



Cherry Tree School

Including Cherry Blossom Preschool

Equality Policy

Adopted from Warrington Borough Council

Policy Written October 2021		Signed
Summer 2019	Policy written in line with guidance from the Equality Act 2010	<i>JH Graham</i>
July 2019	Approved by governors	
October 2021	Reviewed and updated	
October 2022	Reviewed, updated and published on the school website	<i>JH Graham</i>
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STATEMENT of INTENT

Cherry Tree School is a fully inclusive school devoted to the well-being and progress of every child and where all members of our community are of equal worth.

We believe that the Equality Act provides a framework to support our commitment to valuing diversity, tackling discrimination, promoting equality and fostering good relationships between people. It also ensures that we continue to tackle issues of disadvantage and underachievement of different groups.

LEGISLATION

This policy directly links to *'The Equality Act 2010 and Schools'* May 2014 from The Department for Education.

This policy is also written incorporating and relating to the content of *'Exploring the school's actions to prevent and tackle homophobic and transphobic bullying'* April 2014 from Ofsted.

LEGAL FRAMEWORK

- We welcome our duties under the Equality Act 2010 to eliminate discrimination, to advance equality of opportunity and foster good relations with respect to age (as appropriate), disability, ethnicity, gender (including issues of transgender, and of maternity and pregnancy), religion and belief, and sexual identity (known as protected characteristics).
- We welcome our duty under the Education and Inspections Act 2006 to promote community cohesion.
- We recognise that these duties reflect international human rights standards as expressed in the UN Convention on the Rights of the Child, the UN Convention on the Rights of People with Disabilities, and the Human Rights Act 1998.

PROTECTED CHARACTERISTICS

Cherry Tree recognises that it is unlawful for a school to discriminate against a pupil or prospective pupil by treating them less favourably because of their:

- Sex
- Race
- Disability
- Religion or belief
- Sexual orientation
- Gender
- Marriage and Civil Partnership
- Gender reassignment
- Pregnancy or maternity

This policy looks at all the mentioned protected characteristics and how best to support the individual, including procedures in cases of bullying and harassment and the emotional wellbeing of our pupils.

GENDER

“Schools need to make sure that pupils of one sex are not singled out for different and less favourable treatment from that given to other pupils”. The Equality Act 2010 and Schools, p.20.

At Cherry Tree School, we see all genders as equal and actively promote this within our school community. Therefore the expectations and treatment of all individuals from any gender is equal and consistent.

There are some issues and examples that raise questions as to whether schools treat individuals from different genders equally. These are addressed here at Cherry Tree School as follows:

- As Cherry Tree is not a single-sex school, we would never fail to admit an individual based on their gender.
- We have a gender-neutral uniform and so individual pupils can wear which ever items they feel to be appropriate for them.
- All classes generally are co-educated (meaning all genders are present). The only exception is relationships and sex and/or puberty lessons where it may be that boys and girls are taught separately. However this is not unlawful as all genders will receive the lesson. Transgender pupils, or pupils who identify as gender neutral are entitled to attend whichever class they feel best suits them, or both if that may be the case.
- The Equality Act does permit single sex sport classes as it is deemed that ***“the physical strength, stamina or physique of the average woman (or girl) would put her at a disadvantage to the average man (or boy)”***. The Equality Act 2010 and Schools, p.20.
- However here at Cherry Tree all genders participate in the same P.E lessons as a co-educated group and access the same sporting activities.

Cherry Tree will not tolerate any form of homophobic and transphobic (HBT) bullying and any incidents are recorded in the School Incident Log. This means that anti-bullying procedures will be rigorously followed and the Local Authority will be notified. This information is reported to Governors termly via the Head Teacher’s Report. All staff receive LGBTQ+ training annually.

RACE AND ETHNICITY

The definition of race includes colour, nationality and ethnic or national origins. Cherry Tree is a multi-cultural environment and we embrace our diverse community. We accept one another’s differences and we actively promote the ethos of tolerance, love and respect to all.

Any racial or discriminatory incidents where an individual is made to feel segregated, harassed or bullied will be taken extremely seriously. This means that anti-bullying procedures will be rigorously followed and the Local Authority will be notified.

Cherry Tree also promotes British Values set out by the Department for Education. These are:

- Democracy
- The rule of law
- Individual liberty

- Mutual respect for and tolerance of those with different faiths and beliefs.

Cherry Tree will not tolerate any form of behaviour or any incidents that compromise these values. This includes any extreme or radical behaviour or views; appropriate measures will be taken in such circumstances, including notifying external agencies where appropriate. This is set out in the school's Safeguarding and Child Protection Policy.

DISABILITY

The law regarding disability discrimination is distinctive from other protected characteristics featured in The Equality Act. As stated in the guidance:

“The law [...] protects disabled people but not people who are not disabled. This means that schools are allowed to treat disabled pupils more favourably than non-disabled pupils, and in some cases are required to do so, by making reasonable adjustments to put them on a more level footing with pupils without disabilities”. The Equality Act 2010 and Schools, p.11.

This means that any pupil attending Cherry Tree, who has a disability, may receive more favourable treatment to ensure that they have the same opportunities and experiences as other pupils. This may include reasonable adjustments being made, including the provision and use of auxiliary aids.

“Schools and Local Authorities have a duty to supply auxiliary aids and services as reasonable adjustments where these are not being supplied by Special Educational Needs Statements or other sources”. The Equality Act 2010 and Schools, p.24.

The Act defines a disability as ***“when a person has a physical or mental impairment which has a substantial and long term adverse effect on that person's ability to carry out normal day to day activities”.*** Long term is defined as lasting, or likely to last for at least 12 months.

Cherry Tree also recognises that some medical conditions would also come under this category, including but not specific to, HIV, multiple sclerosis and cancer. We acknowledge that any chronic health condition can have a significant impact on an individual's wellbeing as well as their ability to access their education. Therefore we will strive to put in place the appropriate support for any individual with an additional need, disability or medical condition. Cherry Tree also recognises that it is the individual's right to determine as to whether they consider themselves to have a disability, (or parents/carers where appropriate) and it is not always for us to make that judgement.

The Equalities Policy is directly linked to the school's SEND policy. We value our pupils regardless of their individual needs or abilities. Unfair treatment, bullying or harassment of pupils with SEND will not be tolerated and appropriate actions will be taken in accordance with the school's anti-bullying policy.

RELIGION OR BELIEF

“The Equality Act defines “religion” as being any religion and “belief” as any religious or philosophical belief. A lack of religion or a lack of belief are also protected characteristics”. The Equality Act 2010 and Schools p. 19

ADMISSIONS

Cherry Tree is local authority maintained school. Cherry Tree will accept pupils from any faith or background and no individual will be refused entry unless oversubscribed. Cherry Tree works hard to celebrate individual religious and cultural backgrounds through the British Values of tolerance and respect.

THE CURRICULUM

The content of the school curriculum is excluded from discrimination law however the way in which education is provided and the delivery of the curriculum is included. In addition to this, Cherry Tree has an obligation to teach its pupils core Christian values and beliefs.

We recognise that some Christian views may appear contradictory to content of the curriculum. Our responsibility as a school is to provide our pupils with the information contained both in the curriculum and key Christian beliefs. Teachers and other staff members have a responsibility to present all information in an unbiased and honest format to ensure that pupils received a balanced view in order to make an informed choice. We actively encourage pupils to question and challenge information as well as respect the beliefs of others. We believe this teaches the fundamental life skills of challenge, acquiring information and being able to make informed and independent choices. Our curriculum is an inclusive curriculum which promotes diversity.

SEXUAL ORIENTATION

At Cherry Tree, we understand the significance of relationships in a person’s life. It is therefore our responsibility to support loving and caring relationships, whatever these may look like. We celebrate all sexual orientations and understand and value an individual’s right to be open and honest about whom they are attracted to.

We understand that oppressing a person’s sexual orientation can be extremely damaging and instead we encourage individuals not only to embrace their own sexual orientation, but also accept what this looks like for other people. This is not to say that we encourage children and young people to form romantic relationships or to have sexual relationships; it is, rather, about celebrating individual identity and removing any stigmas that surround gay, lesbian, bi or pansexual individuals.

At Cherry Tree, we also want to move away from heteronormativity (that is to assume that most individuals are straight and that this is superior). We want to instead create an environment where children are saturated in appropriate language and factual knowledge; this will ensure that different sexual orientations are not stigmatised or seen as wrong and are instead celebrated. We believe that this sort of approach will break down barriers and animosity

between groups and create a more tolerant and loving environment. Again, as with any of the aforementioned characteristics, bullying or discrimination of any kind towards an individual based on their sexual orientation will not be tolerated and the school's anti-bullying procedures will be followed.

GENDER IDENTITY AND GENDER REASSIGNMENT

Here at Cherry Tree, we understand that for some pupils, their gender identity may not correlate to their assigned physiological sex. This can be a confusing and difficult situation for an individual and our priority is to protect their mental health and emotional wellbeing by supporting them fully during this time.

For children who identify as transgender or who may be going through gender reassignment, school will be an open environment where they can identify as whichever gender feels right to them.

Names and pronouns

We believe children and young people having the right to be identified by the gender they prefer, including the appropriate use of pronouns (he, she, them, they). If a transgender child wishes to be known by a different name, school will fully support this; however we may not be able to change names on legal documents until an individual's name has been officially changed.

The use of toilets and/or changing rooms

Any transgender individual attending Cherry Tree has the right to use which ever toilet or changing facility they feel is appropriate for their gender identity. For example if a child is identifying themselves as a girl, but is still physiologically male, they have the right to use female toilets or changing facilities if that is what they prefer. An individual will never be told to use a certain gender denominated facility as we recognise that could be a traumatic and damaging experience.

If other children, parents or carers have an issue with a transgender child using certain toilet or changing facilities, alternative arrangements or facilities will be arranged for their child and not the transgender pupil.

Support for the individual and their family

For a child who is transgender, it may be necessary to provide emotional support to help them manage and cope with their situation. It may also be the case that support is required by the child's family; in either case Cherry Tree will always ensure that families are adequately supported during an individual's transition.

Our priority in every circumstance is to listen to the voice of the child. Therefore if a child is telling us that they are transgender, we will always listen to their wishes and recognise them by the gender they wish to be identified by. Our hope is that we would work in conjunction with

families to best help the individual; however if a family disputes or objects to a child being known by a different name or gender, school will always follow the wishes of the child.

Cherry Tree understands the damaging effect not recognising their identified gender can have on a transgender child. Therefore if an individual's family continued to put a child's wellbeing at risk by failing to acknowledge their preferred gender, this could be deemed as emotional abuse and therefore safeguarding procedures as set out in the Safeguarding and Child Protection Policy would be followed. Our preference however would always be for all parties to work together in the best interest of the child.

PREGNANCY OR MATERNITY

Cherry Tree recognises and supports that any young person who becomes pregnant or is a parent already, is entitled to receive suitable education. Although it is extremely unlikely for this to happen within our context, we support the whole family and understand that it may effect siblings and/or relations of our pupils.

Cherry Tree also recognises that staff who are pregnant or who are parents already must be treated fairly and not be put at a disadvantage. However it may be appropriate for reasonable adjustments to be made for those who are pregnant or who are parents already, such as attending appointments for example.

UNIFORM

The Equalities Policy is instrumental in the school's uniform policy; this means that here at Cherry Tree, the uniform policy applies to all pupils and does not discriminate against gender, race, religion and belief, disability, gender reassignment or sexual orientation.

Individuals have the right to wear any item listed on the uniform policy regardless of any of the protected characteristics mentioned above.

PROTECTING THE INDIVIDUAL

Cherry Tree acknowledges the four kinds of unlawful behaviour that are defined in the equalities act. These are:

1. **Direct discrimination** – *“when one person treats another less favourable because of a protected characteristic, then they treat, or would treat – other people”.*
2. **Indirect discrimination** – *“when a “provision, criterion or practice is applied generally but has the effect of putting people with a particular characteristic at a disadvantage when compared to people without that characteristic”.*
3. **Harassment** – *“unwanted conduct, related to a relevant protected characteristic, which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading humiliating or offensive environment for that person*
4. **Victimisation** – *“when a person is treated less favourably than they otherwise would have been because of something they have done in connection with the Act”.*

Here at Cherry Tree, bullying of any kind will not be tolerated. We always try to educate our pupils on these topics and actively celebrate individual differences. However, if an individual is subject to bullying or harassing behaviour as a result of any of the mentioned protected characteristics; serious action will be taken against the perpetrator. We believe every individual has the right to be themselves and school should provide a happy and safe environment for them to do so. This policy is written in conjunction to Cherry Tree's Behaviour Policy.

Links to other policies

- Admissions policy
- Staff Handbook
- Behaviour Policy
- Relationships and Sex Education Policy
- SEND Policy
- Child Protection and Safeguarding Policy

APPENDIX

Appendix 1 – Glossary of terms:

Gender Identity	This is the gender you identify as, or feel that you are. This doesn't necessarily correlate to your sex that was assigned at birth. An individual's gender identity could be man or woman or could lie within the fluid model of a non-binary gender.
Gender Expression	This is how an individual expresses themselves, through mannerisms, clothes etc. This is much more transient than gender identity and can change regularly.
Assigned Sex	This is your physiological gender. Typically, this is decided pre/post-natal based on external genitals. However 1 in 2000 people are not solely male/female. Hormones, internal genitals and chromosomes also determine an individual's assigned sex.
Sexual orientation	An inherent or immutable enduring emotional, romantic or sexual attraction to other people
Transgender	A person who lives as a member of a gender other than that assigned at birth based on anatomical sex.
Transsexual	A person who identifies psychologically as a gender/sex other than the one to which they were assigned at birth. Transsexuals often wish to transform their bodies hormonally and surgically to match their inner sense of gender/sex.
Transvestite	A person who dresses as the binary opposite gender expression ("cross-dresses") for any one of many reasons, including relaxation, fun, and sexual gratification (often called a "cross-dresser," and should not be confused with transsexual).
Cisgender	A person whose gender identity and biological sex assigned at birth align.
Intersex	Term for a combination of chromosomes, hormones, internal sex organs, and genitals that differs from the two expected patterns of male or female.
Gender dysphoria	Clinically significant distress caused when a person's assigned birth gender is not the same as the one with which they identify.
Bisexual	A person who is emotionally, physically, and/or sexually attracted to men and women.

Pansexual	A person who experiences sexual, romantic, physical, and/or spiritual attraction for members of all gender identities/expressions.
Straight	A person primarily emotionally, physically, and/or sexually attracted to people who are not their same sex/gender.
Gay	Individuals who are primarily emotionally, physically, and/or sexually attracted to members of the same sex and/or gender. More commonly used when referring to men who are attracted to other men, but can be applied to women as well.
Lesbian	Women who have the capacity to be attracted romantically, erotically, and/or emotionally to some other women.
Asexual	Experiencing little or no sexual attraction to others and/or a lack of interest in sexual relationships/behavior. Asexuality exists on a continuum from people who experience no sexual attraction or have any desire for sex, to those who experience low levels, or sexual attraction only under specific conditions. Asexuality does not exist on its own; an individual will have a sexual orientation and be asexual.
Non-binary	The recognition that gender is not just a male-female construction and that gender is more of a spectrum format.
Questioning	An individual who or time when someone is unsure about or exploring their own sexual orientation or gender identity.
Gender-neutral	An individual who doesn't identify as a specific gender.
Androgynous	A gender expression that has elements of both masculinity and femininity
Cisnormativity	The assumption, in individuals or in institutions, that everyone is cisgender, and that cisgender identities are superior to trans* identities or people.
Heteronormativity	The assumption, in individuals or in institutions, that everyone is heterosexual.

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