



TRANS, GENDER VARIANT AND INTERSEX STUDENTS IN SCHOOLS PROCEDURES

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MINISTRY FOR EDUCATION AND EMPLOYMENT

TRANS, GENDER VARIANT AND INTERSEX STUDENTS IN SCHOOLS

PRODEDURES





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01

OBJECTIVES OF THE PROCEDURES

- / To facilitate the implementation of the policy among the various stakeholders.
- / To provide a uniform way of tackling issues.
- / To ensure a safe and supportive school environment where schools understand and cater for the different potentials and needs of trans, gender variant and intersex students.

For more inclusive procedures, the use of 'they' shall be used for all genders even when referring to a single individual.

02

WHEN SCHOOL SUPPORT STAFF IS APPROACHED BY A STUDENT OR PARENT REGARDING A CHANGE IN GENDER IDENTITY

All students including trans, gender variant and intersex students have the right to discuss and express their gender identity and expression openly and to decide with whom, when and how much private information to share. The school is to provide an accepting and respectful environment at all times. Furthermore, students and parents may also seek the support and intervention of community based organisations who may advocate on their behalf.

When such disclosure takes place, the adult in whom the student confides is to be empathic and immediately lead the student to seek help from school professionals. If approached, the School Support Staff (when this is age appropriate) would discuss with the student how they wish the school to support them, whilst being particularly sensitive with regard to the involvement of parents. Should the student wish school support, the Head of School, together with the student and parents, and other care professionals involved in the case, creates a school support management plan that ensures the school responds to the student's needs. It is important that the student, depending on their age and maturity, understands that they are a partner in a plan and actively follow the agreed decisions.

The School Support Management Plan should:

1. Reflect this policy.
2. Include psychological services, which are to be extended to the family if and when necessary.
3. Take a common sense approach that allows for flexibility based on the needs and circumstances of each individual case.
4. Identify ways to support, guide and monitor the student's progress.
5. Agree to arrangements in relation to gender specific facilities such as toilets and changing rooms.
6. Consider the wellbeing of other students in an addendum to the plan, in the event the student's trans or gender variant identity, or intersex status becomes known and causes distress. This should include a student support referral process.
7. Respond to students or parents who themselves identify a need, such as counselling support or referral to community organisations.
8. Determine whether other staff members, (such as school guidance teacher, counsellor, social worker, PSD teacher or PE teacher), need to be advised to support or teach the student.
9. Identify processes to:
 - review the plan with timeframes;
 - inform others should it be decided necessary;
 - address potential school community concerns.

In situations when the student's needs are not in accordance with the wishes of the parents and when the latter are hostile to the student or their needs, the school professionals must first attempt to mediate between the student and the family. If this fails and it becomes evident that the student's needs and/or rights are causing distress to the child, child protection services are to be introduced.

03

STUDENT TRANSITION

Schools have a unique and powerful opportunity to support trans, gender variant or intersex students, including those going through a gender transition, while providing education to the entire school community. It is not unusual for a child's desire to transition to first surface at school.

In order to maintain privacy and confidentiality regarding their transition and gender identity, trans, gender variant or intersex students may wish, but are not required, to transition over the summer break or after the Christmas or Easter holidays.

Should the student and their parents decide to proceed with the transition, the school must facilitate the process by developing a Student Transition Management Plan.

The Student Transition Management Plan should:

1. continue to offer psychological support all throughout each stage of the transition as necessary;
2. consider the best timing to undertake any change of gender identity.

When an application is filed in court the school, in agreement with the parents and the student, should not wait for the Court to pronounce a decision in order to start the transition process but should meet the wishes of the student as expressed through the parents.

NAME AND PRONOUN

The student is to be addressed with their preferred name and pronoun congruent with their gender identity once the application in Court has been filed.

DRESS CODE

During the period of transition the student may wear garments congruent with their gender identity within the school dress code policy. School Staff should not enforce a stricter dress code against trans, gender variant or intersex students than that of other students.

PRIVACY AND CONFIDENTIALITY

The best way to protect a student's privacy and confidentiality is to minimise the number of people who require to know the student's trans or gender variant identity, or intersex status. It is not to be assumed that a staff member or the student's social network is aware of the situation the student is experiencing.

When the student changing gender identity stays at the same school, school community members who knew the student before may need psychosocial support in dealing with the transition and to address any concerns.

ACCESS TO GENDER-SPECIFIC ACTIVITIES AND AREAS

With respect to all toilets or changing facilities, students shall have access to facilities that correspond to their gender identity. Schools may maintain separate toilets or changing facilities for male and female students, provided that they allow students to access them based on their gender identity.

In any gender-specific facility, any student who is uncomfortable using a shared facility, regardless of the reason, shall, upon the student's request, be provided with a safe and non-stigmatising alternative. However, requiring a trans, gender variant or intersex student to use a separate, non-integrated space threatens to publicly identify and marginalise the student as trans or intersex and should not be done unless requested by a student. Under no circumstances may students be required to use sex-specific facilities that are inconsistent with their gender identity.

Where available, schools are encouraged to designate facilities designed for use by one person at a time as accessible to all students regardless of gender, and to incorporate such single-user facilities into new construction or renovation. However, under no circumstances may a student be required to use such facilities merely because they are trans, gender variant or intersex.

PHYSICAL EDUCATION (PE) CLASSES AND OTHER SPORTS ACTIVITIES AND COMPETITIONS

All students shall be permitted to participate in physical education classes and sports activities, including competition sports, in a manner consistent with their gender identity.

OTHER GENDER-BASED ACTIVITIES, RULES, POLICIES AND PRACTICES

As a general rule, schools should evaluate all gender-based facilities, activities, rules, policies, and practices (including classroom activities, school ceremonies, school photos as well as extra-curricular activities and out of school hours' care such as breakfast clubs) and maintain only those that have a clear and sound pedagogical purpose. Students shall be permitted to participate in any such activities or conform to any such rule, policy, or practice consistent with their gender identity.

SCHOOL DOCUMENTATION

Official documentation (e.g. school register) is to be changed following a Court ruling under the Gender Identity, Gender Expression and Sex Characteristics Act. The school will change a student's official records to reflect a change in legal name or gender upon receipt of documentation that such change has been authorised by the Courts. In situations where school staff is required by law to use or to report a trans, gender variant or intersex student's legal name or gender, school staff shall adopt practices to avoid the inadvertent disclosure of such confidential information.

A student who has changed their legal gender may also request the school to re-issue or exchange any official document or certificate relative to them according to their new name and gender.

BULLYING, DISCRIMINATION AND HARASSMENT

It is the responsibility of each school to ensure a safe school environment. Schools should be vigilant for any bullying, harassment or discrimination that may arise for trans, gender variant and intersex students. Complaints alleging bullying, discrimination or harassment based on a person's actual or perceived sex, sexual orientation, gender identity, gender expression or sex characteristics are to be handled in the same manner as other bullying, discrimination or harassment complaints as outlined in the policy and procedures relating to Addressing Bullying Behaviour in Schools (MEDE, 2014).



