



**EQUALITY, DIVERSITY
AND INCLUSION POLICY
(including)
DISABILITY DISCLOSURE
AND CONFIDENTIALITY
POLICY & PROCEDURES**

2022/23

EQUALITY, DIVERSITY AND INCLUSION POLICY (including) DISABILITY, DISCLOSURE AND CONFIDENTIALITY POLICY & PROCEDURES

Responsibility

SMT member: Director of Safeguarding, Inclusion and Development
Together with: Senior Management Team (who are responsible to the Directors for implementing the policy)

Aims

Equality and Diversity Policy Statement

The Equality Act came into force in 2010. It provides the context and direction for the practices the College adopts for equality, diversity and inclusion.

The Directors of Hereford Sixth Form College are committed to equality and diversity. They wish that directors, employees, students and visitors should be treated fairly.

The Equality Act recognises a number of protected characteristics, known in the College by the acronym "REGARDS".



For 'Gender' we include 'sex'

College ethos

In all aspects of college life we will show due regard to the question:

What is the actual and potential impact of what we do on staff and students with protected characteristics?

We will record our consideration in terms of how far we:

- **eliminate unlawful discrimination, harassment and victimisation;**
- **advance equality of opportunity between people who share a protected characteristic and people who do not share it;**
- **foster good relations between people who share a protected characteristic and people who do not share it.**

The Directors support the right of all individuals to respect and fair treatment.

The policy applies to all aspects of college life.

The Senior Management Team will ensure that the policy is developed, implemented, monitored and reported on to the Directors at appropriate intervals.

The Directors also support the student body in its equality and diversity activities.

Each of the following aims links with the College's strategic objectives 1 – 8 and 10 – 11 and underpins strategic objective 9:

to ensure equality and diversity in the delivery of all strategic objectives.

1. *Student guidance*

Each stage of advice and guidance will be accessible to all, taking into account individual needs in order to ensure that students choose the most appropriate course and achieve their maximum potential.

The College will seek to ensure that employment and higher education are positive experiences and that stereotyping or reinforcement of 'traditional roles' does not occur.

2. *The Curriculum*

As far as is reasonably possible, each individual student will have access to all areas of the examined and non-examined curriculum appropriate to their needs, qualifications, ambitions and potential, and be made aware of this entitlement. Possible barriers to learning should be removed, if it is reasonable to do so. Equality and diversity will be an integral part of the delivery of every curriculum area.

3. *Physical resources (accommodation and equipment)*

The College will strive to continue to modify its facilities to improve access for all members of, and visitors to, the College.

4. *Human resources*

The College will ensure that appointment procedures are non-discriminatory and will endeavour to integrate all staff, whether involved in teaching or non-teaching work, within the organisation. All staff will be equally entitled to appropriate professional development. College policies will encourage a barrier-free environment, where reasonable, to ensure all staff reach their full potential.

5. *Governance and management*

The appointments to, and the operation of, the Directors will be free from discrimination and in accordance with government legislation.

The appointment, development and operation of the management of the College will be free from discrimination.

6. *External links and*

7. *Marketing*

The College will seek to reflect its *Equality, Diversity and Inclusion Policy* through communications with students, parents, employers and other members of the community in line with legislation governing this area.

8. *Quality assurance*

The College will carry out analysis of equality data and enrolment, achievement, retention and progression when revising and implementing its quality assurance strategy and procedures. Due regard to its impact of equality and diversity will be considered.

This document states the general aims of the policy and will be reviewed annually.

9. *Equality and diversity*

This strategic objective is central to the delivery of all others.

10. *Widening participation*

The College aims to achieve equality and diversity through all its strategies and activities for widening participation.

The College will record students' needs especially regarding their protected characteristics and respond with how to meet those needs at the earliest opportunity.

11. Collaboration

Equality and diversity are central to the College's collaboration with other providers to ensure that every learner in the county has access to high quality appropriate education or training within a coherent programme of provision.

Equality and diversity procedures

All College procedures will take account of the aims detailed in the *Equality, Diversity and Inclusion Policy*, including the following:

- student application procedures
- college marketing procedures (text and images in publications)
- staff recruitment procedures
- staff questionnaire
- student questionnaire
- analysis of examination results and retention data
- lesson and tutorial observations.

Equality, diversity and inclusion steering groups and working parties are set up regularly to review existing policies and practice and to advance equality, diversity and inclusion, along with senior management team.

Equality and diversity procedures are monitored, as appropriate, by all meetings across the College and the Senior Management Team reviews their minutes. Two elected student representatives help to promote awareness of equality, diversity and inclusion amongst the student body and to assist with monitoring the implementation of the *Equality, Diversity and Inclusion Policy and Procedures*.

New policies introduced by senior management team are subject to an equality impact assessment, which is published alongside the policy on the college's staff VLE in college policies and procedures.

Plans for action

The general aims of this policy are also supported by specific objectives in the College's *Single Equality Scheme and Action Plan*, which is published on the College Website.

The Senior Management Team monitors how well we are meeting these objectives and progress is reported to the Staff and Students' Committee of the Directors.

DISABILITY DISCLOSURE AND CONFIDENTIALITY POLICY AND PROCEDURES

Responsibility

SMT member: Director of Safeguarding, Inclusion and Development
Together with: All Staff

Aim

The College aims to ensure that it complies with the requirements of the Equality Act, 2010. Students are encouraged to disclose a disability in order that the College can make all reasonable adjustments to help them succeed.

This document sets out the College's procedures to enable students to disclose a disability. Integral to these procedures are the rights of a student to confidentiality and to meaningful consent before information is passed on within the College.

Definition of a Disability

The Equality Act 2010 defines a disability as an impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

Students:

Points of Disclosure and Communication of a Disability

1. Application Form

The College invites all potential students to disclose a disability on the application form. This information is passed directly to the Head of Learning Support or the Medical Liaison Administrator.

2. Pre-enrolment Interview

A member of Learning Support team will carry out a pre-enrolment interview for any potential student who has disclosed a disability on the application form. The interview enables the Learning Support Department and the Medical Liaison Administrator to prepare appropriate support for the potential student.

3. Enrolment Interview

To identify any student with learning support/medical needs who has not disclosed a disability on his/her application form, enrolment tutors ask all students if they have any learning support /medical needs. The names of these additional students are collated for the Head of Learning Support who then arranges appropriate support.

4. On-going Opportunities for Disclosure

To identify students who do not disclose a disability on application or on enrolment, the College ensures that on-going opportunities are made available to students to disclose a disability.

(a) Personal Tutor Entitlement Interviews

At each entitlement interview, throughout the student's time at College, the Personal Tutor gives the student the opportunity to disclose and completes the disclosure check box on the student's electronic record card. The Personal Tutor, with the student's permission, passes the name of any student who has disclosed a disability to the Learning Support Department/Medical Liaison Administrator. A member of the Learning Support Department/Medical Liaison Administrator then meets with the student, assesses his or her needs and prepares appropriate support. The Health & Safety advisor is made aware as appropriate.

(b) Other Referral Routes

Students are encouraged, at any time, to disclose to any member of the College Support Staff, to Subject Tutors and to Personal Tutors. With the student's permission, this disclosure is then passed onto the Learning Support Department. A member of the Learning Support Department then meets with the student, assesses his or her needs and prepares appropriate support.

Meaningful Consent

Situation A

Once a student has disclosed a disability a request must be made for permission for his or her name to be passed to the Learning Support Department. The student is encouraged to give meaningful consent for the disclosure to be communicated to the staff and external agencies of his or her choice. In such circumstances, students sign the JCQ data protection form.

Situation B

Once a student has disclosed a disability to any member of the College staff, but has exercised his or her right to confidentiality and has not given permission for his or her name to be passed to the Learning Support Department, a Confidentiality Agreement must be drawn up between the student who has disclosed and the member of the College staff.

The pro-forma for this Confidentiality Agreement is included as Appendix 1. The Confidentiality Agreement should record the student's conversation with the member of staff and the implications for the student of not giving permission for information to be passed on.

The Confidentiality Agreement should then placed in a sealed envelope, labelled "confidential" and placed in the student's personal file in the locked office of the Administrative Officer and Assistant to Safeguarding. The envelope should also be marked with the date of the agreement and a date four weeks after the agreement when the member of staff and the student should meet again. At this meeting, the member of staff and the student should discuss again the implications of not giving permission for information to be passed on. The aim of this meeting is to encourage the student to give permission for information to be passed on at least as far as the Learning Support Department. If permission is not given by the student, the member of staff should seek advice, without naming the student, from the Head of Learning Support.

Monitoring and Evaluation of the Disability Disclosure and Confidentiality Policy and Procedures

This document will be reviewed as part of the Learning Support Department's annual self-assessment and will involve students, staff and appropriate external agencies in the process. Recommendations for change in procedures will be made to the Lead Tutors

Staff:

This policy will be given to all new staff in advance of starting employment.

Applicants are invited to disclose a disability on the application for Employment form (Support), which is a separate sheet to the main application form and not seen by the Interview Panel.

This allows us to:

- Guarantee an interview for people with disabilities
- Make reasonable adjustments, both for the Interview and in advance of employment
- Monitoring Equality, Diversity & Inclusion.

This information is ignored by the interview panel as part of its decision-making process. If an applicant discloses a disability at Interview, the applicant will be asked about whether reasonable adjustments could be made during the recruitment process.

All staff are invited to disclose a disability at any time, by talking to their line manager, the Director of Safeguarding, Inclusion and Development, the Deputy Principal, the Principal or PA to the Principal. Every two years, staff are also invited to disclose a disability in a regular Equality, Diversity & Inclusion questionnaire used for monitoring and identifying reasonable adjustments.

CONFIDENTIALITY AGREEMENT

The notes written here are a record of your conversation with me.

I promise you that this sheet will be put in a sealed envelope, labelled 'confidential' and placed in your personal file with the Director of Studies.

I will see you in 4 weeks to check if anything has changed.

Signed Member of Staff

Signed Student

Date

This date must also be written on the outside of the envelope along with the date for the follow up meeting four weeks later. **Appendix X: Guidance on Transgender Inclusion:**

Appendix X

1. Introduction

When considering transgender identities, it is important to understand that there is a difference between biological sex and gender. Biological sex refers to chromosomal makeup, genitalia and hormones: the physical anatomy of a person (for example, male, female or intersex), whereas gender concerns internal sense of self and how people choose to express themselves. Gender is considered by some to be a social construction in that children learn how to behave in a manner deemed to be in line with their biological sex.

Gender identity is completely different from sexual orientation which concerns who people are sexually attracted to – men, women, both or neither. This said, there are similarities between homophobia and transphobia, with lesbian, gay, bisexual and transgender (LGBT) people experiencing homophobic-type abuse or discrimination based on their gender presentation.

Transgender people (especially young people) can be a vulnerable group. On average, they will be at greater risk from bullying and have poor mental health. Transgender young people are also statistically more likely to leave school at an earlier age than average. It is vital that transgender staff and students at Hereford Sixth Form College are able to access the support they need in order to succeed in their work/studies and socially.

In all external written college communication with parents/carers the staff/student's chosen name only will be used and pronouns will not be used. The college's student application and enrolment forms include sex at birth and gender identity (gender identity asks if it is the same as sex at birth with possible answers of yes, no and prefer not to say). The college will sensitively follow up students who have ticked "no" to take a full disclosure if desired; the college will not follow up students who have ticked "prefer not to say" respecting their wish not to discuss it. Staff application forms don't request gender.

Trans equality (along with other protected characteristics) is included in the staff E&D induction training and in the staff and student handbooks. The staff and student handbooks state: "Hereford Sixth Form College is committed to advancing equality of opportunity, fostering good relations and eliminating discrimination, harassment and victimisation. This is in relation to all members of the college community and with particular regard to those who share a protected characteristic. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation and marriage and civil partnership."

1. College's obligations

In supporting a transgender person, it may be necessary to reconsider views and practices on gender and identity which have been accepted as 'standard' for a long time. This can be challenging, but all are entitled to equality of opportunity. Under the Public Sector Equality Duty (2011) within the Equality Act (2010) college must seek to:

- eliminate unlawful discrimination, harassment and victimisation (and any other conduct prohibited by the Equality Act);
- 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. * Gender reassignment is one of the protected characteristics identified in the Equality Act 2010.

3. What happens when a member of staff/a student makes a disclosure

- Where a member of staff/a student makes a disclosure relating to a transgender issue, the person to whom they have disclosed should follow this guidance. For a student, the person to whom they've disclosed should encourage the student to go to the Focus Centre, so that details can be taken by a member of the ALS team. The student may wish to be accompanied, for example by the member of staff, a parent or a friend. For a member of staff, the colleague to whom they've disclosed should encourage the member of staff to speak with HR Administrator. The member of staff may wish to be accompanied by a colleague.
- If the member of staff/student is not yet ready to present in the gender with which they identify, they will be encouraged to update the disclosure as necessary.
- Following the disclosure, an agreement will be reached with the member of staff/student about how college can best support their needs. This will include the following, including a time-frame where appropriate:
 - the person's chosen name;
 - the preferred pronoun, which will in likelihood be in accordance with the gender in which the person presents;
 - which facilities (e.g. toilets, changing rooms) will be used – the member of staff/student may wish to use facilities according to the gender in which they present, or to use individual cubicle toilets;
 - any HR/line management or pastoral/additional support requirements.
- The member of staff/student will be encouraged to discuss their other transgender intentions, e.g. psychological assessment, hormone therapy and surgery, with a time-frame, so that college is able to offer further appropriate support, such as counselling, and to plan for any periods of absence.
- Once a member of staff/student has declared an intention to identify as a gender other than that assigned at birth, HR Administrator/MIS will be informed so that college systems can be updated. From then onwards, the member of staff/student will identify their chosen name and gender identity (where gender identity has been disclosed and agreed that it can be shared).
- Students will be made aware that it will only be possible to have a chosen name and/or gender identity reflected in official documentation (such as examination entries and certificates), if it has been changed legally, by deed poll or statutory declaration. See current JCQ regulations.
- Students will be made aware that it will only be possible to have a chosen name and/or gender identity reflected in official documentation (such as examination entries and certificates), if it has been changed legally, by deed poll or statutory declaration. See current JCQ regulations.

4. Talking to a transgender person

The college offers transgender awareness training to staff in its continuing professional development programme.

- When speaking to a transgender person, use their chosen name and preferred pronoun.
- Transgender people are generally happy for someone to ask about names and pronouns, and this should be done discreetly and sensitively.
- Treat transgender people according to the gender with which they identify.
- Do not ask highly personal questions; the same level of appropriateness applies as for non-transgender people.

5. Facilities

- Transgender staff/students should be allowed to use toilet and changing facilities appropriate to the gender with which they identify. The college has identified single cubicle toilets as “all-gender”.
- It would be inappropriate for college to require that transgender people be allowed only to use accessible toilets. However, it should be noted that some transgender people (and indeed others with a need or desire for increased privacy) may express a preference to use single cubicle toilets, all of which are accessible toilets at Hereford Sixth Form College.
- Transgender students may feel vulnerable when using changing facilities, and staff should consider this when determining the level of staff presence or supervision. Any transgender person with a need or desire for increased privacy (regardless of the underlying reason) should be provided with an alternative changing area, e.g. a nearby toilet, or an alternative time to change in an area which corresponds to their gender identity.

6. Residential trips

- It would contravene the Equality Act 2010, to exclude a person from a trip on the grounds of their transgender status.
- When planning and costing trips, organisers should give consideration to available facilities for transgender people, such as shared accommodation. Transgender staff/students will have single room accommodation; if shared accommodation is desired, this must be agreed by all parties sharing (e.g. staff or students and parents/carers).
- For trips abroad, the trip leader should consider and investigate the laws regarding transgender communities in countries being visited. Advice can be obtained from the International Lesbian and Gay Association ([ILGA The International Lesbian, Gay, Bisexual, Trans and Intersex Association | ILGA](#)).
- Whilst all staff/students should have access to all opportunities on a trip, if transgender people do not wish to participate in a certain activity (e.g. a physical activity), alternative arrangements should be made. It would be advantageous to discuss the itinerary in advance with the member of staff/student, and further advice can be sought from HR Administrator/the Director of Studies.
- In itself, being transgender does not imply an additional learning need – it would be inappropriate to require that a transgender student be accompanied on trips simply because they are transgender.

7. Sports and PE:

Where possible, a trans person can take part in the sporting activity of their choice. However, under the Section 195 of the *Equality Act 2010*, it is lawful to restrict activity where physical strength, stamina or physique are significant factors in determining which side wins. Therefore, in such circumstances:

- The Head of Department and Director of Inclusion and Development will meet the student concerned to explain this and the resulting decision;
- Support will be discussed and offered;
- A record of the rationale behind the decision and the conversation will be made on Safeguarding notes.

8. Attendance issues

In addition to the social support needs, some transgender people will want medical transition, which may include a psychological assessment, hormone treatment and gender reassignment therapy. The college should be sensitive to the fact that this may impact on their attendance. If it is known that support (e.g. counselling) is being offered by an outside agency, student attendance Hereford Sixth Form College should be recorded as 'A' as appropriate.

9. Confidentiality and information sharing

The Gender Recognition Act 2004 requires that people who hold a gender recognition certificate must be treated according to their acquired gender. All people have a right to privacy, including the right to keep private their transgender status.

- Do not discuss a person's transgender status with others (including parents, other students / staff) unless legally required to do so, or unless the transgender person has indicated that they are happy for this to happen. For example, when contacting a parent, use the person's birth-name and pronouns corresponding with the gender assigned at birth, unless the person has specified otherwise.
- It is professionally wrong, and in many cases it may be a criminal offence, to pass on information about a trans person's gender identity without their consent.

The college:

- avoids routinely asking transsexual staff or students to produce a gender recognition certificate as evidence of their legal gender
- awards gender reassignment information the highest security classification under the data protection policy
- Where possible, will destroy information regarding a student or staff member's previous gender identity. If this is not possible, we will restrict access and comply with the college's data retention policy and schedule.
- has identified members of staff responsible for this process, who are tasked with updating all records (including old records) in Directors of Studies Support, MIS and HR.
- always acquires written permission before disclosing to a third party about a trans person's gender identity.

10. General advice

- In addition to using the chosen name and appropriate pronoun when addressing a transgender person (see Talking to a transgender person), avoid gender-stereotyping for students in the classroom and plan schemes of work which do not present a prejudiced view of gender.
- Avoid seeing the transgender person as a problem and instead an opportunity to enrich the college community and to challenge gender stereotypes and norms on a wider scale.
- Consider gender as a spectrum and take a non-binary approach to gender. Gender is often an important part of our identity and developing a positive sense of gender identity is part of growing up. However, gender identity is often complex and there is a spectrum of gender which is wider than just male and female.
- Listen to the member of staff, students and parents or carers, and wherever possible follow their lead and preferences.
- Providing support to a transgender person at any particular point in time does not signal that they are, or will conform to, any single transgender identity or follow any particular path of transition.
- Avoid where possible gender segregated activities and where this cannot be avoided allow the person to access the activity that corresponds to their gender identity.

11. Next steps

- Carry out all the recommendations for schools and colleges included in the Ofsted review of sexual abuse in schools and colleges in England.
- Increased awareness-raising activities about sexual harassment and online abuse to help change attitudes, including advice for students, staff, parents and carers.
- Seek to develop curriculum opportunities, e.g. through Tutorial programme with Personal Tutors, to further challenge transphobia and other prejudices.
- Form links with local support and advice groups.

12. Glossary

● **Transgender/trans** – umbrella terms used to describe people who identify as transgender; transvestite; trans male/trans female; gender fluidity. ● **Gender identity (ID)** – how a person feels in regard to male/female/neither/both. A cognitive process of recognising one's identity. ● **Transgender** – a person whose gender identity is different from the gender they were assigned at birth. Some transgender people will choose to transition socially and some will also take medical steps to physically transition to live in the gender role of their choice. ● **Trans male, trans female** – a trans male is someone who was assigned female at birth but who identifies as male. A trans female was assigned male at birth but identifies as female. ● **Transvestite (or cross dresser)** – a person who dresses in the clothing typically defined as that of the opposite sex. ● **Gender reassignment** – the surgical procedure(s) by which a transgender person's physical appearance and function of their existing sexual characteristics are altered to resemble that of their identified gender. Gender reassignment is a protected characteristic. (It is not necessary to be under medical supervision to be protected by the Equality Act, for example, a person assigned a female gender at birth who decides to live permanently as a man but does not undergo any medical procedures is protected. ● **Sexual Orientation** – a term that refers to being romantically or sexually attracted to people of a specific gender. Sexual orientation and gender identity are separate, distinct parts of our overall identity. Sexual orientation is a protected characteristic. ● **Gender Fluidity** - conveys a wider, more flexible range of gender expression, with interests and behaviours that may even change from day to day. Gender fluid people do not feel confined by the boundaries of stereotypical expectations of males or females. In other words, a gender fluid person may feel they are a female some days and a male on others, or possibly may feel that neither term describes them

Guidance/legislation

- The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>
<https://www.gov.uk/guidance/equality-act-2010-guidance>
- The Equality Duty 2011 <https://www.gov.uk/guidance/equality-act-2010-guidance#public-sector-equality-duty>
- The forum for sexual orientation and gender identity equality in post-school education https://sgforum.org.uk/wpcontent/uploads/2013/04/guidance_on_trans_equality_in_post-school_education_2012.pdf
- The Gender Recognition Act 2004
<http://www.legislation.gov.uk/ukpga/2004/7/content>