

# Gender Identity and Gender Expression Policy



BORD OIDEACHAIS AGUS OILIÚNA  
**CHILL DARA AND CHILL MHANTÁIN**  
**KILDARE AND WICKLOW**  
EDUCATION AND TRAINING BOARD

This Gender Identity and Policy and Gender Expression Policy is to be reviewed by the Board of Management yearly.

This Gender Identity and Policy and Gender Expression Policy was agreed on:	19 <sup>th</sup> Dec. 2023
Signature: Principal:	<i>[Signature]</i>
Date for Review:	Term 1 2025-2026

## **Introduction**

St Farnan's Post Primary School aims to provide an inclusive environment which promotes equality, values diversity and is committed to maintaining an environment of dignity and respect where all staff and students can develop their full potential.

This policy outlines the school's formal commitment to recognise and support an individual's gender identity and gender expression so that all members of the school community experience a positive tolerant environment where every member is treated with dignity and respect.

This document constitutes the current Gender Expression and Gender Identity Policy of St Farnan's Post Primary in conformity with the requirements of the :Employment Equality Act, 1998 to 2011; the Equal status Acts, 2000 to 2012 and the Gender Recognition Act, 2015 which provides legal recognition through self determination for those over 18 and for individuals aged 16/17 with parental consent.

Please note: This policy is based on education and encourages inclusion around gender identity. In some cases, mistakes may be made around a students chosen name and/or pronoun without the intention of hurting a Trans\* student.

## **Definitions**

**Trans\*:**An umbrella term which can be used without offence for people whose gender identity and/or gender expression differs from that which is usually associated with the sex assigned to them at birth. This term can include diverse identifications such as: transgender, androgynous, agender, gender neutral, intersex, non-binary, genderqueer, gender variant or differently gendered.

**Intersex:** An umbrella term used for a variety of conditions in which a person is born with reproductive or sexual anatomy that does not fit the typical definitions of female or male.

**Sex:** The designation of a person at birth male or female based on their anatomy (genitalia and reproductive organs) or biology (chromosomes and hormones).

**Gender Identity:** A person's deeply felt identification as male, female, or some other gender. This may or may not correspond to the sex they were assigned at birth.

**Gender Expression:** The external manifestations of a person's gender identity. Gender can be expressed through mannerisms, grooming, physical characteristics, social interactions and speech patterns, etc.

## **Context and Legislation**

This policy is developed in the context of Employment Equality Acts 1998-2011, Equal Status Acts 2000-2012 and Gender Recognition Act 2015-2018 which prohibits direct and indirect discrimination, sexual harassment, harassment and victimisation in relation to nine equality grounds including gender. The gender ground protects Trans\* persons from sex discrimination arising from gender identity and gender expression.

The Employment Equality Acts prohibits discrimination in employment - including recruitment, promotion, pay and other terms and conditions of employment. The Equal Status Acts prohibit discrimination in access to and provision of services, accommodation and educational establishments. The Gender Recognition Act 2015 which legally recognises & protects the rights and supports the wellbeing of Trans\* people.

## **Scope**

This policy applies to:

- All student applicants and students.
- All service users, visitors, customers and clients of St Farnan's Post Primary School.

Note: hereafter 'service user' will be used to denote customers, members of the public, visitors and clients.

All members of the school community share the right to protection under this policy and carry a responsibility for ensuring the policy is adhered to.

In particular, this policy includes conduct that takes place on site, at functions and activities where one is representing the school. This policy also pertains to usage of electronic technology and electronic communication that occur in the above locations and situations.

## **Statement of Commitment**

St Farnan's Post Primary will treat all Trans\* staff, students and service users with dignity and respect and seek to provide a work and learning environment free from discrimination, harassment or victimisation.

St Farnan's Post Primary:

- Is committed to non-discrimination(direct or indirect) on the grounds of gender identity and gender expression.
- Supports an inclusive environment of dignity and respect where everyone can develop their full potential. St Farnan's PPS does not tolerate harassment or bullying of staff, students or other members of the school community on the basis of gender identity and expression.
- Respects the privacy of all trans\* individuals and will not reveal information related to their trans\* status without their prior agreement.

- Seeks to provide a supportive environment for staff and students.
- Supports an environment which trans\* individuals who choose to be open about their gender identity feel respected and safe.
- Supports and is committed to providing reasonable accommodations for staff and students trans\* needs.
- Encourages and facilitates staff training and awareness to ensure a supportive environment.

### **Roles, Rights and responsibilities**

As a Trans' individual you have a right to:

- Openly be who you are. This means expressing your gender identity without fear of consequences (with consent of your parents if under 18)
- Be treated with fairness, dignity and respect.
- Privacy and appropriate confidentiality of records. Disclosure of information will only happen with your and/or your parent/(s') consent.
- Equal access to employment, education, services, activities and facilities in school.

If you wish to disclose or avail of school supports as a Trans' individual, you have a responsibility to:

- Inform the school of any support needed as soon as possible to allow appropriate arrangements in a timely fashion.

St Farnan's PPS has a responsibility to:

- Request you to provide information and documentation from an acceptable professional source to establish the nature of reasonable arrangements to be put in place.

St Farnan's PPS has a responsibility to:

- Oversee the implementation of the school policy in relation to gender identity and gender expression in a fair and transparent manner.
- Take all reasonable steps to provide appropriate support and arrangements for trans' individuals.
- To develop best practice and policy in line with legislation.
- To raise awareness and to provide advice and training on gender identity and expression to staff and students within the school.

### **Non-Discrimination**

Under the Employment Equality Acts 1998-2011 and Equal Status Acts 2000-2012 discrimination, harassment and victimisation on the basis of gender, which encompassed gender expression and gender identity, is unlawful. Discrimination is defined as the treatment of a person in a less favourable way than another person is, has been or would be treated in a comparable situation on any of the nine grounds which exists, existed, may exist in the future, or is imputed to the person concerned.

Some indicative examples of unlawful discrimination include:

- Refusing employment, education, services or support on the basis of gender expression or gender identity,
- Verbal or physical threats, harassment or malicious gossip.
- Refusing to address a person by their preferred gender or pronoun or new name.
- Revealing the trans\* status of a person to others without their explicit consent, excluding exceptional circumstances detailed in the Confidentiality section.

### **Dignity and Respect**

St Farnan's PPS promotes and is committed to supporting an environment which is free from bullying, sexual harassment and other forms of harassment.

St Farnan's PPS will not tolerate harassment or bullying of staff, students or other members of the school community.

### **Confidentiality and Privacy**

All persons have a right to privacy, and this includes the right to keep one's trans\* status private. Each individual has the right to privacy. All information disclosed relating to a person's gender identity and expression will be treated as confidential. Confidential information will only be disclosed with the person's prior consent.

The principle that no confidential information will be passed on to the third parties without the express permission of the individual concerned applies unless there is a serious concern that there may be a threat to the safety or life of the individual or is otherwise required by operation of law.

Information held by the school complies with requirements of the Data Protection Act and the Freedom of information Act relevant to St Farnan's PPS policies. In order to comply with the above principles, staff must take all necessary precautions to ensure the safe-keeping and accuracy of all records containing personal information.

Where information is recorded or shared, the terminology used must be respectful. This guide may be used as a guide for what is acceptable language.

### **Transitioning or Gender Reassignment Process**

Gender reassignment is a process that is undertaken under medical supervision for the purpose of reassigning a person's sex by changing physiological or other characteristics or other characteristics of sex, and includes any part of such a process.

St Farnan's PPS aims to support members of the school community considering gender reassignment. St Farnan's PPS is aware that gender assignment and transition may not be applicable, necessary or desirable for all trans\* individuals for a variety of reasons.

A social transition is a period of time in which a student or member of staff may change aspects of their gender expression to align with their gender identity such as

a name and pronoun change, change of clothes/uniform, change in use of facilities, where appropriate and agreeable to individual and school.

If a member of the student body or staff has decided to undergo gender reassignment, they should contact the school Principal to arrange a meeting to discuss how they deal with their transition within the realm of the school community/placement in work or as a student, and agree processes with which the individual and school are agreeable. For children under 18 years of age, parents/guardians must be agreeable and supportive of whichever transitioning processes that their child wishes to follow and the school will support this.

A very important element of this meeting will be to determine who should be told what and when and how this should occur.

It can be helpful to draw up a confidential plan for the period of transition and thereafter.

The implementation of the plan should be reviewed regularly and reassessed at each significant part of the process. The plan should include the following issues, where applicable:

- The expected point of change of name, personal details or gender
- The expected time scale of any medical and surgical procedures
- What time off will be required for the treatment and/or how possible side effects may affect job/course and any arrangements needed
- Who will need to be informed initially, and the level of information to be provided, in order to offer support and arrangement where and when necessary.
- Whether the individual wishes to inform co-workers/fellow students themselves, or would prefer this to be done for them.
- What amendments will be required to records and systems.
- Whether training or briefing of co-workers, fellow students or service users will be necessary, at what point and by whom this will be carried out.

Appendix 1 provides a user flow chart and checklist that covers most of the issues that need to be considered when an individual is going through the transitioning process. It is important to understand that one of the most significant moments will be when the individual wishes to start presenting in their chosen gender publicly. It is crucial that this is managed and communicated well to those who have a working or study relationship with the individual. It is also important to note that different individuals will have different needs, and that there is no set, standard model of transition.



### **Practical Considerations**

Some practical considerations will arise when a person is transitioning, for example, single gender accommodation and facilities. See appendix 2 for guidance on practical considerations and how to promote trans' equality within the school.

Please note that when a person transitions to live in the gender in which they identify they will normally use the facilities appropriate for their identified gender.

### **Training and Awareness Raising in school**

St Farnan's PPS will provide education for staff and students in order to ensure the implementation of this policy. Awareness will be incorporated in relevant training programmes for staff and students including equality and diversity training, and staff and student support training.

### **Forms and Records**

Please note that everyone has the right to be addressed by their preferred name and pronoun. A legal name or gender change is not required, and the individual need not change their official records.

### **Complaints Procedures**

Bullying or harassment and complaints alleging discrimination based on a person's actual or perceived gender identity or expression will be taken seriously and will be dealt with under the school's Dignity and Respect Policy.

To identify an individual as trans\* to a third party without the individual's permission (i.e. to 'out' someone) is a form of harassment. The aim of the aforementioned policy is to promote a working and learning environment in which harassment and bullying are known to be unacceptable and where individuals have the confidence to deal with harassment and bullying without fear of victimisation.

For complaints of discrimination under the Equal Status Acts there is a requirement for a written notification to the person against whom the complaint is being made within 2 months of the most recent occurrence of the incident; a six month time-limit for raising a complaint with the Equality Tribunal applies.

Normal staff and student complaint procedures apply.

### **Policy Review Procedures**

This policy shall complement existing Equality policies adopted by the school. It shall be subject to continuous assessment and evaluation, and shall be reviewed at least once every three years.

The implementation of this policy entails taking into account the impact of other policies on trans\* staff, students and service users.

Signed: \_\_\_\_\_  
**Chairperson of Board of Management**  
Date: \_\_\_\_\_

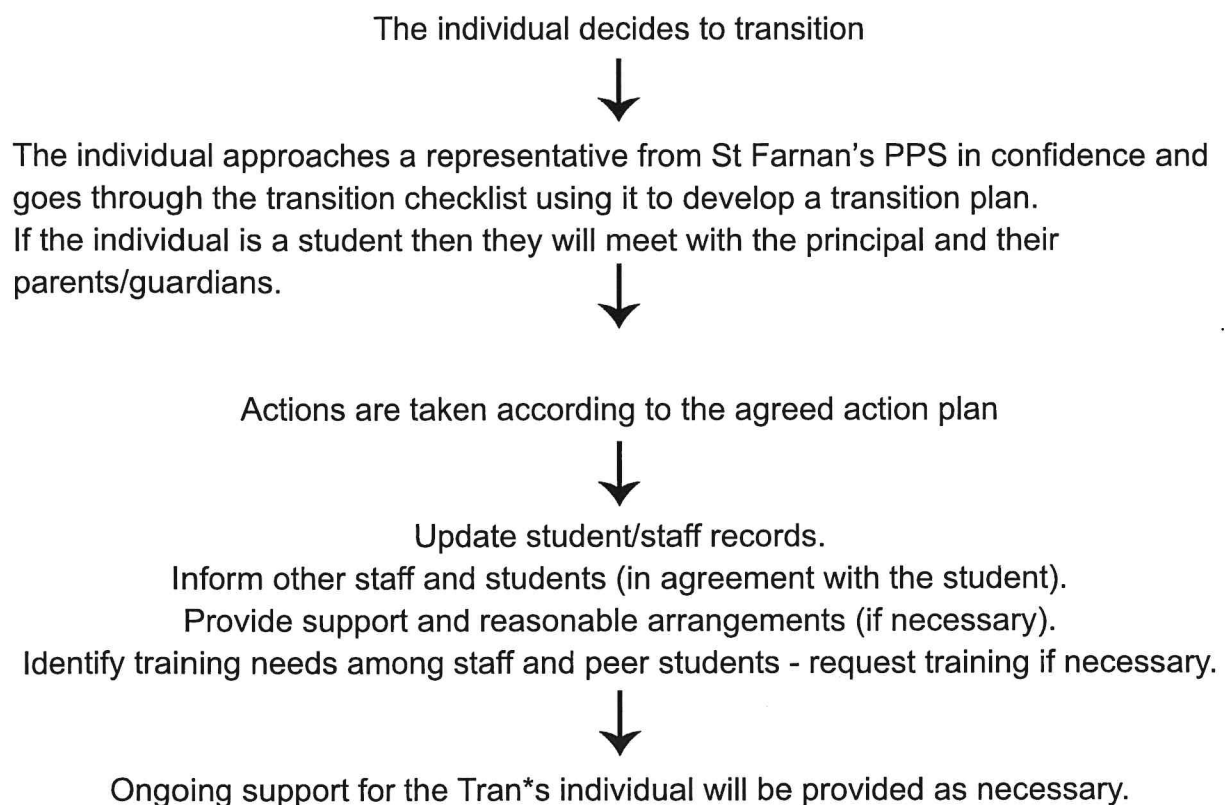
Signed: \_\_\_\_\_  
**Principal**  
Date: \_\_\_\_\_

## **Appendices**

### **Appendix 1 - Flowcharts and checklists for transition.**

It is important to note that each individual will have a different approach to their transition. Some may want to change their entire record, yet others may not wish to do so and St Farnan's Post Primary School will respect and support individual's choices and wishes, with the agreement of the individual/parents or guardians and the school. If someone does not wish to change their record, some of the actions below may not apply. This flowchart is only a guideline and all cases will be treated individually.

NOTE: Caveats and exceptions: - The process is designed purely with the intention of making students feel comfortable in school and that school is a safe place to be. - It is not the intention of the school to make suggestions to a student or imply that they should take any action. Our role is to provide students with the space, scope, security and information they need to make their own decision independently - It is absolutely not within the purview of this process or the gender policy as a whole to suggest a student undergo any medical process, either through surgery, prescribed medication or other method. This is a conversation that takes place between the child, their parent or guardian and a medical practitioner. We do not have the expertise to advise children on this matter and will inform them of this from the start.





## **Appendix 2 :Checklist to consider when discussing a students' transition**

### **Timescale:**

What will the timeline of transition be?	
What will be the date for: -Name Change -Use of facilities (toilets, changing rooms) -Change of records?	
What is the expected time scale of any medical procedures? (Note the need for flexibility as the timescale for medical procedures may not always be clear from the outset)	
Which identification/records need to be changed?	

### **Supports during transition:**

Who will need to be informed initially, and what level of information should be provided, in order to offer support and arrangements during the transition process? (Informing staff first, then possibly students if deemed necessary)	
If the individual experiences effects from any medication what accommodations may be needed?	
Will the individual require time off for medical treatment and recovery, or flexibility for the duration of the transition?	
If yes, what will be done to ensure they remain on in their employment or course, or can they return when they have recovered?	
Are there any professional requirements that may be affected by the person's absence for medical treatment?	

### **Training and Awareness**

**Who will need to be informed, and who will inform (Check all that apply and state who will inform):**

Will there be a need to arrange training?	
Who should be trained, e.g. fellow students or colleagues, staff?	
Who will deliver this training?	
What will the training cover?	
Will the student/staff member be involved to share their	

experience and expectations?	
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## Appendix 2 - Guidance to Staff and students on Supporting trans\* Individuals

1

- Think of the person as being the gender that they want you to think of them as.
- Use the name and pronoun that the person asks you to. If you aren't sure what the right pronoun is, ask. If you make a mistake with the pronouns, correct yourself and move on.
- Respect people's privacy. Do not ask what their 'real' or 'birth' name is. Trans people are often sensitive about revealing information about their past, especially if they think it might affect how they are perceived in the present.
- Similarly, respect their privacy. Do not tell others about a person's trans\* status. If documents have to be kept that have the person's old name and gender on them, keep them confidential.
- Respect people's boundaries. IF you feel it is appropriate to ask a personal question, first ask if it is ok to do so. Personal questions include anything to do with one's sex life, anatomy (not just genitalia) and relationship status - past, present or future. Questions such as 'Are you on hormones?' can be considered personal.

2

- Listen to the person, and ask how they want to be treated and referred to. *(Extract from the Equality Challenge Unit: Trans Staff and Students in Higher Education: 2010).*

Andrew Powell 19/12/23  
Principal

Brendan Wedel 19/12/23  
Chairperson