

Gender diverse and intersex children and young people support procedure

This is a mandated procedure under the department's operational policy framework. Any edits to this procedure must follow the process outlined on the [creating, updating and deleting operational policies](#) page.

Overview

This procedure outlines the Department for Education's (the department) processes to support gender diverse and intersex children and young people in accordance with the department's work directly with children and young people. It also includes family day care educators and respite care program care providers.

A note on language

When we say 'you' or 'your' we mean setting staff in primary schools and combined schools.

When we say 'parent' we mean parent or guardian.

It is important to read the [definitions](#) before reading the [detail](#)

_____ in this procedure.



Contents

Detail

The department is committed to providing a safe and supportive learning environment where every child and young person is respected and diversity is valued. This procedure supports staff to create an inclusive learning environment where intersex and gender diverse children and young people know they belong.

It provides guidance for the support of gender diverse children and young people, some of whom might want to affirm a gender identity that is different from their assigned gender at birth. This process is often referred to as gender transition, gender affirmation or social transition.

The procedure also provides information to help staff support children and young people with intersex variations if required.

The procedure outlines the specific arrangements that can be made to create an inclusive and safe education environment for these children and young people. It does not cover every possible situation. The diversity of children and young people, and their families and the local contexts of each learning setting will impact how you put the procedure in place. The needs of a child or young person must be assessed on an individual basis, taking into consideration each child or young person's circumstances.

Promoting an inclusive environment

A whole-setting commitment to inclusion of gender diverse and intersex children and young people is important. Inclusive practices focus on the dignity of all children and young people, respect for differences, and rejection of all forms of bullying, stigmatisation and discrimination.

Local bullying prevention policies and procedures must address specific types of discrimination and bullying that can particularly affect children and young people who experience marginalisation. Transphobic and interphobic behaviour are specific types of discrimination that gender diverse and intersex children and young people might experience. Deliberate or repeated use of names and pronouns not identified with by a child or young person is known as misgendering. These types of behaviour could be in breach of discrimination laws.

An inclusive approach recognises that support for gender diverse and intersex children and young people must be:

- x child-centred and led
- x family inclusive
- x culturally sensitive.

Support process for children and young people who are intersex

For some children, an intersex variation is identified early and the child is assigned a sex based on medical advice to the parents. In these circumstances, the child and their parents are able to identify any arrangements needed so the child is safe and supported.

what is in the best interests of the child or young person. The primary consideration is the safety and wellbeing of the child or young person within the learning setting. You must be guided by your [duty of care \(PDF 182KB\)](#) (staff login required) obligations.

In this situation, the site leader should:

- x try to negotiate actions the setting can take to support the child that might be acceptable to the parents and their child in the short term
- x review and update this arrangement at an agreed time.

There will be some situations where it is not possible to reach agreement between the child and their parents about their gender affirmation.

If the site leader determines that supporting gender affirmation is in a child or young person's best interest, this procedure must be followed to make support arrangements for them.

For older children and young people, a leader's determination should be guided by the child or young person's capacity to make an informed decision to affirm their gender. A child or young person has this capacity when they demonstrate they understand:

- x what gender diversity means for them
- x the benefits and the challenges of different actions to affirm their gender
- x the long-term impact their affirmation might have for them, for example, the impact on family, peer relationships and schooling.

When a site leader determines that the child or young person has the capacity to make this decision, they must document their reasoning. This must be kept securely on file.

Parents or guardians must always be informed about the arrangements that have been made to support their child. It is important to explain to parents that ensuring their child's safety and wellbeing is the primary concern and obligation.

Try to keep the conversation going with parents. The aim is to support their relationship with their child.

If you need further advice on responding to situations where parents are not supportive, contact the Engagement and Wellbeing Directorate.

A child or young person's concerns about informing their parent

Sometimes a child or young person might not want their parents to know about their gender diversity. If this happens, the site leader should:

- x sensitively ask about the child or young person's concerns about informing their parents
- x access all relevant information about the family situation of the child or young person including any known child protection or safety concerns
- x discuss with the child or young person ways that their concerns about informing their parent could be addressed with support from their setting
- x use this information to decide whether there are serious and legitimate reasons (such as safety concerns) not to inform a child or young person's parents.

status or gender identity must only be disclosed in accordance with section 14 of the **Education and Children's Services Act 2019**, the [Information Privacy Principles \(IPPS\) Instruction](#) and the [Information Sharing Guidelines \(ISG\)](#).

To fulfill your mandatory reporting obligations under the **Children and Young Persons (Safety) Act 2017** might need to disclose personal information about a child or young person, including their intersex status or gender diversity, if you

x all principals and

- x taking all support actions and implementing all support arrangements for which a gender affirmation plan records they are responsible
- x taking responsibility for learning about gender diversity and intersex variation
- x responding to and challenging all forms of interphobic and transphobic language and behaviour, in line with the school's local bullying prevention policy
- x promoting the use of inclusive and non-gendered language within the setting.

Student Support Services

Student Support Services are responsible for supporting staff to implement this procedure. This includes assisting with the referral of children, young people and families to appropriate support services where possible and as required.

Definitions

assigned gender at birth

An infant is assigned a sex at birth determined by the visible sex characteristics. At the same time an infant is assigned the gender that corresponds to their sex assignment. A child is identified and nurtured in this gender, but the assigned gender does not always match a person's innate gender identity.

best interest of a child

Consideration of the long-term and short-term welfare concerns for a child or young person, such as their academic, social and emotional needs, aspirations and abilities.

carer

Carers are approved carers as defined by section 16 of the [Children and Young People \(Safety\) Act 2017](#).

Carers can also include [Aboriginal kinship carers](#).

EDSAS

The Education Department School Administration System (EDSAS) is the mandated electronic database provided to all department schools and contains student information.

gender

A term used to describe a characteristic of a person. Gender can be classified as female, male, trans, non-binary or agender. Gender may or may not correspond to a person's sex assigned at birth.

gender affirmation/gender transition

The actions a gender diverse person takes to affirm their gender identity that is different to -0.001b.7 (t)7.2 (o)-(e)0.7 (nd

intersex

Intersex people have sex characteristics (hormonal, genetic and reproductive) that don't fit medical and social norms for female or male bodies.

Intersex variations are natural manifestations of human bodily diversity. These variations can be identified prenatally, at birth, at puberty, when trying to conceive, or through random discovery. There are at least 40 known intersex variations.

sex assigned at birth

When a baby is born, they are assigned a sex which is usually based on visible physical sex characteristics. This may be male, female or intersex.

For intersex people a female or male assignment does not adequately describe their sex physiology, as their hormone, genetic and reproductive characteristics vary from defined female and male characteristics.

Sistergirls and Brotherboys

Terms used by some Aboriginal and Torres Strait Islander communities to describe a person assigned male or female at birth and identifying or living partly or fully as another gender. Use and spelling of the terms may vary across different groups and communities.

site leader

The person who has the ultimate responsibility for the implementation of policy, procedure and practices in the education or care setting.

social transitioning

A number of changes that can be made in a gender diverse person's social life and situation to affirm their gender identity, including:

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Revision record

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Contact

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