



Merchant Taylors'  
School

# Gender Separation Policy

Revision and Terminology: Please refer to the School's Policies Policy.

|                                  |  |
|----------------------------------|--|
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## Merchant Taylors' School

### Introduction

#### 1. Background

- 1.1. Merchant Taylors', Crosby (which previously operated as Merchant Taylors', School) maintained separate, single sex girls' and boys' schools with different DfE numbers. In 2019, The Board of Governors ratified the decision to merge the Junior Girls (known at this point as Merchant Taylors' Primary School) and Junior Boys (known at this point as Merchant Taylors' Junior Boys) together to form one coeducational preparatory school. This process began in 2019 and is due to be completed by September 2023.
- 1.2. Since September 2022, the three schools of the Merchant Taylors' based in Crosby have been organised to reflect a Diamond Model of learning, with boys and girls taught co-educationally up to the end of Year 6 (Early Years Foundation Stage, Key Stage 1 and Key Stage 2), then in single-sex classes between Year 7-11 (Key Stages 3 and 4), with a co-educational Sixth Form (Key Stage 5). The Sixth Form will be become coeducational until September 2024. An application will be made in the Autumn term to the Department of Education to register Stanfield as a new school and henceforth we will operate the Schools under three DfE numbers until September 2024 as follows:

Stanfield Preparatory, Merchant Taylors'  
Senior Boys' 11-18 years  
Senior Girls' 11-18 years

- 1.1. Between Year 7-11, boys and girls at Merchant Taylors' have lessons taught to them separately, on different sites, and on different timetables with a common timetable timeframe. However, although they are taught separately, boys and girls in the Senior Schools receive co-education in the broader sense, via trips, Drama, Music, Outdoor Education, CCF, and Clubs and Societies.
- 1.2. Merchant Taylors', Crosby (School) is aware of a number of other independent and non-religious schools which use a similar structure.
- 1.3. The reason for the re-structure in 2022 was to reduce the segregation of the boys and girls in single sex schools whilst maintaining a school structure designed to maximise the academic achievement of boys and girls, the freedom of boys and girls to choose subjects in which they were interested and able (free from gender stereotypes), and to maximise the development of non-cognitive skills in boys and girls, in the context of the historic endowment of sites and buildings.

The School recognises the importance of boys' and girls' ability to interact socially with both their own gender and the other gender and the current structure was created to maximise this and to reduce segregation.



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1.4. The School considers that the aims of the 2022 re-structure have been achieved and continue to be achieved, and that to revert to separate single sex schools would be detrimental to the education, wellbeing, and development of pupils of both sexes. The purpose of this policy is to explain and justify the School's arrangements in this regard.

### 2. Terminology: "sex" and "gender"

2.1. The terms "sex" and "gender" are closely connected and are often used interchangeably, both in this Policy and also in the Guidance taken into account in the formulation of this Policy. For example, although the protected characteristic in the Equality Act 2010 is "sex", the phrase "gender separation" is frequently used to describe a situation such as the diamond model arrangement at the School whereby girls and boys are taught separately in Years 7 to 11.

2.2. In the context of admission to the Senior Schools, the starting point is a pupil's sex. However, a person's gender identity can correspond to or differ from the sex they were assigned at birth, and the School recognises that some members of the School community may be questioning their gender identity or consider themselves to be gender non-binary or agender.

### 3. Legal Context and Guidance

#### 3.1. Equality Act 2010

3.1.1. All schools, including independent schools, are required to meet the requirements of Part 6 of the Equality Act 2010 which states at section 85(2) that "the responsible body of ... a school must not discriminate against a pupil –

- (a) in the way it provides education for the pupil;
- (b) in the way it affords the pupil access to a benefit, facility or service; ....
- (d) by not affording the pupil access to a benefit, facility, or service; ...
- (f) by subjecting the pupil to any other detriment."

3.1.2.3.1.2 Two other provisions in the Equality Act 2010 are relevant:

- 3.1.2.1. Section 158 which is headed 'positive action' and, in summary, can justify any discrimination arising from gender separation.
- 3.1.2.2. Section 195 which makes a statutory exception in relation to single sex sports

#### 3.2. Education (Independent School Standards) Regulations 2014 (as amended)

3.2.1. As well as the School's duties flowing directly from the Equality Act 2010, as an independent school it is also required to comply with paragraph 3(j) of the Schedule to the Education (Independent School Standards) Regulations 2014 ("the ISSRs") which states that: "the standard in this paragraph is met if the proprietor ensures that the teaching at the school - ... (j) does not discriminate against pupils contrary to Part 6 of



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the Equality Act 2010.”

### 3.3. Case law

3.3.1. In the case of HM Chief Inspector of Education, Children's Services and Skills v the Interim Executive Board of Al-Hijrah School [2017] EWCA Civ 1426 the Court of Appeal found that the gender separation operated by the school in that case amounted to unlawful discrimination, not because of the mere fact of separation but because the impact that had on the quality of education in that case amounted to a detriment.

### 3.4. Guidance

3.4.1. The School has also taken into account the following guidance:

- 3.4.1.1. The Equality Act 2010 and Schools – DfE, 2014
- 3.4.1.2. Gender Separation in Mixed Schools – DfE, 2018
- 3.4.1.3. Independent School Standards Guidance – DfE, 2019
- 3.4.1.4. ISI Note on Gender separation in co-educational (mixed) schools – ISI, March 2022
- 3.4.1.5. Inspecting paragraph 3(j) of the Independent School Standards in mixed schools that separate pupils by gender – ISI, May 2022
- 3.4.1.6. 3.4.1.6 Equality and Human Rights Commission Technical Guidance for Schools – EHRC, 2014

3.4.2. None of this asserts that any gender separation is unlawful or requires any gender separation to cease. It provides guidance about relevant factors and the approach to be taken by ISI inspectors in this regard which includes requiring the School to explain clearly its policy on gender separation and its reasoning in support, which this document does. It takes account of all of the above guidance and law, including the following from the May 2022 ISI document in the above list:

“12. For the purposes of inspection, “teaching” may be construed widely as anything planned or provided by the school which may enhance the knowledge and skills of pupils. Therefore, the opportunity for female and male pupils to mingle socially or take part in co-curricular activities planned by the school and included as part of their school life, and by which they may learn about wider engagement and socialisation, will be scrutinised as part of the holistic evaluation of teaching under paragraph 3(j).”

3.4.3. Having considered all of the above law and guidance, and having taken appropriate legal advice, the School considers this Gender Separation Policy to be lawful, that it qualifies for the exemptions under Section 158 of the Equality Act 2010, and that it does not result in detriment to, or discrimination against, pupils of either sex. The Governors and Senior Leaders find that the structure of the School results in a better education for pupils of all sexes/genders, and indeed that it would be detrimental if it were to return to a structure of separate single sex schools for pupils in Years 7 to 11.



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### Policy Statement

#### 4. General Policy Statement

- 4.1. The School's Diamond Model of learning whereby pupils in Years 7 – 11 are taught academic lessons separately provides measurable benefits through positive action to advance equality, in particular in relation to these three areas:
  - 4.1.1. Maximising academic outcomes for boys and girls at the end of Year 11 ("positive action")
  - 4.1.2. Widening academic choices for both girls and boys in terms of subjects pursued at A-Level, ensuring representation is less biased by gender stereotypes than would otherwise be the case
  - 4.1.3. Promoting equality of opportunity for boys and girls, in part by ensuring different needs of boys and girls may be met more appropriately
- 4.2. Although academic lessons are delivered separately for Years 7 - 11, the School does not fulfil the criteria of "strict segregation", as there are many and varied opportunities for, and contexts within which, boys and girls in the Senior Schools mix regularly such as:
  - 4.2.1. Activities to generate academic curiosity, for example Academic Enrichment Societies, Academic Competitions, and university entrance preparation seminars e.g., Sophos; Speakers' Programmes, Careers events and opportunities
  - 4.2.2. Sport where this is appropriate and permitted by the relevant sport's governing body such as cricket and hockey. Even where girls and boys are required to compete separately, they train together where timetable and travel allows, for example in Athletics. Mixed gender opportunities are offered in activities such as rowing.
  - 4.2.3. Extra-curricular music and drama (with the exception of some of the choirs making provision for only girls' or boys' voices)
  - 4.2.4. Extra-curricular clubs and societies (although some may be single sex by virtue of up-take)
  - 4.2.5. CCF, Duke of Edinburgh and Outdoor Education
  - 4.2.6. Transport, Trips and Visits
- 4.3. In the Sixth Form, from September 2024, all lessons, houses, and extra-curricular activities, with the exception of those competitive sports in which it would be inappropriate or prohibited by the sport's governing body, are undertaken with girls and boys together. The



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exception in Sixth Form will be those PSHE/RSE sessions in which a particular subject area merits separation, for example in male or female genital health education, in which it might reasonably be anticipated that co-education could prevent or inhibit the asking of important questions by pupils, and questions which may reasonably be expected to differ between girls and boys.

During the transition period as the School seeks to establish the coeducational Sixth Form in September 2024, some of the lessons, house activities and extra-curricular activities, with the exception of those competitive sports in which it would be inappropriate or prohibited by the sport's governing body, are undertaken with girls and boys together. The same exceptions pertaining to PSHE/RSE sessions will apply as above.

### **5. Rationale for separation of pupils by gender in Years 7 – 11**

- 5.1. The School's Diamond model of learning which allows for separate academic teaching within the curriculum, and on different sites for pupils in Years 7-11, is to enable boys and girls to overcome any disadvantage in cognitive development accruing from being educated together. The disadvantage overcome in this instance is less favourable exam results of pupils taught in co-ed schools. Our pupils perform exceptionally well at GCSE following the curriculum being taught separately for Years 7-11.
- 5.2. At the same time, the Leadership notes a difference between the value-added scores of boys and girls. The School therefore monitors carefully differences in performance between the genders at GCSE and, where data suggests any positive action may remediate an identified disadvantage, applies gender-specific solutions to underperformance to achieve this. This has allowed specific and different interventions to be targeted at boys' and girls' groups to enhance their prospects at GCSE. These interventions have been measurably successful. Our positive action allows us to undertake different action plans for boys' and girls' exam preparation and teaching, and this is in place. Such differentiated strategy is, we believe, responsible for the overall picture.
- 5.3. The School's model enables us to provide differently for different needs, for example in terms of addressing the differences in MidYis averages scores observed for most year groups on entry, particularly in "skills". Our approach is also to encourage teaching staff to take different approaches in their KS3 and KS4 classes with girls and boys. The granularity, and repeated, nature of this difference in emphasis in academic lessons forms part of our strategy to maximise academic value added, minimise psychological ill health and improve representation.
- 5.4. Furthermore, we note different rates of incidence of mental health conditions, and polar biases in the School's data. This indicates that, on average, boys' and girls' populations demonstrate different probabilities of falling victim to psychological dysfunctions, or erroneous and mildly harmful ways of thinking. The School's tracking data appears to show that fewer pupils exhibit polar biases in Y7-11 than national norms for similar schools. This affirms that the structure of the School affords pupils better opportunities for pastoral care. Whilst simplifying, it is not an oversimplification to say that this evidence justifies the



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separation on the basis of positive action. The care of pupils is advantaged by the segregation of boys and girls during the academic time of each day. This data corroborates staff, pupil, and parent feedback.

- 5.5. Our model plays a role in widening representation – ensuring that subject choices at A Level are not gender stereotyped – therefore increasing opportunity to both boys and girls beyond these stereotypes.
- 5.6. While academic teaching is delivered separately on different sites, the School ensures that girls and boys interact in all extra-curricular pursuits (as above), including DofE, CCF, school trips (both residential and day), all school transport, festivals, and celebrations. This is effective in promoting healthy social interaction.
- 5.7. The School's evolving Gender Separation Audit document sets out in detail the research and evidence underpinning the School's Gender Separation Policy.

### **6. Proportionality of the gender separation**

- 6.1. In accordance with the ISI May 2022 Guidance, the School has considered whether the means by which the positive action is undertaken are proportionate, and whether the achievement of these ends may be achieved by other means which do not require the same level of segregation.
- 6.2. Prior to the move to the Diamond model of learning and the merger of the junior schools from 2019, the Senior schools operated as two completely separate schools. The current arrangements significantly reduce segregation when compared with the situation prior to these changes.
- 6.3. The School's Leadership and Governors have considered whether and how the School could provide an education which is even less segregated. However, the School occupies two senior sites approximately 10-12 minutes' walk apart, and our risk assessment indicates that it is neither practical nor reasonable for pupils in Year 7 -11 to need to cross from one campus to another during the school day without being supervised or escorted, such that pupils are not permitted to do this during the school day.
- 6.4. One co-educational alternative considered would require Years 7-8 (girls and boys) to occupy one site and Years 9-11 (girls and boys) to occupy another (but retaining single sex teaching in lessons). This might be possible in respect of the number of classrooms and other facilities. However, the need to provide resources which are appropriate to different schemes of work in respect of (for example) competitive sport would render the physical education scheme of work inoperable. There is also a mismatch in the numbers of pupils involved and the capacities of the respective sites. This model would also necessitate a significant proportion of pupils needing to walk between sites for specialist teaching, and other activities, which would not be safe unless directly supervised. Furthermore, under this model the interaction of boys and girls would be principally during unstructured and often not-directly-supervised break times. The School's assessment is that our ability to separate





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boys and girls during such unstructured time has been beneficial to their social development<sup>1</sup>; instead pupils interact with each other in the enterprises detailed in this Policy where they are in the presence of a responsible adult at all times.

6.5. The School notes a further possibility, of co-education both on sites and in lessons. However, this would mean that the positive action benefits in respect of reducing academic disadvantage, meeting different needs and widening academic choice would be lost, as well as the increase in risk to physical and social health set out above.

6.6. Therefore, the School's conclusion is that the practicable alternatives from Sept 2024 are:

6.6.1 Re-registration of the Stanfield Preparatory, Girls' and Boys' Senior as three separate schools – in which there would be two options:

6.6.1.1. The Boys School to have a co-educational Sixth Form, to which the girls have right of access – however under this model girls would suffer detriment, by virtue of having to enter space designated as 'boys', which we prefer to avoid (and which the new Sixth Form Centre currently under construction will ameliorate further).

6.6.1.2. A segregated Sixth Form – but this model contains the same disadvantage as outlined above, in respect of the total segregation of separate single sex schools, and in respect of the restricted academic choices which would be a consequence of fewer pupils in each subject.

6.6.2. Continuing with the implementation of the Diamond model, noting the reduced segregation this implies, and the greater opportunities to prepare all pupils effectively for life in contemporary British Society, than would exist in two single sex schools.

6.7. As stated above, the School judges that its current structure results in a better education for pupils of both sexes, and that to revert to separate single sex schools would be detrimental to the education, wellbeing, and development of pupils of both sexes.

## 7. Steps taken to ensure equality of provision

7.1. The School recognises that utilising Section 158 of the Equality Act 2010 to improve equality by taking positive action does not allow inequality of provision. Schools are required to ensure that provision is equal in quality and nature such that the remediation of disadvantage does not result in inequality of provision. The School acknowledges this risk, and actively takes steps to assess and monitor to ensure that equality of provision is maintained – some examples are:

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<sup>1</sup> Cf: Review of sexual abuse in schools and colleges - GOV.UK ([www.gov.uk](http://www.gov.uk)): "Given that children and young people talked in particular about sexual harassment happening in unsupervised spaces, such as in corridors between lessons, school leaders should identify where there might be 'hot-spots' of poor behaviour and act accordingly."



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### 7.2. Leadership and Management

All arrangements for lesson observations, appraisal, department budgeting and resourcing are equal in SMT meetings, where the Heads of Boys and Girls Schools are responsible for identifying and 'calling out' any bias or inequality in provision (each member of the SMT has a protected characteristic for which they are responsible) Management and Leadership scrutinise girls' and boy' results, reports and assessments and provide Parents' Evenings in identical fashion.

The Academic Director has an office on both sites to make them equally accessible to pupils and staff in both sections of the School. A Director of Teaching and Learning is based on each site to support the Academic Director.

Regular discussion of the School's provision for separate genders by the Executive Committee and by Governors

Gender integration is modelled at Leadership and Management level

### 7.3. Curriculum

We are moving toward having identical curriculums for girls and boys (with the exception of competitive sports, where there is a specific exception in section 195 of the Equality Act 2010. This process will be completed by September 2023.)

All academic options are available to both girls and boys, and the Curriculum Policy includes a clear procedure for the contingency in which an academic option became available at only at the boys' or girls' school as a result of the number of pupils opting for it

One set of Heads of Department across both sites

Academic competitions simultaneously open to both boys and girls

### 7.4. Teaching and teaching resources

Equal allocation of teachers, and quality of teaching and feedback

All teachers have the same training, professional development, Professional Development Review (PDR), induction

Each department works across the 11-18 age range Staff are not deployed as teachers of boys or teachers of girls – in 2022/23 xxx% of teachers teach both boys and girls The Library on each site has common reading schemes for boys and girls in Years 7-9

### 7.5. Physical accommodation

In light of the restructure of Merchant Taylors', Crosby, the School is now embarking on a



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programme of capital development to support the School's Estates Master Plan which will set out the facilities development over the next 20 years. This will result in a significant improvement in both the quality of building provision and the facilities available and has paid close attention the level and quality of facilities of boys and girls and will seek to move from a provision of equal quality to a provision of more similar environments on each site. The next major project is the Senior Boys' School site, in the form of a new building for Sixth formers. This, in turn, will allow the refurbishment of accommodation currently occupied by the Sixth form for Boys' School use.

In sport, while different curricula are followed for competitive sport, investment in facilities is carefully monitored so that access, opportunity, and development is even handed. This has been demonstrated most recently, by the Hall Road Development of the new sports pavilion.

The only other (than sport) area of different provision will be seen in boys' and girls' House Rooms, where provision is different where the demands of the pupils are different – i.e., in response to pupil voice. In boys' house rooms for example this may imply more provision of table football tables, and in girls' house rooms by the provision of more seating space. Work on this is ongoing but if the School determines that boys and girls should have house rooms of a substantially different nature (in addition to the divergence noted above for pupil voice reasons) this will take the form of positive action – i.e., providing different environments so that neither gender may be disadvantaged by poor behaviour where this is conditioned by their environment.

### 7.6. Management of pupils' access to shared areas and facilities

The main Sports Centre is on the Boys' Campus but is used by Girls. Likewise, Girls use facilities at the Girls' School such as the gym and tennis courts. The School has an architectural masterplan in place which sets out the School's plans for the next 20 years – it pays close attention to the level and quality of facilities of boys and girls and will seek to move from a provision of equal quality to a provision of more similar environments on each site

### 7.7 Seeking and listening to pupil voice and timeliness of response to identified needs

A Student Representative Council I meets half termly as a co-ed group chaired by the Heads of Boys and Girls School to review the day-day operational aspects of the School. The Executive Head will meet with the Council once a term to review the progress against the strategic aspects of the School.

Leadership Team currently meets with Y13 prefects in the Boys and Girls Schools each week. To manage the transition to a co-ed Sixth Form provision, the Leadership Team will meet with pupils in Years 10 and 11 on a regular basis throughout the year.

### 7.7. Culture and Ethos

The School has the same high educational expectations for boys and girls active tracking and monitoring of equal access



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Research, staff CPD and Middle Leader working parties RE looking into gender equality and a variety of approaches

### **8. Other contributory factors**

8.1. In addition to paragraph 3(j) of the ISSRs, the School takes steps in relation to other standards which are relevant to the context of evaluating provision in mixed schools which separate pupils by gender:

8.1.1. Through its Careers programme, the School provides accurate, up-to-date careers guidance for all pupils in Year 7 – 11, presented in an impartial manner enabling pupils to make informed choices about a broad range of career options and helping to encourage them to fulfil their potential (paragraph 2(e) of the ISSRs)

8.1.2. Through the School's broad-based curriculum in general terms, and specifically through the PSHE and RSE (Personal Development) programme, as well as through various extra-curricular activities, the School prepares all pupils for the opportunities, responsibilities and experiences of life in British society (paragraph 2(i) of the ISSRs) and actively promotes principles that encourage respect for other people, paying particular regard to the protected characteristics in the Equality Act 2010 (Paragraph 5(b)(vi) of the ISSRs).

### **9. Transgender issues**

9.1. In consultation with the School and their parents, a transgender pupil may transfer from Girls' School to Boys' School or vice versa, without having formally to leave and re-enter a separate school (as defined by the DfE number). The School will take a pupil-centred approach and work to enable the pupil to transfer schools at the moment that is in pupil's best interests; the pupil's needs and desires will be taken into account. The pupil will be able to move to identical schemes of work and programmes of study, from a boys' class to a girls' class, or vice versa, with no interruption in learning. The structure of the School ensures the Admissions Policy does not apply, and therefore that a year group will not be declared 'full', which could otherwise inhibit such a pupil move

### **10. Risk assessment and monitoring**

10.1. The School safeguards and promotes the welfare of all pupils through its assessment and management of risks, including risks arising from the Diamond structure and the implementation of the policy of gender separation for academic lessons for pupils in Years 7 – 11. The risk assessment is an addendum to the Gender Separation Audit. This includes risks of unintended consequences arising from the gender separation, and details of action taken to mitigate potential negative impacts such as the effect on pupils' chances to develop into socially confident individuals with their peers of the opposite gender.



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- 10.2. Pupil Voice is of key importance and pupils' opinions on the implementation and impact of the Gender Separation Policy are actively and regularly sought and considered by the Leadership Team.

### **11. Governance and Leadership Team oversight**

- 11.1. The School's structure and the impact of the Gender Separation Policy are regularly discussed by the School's Executive Committee and Senior Management Teams, and by Governors.
- 11.2. Where necessary, appropriate action is taken promptly to ensure equality of experience.
- 11.3. This Gender Separation Policy is reviewed annually by the School's Executive Committee and by the Governing Body