



## Equality, Diversity & Inclusion Policy

Reviewed: May 2024

Next Review: May 2025

Person Responsible for Policy: JMB

## EQUALITY, DIVERSITY & INCLUSION POLICY

At Droitwich Spa High School, we want our school community to be one that welcomes and values all its members and helps all students and staff to thrive both in their work and more broadly. This policy will set out the principles that guide us, and our actions in working to achieve this.

### Principles

We are guided by the principles of equality, diversity, and inclusion, and by our legal duties under the Equality Act 2010 and other legislation. These principles apply to us as school staff working with students, their families, and carers; as managers of employees; and as team members and colleagues.

#### Equality, diversity & inclusion

**Equality** – Treat people the same as each other when differences between them are not relevant.

For example, do not make stereotypical assumptions based on a person's sex or ethnicity, and do not favour some groups over others.

**Diversity** – Consider and meet different needs. Sometimes treating everyone the same does not meet everyone's needs.

For example, needs related to being disabled, or to cultural or religious values or beliefs.

**Inclusion** – Recognise and welcome the ways that members of our school community are different as much as the ways that we are the same. Do not require people to hide or change who they are to fit in and be accepted.

For example, we hope that our students and staff will feel able to be open, should they want to, about their sexual orientation or neurodivergence.

#### Legal duties – the Equality Act

We have legal duties as an education provider and employer under the Equality Act 2010 which, because we are a public body, includes the Public Sector Equality Duty. We also have related duties under the Children and Families Act 2014 that guide our SEND policy.

Protected characteristics are *age, disability, gender reassignment, marriage & civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation*. *Age* and *marriage & civil partnership* do not apply as protected characteristics to students but do to our staff as employees.

It is unlawful for a school to discriminate against a prospective or current student or employee by treating them less favourably because of their actual or perceived protected characteristic, or that of someone associated with them.

The Act defines four kinds of unlawful behaviour:

- **Direct discrimination.**

When a person treats another less favourably, than they treat, or would treat, other people, because of a protected characteristic. For example, if a school refuses to let a student be a prefect because she is a lesbian or offers a job to a less suitably experienced candidate because the more experienced candidate is transgender.

- **Indirect discrimination.**

When a rule or something that a school does (legally termed a “provision, criterion or practice”) is applied to all but has the effect of putting people with a particular characteristic at a disadvantage when compared to people without that characteristic. For example, a hairstyle policy that bans hair that it terms “voluminous”, would disproportionately affect students or staff with natural Afro hairstyles.

What would otherwise be indirect discrimination is sometimes justified if the reason for it is legitimate and could not reasonably be achieved in a different way which did not discriminate. Examples where a provision, criterion, or practice puts a particular group at a disadvantage, but this is justified, might include where this relates to health and safety or maintaining educational standards. There will more often though, be ways to avoid the disadvantage. Therefore, if a staff member identifies potential for indirect discrimination, they must discuss this with the head teacher, a member of the senior leadership team and/or SENDCo. This will ensure that a potential alternative approach for all that does not indirectly discriminate and exemptions for the affected group are fully considered, and that a decision is made that the approach is justified only if these are not possible, and the approach taken is a proportionate means of achieving a legitimate aim. The decision should be recorded by the headteacher.

- **Harassment.**

Defined by the Act as “unwanted conduct, related to a relevant protected characteristic, which has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person”. An example, that could represent harassment of a student or employee, would be a staff member making derogatory, stereotypical comments about Gypsy, Roma and Traveller people. This harassment could be in person, or on social media, including posting from personal accounts. Harassment is also dealt with in our dignity at work policy, and social media use is dealt with further in our staff code of conduct.



- **Victimisation.**

Occurs when a person is treated less favourably than they otherwise would be because of something they have done (if done in good faith) or something that a student's sibling or parent has done ("a protected act") in connection with the Act. For example, a student or member of staff being suspended because of making an allegation of discrimination.

### **Special provision for disability**

Schools are allowed to treat disabled students and employees more favourably than those who are non-disabled, and often must do so, by making reasonable adjustments to put them on a more level footing with people without disabilities. For example, providing assistive technology, such as screen-reading software, in the classroom and exams, to a visually impaired student, or making reasonable adjustments to absence policy in relation to an employee's disability-related absence. Provision for disabled students is closely connected to that for children with special educational needs (SEN). Our SEND Policy describes this provision in detail.

The Act defines disability as when a person has a 'physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day to day activities.' Some specified medical conditions, HIV, multiple sclerosis, and cancer are all considered as disabilities, regardless of their effect. Long term is defined as lasting, or likely to last, for at least 12 months.

**Discrimination arising from disability.** A school must not discriminate against a disabled student or employee because of something that is a consequence of their disability. For example, by not allowing a disabled student, who is an amputee and uses crutches, outside at break time because it would take too long to get out and back. Like indirect discrimination, discrimination arising from disability is sometimes justified and for similar reasons. If a staff member identifies potential for discrimination arising from disability, they must act as stated above for indirect discrimination.

**Harassment.** A school must not harass a student or employee because of his or her disability. For example, a teacher shouting at the student because the disability means that he is constantly struggling with class-work or unable to concentrate, or colleagues joking at the expense of a colleague about his stammer, if his stammer meets the criteria of a disability. Even if it does not meet the criteria, this kind of behaviour would be unacceptable under our staff code of conduct.

**Reasonable adjustments.** The duty to make reasonable adjustments applies only to disabled people. For schools the duty is summarised as follows:



- Where something a school does places a disabled student or employee at a disadvantage compared to others then the school must take reasonable steps to try and avoid that disadvantage.
- Schools will be expected to provide an auxiliary aid or service for a disabled student or employee when it would be reasonable to do so, if the aid or service is not being supplied through an Education, Health, and Care Plan (EHCP) or from other sources, and if such an aid would alleviate any substantial disadvantage that the student or employee faces in comparison to non-disabled students or employees, respectively.
- Schools must consider alterations to physical features of the school and make reasonable adjustments to avoid disadvantage to an employee caused by disability.
- Schools are not subject to the requirement of reasonable adjustment duty concerned with making alterations to physical features for students because this is already considered as part of their planning duties.
- Schools must implement an accessibility plan aimed at:
  - increasing the extent to which disabled students (this requirement relates specifically to students) can participate in the curriculum;
  - improving the physical environment of schools to enable disabled students to take better advantage of education, benefits, facilities, and services provided; and
  - improving the availability of accessible information to disabled students.

### **Public Sector Equality Duty**

The Public Sector Equality Duty general duty also requires that in carrying out our function we have due regard to the need to:

- Eliminate discrimination and other conduct that is prohibited by the Act;
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it;
- Foster good relations across all characteristics - between people who share a protected characteristic and people who do not share it.

It creates specific duties to:

- Publish information annually to demonstrate how we are complying with the Public Sector Equality Duty, and
- Prepare and publish equality objectives at least every four years.

## Actions

This section of the policy explains what we do to follow the principles of equality, diversity, and inclusion, and to meet our legal duties. [Responsibility is stated in square brackets].

### Equality, Diversity, and Inclusion

- We agree and publish an Equality, Diversity, and Inclusion policy, reviewed annually. **[Governors]**.
- Governor School visits and board meetings check whether policy is being implemented and legal compliance. **[Governors]**
- We publish information annually to demonstrate how we are complying with the Public Sector Equality Duty. **[Governors]**.
- We prepare and publish equality objectives at least every four years. **[Headteacher & Governors]**.
- We welcome comments or suggestions from students and parents or carers, and of course our staff, about our approaches to equality, diversity, and inclusion. Suggestions can be emailed to the office or to a form tutor. They will then be discussed as appropriate amongst the senior leadership team and / or governors. **[Senior Leadership team; Governors]**
- We encourage student voice in informing our approaches to EDI **[Head of House with responsibility for student voice]**

### Equality - Eliminate discrimination & other conduct that is prohibited by the Act

- Staff induction and ongoing professional development ensure that staff understand our duties under the Equality Act and our School expectations in relation to equality, diversity, and inclusion. This applies to teaching and non-teaching staff and to our roles as an education provider and employer. **[Assistant Headteacher with responsibility for staff development; SENDCo]**.
- When planning or making decisions, we consider whether there are implications for students or staff with protected characteristics that might directly or indirectly discriminate. We record these considerations and how we have addressed them. **[Senior Leadership Team; Governors]**
- Examples of areas where we consider implications for employees, include but are not limited to: recruitment and selection; promotion transfer & training opportunities; benefits, terms and conditions of employment; grievance and disciplinary procedures; and termination of employment including redundancies.



- Examples of areas where we consider implications for students include: admissions, attendance, teaching and assessment, exclusions, and access to our facilities and services more broadly.
- Any act of discrimination, harassment, or victimisation by a member of staff in relation to a protected characteristic of a student or colleague will be handled as a disciplinary matter. **[Headteacher]**
- Our complaint process is published in the Policies section of our website. Any complaint alleging discrimination, harassment or victimisation of a student will be handled under this procedure. **[Headteacher]**.
- Our grievance, dignity at work, and disciplinary policies will guide our handling of staff complaints of discrimination, harassment or victimisation **[Headteacher]**.
- We expect all students to act in line with the principles of equality, diversity, and inclusion. Droitwich Spa High School has a robust anti-bullying policy and also a PSHE, Religious Studies and personal development curriculum (see Inclusion section below for more information). In line with this policy, any incidents motivated by prejudice, for example that are ableist, homophobic, racist, express prejudice in relation to a religion, sexist, or transphobic, will be recorded and dealt with as such, as part of our student Behaviour policy. **[Teaching staff]**.
- Prejudiced statements by students, even if not addressed to a particular individual, will always be addressed, either informally or formally as appropriate. **[Teaching staff]**.

### **Diversity - Advance equality of opportunity between people who share a protected characteristic & people who do not share it**

- Teachers adopt evidence-based strategies to ensure that lessons accommodate all learners (Inclusive Quality First Teaching). **[Teaching staff; SENDCo]**.
- Our SEND team arrange reasonable adjustments for disabled students (and access arrangements for SEN students who are not disabled) and work with staff throughout the school to ensure that they understand students' needs. Please see our SEND policy for detailed information. **[SENDCo]**
- Our HR team arrange reasonable adjustments for disabled applicants and staff. **[HR Manager]**
- We review our Accessibility Plan annually. This records how we will improve accessibility of the curriculum; the physical environment; and information for disabled people. **[Head of HR, Head of House responsible for data, Headteacher, Governors]**
- When planning or making decisions, we consider whether there are implications in relation to protected characteristics or socioeconomic disadvantage that mean that we need to take measures to improve access and inclusion for some groups. **[Senior Leadership Team; Governors]**



- We monitor data to evaluate the success of our actions and to look for evidence of discrimination or potential differences in equality of opportunity. This is done by comparing academic attainment and involvement in school life (including attendance to school) between different groups of students, for example, boys and girls, students with SEND and without, students who receive free school meals and those who do not. Similar data monitoring is carried out in relation to staff, exploring factors such as retention, promotion, pay. **[Headteacher & Governors]**

### **Inclusion - Foster good relations across all characteristics - between people who share a protected characteristic & people who do not share it**

- We work hard to create a school culture based on our values, to “Be Ready, Be Kind, Be Respectful”. Staff model behaviours and attitudes that are expected from students and use our behaviour policy to encourage and discourage behaviours as necessary. **[All staff]**
- Our PSHE, Religious Studies, and personal development programmes include teaching about (amongst other things): a range of cultures, religious beliefs, practices, and festivals; themes around LGBTQ+ and relationships; various forms of discrimination. It encourages challenging stereotypes and fosters positive and accepting attitudes to difference. **[Head of PSHE]**
- We ensure that our teaching materials do not perpetuate stereotypes that might impede or damage good relations between people with and without a protected characteristic. We also seek to challenge stereotypes with our teaching. **[Heads of Department, Teaching Staff]**
- Our house system and extracurricular programme provide opportunities for students to mix outside their year groups and usual classes. We see this as positive in general and as potentially fostering good relations across protected characteristics. **[Heads of House]**

### **Reference Documents**

- The Equality Act 2010
- Children and Families Act 2014
- DSHS SEND Policy

Droitwich Spa High School and Sixth Form Centre takes its responsibilities as a data controller and data processor seriously and are committed to using any personal data collected and held in accordance with the law. The schools policies, privacy notices and forms in relation to personal data are available for you to view on our web site at [www.droitwichspahigh.worcs.sch.uk](http://www.droitwichspahigh.worcs.sch.uk) or by using the <https://website.droitwichspahigh.worcs.sch.uk/index.php/communications/information-management-and-data-protection/> The School's Data Protection Officer is the *Governance Manager* who can be contacted at Droitwich Spa High School and Sixth Form Centre, Briar Mill, Droitwich, WR9 0AA or by email at [privacy@droitwichspahigh.worcs.sch.uk](mailto:privacy@droitwichspahigh.worcs.sch.uk)



# STUDENT TRANSGENDER APPENDIX

## Introduction

**Note:** new Government guidance in this area is expected in 2025, so this policy may be subject to change before its review date.

This appendix to the EDI Policy explains Droitwich Spa High School's practice in cases of students identifying as transgender. It is also relevant to students identifying as non-binary or gender-questioning. It seeks to minimise distress and disruption to any such students by:

- ensuring teachers and Governors are dealing with transgender matters inclusively and sensitively,
- providing an inclusive environment for any transgender student,
- ensuring all students are aware and educated about gender identity and transgender rights.
- ensuring that we meet our legal obligations.

This appendix to the EDI policy is provided because, although we follow the same principles of equality, diversity and inclusion as with other protected characteristics, there are specific actions that apply in relation to transgender, non-binary and gender-questioning students. Please read the EDI policy before reading this appendix which provides additional guidance.

## Transgender Identity

Transgender identity does not match the gender or sex that someone was assigned at birth. Transitioning and gender reassignment refer to the process of living, or moving towards living, in line with gender identity rather than assigned gender. This does not necessarily involve medical intervention such as hormone treatment or surgery. As stated in the main EDI policy, gender reassignment is a protected characteristic under the Equality Act 2010. See below for more detail about this.

The terms "gender" and "sex" are not always used consistently in relation to transgender identity. "Gender" is sometimes be used synonymously with "gender identity" and "sex" used synonymously with "assigned gender". We use the terms "gender identity" and "assigned gender" in this appendix to allow for the fact that in some cases sex is not easily medically distinguishable as female or male, and thus not an absolute for everyone. For example, some people do not develop just male or just female genitals or reproductive organs, and some people have genetic or hormonal differences related to sex. These people may identify as intersex.

A non-binary identity is one that does not conform to the binary categorisation of female or male. This may be a reflection of personal identity and/or in challenge to societal norms and expectations around gender. Someone who identifies as non-binary will probably not

identify as transgender. Non-binary identity is not recognised in law. This policy addresses transgender and non-binary identities together, however, in line with our principles of equality, diversity and inclusion, and because our actions in relation to both are similar.

Gender Dysphoria is a term sometimes used in a medicalisation of transgender identity and seen by many as an outdated attitude. It may also be used to refer to distress associated with transgender identity. We should not assume gender dysphoria and it is probably not a helpful term for us to use, although some students may. We will be respectful of the terms that students use to refer to their own gender.

## Legislation

### **The Equality Act 2010**

The Act protects anyone who is proposing to undergo, is undergoing, or has undergone, a process of 'reassigning their sex' from discrimination based on 'gender reassignment'.

Under the Equality Act, a student does not have to be undergoing medical intervention to be protected, but they must be taking steps to live as the opposite gender or be proposing to do so.

### **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 change their original birth certificate to match their gender identity. This can only occur after a person reaches 18 years of age but is something that younger people may aspire to.

### **General Data Protection Regulation 2018**

Information about a person's Transgender status is considered 'sensitive personal data' and is subject to tighter controls than other personal data. Please refer to our data protection policies for information about processing sensitive personal data.

## School Attendance

Droitwich Spa High School will make reasonable adjustments to accommodate absence requests for medical or counselling appointments related to gender identity or transitioning, in line with our absence policy. Sensitive care will be taken when recording the reason for absence.

## The Curriculum

### **PSHE & Personal Development**

All students will visit gender identity and transgender rights during PSHE and Personal Development sessions.

## **Physical Education**

Transgender students have the same right to Physical Education as other students. There should be few, if any, issues regarding participation in the PE lessons of their transgender identity. There may be sports where, as puberty develops, trans female participants may have a physical advantage over other girls, but this should not present a problem within a carefully and sensitively managed lesson context. The issue of physical risk within certain sports should also be managed properly within the lesson context rather than by preventing transgender students from participating.

There may be challenging decisions to be made, for example, about sex segregated facilities and sports. It may be that due to the nature of contact and physicality of sports such as rugby, the school would consider whether a transgender student participating in full-contact sports is appropriate during the latter stages of puberty. This is something that the school will take a view on prior to the delivery of those lessons, in discussion with parents or carers.

The use of changing room facilities will also be carefully considered. Facilities for transgender students will be sensitive to their needs and also recognise the needs and sensitivities of other students. As such, the needs of transgender students and non-transgender students will be considered in relation to each other. For example, the needs of a transgender teenage student not to access changing rooms and toilets of their assigned gender and possible wish to use those of their trans-gender, will not outweigh the rights of adolescent girls / boys to dignity, privacy and safety as they use toilets and changing rooms when navigating their way through the complexities of puberty. In these cases, gender neutral changing areas and toilets are provided.

When competing at another school or an outside venue, school staff must ensure there is appropriate and sensitive provision available.

## **Work Experience**

The Equality Act 2010 encompasses every environment that students will be working in, therefore we must ensure that all placement organisations are aware of their duties and responsibilities. When considering a work experience placement for a transgender student, the school will complete a suitable assessment on the potential placement to establish if there is any risk related to the student's transgender status. This assessment should take account of the student's right to privacy; as a general principle, sensitive personal information about the student must not be shared unless this is what the student wishes and they have given permission in writing. Careful discussion about the placement with the student and parents or carers, will occur to find the most suitable way forward to ensure the placement is successful.

## Changing/Toilet Facilities

Transgender students can use gender neutral toilets or must use the toilets and changing facilities of their assigned gender, using the cubicles provided in each of the facilities.

The school are committed to increasing the number of gender-neutral toilets.

## School Uniform

Transgender students will be expected to follow the School Uniform Policy, which covers uniform, make-up and jewellery. Droitwich Spa High School does not currently offer non-gendered uniform options. However, it is considered acceptable for a student to choose which gendered uniform to wear. Wearing a combination of elements of both gendered uniforms is possible, but only with agreement from the school.

## Changing Name, Pronouns, and Exam Certification

We take an approach that considers both a student's wishes and the safeguarding of that student in relation to a request to change name and/or pronouns (he, she, or the gender-neutral, they). Our safeguarding lead will meet with the student to discuss their request, and parents or carers will also generally be consulted at this stage, unless this in itself would constitute a safeguarding risk. The decision whether to change the name and/or pronouns used by the school will be made depending on how sure the student is that this is what they want and whether they have considered the full potential social implications of the change. We may ask students to remake their request after a period of reflection if we have concerns.

We understand that name and/or pronoun change is more complex than mere preference, in that use of a pre-transition name or pronouns when we have agreed to use different ones has the implication of mis-gendering, which could cause distress. Also, in that sharing of a preferred name may represent the sharing of sensitive personal information because it discloses transgender status. We will do our best to meet the student's preferences when we have agreed to do so, and to meet our data protection responsibilities, by notifying staff of the change if the student gives written permission for this to happen.

When a name change within School has been agreed, if a transgender student wishes to have their preferred name recognised on school systems, this will be supported and will appear on letters home, report cycles, bus pass information etc. Furthermore, the change of name and associated gender identity will be respected and accommodated by the school. It is a real indicator that the transgender student is taking steps, or proposing, to move towards the gender that they wish to live as.

Technically, students can be entered for an external examination under any name. However, the implications are very complex. Once a result is accredited it will need to be linked with the Unique Pupil Number (UPN) or Unique Learner Number (ULN) which appeared in the school census submitted in January of the examination year. UPNs and ULNs are only linked with legal names, not preferred names. It may still be possible for an examination certificate to be issued in the preferred name, but any student finding themselves in this position should discuss this issue with the school in good time and preferably in Year 10. Schools need to be aware that the DfE analysis of school performance may still present the student in the gender registered by their UPN.

## Educational Visits

Educational visits (including residential visits) may raise issues for any student and the educational visit planning should find solutions to these issues. Transgender students must not be excluded from a planned educational visit and each individual case will be considered

carefully in advance. For example, sleeping arrangements will be considered before a residential visit is undertaken and an appropriate plan put in place.

As part of educational visit planning the school will investigate the laws regarding transgender people in any country considered for a school visit. The risk assessment completed for any planned educational visit will reflect any additional control measures required to ensure all students are kept safe. For example, during a visit abroad, a student could be searched at a border or other places. The school will contact any relevant border control or other agency in advance to ensure that the control measures being proposed by the school are appropriate for the educational visit in question.

## Terminology and further information

Staff members are strongly recommended to familiarise themselves with terminology that is commonly used in relation to transgender identity. Several national transgender and LGBT organisations provide glossaries that are updated regularly. Terminology that is considered acceptable or is commonly used changes over