



GENDER IDENTITY POLICY

Rationale

- Schools must support and respect a child's choice to identify as their desired gender when this does not align with their designated sex at birth.
- Principals must respect privacy and confidentiality in relation to gender identity and intersex status.
- The young person and a family representative/carer must be invited to be part of the formulation of a school management plan.
- A letter from a gender identity specialist may be requested by the school to support them in developing the plan. This letter is not a conditional requirement for the school in providing support to the child, but it may help to ensure that schools can adequately discharge their duty of care to a student by planning appropriately. Gender identity specialists are available through Royal Children's Hospital and Monash Medical Centre.
- Gender identity has the potential for discriminatory and unfair treatment. Below are the definitions gender Identity and Intersex status outlined in the *Sex Discrimination Act 1984 (Cth)* (SD Act).

Purpose

- To ensure Footscray North Primary School supports children's gender identity, including those with intersex status, in line with both the *Victorian Equal Opportunity Act 2010 (Vic)* and the *Sex Discrimination Act 1984 (Cth)*.
- To ensure the school has strategies in place to support the Child Safe Standards 1 & 2.

Definitions

Gender identity has the potential for discriminatory and unfair treatment. Below are the definitions Gender Identity and Intersex status outlined in the *Sex Discrimination Act 1984 (Cth)* (SD Act).

Gender identity is broadly defined in the as meaning 'the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person (whether by way of medical intervention or not), with or without regard to the person's designated sex at birth'.

By this definition, the *Sex Discrimination Act* therefore affords protection from discrimination for persons who identify as men, women or also as neither male nor female. It does not matter what sex the person was assigned at birth, or whether the person has undergone any medical intervention. Some terms used to describe a person's gender identity include trans, transgender and gender diverse. The *Sex Discrimination Act* does not use these labels; however it is intended to cover these identities and more.

Intersex Status is defined by the *Sex Discrimination Act* as meaning 'the status of having physical, hormonal or genetic features that are:

- a) neither wholly female nor wholly male or
- b) a combination of female and male or
- c) neither female or male

This attribute is directed at protecting the 'biological' aspects or characteristics of intersex persons, but not the person's gender identity. These provisions will afford an intersex person protection from

discrimination based on whether that person may have the biological attributes of both sexes, or lack some of the biological attributes considered necessary to be defined as one or the other sex.

Implementation

- The wellbeing of all children is the school's highest priority.
- The Principal, with the student and parents/carers, will create a School Management Plan that ensures the school responds to the student's needs and addresses any facilities and privacy issues.

The Management Plan will:

- identify current supports that are in place and not automatically assume school-based wellbeing supports are required
- respond to students or parents/carers who identify a need, such as counselling support.
- It is important that the student understands they are a partner in a plan and actively follow the agreed decisions.

The School Management Plan will:

- cater to the student's gender identity
- reflect this policy
- take a common sense approach
- be developed over staggered sessions to allow time for trialing and opportunity for adjustments to occur
- consider the best timing to undertake any change of gender identity, such as term break
- consider implementing a Student Support Group to support, guide and monitor the student's progress see: [Department resources](#)
- agree to arrangements in relation to toilet facilities
- consider the wellbeing of other students in an addendum to the plan, in the event the student's transgender status becomes known and causes distress. This should include a student support referral process
- determine whether other staff members, such as a student welfare coordinator or the physical education teacher, need to be advised to support or teach the student
- list the names of staff members who know of the gender identity change
- identify processes to:
 - review the plan
 - inform others should it be decided necessary
 - address potential school community concerns
 - manage unforeseen circumstances

Important: The best way to protect a student's privacy and confidentiality is to minimise the number of staff required to know the student's transgender status. In most cases this is limited to the Principal. The school will not assume a staff member or the student's social network is aware.

- The arrangements for the use of toilet and other facilities will be made at school level and will be documented in the School Management Plan. Careful consideration should be given to the use of facilities that are appropriate to the child's preferred or chosen gender.
- Community members who knew the child before may need support, further information on gender identity and the opportunity to discuss issues in general with a senior staff member. Please note that adjustments typically occur as a matter of practice over time and include use of the child's new name and address appropriate to the preferred gender identity.
- The policy currently does not explicitly address situations in which a child and their parents/carers are not in agreement regarding the child's gender identity. There may arise circumstances in which a child wishes to change their gender identity without the consent of their parents/carers, and without consulting medical practitioners.
- If no agreement can be reached between the child and the parent/carer regarding the child's gender identity, or if the parent/carer will not consent to the contents of a School Management Plan, the school will consider whether the child is a mature minor enabling her/him to permissibly make decisions for themselves without parental consent.

- The Principal will need to be satisfied that the child has sufficient maturity, understanding and intelligence to make up their own mind about a particular issue (such as decision making around name change). This is a decision for the Principal and a written record will be kept regarding the decision, including consideration of whether the child understands the consequences that might flow from the relevant decision.
- Should the school consider that the child is a mature minor, in these circumstances it may not be appropriate for the child's family representative/carer to be invited to participate in formulating the School Management Plan.
- If parents/carers advise the school that they intend to change the child's birth certificate all school records will be updated with the new name and sex. A copy of the new birth certificate will be filed when available.
- When parents/carers approach the school about gender identity issues, they will be given a copy of this policy.
- For more information the school will refer to the resources available on the website below.
- Please also refer to the school's *Duty of Care Policy*, the *Parental Responsibilities (Decisions about Children) Policy*, the *Enrolment Policy*, *Information Privacy Policy* and the Child Safe Standards.

Evaluation

- This policy will be reviewed as part of the school's three-year review cycle or if guidelines change (latest DET update mid-October 2018).

This policy was ratified by School Council 25/3/2019

Reference:

www.education.vic.gov.au/school/principals/spag/participation/pages/gendersexuality.aspx