

Equality, Diversity and Inclusion Policy

Executive summary

The ethos of both of the schools of Eastbourne College Incorporated Charity (singularly and combined) is one where the individual, both adults and pupils, can prosper in an environment which is big and varied enough to provide: a wide diversity of opportunities; support and encouragement for all, regardless of their age, interests, gender, pregnancy or maternity, disability, race, religion or belief, cultural background, linguistic background, special educational need, sexual orientation, gender reassignment or academic, sporting, creative (or any other) ability.

Alongside this, for pupils, the pastoral structure, academic organisation and co-curricular provision are staffed by dedicated teams who can and do monitor individual participation, progress and commitment to all aspects of College life. Thus the educational provision is personalised. This applies equally to day and boarding pupils within and outside the formalised curriculum structure.

*Note that race is a word used in the UK Equality Act: ("Race, including colour, nationality, ethnic or national origin") but we respect and work to more recent guidance which sees race as a description created by humans in contrast to ethnicity that reflects biology. Where race is stated in this policy, it covers all these categories as included in the Act and most especially, ethnicity.

Equal Opportunities Statement

We believe that every person has the same rights and is entitled to the same opportunities, regardless of age, gender, pregnancy or maternity, disability, race*, religion or belief, cultural background, linguistic background, special educational need, sexual orientation, gender reassignment or academic or sporting (or any other) ability.

Eastbourne College Incorporated does not discriminate on the grounds of gender, disability, age, sexual orientation, marital status or racial, ethnic or national origin.

We expect everyone involved throughout the Charity of Eastbourne College and St Andrew's Prep to:

1. respect and promote equal opportunities for all people
2. encourage harmony and understanding in society
3. recognise and actively oppose all forms of prejudice and discrimination
4. remove both outward and hidden discrimination
5. enable differences to become positive and enriching attributes
6. develop each person's skills to the highest possible level
7. promote an environment where all can share equally in the opportunities offered
8. enable pupils and staff to communicate confidently without fear or prejudice
9. encourage pupils to accept responsibility for their behaviour and show they can contribute positively to society
10. encourage pupils to respect and value difference, be inclusive of all persons and to pay particular regard to cultural traditions and the protected characteristics set out in the 2010 Equality Act

Eastbourne College Incorporated is committed to providing equal opportunities in employment and to avoiding unlawful discrimination in employment and against its customers be they parents, visitors, suppliers, contractors or members of the public.

This policy is intended to assist the Charity to put this commitment into practice.

Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment. The Charity has a Recruitment, Selection and Disclosures policy and staff code of conduct / behaviour policy which deals with these issues.

Roles and Responsibilities

Creating a school environment that promotes equality and denounces discrimination is a whole-Charity responsibility and requires all members of the community of both schools to be actively involved in breaking down barriers to learning and work, and barriers to social and emotional development that prejudice can create.

Individuals in the college are expected to take responsibility for supporting and promoting equality in College above and beyond the responsibilities listed below.

The Equality, Diversity and Inclusion (EDI) Lead at the College is **Mr Aiyaz Ahmed**. He has the day-to-day responsibility for encouraging, steering and coordinating the implementation of this scheme and its respective sub-committees.

The EDI Champion undertaking similar work at the Prep school is **Mr Tom Gregory**

The College headmaster and senior management team of each school

The headmasters, with the support of the rest of the senior management teams, will:

- promote this policy both within each school and externally to the rest of the community
- ensure that all staff are aware of their role and responsibilities regarding the promotion and delivery of equality, diversity and inclusion within the Charity, and provide training where needed
- challenge inappropriate language and behaviour
- tackle bias and stereotyping
- take appropriate action where discrimination or victimisation occurs.

Staff

Charity staff will:

- ensure that they are up to date, aware of, promote and act upon the contents of this policy and the College's policy towards all types of discrimination (principally explained in the school behaviour policy suite of each school, which includes the Charity Anti-bullying policy)
- challenge inappropriate language and behaviour
- tackle bias and stereotyping
- show a commitment to undertake continuous development and training within this area
- engage with the college in eliminating any discrimination and act as a good example to pupils
- promote a positive working environment
- report back to their managers or a member of SMT (as appropriate) immediately on any incidents relating to discrimination or victimisation, either by staff, pupils, or any other member of the college community, so that these incidents can be reviewed and action taken where necessary.

Pupils

Pupils at both schools will:

- engage with the relevant school they attend in eliminating any discrimination and victimisation
- promote a positive work environment and a positive attitude towards equality, diversity and inclusion when both at each school and off each school site
- report to key senior staff (as stated in the Anti-bullying policy) any incidents of inappropriate language or behaviour, discrimination or victimisation that they know to have occurred. The Anti-bullying policy explains this in detail, for example the importance of pupils calling out and self-regulating lower level issues, to prevent normalisation of negative, toxic and potentially illegal cultures
- work to promote the tenets of the relevant school behaviour policy suite including the values promoted by each school
- set a good example regarding behaviour and social awareness to younger pupils and their peers.
- Work proactively and constructively with staff in various pupil voice forums which include: School Prefects, Be You forum and focus groups, Senior and Junior School Councils; House council / focus groups

Parents, guardians, and visitors

Parents, guardians, and visitors to the Charity schools are expected to:

- support the policy by promoting a positive attitude towards equality at home
- attend any relevant meetings / awareness-raising sessions that they are invited to relating to the Charity's equality plan
- work with the college to resolve any incident relating to discrimination or victimisation that their child is involved in
- respect and follow our equality policy when visiting the schools within the Charity..

Key groups at risk

While the Charity recognises that any person or group of people can become victim to discrimination, victimisation or unfair treatment, people may be more at risk of becoming victims of inequality due to:

- Race (Ethnicity*)
- Disability
- Gender and transgender
- Religion or belief
- Sexual orientation

You can find all the information about each school's SEN provision including our provision for inclusion in each school's current **Accessibility Policy and Plan including Disability / Equality**.

Promoting Equality and Social Awareness in College and within the Local Community

Community cohesion

The Charity expects all of its pupils and staff to act respectfully towards members of the wider community that the schools form part of.

Inclusion

Promoting and practising inclusion in the workplace, school lessons, around each school site, during all school activities and into the wider community is a key part of developing a positive attitude towards equality and inclusion for people from different backgrounds. You can find more information regarding our provision for and policy on inclusion for SEN in each school's **Accessibility Policy and Plan including Disability / Equality**.

Pupil voice

Through our support of pupil voice we encourage our pupils to have confidence in voicing their opinions and taking responsibility for the world around them. It is important that we teach our children how to engage in mature social interactions and get along with a variety of different types of people. This is developed through pupil voice by interactions between pupils from different year groups, pupils and staff, and pupils and the wider community.

Religion

Eastbourne College and St Andrew's Prep were founded and each continue to run in accordance with the broad principles of the Church of England. One of the most important of these underlying principles is that of inclusion, kindness and equality. Both schools are happy to welcome staff and pupils who subscribe to other Christian denominations or other religions or those who have no faith at all. Pupils and staff wishing to worship or observe religious festivals in their own faith are encouraged to do so and the relevant school will make adjustments to cater for specific dietary requirements (including halal and kosher).

Because chapel services are run in such a way which is morally relevant to those with a Christian faith, other faith or no faith, all staff and pupils are expected to attend the small number of whole school services each term as well as the short Chapel services during the working week. Hymn singing plays an important role of such services and should be seen first and foremost as a positive way of encouraging the collective and sense of community. Singing is also known to be good for mental health. The action of singing together should for most people be more important than the meaning behind the words.

It should be noted though that whatever the customs of their own culture or religion, pupils are expected to wear the relevant school uniform correctly.

Behaviour, Exclusion and Attendance

Each school's behaviour policy suite and their Charity Attendance, Registration and Absentees policy takes full account of the duties under the Equality Act. We make reasonable, appropriate and flexible adjustments for pupils with special educational needs and disabilities. We closely monitor data on exclusions and absence from school for evidence of over-representation of different groups and will take action to address any concerns that arise in this area.

The Curriculum

The curriculum in its broadest sense (classroom based as well as on the sports field, in Chapel and assemblies, in houses / year / tutor groups, in activities) challenges stereotypes and actively promotes equality, diversity and inclusion with materials that reflect and celebrate diversity and inclusion and equality. Chapel, assemblies and the PSHE programme are key areas where such issues are more overtly and specifically addressed.

Pupil and Parent Concerns

Any pupil or parent who feels that the Charity has been discriminating against them should write directly to the relevant school headmaster explaining the nature of the discrimination or use the complaints procedure for parents to raise their concern.

Staff

Equal Opportunities for Staff

As part of our commitment to the implementation of equal opportunities, principles and the monitoring and active promotion of equality in all aspects of staffing and employment, the college will ensure that:

- all staff appointments and promotions are made on the basis of merit and ability and in compliance with the law;
- staffing of the Charity reflects the diversity of our community wherever possible;
- as an employer we strive to ensure that we eliminate discrimination, harassment and victimisation in our employment practice and actively promote equality across all groups within our workforce;
- we respect the religious beliefs and practice of all staff, pupils and parents, and comply with reasonable requests relating to religious observance and practice;
- we ensure that all staff, including support and administrative staff, receive appropriate training and opportunities for professional development, both as individuals and as groups or teams.

The Law

It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics".

Discrimination after employment may also be unlawful, eg refusing to give a reference for a reason related to one of the protected characteristics.

It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, the Charity has an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

Types of Unlawful Discrimination

Direct discrimination is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant.

In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

Indirect discrimination is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

Harassment is where there is unwanted conduct, related to one of the protected characteristics that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic. (Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that he / she has a particular protected characteristic when he / she does not, in fact, have that protected characteristic).

Third-party harassment occurs where an employee is harassed and the harassment is related to a protected characteristic, by third parties such as clients, friends, colleagues or customers.

Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he / she made or supported a complaint, or raised a grievance under the Equality Act 2010, or because he / she is suspected of doing so. However, an employee is not protected from victimisation if he / she acted maliciously or made or supported an untrue complaint.

Failure to make reasonable adjustments is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic, and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

Equal Opportunities in Employment

We are committed to ensuring that individuals will be treated fairly and we require all members of staff, volunteers, contractors and visitors to act in accordance with the employment legislation and organisational values set out in this policy.

The Charity will actively seek to recruit diversely and avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

Companies were required to publish gender-related pay data for the first time in 2018. As an employer, the Charity takes its responsibilities in this (as with all protected characteristics) seriously. The following points are worth stating:

- the level of pay an employee receives is only related to and determined by the nature of the job itself, job-type, degree of responsibility and whether or not it is full or part time
- it is not related to gender or other protected characteristic
- the current teachers' pay scale does reward experience, subject to satisfactory appraisal. Note the possibility of amending this scale and system is being looked at

Job descriptions and person specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively

against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability.

Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

The Charity will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked, and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if the Charity considers it has good reasons, unrelated to any protected characteristic, for doing so. The Charity will comply with its obligations in relation to statutory requests for contract variations. The Charity will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

Recruitment

Eastbourne College Inc. is committed to providing equality of opportunity for all and ensuring that all stages of recruitment and selection are fair. Recruitment and selection procedures will be reviewed on a regular basis to ensure that applicants are not discriminated against on the grounds of race, nationality, gender, religion, age, disability, marital status, pregnancy and maternity or sexual orientation. Eastbourne College Inc. acknowledges that unfair discrimination can arise on occasion and so will ensure that the equal opportunities policy outlined in this plan is the foundation for all its activities.

Where a candidate is known personally to a member of the selection panel it will be declared before shortlisting takes place. It may then be necessary to change the selection panel to ensure that there is no conflict of interest and that equal opportunities principles are adhered to.

(More information about our recruitment procedures can be found in the Charity Recruitment, Selection and Disclosures policy).

Dignity at Work

The Charity has a Staff Code of conduct / behaviour policy which sets out expectations in terms of expected standards of conduct. External contractors must abide by a specific code of conduct which covers key areas including safeguarding. Customers, suppliers and other people not employed by the organisation, are expected to operate within the spirit of this policy if they wish to retain a working relationship with the Charity.

The Charity will not discriminate unlawfully against customers using or seeking to use goods, facilities or services provided by the organisation.

Employees should report any bullying or harassment by customers, suppliers, visitors or others to their manager who will take appropriate action.

Staff Responsibilities

All members of staff have a duty to support and uphold the principles of our equal opportunities / EDI policy and its supporting policies.

Employees can be held personally liable as well as, or instead of, the Charity for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the Charity's disciplinary procedure.

Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

Grievances

Any staff member who feels that they have been unlawfully discriminated against may use the Charity's grievance procedure to make a complaint. The Charity will take any complaint seriously and will seek to resolve any grievance that it upholds. Staff will not be penalised for raising a grievance, even if the grievance is not upheld, unless the complaint is both untrue and made in bad faith.

Maintaining this Policy

The Charity will monitor the effectiveness of this policy and its general compliance within the organisation. This policy will be kept up-to-date and amended to take account of legislative changes.

The Charity has due regard to the Brown Principles which identify aims as set out in general equality duties:

1. Awareness – all staff know and understand what the law requires.
2. Timeliness – the implications for equalities of new policies and practices should be considered before they are introduced.
3. Rigour – there should be rigorous and open-minded analysis of statistical evidence, and careful attention to the views of staff, and the views of pupils and their parents and guardians.
4. Compliance – by the Charity cannot be delegated.
5. Continuous – the Charity has due regard for equalities all of the time.
6. Record-keeping – it is good practice to keep documentary records for example, in the minutes of staff and governor meetings as part of maintain strong cultures for ESG (Environmental, Social and Governance systems)

Monitor and Review

SMT (Charity wide and for each school) will review how effective this policy is in tackling discrimination, promoting access and participation, equality and good relationships between different groups, and that it does not disadvantage particular sections of the community. The review shall involve stakeholders including representatives of pupil diversity and inclusion forums.

Evidence will also be reviewed to monitor that it is being put into practice in both schools by staff and pupils, to identify areas for intervention such as extra training or development sessions across the whole Charity to ensure it is promoted and implemented as much as possible.

Information will be gathered through areas which may include the following:

- identification of children and young people, parents, guardians, staff and other users of the Charity representing the different protected characteristics. This helps us develop and monitor the scheme. Regular, consistent, comprehensive and sensitive efforts are made to collect accurate data and meet security of information requirements, in addition to our duty to secure accurate information relating to ethnicity and first language;

- pupil attainment and progress data relating to different groups;
- children's and young peoples' views, actively sought and incorporated in a way that values their contribution;
- information about how different groups access the whole curriculum and how they make choices between subject options;
- sports and activities choices of all groups;
- exclusions data analysed by group;
- records of bullying and harassment on the grounds of any equality issue;
- data on the recruitment, development, and retention of employees;
- outcomes of activities promoting community engagement and community cohesion;
- outcomes of actions taken to secure the involvement of parents and others who have been identified as difficult to engage.

Date of this policy:	January 2023
Policy drawn up by:	LEPS / CWS / Be You Key staff
Date of next policy review:	January 2024
Date for publication of revised policy:	January 2024

References:

External

2010 Equality Act

<https://www.gov.uk/guidance/equality-act-2010-guidance> and <https://www.gov.uk/discrimination-your-rights>

2010 Equality Act 2010 (gender Pay Gap Information) Regulations 2017

Dress codes and sex discrimination – what you need to know. May 2018. Government Equalities Office

Race Equality in East Sussex Schools Guidance for Schools 2020: Valuing difference, Challenging racism and prejudice, Promoting resilience

[Gender separation in mixed schools \(publishing.service.gov.uk\) 2018](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/444444/Gender-separation-in-mixed-schools-2018.pdf)

East Sussex C-zone [Trans-inclusion-toolkit-2019-new-cover.pdf \(eastsussex.gov.uk\)](https://www.eastsussex.gov.uk/media/1000000/trans-inclusion-toolkit-2019-new-cover.pdf)

Internal

ECi Recruitment Policy

ECi Staff Grievance Policy

ECi Staff Disciplinary Policy

ECi Staff Code of Conduct

ECi Safeguarding and Child Protection Policy (includes reference to Prevent)

ECi Disability Equality Policy

ECi Anti-bullying Policy

ECi Gender separation policy

ECi Recruitment, Selection and Disclosures policy

Accessibility Policy and Plan including Disability / Equality for each school

Uniform list for each school

Eastbourne College and St Andrew's Prep British Values Policy

Eastbourne College and St Andrew's Prep Provision for Pupils with Particular Religious Dietary Language and Cultural needs

Each school's school behaviour policy suite

Annexe I

[The Equality Act 2010 and schools Departmental advice for school leaders, school staff, governing bodies and local authorities May 2014](#)

5.11 The specific duties require schools: (a) to publish information to demonstrate how they are complying with the Public Sector Equality Duty, and (b) to prepare and publish equality objectives. By 6 April 2012 schools were obliged to publish their initial information and first set of objectives demonstrating how it complies with the general duty. Schools have to update the published information at least annually and to publish objectives at least once every four years.

[NB the PSED applies to independent schools]

5.13 Schools must publish information relating to persons who share a relevant protected characteristic who are affected by their policies and practices. However, data about employees will not need to be published where a public authority has fewer than 150 employees. This means that for the great majority of schools, only pupil-related data will need to be published. If a school decides that making public some employee-related statistics would help them to demonstrate that they are complying with the general duty they may choose to do so, so long as this does not conflict with principles of data protection. Broadly speaking, schools must ensure that individuals are not able to be identified through the publication of data. The Department for Education does not generally publish information which relates to fewer than 3 people (school staff or pupils) but it will be for schools to determine whether the data they wish to publish will be suitable or not. The full rules to which DfE adheres on the publication of data can be viewed online at Gov.uk.

5.25 It will be up to schools themselves to decide in what format they publish equality information. For most schools, the simplest approach may be to set up an equalities page on their website where all this information is present or links to it are available. The regulations are not prescriptive and it will be entirely up to schools to decide how they publish the information, so long as it is accessible to those members of the school community and the public who want to see it.

5.26 Schools are free to choose the equality objectives that best suit their individual circumstances and contribute to the welfare of their pupils and the school community. Objectives are not intended to be burdensome or a 'tick box' exercise, but they do need to be specific and measurable. They should be used as a tool to help improve the school experience of a range of different pupils. A school should set as many objectives as it believes are appropriate to its size and circumstances; the objectives should fit the school's needs and should be achievable.

5.28 Equality objectives may arise from analysis schools have carried out on their published data or other information, where they have identified an area where there is potential for improvement on equalities, or they may – for example - be set in anticipation of a change in local circumstances. Some examples might be: ● to increase participation by black pupils in after school activities; ● to narrow the gap in performance of disabled pupils; ● to reduce exclusion rates for black boys; ● to increase understanding between religious groups; ● to reduce the number of homophobic incidents; ● to raise attainment in English for boys; ● to encourage girls to consider non-stereotyped career options; ● to anticipate the needs of incoming pupils from a new group, such as traveller children.

5.29 Publication of information in future years should include evidence of the steps being taken and progress made towards meeting the equality objectives that the school has already set itself.

Annexe 2: Gender Statement

1. Introduction

ECi is an inclusive and respectful community of two schools in which the focus is on helping our pupils become the best they can be, develop their authentic selves and be ready for the adult world. With this in mind, changes in society and culture do and should impact upon how we live and work together as an educational community.

As outlined in this policy, ECi takes all aspects of diversity and inclusion very seriously. We see all protected characteristics as important but in this policy annexe we make specific reference to gender because gender identity is now a subject of much discussion, interest and some controversy that can polarise opinion. People are now able to articulate that the gender they are assigned at birth (also called biological sex) does not match their internal sense of being male or female, or that their internal sense of self does not fit within a traditional binary sense of gender at all. It is perhaps inevitable that gender identity-related issues will come to the fore in schools given that school-age children are beginning to explore and navigate their identity.

At ECi we promote respect and kindness, knowing that each individual is unique and is also entitled to equal rights and opportunities.

The purpose of this policy statement is to explain the Charity's practice regarding the consideration of trans identities, in order to minimise the distress and disruption to any members of our school communities, by:

- Ensuring staff and governors are dealing with matters regarding transgender identities inclusively and sensitively
- Providing an inclusive environment for any transgender member of staff or pupil
- Ensuring pupils are appropriately aware of and educated on issues of gender identity

The terminology around gender identity is ever changing, but for the purpose of clarity the following terms will be used in this policy:

- Trans is an umbrella term for anyone who may be experiencing feelings of discomfort with their gender identity, or who may not be comfortable with the gender they were assigned at birth, or who may not fit within a traditional binary sense of male or female. Trans also refers to individuals who may be transitioning socially or medically from the gender they are assigned at birth.
- Gender diverse, non-binary, gender non-conforming and gender fluid refer to any individual whose internal sense of self does not fit within a traditional binary sense of gender.
- Gender questioning refers to any individual who is questioning their gender identity.

2. The Law

Under the Equality Act, schools must not discriminate against or victimise pupils in terms of admission to the school or in the provision of education, benefits, facilities, and services on the ground of any protected characteristic. These protected characteristics include sex and gender reassignment.

This means that schools must protect any pupil or member of staff taking steps to reassign their sex, whether those steps are social (for example changing their name, the pronoun they prefer and the way they dress or look) or include medical intervention (for example accessing hormone therapy or having surgery).

A person has the protected characteristic of gender reassignment if that 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" (Equality Act 2010).

The Equality and Human Rights Commission describes gender reassignment as a "personal process, that is, moving away from one's birth sex to the preferred gender, rather than a medical process". There is no need for the person to be under medical supervision or undergoing any particular medical or other treatment before they are protected. The decision to reassign gender need not be irrevocable and protection will continue even if the person stops or reverses the transitioning process.

On this basis, a person who is legally one sex and seeks to identify with the other sex, will fall under the protection of gender re-assignment, provided there is a declared intent to be so identified. The Equality Act does not include specific reference to non-binary or gender non-conforming (not identifying as either male or female) or gender fluid identities. However, an employment tribunal in 2020 ruled that the Equality Act provision does provide protection for non-binary and gender fluid people, and so this should be considered the case until legislation is further clarified or the ruling of the tribunal is ratified.

3. Our practice

If a pupil was considering transitioning gender at any stage in their school career, listening to their wishes and expectations of how this might be managed in school would be a priority. In accordance with best practice, we would have discussions with the pupil and their parents at the earliest opportunity to chart a route forward regarding a whole range of practical considerations ranging from school uniform to toilet access. We may also engage outside expert advice to support us in producing an evolving solution which would be to the satisfaction of all parties. For individual cases, there may well be a series of decision-making stages which evolve and further advice would be sought as appropriate and further discussions would take place to best look after the interests of the pupil.

The same would apply for a member of staff in all respects other than the fact that their parents would not be involved.

It is important to assess the needs of any member of the Charity community on a case-by-case basis. For a pupil at St Andrews, this is the responsibility of the Head of Department and the Deputy Head (Pastoral); for a pupil at Eastbourne College, this is the responsibility of the Hsm and Deputy Head (Pastoral). For a member of staff, this is the responsibility of the relevant Head.

It is worth mentioning that approaches and national guidance have evolved in various ways in the last 5-10 years and this seems set to continue – debates over participation in elite sport are one example; as is NHS guidance for young people transitioning from the Tavistock Centre. In such a complex and personal experience, there is not a policy or process that will fit all pupils. Therefore, this policy aims to give everyone involved in the Charity (parents, staff, pupils, volunteers, and governors) some guidance as to how the Charity / relevant school would approach responding to situations as a starting point for an individualised discussion and solution, in tandem with parents/carers and/or other professionals as appropriate.

It is important to recognise that the relationship between biological sex and gender identity and what this means for access to provision and recognition, is a highly charged and sensitive subject. But for the purpose of our Charity community, we do not need to form a view on this debate. Rather our focus is on providing a respectful, kind, safe and non-judgemental environment in which our pupils are able to explore their own identity in a way and timescale that is right for them, knowing that they will receive acceptance and support whatever conclusions they reach (or even if they don't in their time in our community).

The underpinning ethos of this policy is that issues of gender identity are acknowledged and handled in a respectful and inclusive way, with the child's needs at the centre of our thinking. Our fundamental duty is to look after each pupil's well-being: our pupils come first, and this will always guide our response.

Support will be available via the relevant pastoral team. The Charity's role will be to assist the pupil in knowing and understanding all the implications with the support of parents/carers and professionals and to help them to take as much time as they need to consider and reflect before any steps are taken to implement any decision.

Should a pupil disclose that they are having gender identity issues, that they are identifying as trans, gender fluid, gender diverse, gender non-conforming, non-binary or gender questioning, the Charity's overall approach is not an affirming and encouraging one, it is a supportive and inclusive one. A supportive and inclusive approach is:

- to listen to the pupil and not judge
- to acknowledge the pupil's personal and individual experience
- to work collaboratively, as needed, with the pupil, parents/carers, and any external professionals to look after the needs of the pupil.

Support may include but is not limited to:

- adopting a 'watchful waiting approach'
- referring to school counselling
- referring to GP or CAMHS
- facilitating a social transition in school if this is agreed in tandem with parents/carers and/or medical professionals to be in the best interests of the pupil.

The details of the adjustments that might be needed will be specific to what the specific needs and experience of each individual pupil. These will be discussed openly and comprehensively, as appropriate with the pupil, their parents/carers, appropriate external professionals and the essential school key personnel in order to understand an ideal picture and then determine what is feasible.

The underpinning ethos of this discussion is that adjustments will be possible if they are in the best interest of the pupil and without significant impact on the learning of other pupils.

4. Confidentiality

What information is given to who, and when is a sensitive and important consideration. The Charity will take into consideration the balance of safeguarding, confidentiality, and support.

There will be no normal requirement to inform the parent body or to seek views of the parent in making decisions (this is case dependent). We do recognise however that lack of knowledge or difference in viewpoint may lead to concerns being raised and we will deal with this sensitively and within the law and the inclusive ethos of the Charity.

7. Disclosure

We have endeavoured to ensure we have a process in place which respects an individual's right to live in the gender identity that is authentic to themselves.

The Charity will handle all information relating to a pupil's circumstances sensitively and neutrally. It expects pupils (and any others involved in the process) to behave likewise.

It is the right of the individuals concerned to choose whether they wish to be open about their gender identity. To 'out' someone, whether staff or pupil, without that person's permission is a form of harassment, and is unacceptable. In legal terms, it is also against the law and constitutes a form of harassment.

Other specifics:

Curriculum

Transgender issues (and other issues relating to gender identity or sexual orientation) are considered and discussed within the PSHE, RSE and pastoral curriculum at both schools in an age-appropriate way. This curriculum is designed to promote understanding and to combat prejudice and discrimination, in line with the Charity's inclusive ethos.

Names and pronouns

A pupil's record on the school database can be changed to reflect their preferred name. However, the gender recorded has to remain as it was when the pupil was assigned their unique pupil number, unless the pupil has been issued with a legal document, such as a passport or driver's license, with a new sex marker*

*It is not possible for someone under 18 to change their legal sex or obtain a gender recognition certificate. It is possible for a sex marker on legal documents, such as a passport, to be changed without a gender recognition certificate.

A pupil's legal name and gender will have to be recorded for exam entries and certificates. Unless the pupil has legally changed their name, for example by deed poll, their birth name and gender must be used.

The Charity is currently (2023) exploring a way in which a pupil can request for their name and / or pronoun to be changed which may take the form of two alternatives:

- a. an informal arrangement, where staff will do their best to adhere to their wishes, but all formal communication home will be under their assigned name / pronoun.
- b. a more formal arrangement where pupils and parent agree, and there is a formal change to certain school records. Note the difference between this and legal name, which is different and explained above.

Name pronunciation

The Charity is also currently looking at introducing software to record name pronunciation and annexing it to a pupil database profile

Changing facilities

Wherever possible, transgender pupils may be offered the choice of using single-stall toilets and private facilities. Again, this will be considered on a case-by-case basis, where each school will endeavour to accommodate the requests of each individual circumstance. For example, a pupil may not yet be in a position to declare their gender identity and this point would be taken into account.

PE / Games

Transgender pupils have the same right to participate in PE / Games as other pupils. Where sessions / lessons are segregated by gender, transgender pupils should, in general be allowed to participate in the activity that corresponds to their gender identity, if they wish. Some organisers of some external

competitions may stipulate regulations which override this policy and decisions will have to be made on a case-by-case basis accordingly.

Uniform and dress codes

This is an evolving area. Whilst both schools have a uniform policy, uniform list and set of rules and expectations which is different for boys and girls, both schools clearly state in documentation that pupils are free to choose the uniform that suits them provided they have a reasoned commitment to that identity. College rules do differentiate expectations regarding haircuts but these may not apply where there are authentic issues of personal identity to consider.

Boarding and overnight trips

This is a complex area that would need thoughtful and sensitive management. We would endeavour to ensure that all pupils and parents are comfortable with boarding arrangements, taking into consideration pupil rights, privacy and the physical design of particular buildings. As the needs and wishes of each pupil may be different, open discussion and collaborative decision-making between the school, pupil and parents would be central in working towards a positive outcome for all involved.

In such situations, an individual risk assessment would be undertaken, and decisions made accordingly based on the age of the individual and individual circumstances. The safety and wellbeing of all pupils, including the trans pupil, is the primary consideration.

References

External

- Equality Act 2010
- <https://www.allsortsyouth.org.uk>
- House of Commons Briefing Paper – Provisions to support transgender children in schools
<https://researchbriefings.files.parliament.uk/documents/CBP-9078/CBP-9078.pdf>