



THE KING'S SCHOOL
CHESTER

Equality, Diversity and Inclusion Policy

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1. Policy Statement

Our vision in a rapidly changing world is to inspire our students 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 students and employees of the school and to all parents or guardians of students. The King's 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 students for today's world. We focus on educating the individual where all students can feel respected, feel valued and flourish.

At King's, 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 the King's School is an environment where there is equality of opportunity for all individuals
- ensure teachers and Governors are dealing with matters of equality inclusively and sensitively
- ensure all students 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
- 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 the King's 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 Deputy Head Pastoral 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 student/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 the King's 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. Students at the King's 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

The King's School recognises the protected characteristic of gender and is ready to support all transgender members of the community. In the case of transgender students, the school undertakes to handle all matters sensitively and supportively. The school will take advice from the student, the student's parents and professional bodies as to who the student 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.

9.1 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 have been 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 students 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 students 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. The King's School will ensure that there is appropriate liaison between clinics supporting transgender students 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 student. 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.

9.2 School Attendance

The King's 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.

9.3 Support in School

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

9.4 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 FTM student.

9.5 Transphobia and Bullying

The King's 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.

9.6 The Curriculum

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

9.7 Physical Education

Sport 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 The King's 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 King's 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 students. When competing at another school or outside venue, school staff will ensure in the planning stages that there is appropriate sensitive provision available.

9.8 Changing Rooms/Toilet Facilities

There is temporary provision at King's enabling pupils to use the accessible toilets as unisex toilets. Transgender students 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 students 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 student's preference is made known. It is important to remember that transgender students will feel very strongly that their whole identity as a person is at issue here.

9.9 School Uniform

Transgender students will be expected to follow the School Uniform Policy, which covers uniform, make-up and jewellery. At King's, the school uniform includes a trouser uniform and a skirt uniform. Full details of these can be found on the uniform list.

9.10 Name Changing

Transgender students 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 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 recognised by the King's School that this is a real indicator that the transgender student is taking steps to, or proposing to move towards a gender they feel they wish to identify with/live in¹. It is recognised that names may be changed more quickly in school than on other official documents such as passports etc.

9.11 Vaccinations

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

¹ Please see Appendix B for information on examination certification

9.12 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 students and other students but this must not mean transgender students cannot be included on the visit.

The King's 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 student is fully included.

The sleeping arrangements will be considered before any visit is undertaken; it is possible that the transgender student 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 student 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 students 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. The King's 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 student and their parents or guardian. In such circumstances the school will consider whether it is appropriate to continue with the visit.

9.13 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 is also a youth group in Chester called Phoenix whose contact details can be found on <https://www.transunite.co.uk/group/phoenix-chester/>

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 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.

Appendix B: Names

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 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 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; non-binary 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.