



Kirby Moor School

Equality and Diversity Policy

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1. Policy Statement

Our vision in a rapidly changing world is to inspire our pupils to be passionate and collaborative learners who reach their full all-round potential, thereby allowing them to contribute positively and actively to an inclusive 21st century society.

This policy applies to all pupils and employees of the school and to all parents or guardians of pupils.

Kirby Moor School is committed to securing equality of opportunity through the creation of an environment in which all individuals are treated on the sole basis of their relevant merits and abilities. This enriches our community and is essential in preparing our pupils for today's world. We focus on educating the individual where all pupils can feel respected, feel valued and flourish.

At Selwyn Hall, we actively strive to fulfil our obligations under the Equality Act 2010 and are committed to promoting the equality and diversity of all those we work with especially our employees, pupils and visitors. We oppose all forms of unlawful and unfair discrimination, bullying and harassment and will make every effort to comply with the requirements of the Act and its subsequent provisions.

The purpose of this policy is to outline the school's practice of inclusivity in order to:

- ensure Kirby Moor School is an environment where there is equality of opportunity for all individuals
- ensure teachers and leaders are dealing with matters of equality inclusively and sensitively
 - ensure all pupils are aware of and educated on issues of equality and inclusivity
 - ensure any issues of discrimination are dealt with appropriately.

2. Protected Characteristics

The Equality Act covers nine protected characteristics upon which discrimination is unlawful:

- age
- disability
- gender reassignment

- Gender identity
- marital or civil partnership status
- pregnancy and maternity
- race
- religious belief
- sex or
- sexual orientation

3. Forms of Discrimination

Discrimination may be direct or indirect and may occur intentionally or unintentionally.

The following types of discrimination are recognised by the school:

Direct discrimination – when someone is treated less favourably than another person because of a particular characteristic.

Associative discrimination or discrimination by association – direct discrimination against someone because they associate with another person who possesses a Protected Characteristic.

Discrimination by perception – direct discrimination against someone because it is thought that they possess a particular Protected Characteristic even if they do not actually possess it.

Indirect discrimination - occurs where an individual's involvement is subject to an unjustified provision criterion or practice which e.g. one sex or race or nationality or age group finds more difficult to meet, although on the face of it the provision, criterion or practice is 'neutral'.

Harassment – unwanted conduct related to a relevant Protected Characteristic which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. A person may complain of such offensive behaviour even if it is not directed towards them personally.

Third-party harassment- This occurs where, during the course of their duties, an employee is harassed by an individual or individuals who are not under the direct

control of Kirby Moor School and the harassment relates to a protected characteristic.

Victimisation – when a person is treated less favourably because they have made or supported a complaint or raised a grievance about unlawful discrimination or are suspected of doing so.

4. Dealing with Discrimination

All members of the school community have a right to equality of opportunity and have a duty to implement this policy.

It is the responsibility of all staff to:

- treat colleagues, pupils and visitors with dignity and respect; and avoid behaving in any manner that may give rise to claims of discrimination, harassment or victimisation
- support and participate in any measures introduced to promote equality and diversity
- actively challenge discrimination and disadvantage in accordance with their responsibilities
- report any issues associated with equality and diversity in accordance with this policy The school will take seriously any concern or complaint which alleges that equality of opportunity has not been provided and/or where discrimination has taken place. Where there is any suspected or alleged case of discrimination in school the SLT must be informed as soon as is reasonably possible. Where a member of staff is involved the matter will be investigated and if discrimination is deemed to have taken place it is likely that the school's staff disciplinary procedure will be invoked. Where a pupil/s is/are involved, the matter will be investigated and the school's Behaviour Policy applied with sanctions applied as appropriate.

5. Recruitment

We are committed to ensuring that all our employees and applicants for employment are protected from unlawful discrimination in employment. Recruitment and employment decisions at Kirby Moor School will be made on the basis of fair and objective criteria. Person and job specifications will be limited to those requirements which are necessary for effective performance in the role. Interviews will be

conducted on an objective basis and personal and/or domestic commitments will not form the basis of employment decisions except where necessary and relevant.

6. Education

A balanced curriculum is vital to tackling inequalities for pupils including gender stereotyping, preventing bullying and raising attainment for certain groups. Pupils at Kirby Moor School are taught to respect the fundamental British values of equal opportunities and inclusivity in all their dealings and in all curriculum areas. The PSHE curriculum in particular raises awareness of the equality of rights and choices of the individual.

7. Training

The Head will ensure that all members of staff are fully aware of their responsibilities in respect of equal opportunities, harassment and discrimination on the grounds of the protected characteristics outlined above. Where appropriate training can be identified, it will be made available to members of staff.

8. Monitoring and Evaluation

This policy will be kept under review and will be evaluated regularly and amended as necessary. Incidents will be investigated with a view to informing or amending practices or procedures. Where discrimination has been found to have taken place, those involved will be monitored to ensure there is no repetition.

9. Transgender

Kirby Moor School recognises the protected characteristic of gender and is ready to support all transgender members of the community. In the case of transgender pupils, the school undertakes to handle all matters sensitively and supportively. The school will take advice from the pupil, the pupil's parents and professional bodies as to who the pupil would like as their key support staff to be and as to what courses of action will ensure they have the best experience of school life.

10. Gender Incongruence

With regard to the protected characteristic of sex it is appropriate to note that gender is a spectrum, which is not limited to male or female but can span anywhere between these two binary points. 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 (FTM, or trans male) person will have been

assigned as female at birth but will identify their gender as male; a male to female (MTF, or trans female) person will be assigned as male at birth but will identify their gender as female. This is known as Gender Incongruence. You may also hear it described as gender dysphoria or as an issue of gender identity. The word transgender is a term used to describe people who identify with the opposite gender to which they were assigned at birth; however, it is also an umbrella term which can include people who do not feel exclusively male or female (may also be referred to as non-binary or genderqueer). Gender can be fluid, and some children and pupils who do not relate to their assigned gender may never fully transition in to the opposite gender but may choose to use alternative pronouns. For example, someone who is gender fluid but chooses to keep their sex as male, may prefer to be known by 'she/her/hers' pronouns. Others may prefer to be known by 'they/them/theirs'. School encourages transgender children to tell staff which pronouns they prefer and their teachers will support them in doing so. Transgender pupils may also dress to reflect their trans identity. Diagnosis and medical support for young people is available from specialist Gender Identity Clinics (GICs) which are available in many locations across the UK. It must be understood that some people with gender incongruence may not want any medical intervention. 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. Kirby Moor School will ensure that there is appropriate liaison between clinics supporting transgender pupils and key staff in school and also with parents and the young person. Such a link will ensure that the right advice is given to school as to how to support the pupil. The young person should be involved in making this link and in choosing which school staff member they would like to support them in particular in these links. Please see Appendix A for further guidance on relevant legislation.

11. School Attendance

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

12. Support in School

The leaders and staff of Kirby Moor School will ensure that staff receive appropriate training in how to support transgender pupils and related issues will be considered in the school's RSHE and PSHE programme to educate pupils. It is important that members of the school community be aware of what transgender pupils, and people

in the world beyond school in general, may be experiencing in terms of their own feelings and the responses they may encounter from others.

13. 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 pupil 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 FTM pupil.

14. Transphobia and Bullying

Kirby Moor School has robust Equality, Diversity and Inclusion, Behaviour and Anti-Bullying policies. In line with these policies, transphobic incidents will be recorded and dealt with in the same manner as all other incidents that are motivated by prejudice, e.g. racist or homophobic incidents.

15. The Curriculum

The issues surrounding transgender will be visited during the RSHE and PSHE programme run and during other subjects when appropriate.

16. Physical Education

Sport and Physical Education is a key aspect of the National Curriculum and the physical and mental wellbeing of young people. Physical Education develops pupils' 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 Kirby Moor School, there should be reasonably few, if any, issues regarding participation within the sports of their gender identity. There may be sports where, as puberty develops, MTF 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 will 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 some sports the school would consider whether a transgender person participating in full contact lessons is appropriate towards the latter stages of puberty. The school will take a view on this prior to the delivery of those lessons, in discussion with the young person, parents or guardians and key school staff. It may also be appropriate to consider the sport's National Governing Body transgender rules and guidance. The use of changing room facilities has been considered, and the changing facilities at Kirby Moor can be made flexible when necessary. Facilities for transgender participants will be sensitive to their needs and also recognise the needs and sensitivities of other pupils. When competing at another school or outside venue, school staff will ensure in the planning stages that there is appropriate sensitive provision available.

17. Changing Rooms/Toilet Facilities

There is provision at both Kirby Moor sites enabling pupils to use the accessible toilets as unisex toilets. Transgender pupils will be able to use these facilities which have been labelled sensitively and appropriately. The school has conducted an audit of the appropriateness of the facilities. Transgender pupils will be able to choose which toilets and changing rooms they prefer to use and this can be discussed with and facilitated by key school staff as soon as the pupil's preference is made known. It is important to remember that transgender pupils will feel very strongly that their whole identity as a person is at issue here.

18. School Uniform

Transgender pupils will be expected to follow the School Uniform Policy, which covers uniform, makeup and jewellery. At Selwyn Hall, the school uniform includes a trouser uniform for all pupils. Full details of these can be found on the uniform list.

19. Name Changing

Transgender pupils may well wish to use a different name and it is for them to let key school staff know when they wish this name to become their preferred name used in school. If a transgender pupil 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 recognised by Kirby Moor School that this is a real indicator that the transgender pupil is taking steps to, or proposing to move towards a gender they feel they wish to identify with/live in. It is recognised that names may be changed

more quickly in school than on other official documents such as passports etc. Please see Appendix B for information on examination certification

20. Vaccinations

Kirby Moor School will allow any gender specific vaccinations to be carried out at a pupil's own GP's surgery in order to eliminate any anxiety issues.

21. 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 in such activities for both young transgender pupils and other pupils but this must not mean transgender pupils cannot be included on the visit.

Kirby Moor School will give consideration well in advance to any additional needs, which may include having a parent or guardian (or member of staff) accompanying the visit to ensure the transgender pupil is fully included. The sleeping arrangements will be considered before any visit is undertaken; it is possible that the transgender pupil would prefer to have a separate room etc. Each individual case and visit will be considered separately and in-depth discussions will happen well in advance, with all appropriate bodies, linked to the accommodation available. This is in order to ensure safeguarding issues and pupil dignity are taken into consideration. With regard to a visit abroad, any traveller might be searched at borders and other places. Different countries will have policies and procedures they will follow. Trip leaders will make every effort possible to 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 and issues relating to individual pupils may be anticipated. There are countries which 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. Kirby Moor School will consider and investigate the laws regarding transgender communities in any country considered for a school visit and this may result in the decision that it is not in the best interests of an individual's wellbeing to participate in the visit. This decision will be fully discussed with the pupil and their parents or guardian. In such circumstances the school will consider whether it is appropriate to continue with the visit.

22. Further Information

There are many support groups for transgender young people and their families. Here are some suggested links:

www.transgendertrend.com

www.mermaidsuk.org.uk

www.vivalgbt.co.uk (Wales)

There are also a youth groups locally which Kirby Moor can discuss with pupils should they wish to consider attending or contacting

Appendix A:

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
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 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 pupil 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.

Appendix B:

Names Technically, pupils 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 school and parents or guardians to ensure the best way forward. Schools and colleges are encouraged to ensure a strategy is agreed with the pupil 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 pupil in the gender registered by their UPN. It is possible for any documentation 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 may be necessary for evidence of change of name to be produced. There are two 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.

Appendix C: Glossary of Terms used in this document

Binary/Non-binary Refers to the gender spectrum:

Binary refers to the two fixed ends of the spectrum – male and female; nonbinary can be used to describe someone who identifies not solely with either of these genders, but somewhere in between.

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

Gender Dysphoria The medical condition that describes the symptoms of being transgender.

Gender Incongruence The experience of an individual where the gender they were assigned at birth, based on physiology does not match with the gender the person feels they are.

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.

Hormone Suppressors/Puberty Blockers Drugs that are given in order to delay that process of puberty. These can be prescribed before a child is old enough to start taking hormones such as oestrogen or testosterone.

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

Transgender A person that feels the assigned gender or sex at birth conflicts with their true gender.