

Step 2: Reviewing Policies and Procedures



Policies bring organisations into existence. The school is its documents rather than its buildings.

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Policies and procedures set the tone of a school. All policies and procedures should be equality impact assessed to ensure that they are inclusive of all communities, including LGBT+ communities, and that they do not perpetuate structural or indirect discrimination against anyone.

More information on how to equality impact assess policies, including a template assessment, can be found here: www.equaliteach.co.uk/free-to-be.

The following chapter provides general guidance on how to ensure all school policies and procedures are LGBT+ inclusive, as well as specific support on key policies pertaining to LGBT+ inclusion, including the Equality and Diversity Policy, Safeguarding Policy, Behaviour Policy and Relationships and Sex Education Policy.

Guidelines for All Policies

When creating or reviewing policies, schools should ensure the following is taken into account:

- When referring to protected characteristics, where possible, the language of the Equality Act 2010 is used in order to be clear. For example, the term 'sexual orientation' is used rather than 'sexuality', 'different lifestyles' or another couched term.
- Where 'parents' are referred to, the term 'carers' is also included. Mother/father and any other gendered terms are avoided.
- Where homophobia is referenced, there is mention of biphobia too. This can often be forgotten, but it is just as important.

Equality and Diversity Policy

All schools should have a robust Equality and Diversity Policy which sets out the school's expectations of, and protections for, pupils, staff, parents/carers and visitors with regards to equality, diversity and inclusion.

A Policy should include the following information:

1. Key equality legislation and how it is applicable to schools, including:

- **Equality Act 2010**, including mention of the **Public Sector Equality Duty**, which outlines the schools' duty to eliminate direct and indirect discrimination, harassment and victimisation; to advance equality of opportunity between pupils; and to foster good relations between pupils; and sets out the schools' requirement to set SMART Equality Objectives;
- **Education and Inspections Act 2006**, which outlines schools' duty to promote community cohesion;
- **Education Act 2002**, which outlines schools' duty to promote social, moral, spiritual and cultural (SMSC) education, including the promotion of Fundamental British Values;

- Some Equality and Diversity Policies may also reference [Ofsted's Inspection Framework](#) and/or the [United Nations Convention on the Rights of the Child](#);
- Make sure all outdated legislation is removed from the Equality and Diversity Policy. Often, there can still be reference made to the Sex Discrimination Act 1975. These Acts were incorporated into the Equality Act in 2010 and as such the provisions set out in these no longer need to be listed separately.

2. Who is protected by the Policy:

- Make sure reference to all the protected characteristics in the Equality Act 2010 is made and the correct legal terms are used: sex, sexual orientation and gender reassignment. Using gender to encompass sex/gender reassignment is acceptable on occasion, if it is clear that both protected characteristics are covered.
- A glossary of key terms should be included as an appendix to the Policy to ensure all terminology is clear for the reader.
- Age, and Marriage and Civil Partnership do not apply to young people but should still be referenced with regards to staff, parents/carers and visitors.
- The Policy should set out the expectations of, and protections for, pupils, staff, parents/carers and visitors. If more information about the expectations of staff is set out in another Policy, such as the Staff Code of Conduct, reference this in the Policy.

3. How the school promotes equality throughout its practice:

- Make sure the Policy includes mention of how the school promotes equality through:
 - The curriculum
 - The school environment
 - Admissions
 - Rewards and Sanctions
 - Pupil Attainment
 - Staff Recruitment, Training and Promotion
- Where the curriculum is discussed, ensure that any mention of not talking to young people about sexual orientation and/or gender identity due to inappropriateness is removed. This is not appropriate and goes against the school's legal duties under the Equality Act 2010, Education Act 2002, Education and Inspections Act 2006 and the Children and Social Work Act 2017.
- More information about how to make the curriculum LGBT+ inclusive can be found on page 46 and information about how to make the school environment LGBT+ inclusive can be found on page 36.

4. Who is responsible for the Policy, what happens if the Policy is breached and how it will be disseminated to all key stakeholders and evaluated:

The following information should be included here:

- how parents/carers are consulted about the content of the Policy and informed of its provisions;
- Whether pupil-friendly versions of the Policy exist;
- who in the school is responsible for the Policy's implementation, including a lead member of staff and a lead governor for equalities;
- the Governing Body's ratification of the policy, with a timescale for review (at least every three years is good practice);
- how the school monitors and evaluates how well it is doing with regards to promoting equality, diversity and inclusion, including how the school equality impact assesses its policies;

- what happens if there is a breach of the Policy and how parents/carers, visitors, staff and pupils can make a complaint about the schools' equality and diversity practice. Links to the following Policies and Procedures should be included here: Complaints Procedure, Grievance Policy, Disciplinary Procedure, Staff Code of Conduct, Whistleblowing Policy, Anti-Bullying/Behaviour Policy, and Safeguarding Policy.

Equality and Diversity Policies should be tailored to the school's needs; however, a template Policy can be found here: www.equaliteach.co.uk/free-to-be



Home-School Agreement

A Home-School Agreement should set out the school's expectations in relation to all areas of equality, including LGBT+ equality. This can include the school ethos and/or values statement too. Explain to parents and carers what the school expects from them and their child(ren) and what they can expect in return from the school. This should be signed by parents/carers and by the young people themselves when they are old enough and can be used to remind parents/carers of the school's stance on equality, and their promise to support the school in this endeavour, if needs be.

A template Home-School Agreement can be found here: www.equaliteach.co.uk/free-to-be

Uniform Policy

It is inclusive practice to have a non-gendered school uniform list (providing a choice of approved items of uniform and allowing pupils to choose what they wear), rather than items separated by gender. Gender questioning and non-binary pupils have the right to dress in a manner consistent with their gender identity, however, this approach provides more choice and is less restrictive for all pupils.

With regards to swimwear, schools could state that pupils can request changes to swimwear items for personal reasons. This would ensure that the school is as inclusive of all pupils as possible and allow pupils to request changes for reasons such as religion as well as being inclusive of gender questioning and gender non-conforming pupils (Brighton & Hove Council et al., 2018).

It is also important to consider the inclusiveness of the staff dress code, if the school has one. Again, make sure that items are not separated by gender to be inclusive of transgender and non-binary staff members and provide more choice for all staff.

Case Study:

Fulham Primary School, Fulham realised that their uniform was separated into boys and girls clothing categories. They decided to redo their uniform policy to create a gender-neutral guide and re-designed a display in their entrance hall to ensure that it displayed all uniform options without referring to gender.



Staff Code of Conduct

The Staff Code of Conduct should make it clear to staff that homophobia, biphobia and transphobia is unacceptable.

Speculating or gossiping about someone's sexual orientation and/or gender identity should be explicitly included as unacceptable practice.

Information about how staff can report prejudice-related incidents from other staff members should be included, referencing the school's Grievance Policy, Disciplinary Policy and Whistleblowing Policy.

Everyone within a school should be actively working towards an environment free of homophobia, biphobia and transphobia. Make it clear in the Code of Conduct that staff are expected to treat young people in such a way that avoids making stereotypical assumptions about sexual orientation and/or gender identity and ensures that young people are protected from homophobic, biphobic and transphobic incidents and bullying, including being outed. Stereotypical language about LGBT+ people, as well as gendered language, such as 'man up' and 'don't be such a girl', should be included as examples of unacceptable language. Links to the school's Safeguarding Policy should be made.

Behaviour and Anti-Bullying Policies

The Behaviour and Anti-Bullying Policies set out the school's approach to dealing with behaviours that cause harm and upset and make young people feel unsafe. These include prejudice-related bullying and prejudice-related incidents. Some schools may combine these policies, whereas others may have two distinct policies which work in partnership. Either approach is fine, but the following information should be included:

1. What behaviours are covered:

The policies need to inform staff what to do if a prejudice-related incident, which is not part of a wider pattern of bullying, or maybe doesn't have a target, such as a comment thrown across the room occurs. It is good practice to include the legal working definition of a prejudice-related incident: A prejudice-related incident is any incident which is perceived to be prejudice-related by the victim or any other person.

Policies often include a list of examples of types of bullying and/or incidents, for example, verbal, physical, cyber. This list should exist separately to a list of types of discrimination, for example, homophobia, biphobia and transphobia. That way, it is clearer to delineate the type of incident from what, if any, prejudice it is related to/motivated by.

All types of discrimination should be listed – disability discrimination, homophobia, biphobia, transphobia, sexism, racism and religious intolerance. The Policy can also list other types, such as socio-economic status, which go beyond the remit of the Equality Act.



Note: Many Anti-Bullying and Equality Policies only make reference to recording racist incidents or just discuss race, sex and disability. This is due to the history of equality legislation as these characteristics received legal protection prior to religion or belief, sexual orientation and gender reassignment. However, under the Equality Act 2010 no protected characteristic is more important than another and schools need to be dealing with all forms of prejudice equally.

2. How will these behaviours be dealt with:

The policy must contain a clear consequence pathway for all prejudice-related bullying and all prejudice-related incidents. There should be clear information as to how people should respond if an incident occurs.

This should include where bullying and incidents are recorded and how the data is analysed.

More information about recognising and responding to HBT incidents can be found on page 66.

A template Anti-Bullying Policy is available here: www.equaliteach.co.uk/free-to-be

3. Who is responsible for the Policy, what happens if the Policy is breached and how it will be disseminated to all key stakeholders and evaluated:

The following information should be included here:

- how parents/carers are consulted and informed about the content of the Policy;
- whether pupil-friendly versions of the Policy exist;
- who in the school is responsible for the Policy's implementation, including a lead member of staff;
- the Governing Body's ratification of the policy, with a timescale for review (at least every three years is good practice);
- how the school reports on, monitors and evaluates how well it is doing with regards to reducing prejudice-related bullying and incidents, including how the school equality impact assesses its policies;
- what happens if there is a breach of the Policy.

Case Study:

Ripple Primary School, Barking have updated their prejudice-related incidents recording form to include all protected characteristics. The new recording form has been shared with Barking and Dagenham Council as an example of good practice which they can disseminate to other schools in the area.



Case Study:

After interrogating their existing policies and procedures, Globe Primary School, Tower Hamlets realised that their current recording form was not fit for purpose in ensuring that the school was picking up all prejudice-related incidents and providing enough information to allow SLT to deal with incidents effectively and work to reduce their occurrence. The form did not have categories for homophobic, biphobic or transphobic incidents and did not indicate the severity of the incident, which meant that teachers may have been unwilling to record incidents which the perpetrator did not intend, or which had no target. During the project they overhauled their recording procedures and their new recording form. For a sample recording form, see page 69.



Safeguarding Policy

A robust Safeguarding Policy is a statutory duty for all schools. Its content should be informed by the government's guidelines entitled 'Working Together to Safeguard Children' and 'Keeping Children Safe in Education.'

The Policy sets out the school's commitment to keeping young people and vulnerable adults safe across all its functions and how this will be achieved. Within this, it is important to include:

- How the school will protect young people from homophobia, biphobia and transphobia from adults and from one another;
- The risk of young people of all genders and sexual orientations being groomed or drawn into Child Sexual Exploitation (CSE).

It is good practice to include guidance on how to respond if a young person discloses their sexual orientation and/or gender identity to a member of staff. All disclosures should be treated confidentially, unless there are signs of self-harm or if the young person is in particular distress. At this point, the usual safeguarding measures apply. It is vital that staff members are aware that a disclosure in itself is not automatically a safeguarding issue and sharing a disclosure without a young person's permission could cause anxiety, distress and create an unsafe environment for that pupil at school and/or at home.

For detailed governmental guidance on creating a robust Safeguarding Policy see: <https://www.gov.uk/topic/schools-colleges-childrens-services/safeguarding-children>





Note:

How should I respond if a young person discloses their sexual orientation and/or gender identity to me?

If a young person discloses their sexual orientation and/or gender identity, it is important to ensure that this is treated with confidentiality, unless the young person is happy for you to share this information or there is a safeguarding concern.

There is no duty to inform the parents/carers and that the duty of care is to the young person and it is their choice when or whether to come out to their parents/carers.

A disclosure in itself is not a safeguarding concern – there is only a safeguarding concern if there are signs of self-harm or if the young person is in particular distress and/or could harm others. Talking about a disclosure without obtaining the young person's consent could endanger them in their school as well as home life.

Confidentiality does not mean that you cannot ask for the advice and support of your colleagues, but this should be accessed without disclosing who has spoken to you, unless the young person is happy for you to disclose this information.

During the conversation with the young person:

- Listen to the young person – do not lead the conversation, let the young person express their feelings in their own words.
- Do not minimise or dismiss how the young person is feeling – respect their identity.
- Explain confidentiality to the young person.
- Reassure the young person that you are pleased that they are able to talk to you about their feelings.
- Ask questions in a gentle and sensitive manner.
- Ask if they have told anyone else.
- Ask how they would like to proceed – who, if anyone, would they like to know about their identity?
- Ask how you can help.

If a young person is out at school but not out at home, then care needs to be taken that people communicating with the parents/carers do not accidentally out the young person.

If the young person wishes parents/carers to be informed, they are also likely to need support to understand what their child is going through and so that they can work out how to best support their child. There are organisations in the Further Resources section of this resource that will be able to help.



PSHE Policy

PSHE education gives young people the knowledge, skills and confidence they will require to lead confident, healthy, safe and independent lives. A PSHE Policy sets out the topics of study during PSHE lessons, their content and how they will be taught.

A PSHE Policy should include how and when LGBT+ equality will be taught to young people and how all PSHE topics are inclusive of LGBT+ identities. More information about how to do this is outlined in Step 4: Teaching and Learning on Page 46.

Relationships and Sex Education (RSE) Policy

As of 1st September 2020, teaching Relationships Education will be compulsory in primary schools.

All schools must have in place a written policy for Relationships and Sex Education, which is published on the school's website. The Policy should contain the following information:

- The content of their RSE provision;
- How it will be taught and made accessible to all young people;
- Who will be teaching it;
- Who is the lead for RSE and how provision will be monitored;
- What parents and carers should do if they wish to request to withdraw their child from aspects of Sex Education. It is not possible for young people to be withdrawn from Relationships Education or Sex Education that falls within the Science national curriculum.

Schools must consult parents and carers in developing and reviewing the Policy and ensure that the Policy meets the needs of pupils and parents/carers and reflects the community they serve.

The content of RSE must be taught sensitively and inclusively, with respect for the backgrounds and beliefs of pupils and parents/carers, while always with the aim of providing pupils with the knowledge they need to prepare them to play a full part in society as responsible citizens.

Pupils growing up in families with LGBT+ members, or who are beginning to understand that they are or may be LGBT+ themselves, should feel that Relationships Education is relevant to them. The government expects all pupils to have been taught LGBT+ content at a timely point as part of this area of the curriculum.

Schools should make decisions about what is appropriate to teach on this subject and when based on the age and development of their pupils and should involve their parent/carer body in these decisions, informing them clearly and in a timely manner about what and how their pupils will be taught.

With regards to LGBT+ equality, Relationships Education should:

- Explore with young people the 'characteristics of healthy, and unhealthy intimate relationships' ensuring this is 'inclusive to all pupils, whatever their developing sexuality or identity';
- Help young people to 'understand the world in which they are growing up, which means understanding that some people are LGBT, that this should be respected in British society, and that the law affords LGBT people and LGBT relationships recognition and protections.'

The government has published statutory guidance for schools on Relationships Education, Sex Education and Health Education.

For a template Relationships and Sex Education Policy, please visit: www.equaliteach.co.uk/free-to-be