

The Equality and Community

Cohesion Policy:

Our Public Sector Equality Duty

Community Cohesion and Equality Lead: Lauren Sutcliffe

Lead Equality Governor: Lee Mather

Signature of Chair of Governors: _____

Date: September 2024

Next Review: September 2025



Statement of Principles

Tonacliffe Primary School is an inclusive school, working towards greater equality in the whole school community. We use the curriculum and teaching to enhance the self-esteem of all those it serves and to provide a learning environment in which each individual is encouraged to fulfil their potential.

We believe that we all have the right to be happy, to be safe and to learn in an environment that is inclusive and promotes equality for all. The Equality Act 2010 provides a framework to support our commitment to valuing diversity, tackling discrimination, fostering good relations and promoting equality and community cohesion.

We believe that equality at Tonacliffe Primary School should permeate all aspects of school life and is the responsibility of every member of the school and wider community. **Every** member of the school community, whatever their characteristics, should feel safe, secure, valued and of equal worth. We aim to promote a culture of inclusion and diversity in which all members feel proud of their identity and are able to participate fully in school life.

These protected characteristics include age, disability (including menopause), gender and gender re-assignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Definitions of these terms can be found in **Appendix A**.

The policy outlines the commitment of the staff, pupils and governors of Tonacliffe Primary School to ensure that equality of opportunity is available to all members of the school community. For our school this means not simply treating everybody the same but understanding and tackling the different barriers which could lead to unequal outcomes for different groups of pupils in school, whilst celebrating and valuing the achievements and strengths of all members of the school community. These include:

- Pupils
- Staff
- Parents/carers
- The governing body
- Multi-agency staff linked to the school
- Visitors and volunteers to school
- Students on placement

At Tonacliffe Primary School, equality is a key principle for treating all people fairly and creating a society in which everyone has the opportunity to fulfil their potential. The overall objective of this policy is to provide a framework for the school to pursue its equality duties to eliminate unlawful discrimination and harassment; promote equality of opportunity; and promote good relations and positive attitudes between people of diverse backgrounds in all its activities.

This policy should be read in partnership with our policies on:

- Recruitment and Selection and Staff Induction
- Anti- Bullying
- Special Educational Needs
- PSHE
- Assessment
- Risk Assessment
- All our staffing policies, e.g. Pay, Appraisal, and Grievance.

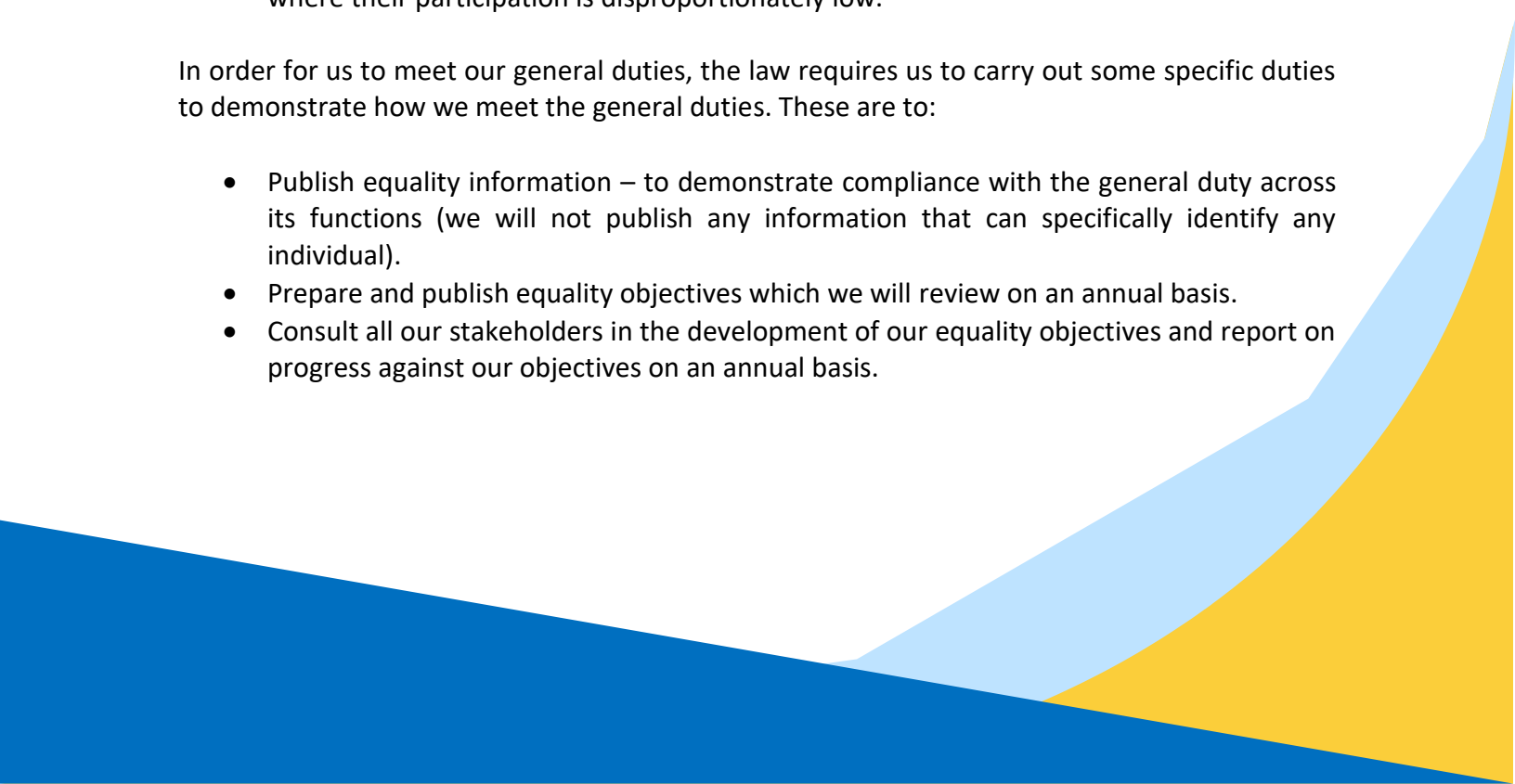
This document provides information about how Tonacliffe Primary School ensures that it meets its statutory specific equality duties in accordance with the Public Sector Equality Duty (PSED) which came into force in April 2011. The PSED was created under the Equality Act 2010. This information must have due regard to the three overarching aims (General Duties) of the PSED and these are as follows:

- To eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- To advance equality of opportunity between people who share a protected characteristic and those who do not.
- To foster good relations between people who share a protected characteristics and those who do not.

The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in activities where their participation is disproportionately low.

In order for us to meet our general duties, the law requires us to carry out some specific duties to demonstrate how we meet the general duties. These are to:

- Publish equality information – to demonstrate compliance with the general duty across its functions (we will not publish any information that can specifically identify any individual).
 - Prepare and publish equality objectives which we will review on an annual basis.
 - Consult all our stakeholders in the development of our equality objectives and report on progress against our objectives on an annual basis.
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Tonacliffe Primary School and Protected Characteristics:

The Equality Act 2010 identifies the following areas as protected characteristics:

- Age
- Disabilities
- Gender reassignment
- Marriage and Civil Partnerships (but only in request of eliminating unlawful discrimination)
- Pregnancy and Maternity
- Race (including ethnic or national origins, colour and nationality)
- Religion and belief
- Sex
- Sexual Orientation

Age

Age diversity within the workforce is promoted and valued through:

- Challenging age stereotyping
- Recognising the benefits of a mixed-age workforce

Disability

The abilities of disabled people are recognised and valued at all levels through:

- Focusing on what people can do rather than on what they cannot
- Challenging stereotypes about people with disabilities
- Making appropriate reasonable adjustments in the workplace to help people with disabilities achieve their full career potential
- Supporting staff who may need to attend medical appointments within working hours as a result of their disability

Gender Re-assignment

People who plan to undergo, are undergoing, or have undergone gender re-assignment are protected against all forms of discrimination and harassment. The school will take positive steps to support a transgender person and ensure they are treated with dignity and respect.

Marriage and Civil Partnership

People are treated fairly and equally in the workplace irrespective of their marital, civil partnership or family status.

Pregnancy and Maternity/Paternity

Women are treated fairly during the period of pregnancy and any statutory maternity leave entitlement. Any period of absence due to pregnancy related illness is not taken into account when taking a decision about employment and in accordance with the law. We also

- Support employees who become pregnant and take active steps to facilitate their return to work after maternity leave
- Support employees in their return after paternity leave

Race

The racial and cultural diversity of our communities is represented at all levels through:

- Challenging racial stereotypes
- Understanding, respecting and valuing different racial and cultural backgrounds and perspectives

Religion and Belief

Members of the school community's religion, belief or lack of are recognised, promoted and valued by:

- Challenging religious stereotypes
- Understanding, respecting and valuing different religions and beliefs
- Supporting staff who may need to attend religious events or who may need a space for private prayer

Sex / Gender

Members of the school community are supported in terms of their gender identity by:

- Challenging gender stereotypes
- Supporting any member of the school community who may not have a defined gender or who may wish to change their gender identity (see trans guidance in appendix B)

Sexual Orientation

People are treated fairly and equally in the workplace irrespective of their sexual orientation. We support all members of the school community by:

- Challenging homophobic stereotypes
- Supporting, understanding and respecting any member of the school community who may disclose that they are not heterosexual



School in Context

The range of children in our school reflects the local community which is a small town in a post-industrial, semi-rural area.

Children:

We have 287 children on roll (reception to year 6). We also have a nursery attached.

Gender:

We currently have 49% boys and 51% girls.

Free School Meals:

Percentage of children eligible for 'free school meals' is 14%.

Percentage of pupils eligible for FSM6 is 14%

Ethnicity:

Our school population is currently 95% White British with 5% either of ethnic minority or prefer not to say.

Disability:

We have 18 children with recognised disabilities including Autistic Spectrum Disorders, Attention Deficit and Hyperactivity Disorder, hearing impairments and visual impairments

SEN:

We have 12% of children at school support. We have 3% of children with Education, Health and Care Plans

LAC:

We have 3 looked after children.

EAL:

5 of our children are registered as having English as an additional language.

Socio-Economic indicators*:

Our overall Multiple Deprivation Index shows that 3.3% are in band E*, 3% E, 54.1% D, 3.3% C, 35.6% B and 0.7% A *Awaiting update for the year 2023-2024

Staff:

We have 40 members of staff in total, plus one sports coach.

Gender:

37 are female and 3 are male, plus one male sports coach.

Ethnicity:

Our permanent staff are currently 100% White British, and all have English as their first language.

Disability:

We have one member of staff with a recognised disability.

General Duties of the PSED and Lead Roles

1. To eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

At Tonacliffe Primary School the implementation of our Public Sector Equality Duty with regards to discrimination, harassment and victimisation consists of:

Governors being responsible for:

- Ensuring the school adopts and reflects the relevant equality legislation
- Ensuring that the school Public Sector Equality Duty and its procedures are followed

The Head Teacher being responsible for:

- Ensuring the Public Sector Equality Duty and its procedures are followed
- Ensuring the Public Sector Equality Duty is readily available and that the governors, staff, pupils, and their parents and guardians know about it.
- Producing regular information for staff and governors about the School Equality Objectives and how they are working
- Ensuring that all staff know their responsibilities and receive training and support in carrying these out
- Taking action in cases of harassment and discrimination against members of any protected group

All staff being responsible for:

- Tackling racist, homophobic and other hate-incidents
- The recognition and tackling of bias and stereotyping
- The promotion of equal opportunities
- The avoidance of discrimination against anyone and, in particular, members of protected groups.
- The need for keeping up to date with the law on discrimination
- The opportunity for taking up training and learning opportunities

Attitudes that exhibit or encourage discrimination are immediately challenged and staff seek to achieve this with all stakeholders, including pupils, through active promotion of exemplary attitudes and leading by example. Examples of this are the teaching of issues surrounding bullying, emotional skills groups and one-to-one mentoring.

The school deals with discriminatory incidents seriously and parents are informed of the action taken. Incidents are shared with all staff who are involved with the pupils. Any racist incidents are recorded in line with the Lancashire Council Guidelines. Two incidents were recorded in the academic year 2019 – 2020 and no incidents in 2020 - 2021.

During the academic year 2019 - 2020 there were no homophobic incidents and one incident in 2020 - 2021.

The school has made one fixed term and no permanent exclusions during 2019-2020, and no exclusions over the last academic year. The school works with the local authority on the policy of managed moves which endeavours to prevent permanent exclusions by moving pupils between schools within the local authority as an alternative.

2. To advance equality of opportunity between people who share a protected characteristic and those who do not.

Tonacliffe Primary School prides itself on being an inclusive school and we provide excellent access to education with the achievement and attainment of all pupils being promoted. The Headteacher works closely with all staff in each key stage to ensure equality of opportunity for all protected groups. The school strives to improve equal opportunities. Examples of this work can be seen in the Equality School Improvement/Action Plan, the Lancashire Equality Mark Accreditations, the school's Lancashire Equality Charter, regular monitoring of teaching and learning, staff training and continuous professional development.

3. To foster good relations between people who share a protected characteristic and those who do not.

All stakeholders at Tonacliffe Primary School strive to foster good relations between all members of the school community. Prejudice is tackled and we promote understanding between people who share a protected characteristic and those who do not. This might mean making reasonable adjustments (as evidenced throughout school). Through teaching and learning we demonstrate to children that equality is not treating everybody the same but treating people equitably and we ensure that all members of the school community understand and promote this. This ensures that children develop good relations through understanding and acceptance.



Tonacliffe Primary School's Equality Objectives

In conjunction with the specific duties as outlined above, Tonacliffe Primary School also has the following objectives.

This should be read in conjunction with the Equality School Improvement Plan (action plan), as this details the objectives, actions and evaluations of equality across the whole school in more detail.

1. Our commitment to equality and diversity must feed through the ethos of the school, with all pupils, parents and staff embedding community cohesion into daily practice.
2. The school must become proactive in providing measures to ensure we are not only meeting the PSED but that we take this further by developing a culture and ethos where equality, diversity and community cohesion are entrenched within the school for all to observe.
3. Under-represented groups participate in all areas of school life.
4. Staff are aware of the different strands of equality and what equality means. They deliver principles of equality through daily teaching.
5. The school appears welcoming to all, with barriers to participation in school life disassembled.
6. All staff are involved in the development and improvements within equality, community cohesion and diversity, and feel confident and able to do so.
7. That as a school we are not portraying gender bias in any subliminal message.
8. That staff are able and feel comfortable in spotting signs of any pupil questioning their assigned gender or any pupil who may identify as a gender not assigned at birth.
9. Children and staff feel comfortable and informed when discussing sexual orientation appropriately.
10. Instances of homophobia are reduced and/or eliminated.
11. Staff can see and understand a clear difference between those children that have a specific learning need and those that have another need such as having a disability; both physically or mentally.
12. The school ensures that all staff and pupils follow a social model of disability as well as a medical model when appropriate.
13. The school has an up to date EAL policy.
14. The school has an up to date EAL register which all staff are familiar with.
15. Staff can identify our EAL children and provide support in the areas of need.
16. A multi-faith prayer room or space is available to those who wish to use it.
17. Religious events are celebrated throughout the whole school.
18. Pupil premium children's data is in line with their peers.
19. Staff are aware of how and where to signpost families who come forward with worries or who are experiencing financial difficulties.

Policy Development

We aim to recruit an appropriately qualified workforce and establish a governing body that is representative of all sections of the community in order to respect and respond to the diverse needs of our population. This policy applies to the whole school community. It has been drawn up as a result of the outcomes of a transparent process and through consultation with:

- Pupils
- Parents/Carers
- Staff
- Governors

Monitoring and Review

Identification is seen as a key element to ensuring equality of opportunity. The school employ regular analysis of data from the earliest stages of education, screening for common specific learning difficulties and the opinions of staff at all levels as the main strategies in the identification of special educational needs. Intervention is targeted in response to the identification. The SENCO liaises closely with each class teacher. This allows for flexible planning that can respond quickly to changes in the pupil needs. All children are tracked on a regular basis and school sets high expectations for all pupils to achieve and progress well, regardless of their original starting point.

Implementation:

- We collect and analyse a range of equality information.
- We make regular assessments of pupils' learning and use this information to track pupils' progress, as they move through the school. As part of this process, we regularly monitor the performance of different groups, to ensure that all groups of pupils are making the best possible progress. We use this information to adjust future teaching and learning plans, as necessary.
- Resources are available to support groups of pupils where the information suggests that progress is not as good as it should be. The governing body receives regular updates on pupil performance information.
- School performance information is compared to national data and local authority data, to ensure that pupils are making appropriate progress when compared to all schools, and to schools in similar circumstances.
- As well as monitoring pupil performance information, we also regularly monitor a range of other information. This relates to:
 - Attendance
 - Exclusions and truancy
 - Racism, disablism, sexism, homophobia and all forms of bullying

- Parental involvement
- Participation in extended learning opportunities, after school sports clubs and sports competitions

Our monitoring activities enable us to identify any differences in pupil performance and provide specific support as required, including pastoral support. This allows us to take appropriate action to meet the needs of specific groups in order to make necessary improvements.

We collect and analyse a range of profile information for our staff and governors:

- Applicants for employment (completed on LCC application forms)
- Staff and Governing Body profiles
- Attendance at training events
- Staff appraisal and performance management
- Disciplinary and grievance cases

We are careful to follow the guidance in our confidentiality policy and GDPR.

Developing Best Practice

Teaching and Learning

We aim to provide all our pupils with the opportunity to succeed, and to reach the highest level of personal achievement.

To do this, we will:

- Provide positive examples of all groups of people, challenging stereotypes and celebrating the contribution of all humankind to a pluralistic society.
- Provide equality of access for all pupils to a broad and balanced curriculum and quality resources, both in school and on visits, having due regard for their individual needs and differences.
- Use teaching methods, language and materials which deal sensitively with diversity and difference, ensuring that all people feel valued and develop high self-esteem.
- Teach children to question, to be advocates and to challenge their own viewpoints and those of others leading to justice and equality at school and in the wider world.

These aims apply to all who work with our children, both in school and on visits.

Staffing and Staff Development

We recognise the need for positive role models and distribution of responsibility among staff. To achieve this, we will:

- Follow all recruitment and selection procedures strictly, using staff and governors who are aware of how to avoid discrimination, bias and preconception.
- Encourage the career development and aspirations of all staff with due regard for personal need and the development of the school as a diverse community.
- Provide staff induction and development for all which increases the awareness of different groups of pupils and their needs, so promoting appropriate provision.
- Distribute staff within school wherever possible so that there is a balance of staff from different groups at each stage of a child's schooling.

Employment policy and procedures are reviewed regularly to check conformity with legislation.

Partnerships with Parents/Carers/Families and the Wider Community

We believe in effective partnerships with parents/carers to help all pupils to achieve their potential.

To promote these, we will all follow the Equality Act and:

- Ask parents, carers and the community for their feedback in order to tailor what we do to their needs and those of their children, in accordance the Equality Act.
- Have due regard for individual communication needs in our contacts with parents, carers and families.
- Encourage all parents and carers to participate in the life of the school wherever possible.
- Work with the local community to offer access to all groups of people to a range of events, activities and services.

In all these things, the safety and interests of the children are paramount.

Roles and Responsibilities

- Our governing body will ensure that the school complies with statutory requirements in respect of this policy and action plan.
- The Headteacher and the Equality and Community Cohesion Lead are responsible for the implementation of this policy, and will ensure that staff are aware of their responsibilities, that they are given necessary training and support and report progress to the governing body.
- All staff will promote an inclusive and collaborative ethos in the school, challenge inappropriate language and behaviour, respond appropriately to incidents of discrimination and harassment, ensure appropriate support for children with additional needs and maintain a good level of awareness of equalities issues.
- All members of the school community have a responsibility to treat each other and staff with respect, to feel valued, and to speak out if they witness or are subject to any inappropriate language or behavior.
- We will take steps to ensure all visitors to the school adhere to our commitment to equality.

Commissioning and Procurement

We will endeavor that we buy services from organisations that comply with equality legislation. This will be a significant factor in any tendering process. We will use, wherever possible, suppliers and contractors approved and registered with Lancashire County Council.

The Measurement of Impact of the Policy

This policy will be evaluated and monitored for its impact on pupils, staff, parents and carers from the different groups that make up our school. An action plan (school improvement plan) will be published to enable an impact assessment to be undertaken at the appropriate time within a given timescale.

Publicising the Policy and Plan

Our Equality Policy and Plan will be publicised:

- On the School Website

Annual Review of Progress

We will review our Policy and School Improvement Plan (action plan) annually, producing an annual report. The School Improvement Plan incorporates an annual audit which measures impact (Equality Impact Assessments), and sets targets.

Written by: L M Sutcliffe, November 2021

Reviewed by L M Sutcliffe, September 2024



Appendix A: Definitions

Age

This refers to a person having a particular age (for example, 32 year olds) or being within an age group (for example, 18-30 year olds). This includes all ages, including children and young people.

Disability

A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

Transgenderism and gender re-assignment

Transgender is an umbrella term used to describe people whose gender identity or gender expression differs from that usually associated with their birth sex. Gender re-assignment is the process a transgender person goes through to change sex (see trans guidance in appendix B).

Marriage and Civil Partnerships

Marriage is a union between a man and a woman. This definition is set out in the Equality Act 2010. Civil Partnership is the legal recognition of a same-sex couple's relationship. Civil partners must be treated the same as married couples on a range of legal matters.

Pregnancy and Maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity is the period after giving birth. It is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breastfeeding.

Race

Race refers to a group of people defined by their race, colour, nationality, ethnic or national origins.

Religion and Belief

Religion refers to any religion, including a lack of religion. Belief refers to any religious or philosophical belief and includes a lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Sex/Gender

A man or a woman.

Sexual Orientation

Whether a person's sexual attraction is towards their own sex, the opposite sex or both sexes.

Appendix B: Trans Equality Guidance – May 2023

1. Introduction

- 1.1 This guidance is intended to support schools in understanding that diversity and inclusion bring benefits to schools and that people work better when they can be themselves.
- 1.2 These guidelines are intended to assist schools in putting this commitment to diversity into practice by providing a working environment that is free from discrimination, harassment or victimisation because of gender identity and to help schools, trans colleagues and other employees to deal with any practical issues that may arise.

2. Definitions

- 2.1 Definitions and terminology regarding trans people are evolving. Appendix 1 to this policy provides guidance on some of the most commonly used terms. Individuals will self-identify and how they choose to describe themselves should be respected by their managers and colleagues. Rather than assume, it is best to ask someone how they wish to be addressed.
- 2.2 Using inappropriate language and terminology can cause offence and distress and can undermine the school's efforts to create an inclusive workplace for trans people.
- 2.3 Schools are encouraged to recognise that gender identity and sexual orientation are not interchangeable terms. Trans people (including those who identify as non-binary) can be bisexual, gay, heterosexual, lesbian and so employees should not assume that a trans colleague has a particular sexual orientation.

3. Who are Trans people?

- 3.1 A trans person is someone who does not identify as the sex they were labelled at birth. Trans people may seek hormonal and surgical interventions to bring their body in line with the sex they identify as. The process of changing one's gender role is often referred to as 'transition'. The medical term for people who are uncomfortable with the role they are expected to fulfil because of their physical sex at birth is 'Gender Dysphoria'.
- 3.2 The process of gender reassignment will involve a trans person living and working in the gender to which they identify. A decision to undergo surgery may follow the real life experience although surgery is not a required part of gender reassignment.

4. The Law

- 4.1 The Equality Act 2010 makes it unlawful to treat someone less favourably than other people in relation to employment or vocational training on grounds that they propose to, start or has completed a process to change their gender. It is no longer necessary for the individual to be under medical supervision to be protected, so it is sufficient if they decide to live as a member of the opposite sex but does not undergo any medical procedures. The protection applies whether or not the individual has a Gender Recognition Certificate. Harassment or bullying on grounds of gender reassignment is unlawful discrimination and should not be tolerated by schools.
- 4.2 The Gender Recognition Act 2004, through the process of applying for a Gender Recognition Certificate, grants extra protection to some trans people who have lived successfully in their acquired gender for two or more years. The sole purpose of this certificate is to allow an individual to have their birth certificate changed. Thus, legally, they become the other gender for all purposes. This allows them to marry someone and the marriage certificate to reflect their new identity. It is illegal to ask if a person has a certificate or to disclose that someone holds a certificate to a third party without the permission of the trans person (it is best to have such permission in writing) nor are they required to do so. Schools are encouraged to afford trans people who have "Transitioned", i.e. legally changed their name and title, the same protection as they would afford to someone holding a Gender Recognition Certificate.

5. Medical Treatment/Time Off

- 5.1 When dealing with absence from work for any treatment, the school's sickness absence policy will apply and the same degree of flexibility will be shown as for someone undergoing any other serious operation/surgery. In these circumstances, as with any other long-term absence, schools are encouraged to be supportive and individuals will be supported and monitored by their Line Manager, HR and Occupational Health.
- 5.2 Where a colleague is living with 'Gender Dysphoria' and the condition is likely to last for more than twelve months, or will remain with the individual for the rest of their life, schools must ensure all individual rights under the Equality Act 2010 are protected and all reasonable adjustments considered.
- 5.3 The individual may require time off for medical appointments. Time off for these purposes will be treated no less favourably than time off for other medical appointments (see the 'Special Leave Guidelines' for further information).

6. Communications

- 6.1 A trans colleague who is proposing to undergo or is under-going gender reassignment should arrange a meeting with their line manager. As this is a very private matter the individual may prefer to initially hold this discussion with the Head Teacher and, if requested, a representative from the Schools HR Team and/or a colleague or trade union representative. This meeting will be strictly confidential. At all stages schools are encouraged to support the individual. The meeting may cover agreeing an appropriate point of contact for the employee to work with to develop a confidential plan to manage the individual's transition at work. Schools should not take any action without the employee's consent. Some of the key issues to address are likely to include:
- a) Reassuring the person that they will be supported and ask how the school can support them;
 - b) The expected timescale of the expected point or phase of change of preferred name, pronoun, personal details and social gender including when this will change on HR/Payroll systems and how payroll will be advised (see section 8.2);
 - c) The time off required, if known (for example for medical appointments);
 - d) Whether the colleague wishes to stay in their current post and whether reasonable adjustments or redeployment should be considered. Any redeployment would be within the employee's current school and subject to an alternative role being available. This may be on a temporary or permanent basis. The school should not put pressure on an individual to change jobs or make assumptions about their capability or wishes;
 - e) Whether the individual wishes to inform their colleagues etc. themselves, or whether they would prefer this to be done by their Head Teacher or line manager;
 - f) Whether training or briefing of colleagues etc. will be required;
 - g) What amendments will need to be made to records and systems;
 - h) A procedure for adhering to any dress code policies;
 - i) Agreeing the point at which the individual will start using single sex facilities in their new gender (such as toilets and changing rooms). Schools are advised to support a trans employee's right to use the toilets and facilities appropriate to their gender from the point at which the individual declares that they are living their life fully in that gender. A trans person should not be expected to use an accessible/disabled toilet unless they prefer to do so.

7. Relationship with other staff, pupils/parents and third parties

- 7.1 All colleagues should refer to the trans person by their new name and use pronouns appropriate to their new gender role. It is acknowledged that there may initially be genuine mistakes by colleagues, but persistence or a refusal to change to appropriate nouns and pronouns is unacceptable (see 7.2).

- A Gender Recognition Certificate is not required to enable a trans person to change their name and schools are advised not to ask an individual if they have one to verify a name change.
- 7.2 Unfortunately, there may be a minority of colleagues who are unsympathetic and schools are encouraged to support and inform such individuals to enable them to behave in a professional manner. However, schools must also ensure that any incidents of misconduct, harassment, bullying or victimisation are handled quickly and in accordance with the relevant policy.
- 7.3 When appropriate to the colleague's role, careful consideration will be given, in consultation with the colleague concerned, as to how pupils and their parents (if appropriate) should be informed and whether this should include all pupils or only those taught by the colleague concerned.
- 7.4 Schools have a duty of care to ensure colleagues are treated with respect by third parties with whom they are required to interact with in the performance of their duties.

8. Payroll & Pensions

- 8.1 An employee's gender identity should not have a bearing on any employment decisions or access to benefits, except where permitted by law. For example, an individual who has transitioned but does not have a Gender Recognition Certificate may be required to disclose their gender history for pension purposes. Where pension providers request disclosure, the school should handle such information in line with its data protection policy and in dialogue with the employee. In such circumstances, the employee's written consent should be obtained before disclosing their gender history and status.
- 8.2 Once an employee tells you they are changing gender the payroll records will need to be updated with their new gender and any changes to their title and name. The date this takes place will need to be agreed with the employee. HMRC will also need to be informed to make sure the employee's paying the correct National Insurance. To protect the employee's privacy HMRC will add a 'sensitive case' marker on the National Insurance record (the NI number will remain the same). Updating HMRC is important for all employees but particularly if getting a full Gender Recognition Certificate may affect their State Pension eg. if their State Pension age increases. Employees are strongly advised to seek further information so that they are fully aware of the effect that changing their gender may have on their state pension. Further information is available on www.gov.uk/new-state-pension. Schools are advised to discuss with the employee how and when Payroll should be advised in order to ensure the correct paperwork is completed to avoid HMRC creating duplicate records and the employee potentially having an incorrect PAYE bill.
- 8.3 Employees are advised to contact their pension provider to obtain up to date information regarding any gender specific regulations which may be in place which may impact on some of their benefits. As this is a complex area with lots of different factors to be considered each case needs to be carefully considered and therefore it's difficult to provide general guidance.

9. Employee Records

- 9.1 Personnel records for trans colleagues should not overtly refer to a previous name or gender. Therefore, after a colleague has successfully transitioned into their new gender role, all records relating to, or made prior to, the transition will be removed and new records created to ensure confidentiality. Where documents have been seen and copies taken at the point of starting employment (such as a birth certificate), every effort will be made to replace these with equivalent documents in the new name and gender. Nothing should remain on file that would show a change has taken place.

Any records that schools need to keep that relate to the transition or to a colleague's previous gender, for example relevant qualifications in a previous name, should be placed in a sealed envelope attached to the file with instructions 'Confidential – Head Teacher only'. Schools may wish include a short explanation in the envelope eg *I certify that these are copies of exam certificates in relation to NEW NAME which were originally verified during the recruitment process at which point their name was PREVIOUS NAME. This information has been kept in strictest confidence, with NEW NAME's knowledge, solely to comply with Keeping Children Safe in Education.* All information will be treated with total confidentiality and with strict adherence to the Data Protection Act.

- 9.2 If schools become aware of information relating to a colleague's gender history, it will keep this information confidential. It will not disclose information about an employee's gender history to a third party without the colleague's consent.

10. Recruitment & Pre Employment Checks

- 10.1 Schools need to attract applicants from as wide a talent pool as possible and as such are encouraged to have a recruitment process which is designed to be inclusive of trans applicants. Except in exceptional defined circumstances, a job applicant's gender identity is irrelevant. In an exceptional circumstance where the nature of a specific role might lawfully prevent someone who is transitioning from applying, advice from the Schools' HR Team is encouraged to be sought in advance of advertising.
- 10.2 Job advertisements should make clear that opportunities are open to all suitably qualified applicants. If this statement makes explicit reference to not discriminating on particular grounds, those grounds should include gender reassignment. Application forms should not include a question about previous names.
- 10.3 Managers should not ask questions about an applicant's gender identity. If an individual chooses to mention this during the interview, they should be informed that the school supports trans employees and assured that the disclosure will have no bearing on the outcome of the interview, will not be revealed outside the interview room or noted on the interview record.
- 10.4 The requirement to provide proof of identity to confirm the right to work in the UK can be particularly sensitive for a trans applicant whose identification documentation may be in their previous names. Schools should ensure that an applicant is made aware of the full range of permissible identification documents and that the process of checking is handled sensitively and with respect for the privacy of the individual.
- 10.5 Where an individual's documentation reveals their previous name and thereby their gender history, this information will be kept confidential and stored securely with the permission of the individual and in accordance with the school's data protection policy. The same approach will apply where an applicant is required to present qualification certificates before a job offer is confirmed and the certificates are in the applicant's previous name. This often entails every effort being made to obtain the documents in the new name and gender but where this is not possible the documents should be placed in a sealed envelope attached to the file with instructions 'Confidential – Head Teacher only'.
- 10.6 The Disclosure and Barring Service (DBS) offers a confidential checking service for trans applicants to maintain privacy. This is known as the sensitive applications route and is available for all levels of DBS check - basic, standard and enhanced.
- 10.7 The sensitive applications route gives trans applicants the choice not to have any gender or name information disclosed on their DBS certificate that could reveal their previous identity.
- 10.8 Individuals who are asked to complete a DBS check and have a previous identity that they do not wish to be disclosed to schools and/or on their DBS certificate, should call or email the dedicated sensitive applications team before submitting their application. The team is experienced in dealing with sensitive cases and will offer advice regarding the process. The contact details are: telephone 0151 676 1452 or email sensitive@dbs.gov.uk.

- 10.9 Individuals who are happy to have their previous identity disclosed on their certificate, do not need to contact the sensitive applications team and can simply submit this information under the 'any other names' section of their application.
- 10.10 Please note, an individual using the confidential checking service, will still complete the same application form as any other applicant.

11. Confidentiality

- 11.1 All records that include details of an employee's gender history will be destroyed in a secure manner, unless there is a specific reason for retaining them (in which case the employee will be made aware of this). Where other people in the school need to be aware of the employee's transition to make a change to a particular record, the school will obtain the employee's explicit consent, and restrict the information to those who need to know.
- 11.2 Where there is a need to retain documentation that shows someone's gender history, this information will be stored confidentially in line with the requirements of data protection legislation. The information will be held electronically in a secure environment (for example, password protected) that can be accessed only with the consent of the individual concerned. Only named individuals will be allowed to access this information and those individuals will be made aware that breaches of confidentiality could be unlawful and result in disciplinary action.
- 11.3 Care will be taken to ensure that any search of the school's records by others will not inadvertently reveal an employee's gender history.
- 11.4 It is an individual's decision whether or not to reveal their gender status and schools should respect their right to privacy. The right to privacy will apply regardless of whether or not the individual has a GRC.
- 11.5 Where an employee discloses information about their gender history or status (verbally or in writing), this will be treated as confidential. This includes any information provided to the line manager or HR. Such information will not be shared with others, unless there is a specific reason and then not without the written consent of the individual concerned. Disclosure of the gender history of someone with a GRC without their specific permission would normally be a criminal offence.
- 11.6 Information relating to an employee's gender status or history should not be disclosed to a third party without the individual's consent, for example when responding to a reference request.

Definitions & Terminology (taken from Stonewall website)

ALLY

A (typically) straight and/or cis person who supports members of the LGBT community.

CISGENDER OR CIS

Someone whose gender identity is the same as the sex they were assigned at birth. Non-trans is also used by some people.

COMING OUT

When a person first tells someone/others about their orientation and/or gender identity.

DEADNAMING

Calling someone by their birth name after they have changed their name. This term is often associated with trans people who have changed their name as part of their transition.

GENDER

Often expressed in terms of masculinity and femininity, gender is largely culturally determined and is assumed from the sex assigned at birth.

GENDER DYSPHORIA

Used to describe when a person experiences discomfort or distress because there is a mismatch between their sex assigned at birth and their gender identity. This is also the clinical diagnosis given at a gender identity clinic.

GENDER EXPRESSION

How a person chooses to outwardly express their gender, within the context of societal expectations of gender. A person who does not conform to societal expectations of gender may not, however, identify as trans.

GENDER IDENTITY

A person's innate sense of their own gender, whether male, female or something else (see non-binary below), which may or may not correspond to the sex assigned at birth.

GENDER REASSIGNMENT

Another way of describing a person's transition. To undergo gender reassignment usually means to undergo some sort of medical intervention, but it can also mean changing names, pronouns, dressing differently and living in their self-identified gender. Gender reassignment is a characteristic that is protected by the Equality Act 2010, and it is further interpreted in the Equality Act 2010 approved code of practice.

GENDER RECOGNITION CERTIFICATE (GRC)

This enables trans people to be legally recognised in their affirmed gender and to be issued with a new birth certificate. Not all trans people will apply for a GRC and you currently have to be over 18 to apply. You do not need a GRC to change your gender markers at work or to legally change your gender on other documents such as your passport.

LGBT

The acronym for lesbian, gay, bi and trans.

NON-BINARY

An umbrella term for people whose gender identity doesn't sit comfortably with 'man' or 'woman'. Non-binary identities are varied and can include people who identify with some aspects of binary identities, while others reject them entirely.

OUTED

When a lesbian, gay, bi or trans person's sexual orientation or gender identity is disclosed to someone else without their consent.

PERSON WITH A TRANS HISTORY

Someone who identifies as male or female or a man or woman, but was assigned the opposite sex at birth. This is increasingly used by people to acknowledge a trans past.

PASSING

If someone is regarded, at a glance, to be a cisgender man or cisgender woman. Cisgender refers to someone whose gender identity matches the sex they were 'assigned' at birth. This might include physical gender cues (hair or clothing) and/or behaviour which is historically or culturally associated with a particular gender.

PRONOUN

Words we use to refer to people's gender in conversation - for example, 'he' or 'she'. Some people may prefer others to refer to them in gender neutral language and use pronouns such as they/their and ze/zir.

TRANS

An umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. Trans people may describe themselves using one or more of a wide variety of terms, including (but not limited to) transgender, transsexual, gender-queer (GQ), gender-fluid, non-binary, gender-variant, crossdresser, genderless, agender, nongender, third gender, bi-gender, trans man, trans woman, trans masculine, trans feminine and neutrois.

TRANS MAN

A term used to describe someone who is assigned female at birth but identifies and lives as a man. This may be shortened to trans man, or FTM, an abbreviation for female-to-male.

TRANS WOMAN

A term used to describe someone who is assigned male at birth but identifies and lives as a woman. This may be shortened to trans woman, or MTF, an abbreviation for male-to-female.

TRANSITIONING

The steps a trans person may take to live in the gender with which they identify. Each person's transition will involve different things. For some this involves medical intervention, such as hormone therapy and surgeries, but not all trans people want or are able to have this. Transitioning also might involve things such as telling friends and family, dressing differently and changing official documents.

TRANSPHOBIA

The fear or dislike of someone based on the fact they are trans, including denying their gender identity or refusing to accept it. Transphobia may be targeted at people who are, or who are perceived to be, trans.

TRANSSEXUAL

This was used in the past as a more medical term (similarly to homosexual) to refer to someone whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. This term is still used by some people although many people prefer the term trans or transgender.