

# Supporting gender diverse, intersex and sexually diverse children and young people policy

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

## Overview

This policy outlines the responsibilities of the Department for Education's (the department) corporate, schools, preschool, school and care settings for supporting all children and young people to have equal opportunities for the best learning and wellbeing outcomes, regardless of gender diversity and identity, intersex status or sexual diversity. This policy should be read together with the [gender diverse and intersex children and young people support procedure \(PDF 246KB\)](#)

This policy aims to ensure that

- x all children and young people receive a quality education in a safe, supportive, and inclusive environment, free from discrimination, bullying and harassment regardless of intersex status, sexual orientation, gender identity or gender expression
- x all staff understand and meet their obligations to protect the above entitlement
- x the department complies with legislative requirements under the:
  - o [Equal Opportunity Act 1984 \(SA\)](#) as amended by the [Statutes Amendment \(Gender Identity and Equity\) Act 2016 \(SA\)](#)
  - o [Sex Discrimination Act 1984 \(Cth\)](#) as amended by the [Sex Discrimination Amendment \(Sexual Orientation, Gender Identity And Intersex Status\) Act 2013 \(Cth\)](#) and as outlined at [related legislation](#)

## Scope

This policy applies to all staff working in department preschools, schools, care settings, and corporate offices. This includes family day care educators and respite care program care providers.



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x [DPC PC012-Information Privacy Principles \(IPPs\) Instruction](#)

Establishes obligations for the collection, storage and disclosure of personal information collected by Government agencies. It also gives an individual rights to access and amend their personal information.

x [DPC Information Sharing Guidelines for Promoting Safety and Wellbeing \(ISG\)](#)

Provides a statewide approach to appropriate information sharing practice wherever there are threats to safety and wellbeing of children and young people.

x [Information sharing guidelines for promoting safety and wellbeing procedure \(PDF 875KB\)](#)

This guideline explains how the ISG is to be applied in the department context. The guideline ensures that department staff:

- o follow the ISG decision making steps when sharing and seeking information to promote and protect children's safety
- o ensure a child's right to safety is paramount in guiding actions and is not overridden by other considerations such as privacy or confidentiality
- o share information about 'at risk' parents or carers

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x [Belonging, Being & Becoming: Early Years Learning Framework \(PDF 24.9MB\)](#)

'Inclusion: involves taking into account all children's social, cultural and linguistic diversity (including learning styles, abilities, disabilities, gender, family circumstances and geographic location) in curriculum decision-making processes. The intent is to ensure that all children's experiences are recognised and valued. The intent is also to ensure that all children have equitable access to resources and participation, and opportunities to demonstrate their learning and to value difference.'

x [My Time Our Place: Framework for School Age Care \(PDF 27.1MB\)](#)

'Children learn about themselves and construct their own identity within the context of their families and communities. During childhood the sense of self identity becomes more complex and multifaceted as children have more varied interactions and experiences in the broader community. As children get older they are able to differentiate a 0 -1.342r cet o6.1 (o)-3.120tohDe (y)64 Tc -(io)-8.59





reasonably necessary to prevent or lessen a serious threat to the life, health, or safety of the child or young person.

Disclosure by staff without informed consent may breach privacy principles under the Information Privacy Act. The decision to disclose a child or young person's confidential information should be informed by care (PDF 182KB) (staff login required) obligations and be a

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The Education Director will support staff to implement the policy and will respond to concerns raised by the education and/or care community and department staff in relation to the policy.

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# Staff

All staff are responsible for:

- x being familiar with this policy and the [gender diverse and intersex children and young people support procedure \(PDF 246KB\)](#)
- x complying with this policy and modelling appropriate and professional conduct at all times
- x responding to and challenging all forms of homophobic, interphobic, transphobic and biphobic language and behaviour
- x responding to requests for support from a child or young person or their parents or carers in with this policy and the [gender diverse and intersex children and young people support procedure \(PDF 246KB\)](#)
- x ensuring positive representation of gender diversity, intersex and sexual diversity across all areas of the curriculum
- x promoting the use of inclusive and non-gendered language within the education or early childhood service setting

# Student Support Services

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

# Definitions



## gender diverse

A broad term that can refer to all forms of gender identity and gender expression and includes people who may identify as for example trans, transgender, gender queer or gender questioning. It refers to people whose gender expression or identity differs from the gender identity associated with the sex assigned them at birth or society's expectations. The person may identify as neither male nor female, or as both.

## gender dysphoria

A term used to refer to distress or discomfort that may occur when a person's biological sex and gender identity do not align.

## gender expression

A person's gender expression is the outward signs they present to the world around them. This could include their choice of name and preferred pronoun (which may include using no pronoun), their style of dress and appearance and/or their mannerisms.

## gender identity

Refers to a person's strongly held internal sense of self, of being masculine or feminine, or both or neither. Gender identity does not necessarily relate to the sex a person is assigned at birth.

## informed consent

Permission an individual gives to information sharing, either implied or explicit, after they have demonstrated that they understand the purpose of the request and the likely outcomes of consenting.

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# intersex

An umbrella term for people born with sex characteristics that do not fit medical norms for female or male bodies.

Intersex variations are natural manifestations of human bodily diversity and include a wide range of hormonal, genetic and gonadal differences that may be diagnosed prenatally, at birth, at puberty, when trying to conceive, or through random discovery.

Being intersex is not about gender identity and most intersex people identify as women or men. Some

## phobia

As in transphobia, interphobia, homophobia and biphobia, the fear, intolerance, and/or discrimination of people who identify as:

- x intersex (interphobia)
- x same-sex attracted (homophobia)
- x transgender, gender diverse or gender nonconforming (transphobia)
- x bisexual (biphobia).

These attitudes can be linked with hostility, verbal and physical abuse, prejudice or discrimination.

## same-sex attracted

People who experience feelings of sexual and emotional attraction to others of the same sex. This term includes people who may identify as lesbian, gay, bisexual or something else, or who are questioning their sexuality.

## sexual diversity

A diverse range of sexualities, identities, and romantic or sexual attractions. This term includes those who may identify as same-sex attracted, lesbian, gay and bisexual.

## sexual orientation

Refers to a person's emotional and/or sexual attraction to another person, which can include the following identities: heterosexual, gay, lesbian, bisexual or something else.

## 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, and other cultures will use different terms to describe gender diversity.

## site leader

The person who has ultimate responsibility for the welfare of children and young people attending that education or early childhood service, for example, the principal, director, manager or family day care educator supported by their coordinator, or their delegate.





## Related legislation

[Births, Deaths and Marriages Registration Act 1996 \(SA\)](#)

[Children and Young People \(Safety\) Act 2017 \(SA\)](#)

[Children and Young People \(Safety\) Regulations 2017 \(SA\)](#)

[Education and Early Childhood Services \(Registration and Standards\) Act 2011](#)

[Equal Opportunity Act 1984 \(SA\) amended by the Statutes Amendment \(Gender Identity and Equity\) Act 2016 \(SA\)](#)

[Sex Discrimination Act 1984 \(Cth\) amended by the Sex Discrimination Amendment \(Sexual Orientation, Gender Identity And Intersex Status\) Act 2013 \(Cth\)](#)

## Related policies

[Access to legal services across the department procedure \(PDF 170KB\) \(staff login required\)](#)

[Australian Student Wellbeing Framework](#)

[Behaviour support policy \(PDF 165KB\)](#)

[Belonging, Being & Becoming: Early Years Learning Framework \(PDF 24.9MB\)](#)

[Curriculum, pedagogy, assessment and reporting: early childhood services to year 12 policy \(PDF 792KB\)](#)

[Duty of care to children and young people policy \(PDF 182KB\)](#)

[DPC PC012 Information Privacy Principles \(IPPs\) Instruction](#)

[Gender diverse and intersex children and young people support procedure \(PDF 246KB\)](#)

[Information Sharing Guidelines for Promoting Safety and Wellbeing \(ISG\)](#)

[Information sharing guidelines for promoting safety and wellbeing procedure \(PDF 875KB\)](#)

[National Quality Framework and Standard](#)

[Safeguarding children and young people \(PDF 826KB\)](#)



