



**THE
RAINBOW FLAG
AWARD**

**DEVELOPING
EFFECTIVE LGBT+
INCLUSIVE POLICIES**

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BEFORE YOU BEGIN

When doing any inclusive policy development work, it is important to have a good understanding of the language that should be used, in addition to why changes are being made.

If you are unsure of this, it may be beneficial to consult with the support that you have in place through the Rainbow Flag Award delivery organisation that you are working with, although this will be covered in your starter training.



WHAT IS THIS GUIDE?

The Rainbow Flag Award guide for Developing Effective LGBT+ Inclusive Policies is designed to support schools and colleges of all kinds in developing LGBT+ inclusive policies that are in line with what we expect to see in evidence submitted towards the yellow “Effective Policies” section of the award, essentially underpinning all of the other positive LGBT+ inclusion work that you undertake.

In essence, it is guidance in developing policy that is truly inclusive in meeting the needs of both students and staff. It is designed to be clear, understandable and, most importantly, actionable.

MORE THAN COMPLIANCE

Whilst laws and regulatory frameworks will be mentioned throughout, this guide provides advice on achieving good practice – beyond the minimum required for compliance. As such, in following this guide (and implementing the policies you develop!) you will be providing the best possible environment for your LGBT+ students and staff.

BUILDING FROM EXISTING POLICY

The final thing that this guide should demonstrate is that good inclusive policy development does not necessarily mean churning out a plethora of new documents, but rather adapting what already exists within your organisation in a meaningful way.

WHAT THIS GUIDE IS NOT?

Dictating Approaches

Much like the rest of the resources provided throughout the Rainbow Flag Award, this policy guide does not dictate to schools and colleges how things should be developed or implemented. As with every other section, how you choose to undertake this work is up to you.

Sample Policy

In keeping with the non-prescriptive approach of the Rainbow Flag Award, this guide does not provide sample policy. This means that the work that you undertake is free to reflect your organisation’s ethos and policy style. Beyond this, it also allows for greater community and student involvement in this process and opens the doors for creative and adaptable approaches.

An Exhaustive List

This guide only highlights the key areas where schools tend to need support, or where LGBT+ students and staff can sometimes be disproportionately affected or discriminated against. In reality, inclusion is an area that you should consider in the development and review of every policy. This guide should be considered a core starting point, not a step-by-step guide to policy perfection.



CAUTIONS

Whilst this guide aims to offer a good baseline, it cannot account for all the possible variables that schools and colleges may have in place. As such, included here are a number of cautions about common pitfalls for schools and colleges as well as other important areas of consideration.

“GOOD ENOUGH”

Meeting the minimum standards set by regulatory frameworks is certainly a positive thing but is rarely satisfactory to meet the needs of LGBT+ students and staff or foster a genuinely inclusive environment. Best practice in serving students and staff will always go beyond those bare minimum requirements. Fortunately, this guide is built on a foundation of best practice, rather than simple compliance.

ONE-OFF DEVELOPMENT

It is a common temptation with policies to write them once and then consider them complete. Whilst this can be true of some policies, it is important to practise good governance and fully engage with review processes. Sometimes unexpected barriers or circumstances may appear, or new challenges can arise for which policy will need to be updated to account for them. This is particularly relevant in LGBT+ inclusive policy, as understanding, language and awareness of these identities are constantly developing. Make sure you have clear monitoring and accountability processes.

POLICY AND PRACTICE

When developing policy, it is easy to focus entirely on the text being produced. Whilst this is certainly important, it has little value if the document isn't both read and then put into practice. Consider how staff are updated on, and familiarised with, changes – what additional support might be needed to enact these changes? When working towards your Rainbow Flag Award, think about how to demonstrate real understanding of policy; signing sheets only shows that staff know a policy exists.

USE OF LANGUAGE

In some organisations, policy-writing conventions may mean that there is a chance that inappropriate language is used, for example, when trying to match the language of law. Whilst this can be understandable, truly effective inclusive policy will use the accepted, rather than the formal, language. Whilst this will be covered later in the guide, be mindful of the words being used – the tone of a policy can sometimes be as impactful as its contents.

GENERAL PRACTICE

When developing policy to improve its relationship to equality, diversity and inclusion, you need not think of each policy in isolation. Whilst individual policies are certainly important, there are a number of general rules that you can work to, to highlight any potential issues that might exist within your policies.

ALIGNING WITH THE LAW

Considering how your policies align with your legal and statutory requirements is a useful starting point. LGBT+ inclusion is not an optional extra, it is a legal requirement. Your starting point is to acknowledge that LGBT+ people exist within your school, whether you (or they) know or understand this yet. By implementing LGBT+ inclusion, we are not creating LGBT+ people, we're creating an environment where the – already existing – LGBT+ students and staff feel supported to be their authentic selves, enabling them to thrive.

1. Equality Act 2010

You should consider how you align all of your policies to this law as best practice in supporting all of your students and staff.

The Equality Act 2010 declares that, in general, discrimination against people on account of them having a “protected characteristic” should not happen. The recognised “protected characteristics” in this legislation are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

TOP TIP

When listing the Equality Act 2010 protected characteristics in policies, use all nine as worded in law. Sometimes we see the protected characteristics of “sex” and “gender reassignment” conflated into one singular “gender” characteristic. This is not good practice as it may create ambiguity and unwittingly leave trans people, or women/girls, or both, vulnerable to discrimination.

Although you may notice that some of the language above is not preferred, you may find it useful to provide a statement or definition that makes clear what preferred terms refer to which protected characteristics (e.g., “trans people” instead of “gender reassignment”). Doing so will provide a clear counter to any challenges you may receive in response to you developing LGBT+ inclusive policies.

“Discrimination” in this case includes direct discrimination (passing up for promotion, harassment/bullying, exclusion, etc.) and indirect discrimination (not allowing time for religious practice, inaccessible facilities, etc.) You have a legal duty to make “reasonable adjustments” to minimise indirect discrimination.

There may be cases where discrimination might legally occur, however this must meet the very high legal bar of using “proportionate means” to achieve a “legitimate aim” (for example, in certain health initiatives). It is highly advisable that this is never the default course of action, and you do so only with specific advice (such as in competitive sport from the relevant sporting body).

2. Public Sector Equality Duty

This duty is applicable to all maintained schools, including academies; compliance with this is a legal requirement and is central to the OFSTED inspection framework. This duty sets out your requirement to:

1. Eliminate discrimination, harassment, victimisation and other conduct prohibited by the Equality Act
2. Advance equality of opportunity between people who share a protected characteristic and people who do not share it
3. Foster good relations across all protected characteristics

POLICY SATURATION

When actively developing anti-discriminatory practices, and at present, particularly LGBT+ inclusive policy, it can be tempting to create a whole suite of new and unique documents. Having a greater number of policies creates unnecessary workload, as well as uncertainty and confusion on where to find particular information. Navigational difficulty aside, a greater volume of policies makes it less likely that points of importance will be seen and understood.

TOP TIP

Categorically, do not create a LGBT+ or transgender specific policy.

Having individual policies for different identities creates a risk of “othering”, making (in this case) LGBT+ students and staff a special consideration beyond what should naturally be part of good practice.

Creating a set of new policies should be avoided, where possible, in favour of tweaking and adapting what already exists.

SOMETIMES “LESS IS MORE”

Policy creation can, in large part, be about following what’s tried-and-tested, and simply following what came before because it works. In some cases, this can be fine, but in others what came before can carry the weight of social conventions which may not necessarily work for everyone – this can often be the case for LGBT+ people.

You may, for example, find that policies have different expectations set out for students of different backgrounds – explicitly naming who does what. By including these differences, you increase the likelihood that policy may unintentionally act in a discriminatory way.

Consider the ways that you can “flatten” these differences in writing – for example, consider whether a separation between “boys” and “girls” in some policies, such as your uniform policy, is truly necessary. Could we say “students” instead? Creating inclusive policies and documents is often about simplifying content, rather than making it more complex.

NAMING IDENTITIES

When considering policy that specifically exists to challenge or prevent discrimination, such as your anti-bullying policy, there are a variety of reasons that these policies should explicitly name the identities you are referring to.

Avoiding the naming of identities can “other” those being referred to or imply a lack of confidence in appropriately approaching them. This is an issue that LGBT+ young people often face from peers, adults and the media. It is therefore important that they are clearly represented in documents.

Sometimes it can be appropriate to use the “LGBT+” umbrella universally when referring to young people who identify in these ways, for example, when talking about “coming out”. However, this is not universal – consider the specificity of who you’re talking about when naming LGBT+ identities. For example, a trans young person may require specific reasonable adjustments to be made to make their attendance at school possible, such as a name change, uniform change or access to changing facilities. However, lesbian, gay and bisexual young people would require an inclusive Relationships and Sex Education curriculum that is actively and positively meeting their needs.

LANGUAGE

Depending on the approach of your organisation, it might be that policy including the legal wording is the preferred approach. Whilst a valid approach, it is important to consider how the inappropriate or overly formal language used in law or medical literature will impact on the language used by staff and stakeholders when exposed to it through the policy.

If you feel that you must use the language of law, it is strongly advisable to include it only in definitions of preferred words that you would use throughout the document, or any similar statement you may use.

DOCUMENT FORMAT

A point that you may wish to consider here, above all other policies, is document accessibility. As the safeguarding policy needs to be publicly available – and is among the most likely to be read by both the extended school community and young people – consider how easy it is to understand and find the information a person may be looking for. If your document format is not well suited to this kind of accessibility, consider having alternative “easy read” documents, ensuring these are suitable for your students and young people.

EXAMPLE

A school is part of a group that requires the use of terms from the Equality Act 2010 in policy.

To meet this requirement whilst still using the appropriate language in the main body, they use the following in policy definition:

Trans: A person whose gender identity does not match the one assigned at birth; in the Equality Act 2010, recognised under the protected characteristic of “gender reassignment”, and sometimes referred to as “transsexual”.



BEYOND STUDENTS

It is easy to just consider students and young people in developing LGBT+ inclusion work. However, LGBT+ identities exist throughout communities, and will be represented among families, staff and other stakeholders. As a result, it is important to ensure that this is represented throughout all policies – not just those that cover direct interaction with students, such as your recruitment policies and processes for example.

PERSON-CENTRED PROCEDURE

Policy will often have very clear, detailed and explicit procedures, which can certainly have its benefits in the lack of ambiguity. However, consideration needs to be given to how having such rigid procedure might impact on marginalised people.

Instead, it can often be preferable to have a policy that centres individuals at its core. More details as to ways you can achieve this will be covered in the “Specific Policies” section.

IMPLEMENTATION AND CPD

Even perfectly written, inclusive policy is not enough to be effective alone. Consideration needs to be given to how it is cascaded, understood and implemented – particularly when significant changes are made.

Think about how new staff will be trained on enacting policy, and how to bring their knowledge of LGBT+ inclusive practice in line with what is required. Further, how might existing staff have their knowledge maintained and updated over time?



SPECIFIC POLICIES

Although it has been highlighted in the previous sections that this guide does not aim to be a comprehensive list of policies to update, there are certainly a few that stand out as being significantly impactful to LGBT+ people. Whilst you should certainly be considering other policies, those covered in this guide should provide a strong starting point.

LGBT+ AND/OR TRANSGENDER POLICY

Categorically, a specific LGBT+ policy, or specific trans(gender) policy, should not exist.

Several reasons for this are detailed across the “General Practice” section. Focus your attention on tweaking what already exists, in order to create LGBT+ inclusive versions of the policies listed below.

EQUALITY, DIVERSITY AND INCLUSION POLICY

Perhaps the most obvious place to start with any drive towards LGBT+ inclusion is with the policies that directly name inclusion.

As it is among your statutory requirements to set out equality objectives, you may wish to consider completing the Rainbow Flag Award as being one of them. When developing an Equality, Diversity and Inclusion policy, there are a variety of ways that you may wish to address issues – whether those be individual subheadings for various characteristics, or by a more general statement on commitments. Whatever the approach, it is important to explicitly name who the policy concerns somewhere in the document.

When devising lists, be sure to consider any hierarchy implied by the ordering of protected characteristics in the document. You may wish to list them alphabetically or make it clear that you are following the order the characteristics are presented in the Equality Act 2010, for example.

Linking such a policy to a good quality trans inclusion schools’ guidance toolkit will help your team navigate what they can and can’t do in regards to meeting the needs of trans students. The national “best practice” trans inclusion toolkit is pointed to via the “resources” section of the Rainbow Flag Award website. If you are unsure about which trans inclusion guidance to refer to, consult with your Rainbow Flag Award delivery organisation.

UNIFORM POLICY

School uniform can often be a daunting point of contention for LGBT+ young people, and especially those who may be trans. Fortunately, this is one of the easier points to resolve.

Simply ensure that your uniform policy doesn’t have a gender segregated list (i.e., “boy’s uniform” and “girl’s uniform”), and instead have a list of acceptable uniform clothing items that students can choose from. Not only does this make changing the uniform that one wears a somewhat easier task, it also ensures that non-binary young people are not forced into binary categories.

Make sure to have a uniform code that allows for multiple gender expressions (as many “girl’s uniform” sections may already do).



ANTI-BULLYING POLICY

When approaching bullying, it can often be tempting to develop a clear, one-size-fits-all procedure that all staff can understand and implement. However, this is often not appropriate and, as such, it is best to take a victim-led approach as far as is practical. Consider using a range of tools and approaches available – along with ensuring skilled facilitation of them.

As with mental health difficulties (detailed in the “Safeguarding” section), ensuring that LGBT+ young people feel safe to report any bullying that they may experience can be quite significantly linked to assurances of confidentiality. The automatic notification of parents can be off-putting or

potentially dangerous to LGBT+ students. This also extends to students who may “come out by proxy” and may experience LGBTphobic bullying as a result of that, particularly through having LGBT+ siblings or parents.

Whilst it may be known within the school that a young person is (or is assumed to be) LGBT+, this does not necessarily mean that it is known at home. Ensure that you account for this, and that reports of LGBTphobic bullying do not incidentally “out” students in such cases.

Recording

It may be good practice to include your recording mechanisms in this document, including specific mechanisms for LGBTphobic incidents – similar to other prejudice-based incidents. Make sure your staff training covers the “how” of this! How are you ensuring that all staff have a consistent approach to tackling all forms of prejudice-based bullying, including LGBTphobia, and that students also understand the process, expectations and consequences of behaviour?

It may also be prudent to include the reporting mechanisms that are available to both students and families here, forming part of the same monitoring networks, and influencing future inclusion work you need to undertake.

TOP TIP

Many schools take a universal “restorative justice” approach to dealing with bullying, encouraging a dialogue between victim and perpetrator to create understanding of the others’ point of view and resolve issues via this kind of dialogue.

Whilst this can have value, such as in harassment arising from personal disputes, this is not true of prejudice-based incidents. Having a victim of prejudice-based bullying be pushed into “understanding” why the offender felt that their behaviour and viewpoint was acceptable can be damaging, which may then contribute to under-reporting from students in minority groups.

Avoid having a one-size-fits-all approach.



TOP TIP

This is one policy that benefits from specific consideration within the “LGBT+” acronym. All too often in anti-bullying policies we see broad-brush reference to “homophobia” – does this adequately protect our trans young people?

Consider creating sub-categories of “prejudice-based bullying” in line with the Equality Act protected characteristics. This will help you track, and therefore tackle, any patterns of discriminatory incidents.

SAFEGUARDING POLICY

Safeguarding policies are of significant importance to any environment for young people and schools are no exception to this. However, the needs of LGBT+ young people are not always given full consideration, and so they must be very clearly represented in policy.

Identity Is Not a Concern

When a young person initially comes out as LGBT+, there can sometimes be an instinctive reaction to consider this identity through a safeguarding lens. However, this is not appropriate, as LGBT+ identity is not in itself a safeguarding issue. This is something that any safeguarding policy should stress and all staff should absolutely know.



This does not mean, however, that LGBT+ identity cannot be a risk factor. The immediate and prominent example of this that may come to mind is LGBTphobic bullying. Considering factors outside the school, it could be highlighted that LGBT+ young people are at heightened risk of abuse or homelessness should they have families or communities which are not accepting of their identity.

Mental Health

It is no secret that LGBT+ young people have poorer mental health outcomes than their non-LGBT+ peers, owing to a variety of factors, from lack of understanding to bullying and threat of abuse. Although it should not be encouraged to reinforce the statistics in this area with young people through your curriculum, it is important that staff are aware of the greater strain that LGBT+ young people are under with regards to mental health, so that they are able to effectively support, identify and prevent issues.

Any policy on safeguarding should reflect the additional needs that LGBT+ young people have from both support services the school uses and refers to, as well as the possibility that, in some cases, the involvement of parents or guardians could pose a safeguarding risk to young people. It also stands to reason that, LGBT+ young people may be reluctant to come forward if they suspect that contact may be made with parents or carers without their explicit consent.

It is important to note here that a student coming out as trans is not, in itself, a reason to make a referral to a mental health service, or any other service – this should only be done based on evidence of need outside of trans identity, or at the individual young person's request.

Also, make sure that individuals are familiar with the processes contained within your policy as far as possible – understanding precisely where the limits of confidentiality are can make a significant difference to LGBT+ young people choosing to report issues.

CURRICULUM POLICY

The curriculum is significantly impactful to the lives of LGBT+ young people, from the effect of “if you can see it, you can be it” supporting their personal exploration, or to having a greater understanding and acceptance fostered within their peers. This significance extends to young people with LGBT+ family members and indeed LGBT+ staff.

Inclusive Education

The Rainbow Flag Award requires you to teach about LGBT+ people and identities specifically, usually in PSHE as well as more generally, in an inclusive way across the wider curriculum. This will ensure that representation exists in day-to-day learning, supporting the usualisation of LGBT+ people and identities.



TOP TIP

Lessons which offer up LGBT+ inclusion or, specifically trans inclusion, as a topic of debate is not good practice as this gives credence to an idea that exclusion is a valid state for LGBT+ people. LGBT+ students exist in your classroom.

It would be significant in this case to highlight the importance of challenging stereotypes (including characteristics beyond LGBT+ identities). Equally (and indeed related to breaking down stereotypes), it is important to ensure that LGBT+ representation is intersectional – that is, are you including LGBT+ people from a variety of different cultural and religious backgrounds and age groups, as well as including those who have a disability?

Of course, if you need support with this, you can access ready-made lesson plans or get ideas from The Classroom resource, available on the Rainbow Flag Award website.

Raising awareness and increasing visibility of LGBT+ people and identities may leave your students with questions, or perhaps realisations. So, think about how your LGBT+ themed lessons signpost students to both your internal pastoral services and external LGBT+ youth services.

RELATIONSHIPS AND SEX EDUCATION (RE/RSE) POLICY

It is a legal requirement that schools have in place a policy for Relationships Education or Relationships and Sex Education (as appropriate to the school delivering primary and/or secondary education). As part of the new statutory guidance on these subjects, schools are also required to teach “LGBT content at a timely point”.

Although the statutory guidance is rather vague and open to interpretation, best practice is to tend towards early integration – usualising LGBT+ identities and avoiding any sort of othering through delivering “the gay lesson” as an isolated one-off event. You may wish to have procedures in place to ensure that visible diversity and integration of LGBT+ topics is maintained, such as with an annual curriculum audit.

It is also a legal requirement that schools make RE/RSE policies available and accessible free of charge. As such, this policy needs to be developed in a way that ensures that it is understandable and appears clearly justified to the wider community. This means that definitions must be given for particular terminology used in the document, clear points of contact for concern are defined, and the relevance to students

is made clear. Similarly, it may be useful to clearly state that the school has a legal responsibility to deliver this content, and that age-appropriateness is ensured throughout the various programmes. Good communication, with regards to this, can be important in achieving your “Supportive Governors and Parents” section award. Transparency and clarity is key here – do not obfuscate the fact that you are doing LGBT+ inclusive work, even if you are worried about parent responses; it is easier to address something that you have been open about.



SPORTS AND PHYSICAL EDUCATION POLICY

One of the most significant areas of worry for schools when dealing with LGBT+, and particularly trans, young people is sports participation. Equally, this is a huge point of concern for young people themselves, making it imperative to ensure that you are doing all you can to enable enthusiastic participation in sports, thus enabling greater health outcomes for all.

The topic of sport and P.E. deserves special consideration due to the traditional gendered framework into which it is often designed and delivered, and which is therefore exclusionary by its very nature. By far the easiest thing to implement in policy, is ensuring that a wide variety of physical activity is available, with students selecting the activity they would like to participate in, thereby avoiding traditional gendered stereotypes.

Where gendered provision or spaces are considered necessary, how to navigate this for individuals who might find themselves excluded, should be at the heart of any conversations with those individuals, thus avoiding a scenario where adults are making decisions on their behalf. In any case, making your staff team aware of, and linking them to, good quality trans inclusion schools' guidance (check with your Rainbow Flag Award delivery organisation), can help guide conversations around the topics of changing rooms and similar access to facilities. Individual sporting governing bodies can be consulted on the topic of trans inclusion in the event of activities entering the realm of being competitive as opposed to recreational.

INCLUSIVE POLICY CHECKLIST

With such a high volume of information on policy development, it can be difficult to determine if your policies meet the needs of LGBT+ people. Included here is a list of things that you should be looking at during policy development and reviews. It may be useful to consider these points particularly when carrying out Equality Impact Assessments.

Not every box will be relevant to every policy, and this is a more general overview. Use this only as a guideline and consider whether particular elements are necessary and appropriate in the context of each policy, and if additional considerations might be necessary.

THINGS TO ENSURE:

- 1 The policy clearly and properly aligns with the protected characteristics listed in the Equality Act 2010
- 2 LGBT+ inclusion is considered within the policy as a whole and not tacked on, looking like an afterthought
- 3 Inclusive language (where possible) is carefully considered:
 - “They” as opposed to “He/She”
 - “Child” as opposed to “Son/Daughter”
 - “Student/Pupil” as opposed to “Boy/Girl”
 - “LGBTphobia” as opposed to “homophobia” as a general term
 - Using “Transphobia” and “homo/biphobia” as a way of monitoring specific prejudice-based bullying
- 4 Where gendered spaces or interventions are considered necessary, the policy takes a positive approach to trans inclusion, centred around trans young peoples’ needs
- 5 The school has linked their policies to the best available trans inclusion schools’ guidance (check with your Rainbow Flag Award delivery organisation)



In some cases, gendered language in policy will be required, e.g., “Female Genital Mutilation”





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