

Guide to supporting a student to affirm or transition gender identity at school.

What is gender identity?

Gender identity is broadly defined in the *Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013* 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'.

This law protects people from discrimination in regard to their gender identity. It does not matter what sex the person was assigned at birth, or whether the person has undergone any medical intervention. This includes people who identify as women, men or as neither male nor female. The terms people use to describe their gender identity may include transgender, gender non-binary or agender. Although the Sex Discrimination Act does not use these specific labels it is intended to cover these identities and more.

Aboriginal, Torres Strait Islander and South Sea Islander communities use various terminology to describe or identify a person assigned female or male at birth and identifying or living partly or fully as another gender. Some communities may use terms such as 'Sistergirl' or 'Brotherboy', or they may use alternative words relevant within local language. Use and spelling of the terms may vary across different groups and communities, and other cultures will use different terms to describe gender diversity. This guide also applies to supporting those students.

“ **The day that my friends at school said ‘she’ instead of ‘he’ and I could be myself was the best day of my life.** ”

— Jennifer, transgender female student

How this guide can help.

This guide is intended to help all schools to provide support for students who are taking steps to affirm a gender identity at school that is different from the sex that they were assigned at birth. This process is often referred to as gender transition or affirmation. This guide aims to help schools to develop active school processes that respond appropriately and positively to the student's needs, address privacy and safety concerns, and acknowledge the specific support needs of other students and staff. Many schools have managed this process in a seamless and supportive manner. The following steps may assist you to create a written management plan that reflects both the needs and desires of the student and the unique capacity of the whole school community.

Ensure a student led process.

The person who understands most about their gender transition or affirmation is the student themselves. It is crucial to the success of this process that they are included in every decision made and every action taken. Consideration should be given to the age and maturity of the student and whether it would be appropriate to involve the student's parent(s) or guardian(s) in each decision.

Assess the support given by a student's family members or carers, and think through the needs of any siblings, especially those attending the same school. If a student does not have family or carer support for the process, a decision to proceed should be made based on the school's duty of care for the student's wellbeing and their level of maturity to make decisions about their needs. It may be possible to consider a student a mature minor and able to make decisions without parental consent.

The Department for Education has developed the *Supporting same sex attracted, intersex and gender diverse students* policy and *Transgender and intersex student support* procedure. This policy and procedure outline school and preschool responsibilities and relevant processes for supporting all children and young people's equal opportunities to optimum learning and wellbeing outcomes, regardless of sexual orientation, intersex status or gender identity, in accordance with the legislative requirements of the *Equal Opportunity Act 1984* (SA) and the *Sex Discrimination Act 1984* (Cwlth).

The policy and procedure are mandatory and all Department for Education staff are required to adhere to the content. Although developed for Department for Education sites, the policy and procedure are utilised by many independent schools as guidelines to assist in the compliance of relevant legislation.

Both the policy and procedure can be accessed at www.education.sa.gov.au

01

Ensure student privacy.

Transgender and gender diverse students are entitled to the same confidentiality and privacy as any other student. There is no need for everyone in the school to know whether a student is transgender or gender diverse, particularly if they are new to the school. For the student, making decisions about what information is shared, with whom and when, is crucial to their health and wellbeing¹.

All decisions about sharing information should be made with their explicit consent (or parental consent for students unable to give explicit consent). Disclosure to other students, staff, families or other third parties without informed consent may violate obligations under Information Privacy Principles.

02

Establish a support team.

It is important to work with the student to identify a core group of staff, family members or carers to be involved in planning discussions and to act as a support team throughout the process. It is a good idea to involve leadership and wellbeing staff; however, students may like to involve other teaching staff that they have a good relationship with. The names, roles and responsibilities of the support team can be recorded in your written management plan.

03

Establish timeframes.

It is important to work with the student to settle on a suitable date for the various changes to occur. Most children and young people will have a clear idea about the most appropriate time for the transition to occur: this may be at the beginning of a new school term or year. It may be critical to some children and young people's health and wellbeing to make changes as soon as it is possible and safe to do so. While information about their gender identity may be new for you, the student may have been sure of their gender identity for a long time and may be very prepared to affirm their gender. The confirmed date will signify when all of the transition details outlined in the support plan will take place.

04**Use correct identity, names and pronouns.**

Many transitions will involve the use of a new name and pronouns (he, she, they, etc.)¹ and it is crucial that the whole school makes an effort to get this right. These changes should be recorded in the written management plan and the new name and gender updated on school records prior to the transition date. The preferred name should be recorded as part of the school management procedure and be used by staff and students regardless of enrolment information. Where appropriate, all staff should be briefed on a new name and pronouns before the transition date, and make a commitment to adhere to these changes. Mistakes are OK if the commitment and respectful intention to get pronouns and names correct are still there! Simple apologies and corrections are part of the adjustment process.

05**Toilets and changing rooms.**

Transgender and gender diverse students are able to have the choice to access toilets/change rooms that match their gender identity. It is important to discuss with the student the options available in an open way that does not put pressure on their decisions. As part of the written plan, confirm the toilets, changing rooms, showers, and swimming facilities based on the student's gender identity and the facilities they will feel most comfortable using. Schools can also consider providing gender-neutral toilet options, which should be accessible to any student who wishes to use them and will help to establish a more inclusive environment for transgender and gender diverse students. There is no requirement to use a unisex or accessible toilet or changing room unless a student makes an active choice to do so.

06**School uniforms and dress codes.**

Confirm the appropriate uniform that matches the gender identity of the student and adheres to your school dress or uniform code. It could be timely for the school to consider how inclusive your current dress code or uniform policy is and whether it could be updated. For students affirming an identity that is neither male nor female, provisions could be considered by the school for the student to wear elements of the uniform they feel most comfortable with.

07**School sports and physical education.**

It is vital that transgender and gender diverse students are able to continue participating in Physical Education and school sports. While it is possible to lawfully discriminate on the basis of sex and/or gender identity in single sex competitions if strength, stamina or physique is relevant, it is critical to note that this does not mean that you have to segregate on the basis of sex or gender identity. The focus needs to be on whether the student wants to participate and how this can be made possible. Consider the fact that all students have physical differences (height and weight) and that this has not been a preventative factor in their ability to participate equally in sport.

08**School camps and events.**

It is important to discuss with the student the options available. As with access to toilet and change room facilities, the ideal situation will be for a student to access sleeping quarters that correspond to the student's gender identity if they choose. If this is not possible, then private or separate sleeping quarters can be considered. In order to not isolate the student sharing sleeping quarters with friends needs to be considered an option.

09**School documents and records.**

It is necessary to update all school records to reflect the student's preferred name, gender identity and gender marker. For public schools in South Australia, these changes can be made simply on EDSAS. This name and gender should be considered their real ones. If, after transition, a student receives documentation with their old name and/or gender marker, it can cause significant distress. All attempts should be made to ensure that these situations do not occur.

10

Support school staff.

It is important to create opportunities to educate staff through professional learning and briefings on the arrangements for the student where appropriate. Training sessions provide an introduction to supporting gender diversity and transgender students, while tailored support is available to staff on addressing the needs of individual students. Both are available to any school on request. It is integral that you get explicit consent from the student and/or parent(s) or guardian(s) on all content that refers to their personal experiences and wishes.

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Support other students.

You may decide to prepare and educate students through discussions with those who may have known the student prior to transition. These discussions should be based on the decisions of the student and can involve year level groups, house groups, form groups, student leadership teams, or groups of individuals selected by the student. Safe Schools can provide support to individual teachers to help plan and facilitate these discussions.

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Prepare for community responses.

The school leadership team should be prepared to respond to questions or concerns from parents or members of the broader school community. This can be as simple as affirming the facts of the situation and policy that applies while maintaining the confidentiality of the student and their family. For example, if someone asks why a student is wearing a girl's uniform you can explain that the student is a girl and that you want her to feel as comfortable as possible at school. Safe Schools can assist you to develop some affirmative messages to share with all staff to ensure that they are confident to respond to potential concerns across the school community in a consistent and positive way.

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Update school policies.

Update your school policies to include support for gender diverse and transgender students. Use the experiences of supporting an individual student to inform future provisions made available to other transgender or gender diverse students. Consider how to create teaching and learning materials, anti-bullying procedures, and diversity policy that include transgender and gender diverse students, teachers and families. Some state and territory departments of education have policies or guidelines relating to supporting transgender and gender diverse students in school. Policies help schools significantly reduce violence and wellbeing risks for LGBTI people².

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Create a safety plan.

Create a safety plan that identifies supports that are currently in place and clear processes to deal with any discriminatory or bullying behaviour that the student may experience. Organise regular opportunities for the student to report on their experience post-transition; this could be as simple as having a weekly appointment with a trusted staff member to check in on anything negative or positive that has been going on at school.

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Take a whole school approach to including gender diversity, intersex and sexual diversity.

Write down all your decisions and identify processes to review the written management plan to ensure the student is continuing to receive appropriate support and is engaged and happy at school. Contact the Department for Education or SHINE SA if you require further support.

¹ Smith, E., Jones, T., Ward, R., Dixon, J., Mitchell, A., & Hillier, L. (2014). From Blues to Rainbows: The mental health and well-being of gender diverse and transgender young people in Australia. Melbourne: ARCSHS La Trobe University.

² Jones, T. (2015). Policy and Gay, Lesbian, Bisexual, Transgender and Intersex Students. Cham, Heidelberg, New York, Dordrecht and London: Springer.