



LIGHTHOUSE
SCHOOLS PARTNERSHIP

EQUALITIES & DIVERSITY POLICY

Statutory

Policy Approved by the Board of Trustees

Signed: *Adele Haysom*

Date: 16th May 2023

Name: Adele Haysom

Chair of Board of Trustees

Authorised for Issue

Signed: *Gary Lewis*

Date: 16th May 2023

Name: Gary Lewis

Chief Executive

Document History

Version	Author/Owner	Drafted	Comments
1.1	Gary Lewis	Jan 2023	Schools consulted and language tightened in several areas.

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1. Introduction

Lighthouse Schools Partnership (the Trust) and every school in the Trust are committed to equality and inclusion. This Policy has been approved by the Board of Trustees on behalf of all schools in LSP.

Our approach to equality is based on the following seven key principles:

- 1.1. All pupils and employees are of equal value, whether or not they have a disability, whatever their ethnicity, culture, national origin or national status, whatever their gender identity, whatever their religious or non-religious affiliation or faith background and whatever their sex or sexual orientation.
- 1.2. We recognise, respect and value difference and understand that diversity is a strength. We take account of differences and strive to remove barriers and disadvantages which people may face, in relation to disability, ethnicity, sex, gender reassignment status*, religion, belief or faith and sexual orientation. We believe that diversity is a strength, which should be respected and celebrated by all those who learn, teach and visit here.
- 1.3. We nurture positive attitudes and relationships. We actively promote positive attitudes and mutual respect between groups and communities different from each other.
- 1.4. We nurture a shared sense of cohesion and belonging. We want all members of our school community to feel a sense of belonging within the school and wider community and to feel that they are respected and able to participate fully in school life.
- 1.5. We observe good equalities practice for our staff. We ensure that policies and procedures benefit all employees and potential employees in all aspects of their work, including in recruitment, promotion, and continuing professional development.
- 1.6. We have the highest expectations of all our children. We expect all children and young people to make good progress and achieve to their highest potential.
- 1.7. We work to raise standards for all pupils, but especially for the most vulnerable. We believe that improving the quality of education for the most vulnerable groups of pupils raises standards across the whole school.

*Gender reassignment is defined in the Equality Act as applying to anyone who is undergoing, has undergone or is proposing to undergo a process (or part of a process) of reassigning their sex by changing physiological or other attributes. This definition means that in order to be protected under the Act, a pupil will not necessarily have to be undertaking a medical procedure to change their sex but must be taking steps to live in the opposite gender, or proposing to do so. Source - Department for Education (DfE), The Equality Act 2010 and schools, May 2014, para 3.4.

The Trust is committed to a policy of equality and aims to ensure that no employee, job applicant, pupil or other member of a school community is treated less favourably on grounds of sex, gender reassignment, race, colour, ethnic or national origin, marital status, age, sexual orientation, disability, pregnancy, maternity or religious belief.

Racist, disablist, homophobic or sexist behaviour, comments or attitudes will not be tolerated. We aim to provide equal access to high quality educational opportunities and to ensure that everyone feels that they are valued members of the school community. We seek to provide a safe and happy environment where all can flourish and where diversity is celebrated.

The Trustees are responsible for the Equalities and Diversity Policy and all members of our community (especially staff and governors) are obliged to respect and act in accordance with the policy.

2.1 The Legislative Framework

- 2.1.1 The Equality Act 2010 replaces and consolidates all existing legislation such as the Race Relations Act, the Disability Discrimination Act and the Sex Discrimination Act. The Department for Education issued [non-statutory advice](#) in 2014 to interpret the Equality Act for school.
- 2.1.2 Schools cannot unlawfully discriminate against or treat less favourably pupils (and potential/ex-pupils) or adults because of their sex, gender reassignment, race, disability, religion/belief, sexual orientation, age, marriage and civil partnership or pregnancy. In addition, any form of discrimination or less favourable treatment because of gender reassignment, pregnancy or maternity becomes unlawful. All of the above are known as 'protected characteristics'. It is also unlawful to discriminate against a pupil or member of staff who is associated with a person with a protected characteristic e.g., to discriminate against a pupil because their parents/carers are homosexual.
- 2.1.3 The Act makes it unlawful for the 'responsible body', (the Board of Trustees/Academy Trust) to discriminate against, harass or victimise a pupil or potential pupil:
- In relation to admissions
 - In the way it provides education for pupils
 - In the way it provides pupils access to any benefit, facility or service
 - By excluding a pupil or subjecting them to any other detriment
- 2.1.4 The Trust is liable for the discriminatory actions of its agents (such as its staff) unless it can show that it has taken all reasonable steps to prevent any form of discrimination.
- 2.1.5 **Behaviour:** the relationship between one pupil and another is not within the scope of the Act. This policy does not, therefore, deal with homophobic bullying, for example, which will be addressed through Behaviour and Safeguarding Policies. However, the school could be found guilty of unlawful discrimination if it treats such bullying as less serious than other forms of bullying.
- 2.1.6 **The Curriculum:** the content of the curriculum is explicitly excluded from scope of this policy but the delivery of the curriculum is explicitly included. For example, there can be no valid complaint under the Equality Act duties or the Equalities and Diversity Policy because the school includes 'The Merchant of Venice' in its syllabus but if the play is used to belittle a Jewish pupil, that pupil has a legitimate grievance.
- 2.1.7 **Acts of Worship:** the school can hold daily acts of worship or collective religious observance of a broadly Christian nature. The school is free to celebrate festivals of any faith.

2.1.8 **Public Sector Equality Duty:** this duty expands the scope of the duties above. In addition to race, disability and gender, it adds gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation and age (adults) as protected characteristics.

The three aims are to:

- Eliminate unlawful discrimination, harassment, victimisation and other prohibited conduct.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

These are achieved by:

- Removing or minimising disadvantages suffered by people to their protected characteristics.
- Taking steps to meet their needs where these differ from the needs of others. Encouraging people with protected characteristics to participate in activities where their participation is disproportionately low.
- Demonstrating compliance through annual reports and equality impact assessments.

To fulfil its equality duties the Trust must:

- Prepare and publish an action plan with information, evidence and targets.
- Monitor and assess the impact of the action plan.
- Carry out a full review at least every three years.
- Our Equalities Objectives are set out in Appendix A. Schools may (but are not obliged to) additionally set their own equalities objectives as part of their annual development plan.

3. RELATIONSHIP TO OTHER POLICIES AND GUIDANCE

3.1 Every policy must have regard to the requirements of the Equality Act 2010. There are certain policies and guidance where the need to address this is of particular importance. Amongst these, we include:

- Special Educational Needs
- Recruitment
- Child Protection & Safeguarding
- Behaviour
- Anti-bullying
- Relationships and Sex Education

4. EQUALITY AND INCLUSION OF PUPILS WITH PROTECTED CHARACTERISTICS

4.1 The Education Policy Institute's 2018 Review of the evidence about bullying found that children and young people with protected characteristics were more likely to face such problems in school than other pupils.

4.2 Our Trust is therefore committed to fully including children and young people of all backgrounds and characteristics in the life of our schools and promoting an inclusive, tolerant and humane culture. The Trust and schools will seek to celebrate the contribution made to society by all people and to celebrate diversity as a strength.

4.3 Identity-based bullying is bullying that is targeted at a person because of a protected characteristic such as disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation. Incidents of identity-based bullying must be reported to the Local Governing Body (not names or details) for monitoring purposes and must similarly be disclosed on the monitoring form to the Trust Central Team so that Trustees can have oversight of the number of incidents and trends and the actions taken to address and reduce them.

4.4 Identity-based bullying is a very serious breach of a school's behaviour policy. The school will adopt a zero-tolerance approach and will always respond with both sanctions and education to

address the views and causes underlying the incident.

- 4.5 The Trust is committed to combating discrimination faced by pupils and adults who are lesbian, gay, bisexual or transgender (LGBTQ+). We support their right to be open about their sexual orientation and the need to respect their lifestyles.

5. GENDER IDENTIFICATION, TRANSGENDER AND GENDER-QUESTIONING

- 5.1 It is common today to refer to a spectrum of trans identities. 'Trans' and 'transgender' are used in this policy as umbrella terms for all pupils experiencing gender-related distress or otherwise questioning their gender, whether or not they have the legally defined protected characteristic of 'gender reassignment'.
- 5.2 Children and adults who meet the definition of '[gender reassignment](#)' under the Equality Act have the full protection of that legislation and schools must ensure that no policy or practice discriminates against them. Gender reassignment does not only refer to the medical process of gender reassignment but will also apply to individuals making non-medical changes as part of their personal choices in regards to their identity. Schools have the support of the Trust's legal retainer and should seek legal advice on the interpretation of their duties under the Equality Act if they are uncertain.
- 5.3 Employment Tribunals have found that gender-critical beliefs (including the beliefs that sex is biological and immutable, people cannot change their sex and sex is distinct from gender-identity) are also protected under the Equality Act. This means that schools should avoid sanctioning or discriminating against any person for holding or expressing these views per se. Behaviour derived from these beliefs which leads to discrimination on the basis of sex or gender reassignment or harm to another person should be addressed under the Behaviour Policy in the case of pupils and the Code of Conduct in the case of employees. All members of our school communities should be expected to treat others with tolerance, kindness and consideration.
- 5.4 Schools should work within guidance provided by governmental bodies such as the DfE and Equality Human Rights Commission (EHRC).
- 5.5 The rights and protection of transgender people is a contested and rapidly developing area of law and practice. There is currently (Jan 2023) no up to date guidance from the DfE for schools. The education unions, Confederation of Schools Trusts, National Governance Association and Institute of School Business Leaders have issued [guidance](#) to support schools and Lighthouse Schools Partnership commends this as the best available secondary point of reference.
- 5.6 While the full involvement and agreement of parents remains the most desirable situation, the law is clear that the views of a young person who is in conflict with their parents should prevail where the young person is [Gillick-competent](#) in relation to the decision in question. The NSPCC advises that 'The same child may be considered Gillick-competent to make one decision but not competent to make a different decision'. Assessing Gillick competence is far from straightforward and will require nuanced legal and medical advice. Gillick competence itself can only be determined by a medical professional and only applies directly to medical consent. The NSPCC advises that Gillick principles may be 'used in a wider context to help assess whether a child has the maturity to make their own decisions and to understand the implications of those decisions.' Schools themselves must not attempt to determine Gillick. No step to support social transitioning without parental consent should be taken until legal advice has been received. Any such situation must be disclosed to the Trust's Chief Executive Officer.
- 5.7 Not consulting parents about their child should only ever be considered if there is known safeguarding risk. Schools should refer such situations to the Trust Central Team and seek support from our solicitors. The school DSL must also be involved in determining if there is a risk to the welfare of the pupil.
- 5.8 The CASS Review of NHS Gender Identity Services has issued an [Interim Report](#). This report provides an number of recommendations that are also pertinent in schools:
- The terms 'gender-questioning' and 'gender-related distress' may be helpful in discussing trans issues with children and young people and their families.
 - Recognise that such children and young people are not a homogenous group. They may be approaching the issue from many starting points. Neuro-diverse pupils, children and young people with complex mental health issues, looked-after children and those with psycho-

social needs are all relatively over-represented. Some children and young people seem to thrive in a period of gender questioning, while others experience acute distress.

- There is no 'one size fits all' response to the needs of children and young people experiencing gender questioning/gender-related distress or who identify as transgender.
 - Schools should aim to work positively with both pupils and their families.
 - Neither 'doing nothing' nor 'social transitioning' are neutral acts. Both are an active response by the school that 'may have significant effects on the child or young person in terms of their psychological functioning.' It follows that schools must consider the best interests of children in young people before directing them to counselling or supporting social transitioning.
 - Where the best course of action is unclear, the Cass Review encourages 'open, non-judgemental discussions about ... differing perspectives.'
- 5.9 It is acceptable to deliver sport in groups separated by sex rather than expressed gender. The rationale for this is that relative strength, stamina and physique of average males and females would be likely to lead to a competitive advantage for males over females. [Sport England guidance](#), while not written for schools, may be referred to in developing best practice. The guidance on segregation is permissive rather than compulsory.
- 5.10 Sports changing facilities must be segregated by sex rather than expressed gender. This may necessitate the provision of additional changing spaces for some pupils or opportunities to change in advance of other pupils. The School Premises (England) regulations 2012 require schools to provide facilities in respect of 'sex and any special requirements' of pupils.
- 5.11 Where unisex toilets are not available schools should make provision for transgender/gender-questioning pupils to access other facilities such as disabled or staff toilets.
- 5.12 Schools should normally aim to respect pupils and adults' wishes to be the people they wish to be. This might include being known by a name other than that originally assigned to them and being addressed by pronouns other than those used for their birth sex. Consideration will have to be given to whether a pupil is Gillick competent in circumstances where a parent is not involved or in agreement (see section 5.6). As the Cass interim Report has noted, doing nothing or supporting social transitioning are not neutral acts. Transgender/gender-questioning pupils should therefore only be supported in these changes as a result of careful consideration ideally fully involving their families.
- 5.13 Some members of a school community may object to being required to refer to biologically male pupils as female or vice versa and see this as 'forced speech'. This might be inconsistent with their rights under ECHR Article 10. Equally, consistently and deliberately misgendering someone would almost certainly amount to discrimination. All pupils and adults in a school should be expected and required to treat each other with courtesy and respect. This is almost always achievable with careful choice of language.
- 5.14 School uniforms should be as inclusive as possible. It is not necessary to introduce a gender neutral uniform for all pupils to achieve this goal.

6. STAFFING

- 6.1 The school adheres to recruitment and selection procedures which are fair, equal and in line with statutory duties. Our recruitment procedures are reviewed regularly to ensure that individuals are treated on the basis of their relevant skills and abilities. Job selection criteria are regularly reviewed to ensure that they are relevant to the job. Short listing of applicants should be done by more than one person wherever possible.
- 6.2 Steps are taken to encourage people from underrepresented groups to apply for positions at all levels in the school. Job advertisements will avoid stereotyping or using wording that may discourage groups with a particular protected characteristic from applying. They will state our aim to create a diverse and inclusive workplace and encourage qualified candidates from underrepresented groups to apply.
- 6.3 Applicants will not be asked about health or disability before a job offer is made, other than where it is necessary to;
- establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments).
 - establish if any reasonable adjustments need to be made to enable an applicant to have a fair interview or assessment.

- carry out equal opportunities monitoring (which will not form part of the decision-making process).
- 6.4 Applicants will not be asked about past or current pregnancy or future intentions related to pregnancy. Applicants will not be asked about matters concerning age, race, religion or belief, sexual orientation, or gender reassignment.
 - 6.5 Steps are taken to ensure that everyone associated with the school is informed of the contents of this policy. It is part of the induction programme for new staff.
 - 6.6 To ensure that this policy is operating effectively, and to identify groups that may be underrepresented or disadvantaged in the Trust, we will monitor diversity data as part of the recruitment process. Provision of this information is voluntary and non-participation will not adversely affect an individual's success at recruitment or any other decision related to their employment. The information is removed from applications before short listing, and kept in an anonymised format solely for the purposes stated in this policy. Analysing this data helps us take appropriate steps to avoid discrimination and improve equality and diversity.
 - 6.7 We will ensure that redundancy criteria and procedures are fair and objective and are not directly or indirectly discriminatory.

7. ADMISSIONS AND ATTENDANCE

- 7.1 Steps are taken to ensure the school's admission process is fair and equitable to all applicants. Please see our annual Admissions Policies.
- 7.2 Comprehensive information about pupils' ethnicity, first language, religion, physical needs, diet etc. is collected from all pupils prior to admission.
- 7.3 The school and families are aware of their rights and responsibilities in relation to pupil attendance and absence is always followed up by appropriate personnel who are aware of community issues such as religious holidays.
- 7.4 Attendance is monitored by sex, ethnicity, special educational needs and identified disadvantage and action is taken in order to address any disparities between different groups of pupils.

8. IMPLEMENTATION

The policy will be delivered by

- 8.1 Integrating equality issues into all our key policies, our school improvement plans, milestone reviews and performance management.
- 8.2 Identifying any differences in pupil outcomes and consider whether these differences are due in whole or in part to the protected characteristics of pupils.
- 8.3 Considering why such inequalities may exist and understand why the experience of inequality can impact on pupil outcomes.
- 8.4 Identifying appropriate corrective action and interventions that address the causes of inequality and drive the improvement in pupil outcomes.

9. MONITORING & REVIEW

- 9.1 The Trust will review this policy at least every three years and assess its implementation and effectiveness. The policy will be promoted and implemented throughout the school.
- 9.2 Governors will oversee the internal audit arrangements; providing the appropriate level of support and challenge to ensure that the agreed practice and procedure has been implemented through:
 - Scrutiny of all reporting information requested and received.
 - Identification of any associated risks, trends, underlying or contributory factors.
 - Assessing any opportunities for change to enhance existing practice and achievement of the

school's vision.

- Making decisions in respect of any proactive and/or mitigating action to be taken.
- Evaluating the impact and effectiveness of policy and practice in line with the agreed policy review schedule or as necessary.

10. COMPLIANTS

- 10.1 Complaints can be raised under the Lighthouse Schools Partnership Complaints Policy and Procedure or (for staff) under the Grievance Policy.

Appendix A

Lighthouse Schools Partnership Equality Objectives

The objectives are part of the [Trust's Strategic Plan](#), are reviewed annually and progress is accounted for in the Trust Annal Report.

Equality Objectives as at May 2023

- To ensure that staff and governors are aware of current legislation surrounding equality and diversity and understand the Trust's responsibility.
- To promote cultural understanding and awareness and tolerance of different religious beliefs between different ethnic groups within our school communities.
- To promote mental health awareness and develop appropriate interventions where necessary.
- Continue to improve accessibility across the academy sites for pupils, staff and visitors with disabilities, including access to specialist teaching areas.
- To continuously review and revise the Key Stage 1-5 curricula so that they represent a diverse culture and society and encourages tolerance and respect.
- Actively close gaps in attainment and achievement between pupils for all groups of pupils; especially pupils eligible for Pupil Premium, pupils with special educational needs and disabilities, looked after children and pupils from minority ethnic groups.
- Monitor the incidence of the use of homophobic, sexist and racist language by pupils in our schools, publishing annual data at Trust level and an indication of trend so that actions can be agreed to respond to such events and work towards eliminating their occurrence.

Schools may also set additional Equalities Objectives pertinent to their setting and context.