

GENDER IDENTITY POLICY

PURPOSE

The purpose of this policy is to ensure Seaholme Primary School supports students' 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)*.

SCOPE

This policy applies to staff, and students, at Seaholme Primary School including:

- education (teaching and learning, enrolment, student management, student services, curriculum development and delivery)
- the provision of goods and services (extracurricular activities, camps, excursions, parent–teacher interviews, access to facilities, school events outside school hours)
- school sport
- employment at the school (recruitment, allocation of duties, employment conditions, access to benefits such as training, promotion and leave).

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).

Definition

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.

POLICY IMPLEMENTATION

Seaholme Primary School will:

- Support and respect a staff member or student's choice to identify as their desired gender when this does not align with their designated sex at birth

GENDER IDENTITY POLICY

- Respect privacy and confidentiality in relation to gender identity and intersex status.

For Students

- Ensure the young person and a family representative/ carer will be invited to be part of the formulation of a School Management Plan.
- Request a letter from a gender identity specialist to support staff in developing the plan. This letter is not a conditional requirement for the school in providing support to the student, but it may help to ensure that the school can adequately discharge its duty of care to a student by planning appropriately. Gender identity specialists are available through Royal Children's Hospital and Monash Medical Centre.
- Identify current supports that are in place and not automatically assume school-based wellbeing supports are required and respond to students or parents/guardians who identify a need, such as counselling support.

School Management Plan

It is important that the student understands they are a partner in a plan and actively follow the agreed decisions. The school, with the student and parents/guardians will create a School Management Plan that ensures the school responds to the student's needs and addresses any facilities and privacy issues.

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 (SSG) to support, guide and monitor the student's progress
- 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 will be limited to the Principal. Do not assume a staff member or the student's social network is aware.

Other Considerations

- Community members who knew the student 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 student's new name and address appropriate to the preferred gender identity.

GENDER IDENTITY POLICY

- The policy currently does not explicitly address situations in which a student and their parents are not in agreement regarding the student's gender identity. There may arise circumstances in which students wish to change their gender identity without the consent of their parents, and without consulting medical practitioners.
- If no agreement can be reached between the student and the parent regarding the student's gender identity, or if the parent will not consent to the contents of a Student Management Plan, the school will need to consider whether the student is a mature minor enabling the student to permissibly make decisions for themselves without parental consent.
- The Principal will need to be satisfied that the student 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 student understands the consequences that might flow from the relevant decision.
- Should the school consider that the student is a mature minor, in these circumstances it may not be appropriate for the student's family representative/carer to be invited to participate in formulating the School Management Plan.
- If parents/guardians advise the school that they intend to change the student'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/guardians approach the school about gender identity issues, they will be given a copy of this policy.
- Please also refer to the school's *Child Safe Policy*, *Duty of Care Policy*, the DET [Enrolment](#) and [Privacy](#) Policies.

FURTHER INFORMATION AND RESOURCES

Related school policies

- Inclusion & Diversity Policy
- Student Engagement and Wellbeing Policy
- Behaviour Management Policy
- Duty of Care Policy
- Bullying and Harassment Policy

Other Resources and References

- [Inclusive Education](#)
- [Safe Schools](#)
- [Supports and Services](#)
- DET [Work Place Bullying Policy](#)
- DET [Enrolment](#) Policy
- DET [Privacy](#) Policy
- Equal Opportunity Act 2010 (Vic)
- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Disability Discrimination Act 1992 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Age Discrimination Act 2004 (Cth)

GENDER IDENTITY POLICY

EVALUATION AND REVIEW

This policy will be reviewed in response to any incident, as part of the school's review cycle and/or if there are changes in legislation, policy or local circumstances.