



Gender and Identity Policy

Droylsden Academy is committed to equality and inclusion.

We recognise the value of diverse environments and strive to promote a culture in which all students, staff and members of the school community are welcomed and supported to fulfil their potential, irrespective of their background or personal characteristics.

This policy covers all students, employees, volunteers, contractors, temporary workers and job applicants and applies to all stages of the employment or educational relationship.

We are committed to an ethos and culture of inclusion in our school for all students, irrespective of race, religion/belief, political views, disability, SEN status, gender, gender identity (e.g. transgender) and/or sexual orientation (LGBTQ+).

Droylsden Academy is an inclusive school where we focus on the well-being, development and progress of all our students and staff and where all members of our school community are of equal worth.

We recognise, respect and value difference and understand that diversity is a strength that enriches our lives. We take account of differences and strive to remove any barriers to learning and development.

We oppose all forms of unlawful and unfair discrimination and bullying and harassment. As a school community, we recognise the need to champion equality and ensure inclusion for all in the full life of our school; where appropriate making necessary adjustments to enable everyone's participation.

Droylsden Academy believes that education (both formal and informal learning) is fundamental to equality of opportunity. It prepares students for life and is a powerful influence on access to and advancement in employment. All students should be able to learn and develop fully in a truly diverse and inclusive environment.

All our policies and practices are fully inclusive and supportive of a welcoming culture for all communities; this is evidenced in our practices and procedures.

Mission and Values

In any organisation – be it a school, a company, or even a family – strong and clearly expressed values create identity, focus, unity and drive, answering the questions: What do we belong to? What is important to us? What holds us together? Why do our collective efforts matter? At Droylsden Academy, our core values help us to make decisions from day-to-day that mean we behave and perform better, inspiring us to try harder as individuals, so that collectively we thrive. The three core values that our school is built on underpin all we do.

We believe that great learning comes from:

Politeness:

- We treat every person and thing as we want to be treated
- We are respectful, polite and courteous at all times
- We help others at all times

Hard Work:

- We never give up
- We remain positive so that we have the strength to persevere with even the hardest work
- We do what it takes, for as long as it takes

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Person Responsible: Deputy Headteacher

Approving Body: Governing Body

Honesty:

- We are true to ourselves and others and we do not make excuses
- We look to ourselves to see what needs to be done

Equality and Inclusion – School Policies

Through this policy, and the wider practices within Droylsden Academy, we seek to empower our students to embrace diversity and challenge discrimination. We equip our Governors and staff to fulfil their legal responsibilities, ensure that our school's safeguarding procedures are comprehensive and inclusive and enable robust monitoring of our progress as a school.

Inclusion underpins all our school policies.

As part of our overall policy development there are a number of policies that we have in place and regularly review to ensure our school is addressing its statutory responsibilities. These include Anti-bullying Policy, Safeguarding Policy, Behaviour Policy, Uniform Policy, Staff Code of Conduct Policy, Mental Health Policy and Admissions Policy. Any arising incident will be dealt with by the appropriate policy.

Responsibilities

Droylsden Academy Governors have overall responsibility to:

- promote equality, good relations and diversity and to comply with education and employment legislation and anti-discrimination, human rights and equality legislation that affect its statutory duties in relation to the school;
- the Governors have overall responsibility to manage the implementation of equality and diversity in our school.

The Co-Headteachers are responsible for:

- ensuring policies and procedures are in place to comply with equality legislation;
- ensuring the school implements policies and practices in-line with the principles of equality and inclusion;
- following the relevant procedures and taking action in cases of unfair discrimination, harassment or bullying;
- ensuring appropriate training and awareness raising is undertaken with staff;
- ensuring that appropriate records are kept of any cases of unfair discrimination, harassment or bullying.

The School Senior Leadership Team are responsible for:

- putting the school's equality and inclusion policies and codes into practice;
- making sure that all staff know their responsibilities and receive the support and training necessary to carry them out;
- following the relevant procedures and taking action where necessary.

The School's Pastoral Care and Safeguarding Team (led by Ms Woodyer, Designated Safeguarding Lead) will manage the implementation of the policy in partnership with the Co-Headteachers.

All school staff (teaching and non-teaching) have a responsibility for the day-to-day operation of this policy and will contribute to an inclusive and welcoming environment within the school.

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Students are responsible for:

- respecting others in their language and actions;
- following all of the relevant school policies and codes of conduct in line with the principles of equality and inclusion.

Transgender and Non-Binary Students and Employees

Droylsden Academy is committed to ensuring that transgender and non-binary employees and students are treated with dignity and respect and are not disadvantaged in their learning or in the workplace. We actively work to prevent discrimination.

Droylsden Academy is committed to welcoming and supporting transgender and non-binary employees and students and removing barriers to their recruitment, promotion and retention. Providing an environment that is free from discrimination, harassment or victimisation because of gender identity is an important step in ensuring that transgender and non-binary employees and students are respected and valued.

Definitions

Definitions and terminology regarding transgender and non-binary people are evolving. The appendix to this policy provides guidance on some of the most commonly used terms.

Individuals will self-identify and how they choose to describe themselves should be respected by their peers and colleagues. Rather than assume, it is best to ask someone how they wish to be addressed. Using inappropriate language and terminology can cause offence and distress and undermines the Academy's efforts to create an inclusive environment. Highlighting pronouns is promoted with staff and students.

Droylsden Academy recognises that gender identity and sexual orientation are not interchangeable terms. Transgender and non-binary people can be bisexual, gay, heterosexual or lesbian and so no one should assume that a transgender or non-binary colleague or student has a particular sexual orientation.

The Law

Equality Act 2010

Gender reassignment is one of the nine protected characteristics covered by the Equality Act 2010. The Act protects a person from discrimination, harassment and victimisation if they are "proposing to undergo, are undergoing, or have undergone a process (or part of a process) of gender reassignment". There is no requirement for the person to be under medical supervision as gender reassignment is considered to be a personal rather than a medical process. Under the Act, a person who takes time off work for gender reassignment must not be treated less favourably in respect of employment decisions, for example by being denied access to training or promotion opportunities.

The Act also protects anyone who is perceived to have the characteristic of gender reassignment or is associated with someone who has the protected characteristic of gender reassignment, such as an individual's partner or a friend.

An employee who treats a colleague, or a student with students or staff, less favourably because of gender reassignment, for example by refusing to work with them, may be held personally liable for discrimination.

Gender Recognition Act 2004

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The Gender Recognition Act 2004 allows transsexual people (terminology in line with Act) to apply for a gender recognition certificate (GRC), which will give them legal recognition in their acquired gender and enables them to obtain a new birth certificate. The Act safeguards the privacy of an individual with a GRC by defining information relating to the gender recognition process as "protected information" and, except "in certain specific circumstances" (for example, for the purpose of preventing or investigating crime), it is a criminal offence to disclose such information without the individual's consent.

An application for a GRC will be made to the Gender Recognition Panel. Individuals are required to provide a medical diagnosis of gender dysphoria and evidence that they have lived in their acquired gender for two or more years and intend to do so permanently. Transgender people are not required to apply for a GRC and many choose not to for various reasons. An individual should never be asked if they have a GRC and to do so could be considered harassment.

Bullying and Harassment (see Anti Bullying Policy and Staff Code of Conduct Policy)

Droylsden Academy adopts a zero-tolerance approach to harassment, bullying or victimisation and such behaviour may result in action being taken under the Academy's disciplinary procedure for employees.

Examples of harassment against transgender and non-binary people include:

- verbal abuse such as name-calling, threats, derogatory remarks or belittling comments about transgender and non-binary people;
- asking an individual if they have a GRC;
- jokes and 'banter' about someone's gender identity or transgender/ non-binary people generally;
- refusing to use the pronoun appropriate to someone's acquired gender (for example, calling a trans woman "he") or calling the person by the name they had before they transitioned;
- threatening behaviour or physical abuse;
- intrusive questioning about someone's gender identity or transition;
- excluding a transgender or non-binary colleague from conversations or from social events;
- refusing to work with someone because they have transitioned; and
- displaying or circulating transphobic images and literature.
- "outing" someone who is transgender or non-binary /has transitioned

Single Occupancy toilets and facilities

There are single occupancy toilets around Droylsden Academy that offer an enhanced level of privacy, these are available to all staff and students.

Sports and Changing Facilities

When students are required to change into their PE kit to partake in sports, Dance or other performance activities, they will be permitted to use the single occupancy changing facilities located in that area.

Dress codes

Droylsden Academy has a professional staff and student dress code. Gender flexibility in the Academy's current student dress code is permitted to accommodate the process of transition or where a gender-specific mode of dress would be uncomfortable for the individual.

Training on transgender and non-binary issues

Information on transgender and non-binary issues is an integral part of Droylsden Academy's equality-awareness training for its employees and for students. The aim is to help the school community to

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understand what is and is not acceptable behaviour, thereby minimising the potential for conflict arising from misunderstandings.

Supporting an individual who is transitioning

Droylsden Academy will be supportive of an employee or student who has made the decision to transition. Droylsden Academy acknowledges that the transition process and the time it takes will be unique to each individual and that it is not always a linear process.

Once the Academy has been made aware that an individual will be starting, or have started, the process of transitioning, an appropriate point of contact will be agreed with them. That person will work with the employee or student to develop a confidential action plan to manage the individual's transition at Droylsden Academy. The plan will consider what steps to take before, during and after the individual's transition and no action will be taken without the person's consent. It is important to develop a plan that is bespoke to the individual employee or student. Some of the key issues to address are likely to include:

- Parental awareness and consent (students only)
- the individual's preferred name and pronouns
- when and how an individual will present at Droylsden Academy in their new gender status;
- handling a request by an employee to change their job temporarily during the transition process or to move to a new role permanently;
- the point at which colleagues, especially any direct reports, will be informed and how this will be done;
- if and how third parties, such as clients, should be informed;
- how absence for reasons associated with transitioning (for example, for
 - medical appointments and/or medical treatment) will be handled;
- arrangements for changing the individual's name on HR records, email, security
 - badges, SIMS, etc;
- confidentiality;
- dress codes and/or uniforms.

Transitioning is a process that takes time, and, to help both parties, regular review meetings will be arranged to manage the process. This will ensure that the right support is in place, and enable the plan to be amended as things change. Effective support for someone who is transitioning requires dialogue, agreed action and respect.

Employees who work for Droylsden Academy

How Droylsden Academy supports transgender and non-binary employees

Droylsden Academy recognises that transgender and non-binary job applicants and employees are not required to inform the Academy of their gender status or gender history. The gender in which an individual chooses to present will always be acknowledged and respected. To promote a workplace that is inclusive of transgender and non-binary people, Droylsden Academy adopts the following approach.

Recruitment

Recruitment Panels should not ask questions about an applicant's gender identity or gender history. If an individual chooses to mention this during the interview, they should be informed that the Academy supports transgender and non-binary employees and assured that the disclosure will have no bearing on the outcome of the interview and will not be revealed outside the interview room.

The requirement to provide proof of identity to confirm the right to work in the UK can be

particularly sensitive for a transgender or non-binary applicant whose identification documentation may be in their previous names. Droylsden Academy will always ensure that an applicant is made aware of the full range of permissible identification documents and that the process of checking is handled sensitively and with respect for privacy of the individual.

Where an individual's documentation reveals their previous name and thereby their gender history, this information will be kept confidential and stored securely with the permission of the individual and in accordance with the requirements of data protection legislation. The same approach will apply to qualification certificates before a job offer is confirmed and the certificates are in the applicant's previous name. A reference request will be sent out using the name supplied on the applicant's application form.

Employment

An employee's gender history or status will not have a bearing on any employment decisions or access to benefits, except where permitted by law. For example, an individual who has transitioned but does not have a GRC may be required to disclose their gender history for insurance and pension purposes. In such circumstances, the Academy will treat such information as sensitive data and it will be handled in line with the requirements of data protection legislation.

Where pension and insurance providers request disclosure of an individual's gender status, the Academy will ensure that this requirement has been checked with the underwriter and the requirement is made clear in any scheme information provided to employees. In such circumstances, the employee's written consent will be obtained before disclosing their gender history and status.

Names and pronouns

Droylsden Academy will take all necessary steps to ensure that an individual's change of name is respected. The Academy is aware that a failure to change pronouns and names on records in respect of a transgender or non-binary employee could constitute direct discrimination.

A GRC is not required to enable a transgender or non-binary person to change their name and the school will never ask an individual if they have a GRC to verify a name change. Consistently addressing a transgender or non-binary employee by their previous name and/or an inappropriate pronoun may be regarded as harassment and will be dealt with accordingly.

Changing employee records

Any records that hold personal details should be changed by the time the individual presents at work with their new identity. Records will include all of the systems that may contain names, titles and other personal identifiers such as photographs on the Droylsden Academy website and intranet. The Academy will work with the employee to ensure that nothing is omitted.

Confidentiality

All records that include details of an employee's gender history will be destroyed in a secure manner, unless there is a specific reason for retaining them. Where other people in the Academy need to be aware of the employee's transition to make a change to a particular record, the Academy will obtain the employee's consent, and restrict the information to those who need to know. Where there is a need to retain documentation that shows someone's gender history, this information will be stored confidentially in line with the requirements of data protection legislation. The information will be held electronically in a secure environment (for example, password protected) that can be accessed only with the consent of the individual concerned. Only named individuals will be allowed to access this information and those

individuals will be made aware that breaches of confidentiality could be unlawful and result in disciplinary action. Care will be taken to ensure that any search of the Academy's records by others will not inadvertently reveal an employee's gender history.

Communication

Droylsden Academy will work with the employee to agree what information needs to be conveyed to work colleagues and when the information should be conveyed. While the whole workforce may not need to know about the employee's transition, people who work closely with the individual will normally need to know to ensure that a good working relationship is maintained.

The employee may wish to tell colleagues about their transition or may prefer if this is done by someone else on their behalf. The Academy will encourage the individual to do what is best for them and, if the employee is not ready to tell anyone at the early stages, the Academy will respect the employee's wishes. Where an employee has a student-facing role, the Academy will discuss with the individual what third parties need to know and how this should be handled.

How Droylsden Academy supports transgender and non-binary students

To promote a school that is inclusive of transgender and non-binary people, it will adopt the following approach.

Joining the Academy

Droylsden Academy recognises that transgender and non-binary students may not wish to disclose their gender history however there are certain regulations which mean that a student will need to enrol and take exams or their qualification(s) in their legal name. All examination entries have to be made in the student's legal name and this also has to be returned to the funding agency to support funding. However, whilst in school the student can choose to be referred to by their preferred name, with authorisation from the student's parent or carer. This authorisation will take place in the form of an initial meeting followed by authorisation forms which must be signed before any changes can be made.

Given that the register of attendance is a document that can be submitted in legal proceedings, the link between preferred name and legal name has to be recorded on the central systems. For students the requirement to provide proof of identity to confirm the right to study in the UK can be particularly sensitive for a transgender or non-binary applicant whose identification documentation may be in their previous names. The Academy will always ensure that an applicant is made aware of the full range of permissible identification documents and that the process of checking is handled sensitively and with respect for privacy of the individual.

Where an individual's documentation reveals their previous name and thereby their gender history, this information will be kept confidential and stored securely.

Registers (who you will be known as)

Students may change their photograph as they transition if they require it. The student name registers will be the name which they elect to be known as whilst in the Academy. The School will take all necessary steps to ensure that an individual's change of name is respected within the legal parameters. The Academy is aware that a failure to change pronouns and names on records in respect of a transgender or non-binary employee could constitute direct discrimination.

Students who change their gender will understand that some mistakes will be made by staff and other students, but, consistently addressing a transgender or non-binary student by their previous name and/or an inappropriate pronoun may be regarded as harassment and will be dealt with accordingly.

For examinations and other external agencies, the Academy will be required to submit information which identifies the student by their current legal name and birth gender. Students should be aware that any examination certificates will be issued in their legal name. Information relating to a student's gender status or history will not be disclosed to a third party without the individual's consent (unless we feel it is relevant to a safeguarding concern), for example when responding to a reference request. However, the Academy will process the student's data in accordance with the terms of the privacy notice.

Communication

The Academy will work with the student to agree what information needs to be conveyed to fellow students and staff and when the information should be conveyed so that good relations are maintained. The student may wish to inform others about their transition or may prefer if this is done by someone else on their behalf. The Academy will encourage the individual to do what is best for them and, if the student is not ready to tell anyone at the early stages, the Academy will respect the student's wishes. The student is entitled to privacy and the Academy will seek to protect them from intrusive enquiries.

Complaints Procedures

The school has a robust and transparent complaints procedure for students/parents/guardians. If a complaint is made regarding equality or inclusion, the complaints process will be fairly and systematically applied. Access to the complaint's procedure can be found on the school's website.

Law relating to this document:

- Human Rights Act 1998
- Data Protection Act 1998
- Gender Recognition Act 2004
- Equality Act 2010

Glossary

Acquired gender: Used in the Gender Recognition Act 2004 to describe a person's gender after transitioning. As this is a legal term, many people now prefer to use the term 'affirmed' gender.

Assigned gender: The gender assigned to someone at birth, based on their physical Characteristics.

Cross dresser: Someone who chooses to wear clothes not conventionally associated with their assigned gender. 'Cross dresser' is now used in preference to the term 'transvestite', which is considered to be outdated and can cause offence. Cross dressers are generally comfortable with their assigned gender and do not intend to transition.

Gender dysphoria: A recognised medical condition where the individual experiences severe discomfort and anxiety because their gender identity does not align with their biological sex.

Gender expression: How someone manifests their gender identity in society, for example through their appearance and behaviour.

Gender fluid: Is a gender identity best described as a dynamic mix of boy and girl. A person who is gender fluid may always feel like a mix of the two traditional genders, but may feel more boy some days, and more girl other days. Being gender fluid has nothing to do with which set of genitalia one has, nor their sexual orientation.

Gender identity: A person's internal perception of their gender, their sense of self. For transgender people, their gender identity does not match the gender they were assigned at birth.

Gender reassignment (or transitioning): process where an individual changes their expressed gender to live fully in the gender with which they identify. For example, a person who was born female decides to take steps to live the rest of their life as a man. Gender reassignment does not require medical treatment and is a protected characteristic under the Equality Act 2010.

Intersex: An intersex person is born with ambiguous genitalia and/or sex chromosomal variations, making it difficult to classify their biological sex. There are many different intersex conditions. An intersex person may self-identify as a man or a woman or neither.

Non-binary: An inclusive term to describe people whose gender identity is 'fluid' and not exclusively male or female. A non-binary person may identify as neither male nor female or may feel that they embody elements of both genders, or that they are something different. The terms intersex and non-binary are not interchangeable.

Transgender (or trans): An umbrella term describing the diverse range of people whose gender identity or gender expression differs from the gender they were assigned at birth. The term can encompass individuals who are transsexual, cross dressers or non-binary.

Transsexual: A transsexual person has the protected characteristic of gender reassignment and is defined in the Equality Act 2010 as someone who is 'proposing to undergo, is undergoing or has undergone gender reassignment'. Gender reassignment is a protected characteristic under the Act. It is not necessary for a transsexual person to have to be under medical supervision to be protected in law from discrimination.

Transphobia: A fear of or a dislike of transgender people. It is based on prejudice and misunderstanding and can involve verbal abuse, physical violence and other forms of harassment.