CHANGING AND EXAM CERTIFICATION

If a Transgender student wishes to have their preferred name recognised on school systems, this will be supported and will feed on to letters home, report cycles, bus pass information etc. Furthermore, the change of name and associated gender identity will be respected and accommodated by the school. It is a real indicator that the Transgender student is taking steps to, or proposing to move towards a gender they feel they wish to live in.

Technically, students can be entered under any name with an Examination Board. However, it is a very complex matter. Once a result is accredited it will need to be linked with a Unique Pupil Number (UPN) or Unique Learner Number (ULN) which existed in the school census information submitted in January of the examination year. UPNs and ULNs are only linked with legal names, not preferred names. It is possible for examination certificates to be issued in the preferred name, but any young person finding themselves in this position should discuss this issue with Tytherington School and parents or guardians to ensure the best way forward.

Schools and colleges are encouraged to ensure a strategy is agreed with the student and their parents or guardians, then agreed with the various Examination Boards prior to starting GCSE courses as some examinations may be sat in year 10 and the length of time the process re-registering may take. Schools

will also need to be aware that the DfE analysis of school performance may still present the student in the gender registered by their UPN.

It is possible for any document to be changed to reflect the chosen name of the young person. Changing the gender recorded on a birth certificate is not possible until a Gender Recognition Certificate has been issued. In order to change a name on other official documents such as a passport, it might be necessary for evidence of change of name to be produced: there are two main ways in which this can be done, by deed poll and by statutory declaration. The Citizens Advice Bureau and other Transgender support organisations will have more information on this subject. A person under 16 years of age cannot change their name legally without the consent of a parent.

## VACCINATIONS

Tytherington School will allow any gender specific vaccinations to be carried out at the GP's surgery in order to eliminate any embarrassment.

## SCHOOL VISITS

Learning about different cultures and lives and taking part in activities may lead to overnight stays, both at home and abroad. Issues may arise for both young Transgender students and other students but this must not mean Transgender students cannot be included on the visit. Tytherington School will give consideration well in advance of any additional needs which may include having a parent or guardian (or member of staff) accompanying the visit to ensure the Transgender student is fully included.

The sleeping arrangements will be considered before a visit is undertaken; it is possible that the Transgender student would prefer to have a separate room etc. Each individual case and visit needs to be considered separately and in depth discussions will happen well in advance, with all appropriate bodies, linked to the accommodation available.

With regards to a visit abroad, anyone can be searched at borders and other places. Different countries will have policies and procedures they will follow. Tytherington School will contact the relevant border control or agency in advance to ensure that any policy or risk assessment completed by the school is accurate for that visit.

There are countries that are not as legally and culturally open as the UK. In fact, some have laws that make it illegal to be part of the Transgender community. Some countries even make it an offence not to report to the authorities that someone is part of the Transgender community. Tytherington School will consider and investigate the laws regarding Transgender communities in any country considered for a school visit.

## GLOSSARY OF TERMS

**Binding** – a F2M adolescent that is developing breasts may strap down their chest so that it is less obvious. This can be hot, uncomfortable and restrictive but very important to their psychological and emotional wellbeing. It might make certain PE lessons difficult for them to participate in and could sometimes lead to breathing difficulties, skeletal problems and fainting.

**F2M** – Female to Male, a person that was identified as Female at birth but came to feel that their true gender is actually Male.

**Gender** – the way that a person feels about themselves in relation to their physical and mental self; the basis of their identifying as male, or female, or neither, or either, or both.

**Gender Dysphoria** – the medical condition that describes the symptoms of being Transgender.

**Gender Identity Disorder** – GID is a medical term describing being Transgender, this tends not to be used owing to the subtext around the word „disorder“.

**Gender Recognition Certificate** – an official document presented by a Gender Recognition Panel that enables all official documents and records (including birth certificate) to be amended to the true gender of the individual thereby providing full legal recognition.

**Gender Role** – the social role/interaction with others, which gives expression to the inner gender identity and reinforces it.

**M2F** – Male to Female, a person that was identified as Male at birth but came to feel that their true gender is actually Female.

**Packing** – a F2M person may wear a prosthetic item in their pants that will give a „bulge“ in their trousers so as to appear more male.

**Sex** – the way a person’s body appears, sometimes wrongly, to indicate their gender.

**Transgender** – a person that feels the assigned gender and sex at birth conflicts with their true gender.

**Transsexual** – a Transgender person who lives fulltime in their true gender.

**True Gender** – the gender that a person truly feels they are inside.