

# *Gender Identity and Gender Expression Policy*



**Ratified by the Board of Management on 15<sup>th</sup> June 2023**

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## Introduction

Clonturk Community College is under the patronage of City of Dublin ETB in partnership with Educate Together. As such, the ethos is informed by the ETBI Patron's Framework on Ethos, the Educate Together Charter and the Educate Together Blueprint. Clonturk Community College promotes a happy and caring school environment where students are encouraged and supported to reach their full potential. The college has established an environment based on our four pillars: kindness, respect, pride and ambition. Along with these pillars, the values of equality, community, care, and democracy permeate every interaction and provide the foundation for everyday life in our school. 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 policy is designed for a learning environment and encourages awareness and inclusion around gender identity. This policy acknowledges human error and that in some cases, mistakes may be made around a student's chosen name and/or pronoun without the intention of hurting them. In these cases, Clonturk Community College will work with students/staff members using the Restorative Practice Approach.

## Rationale

This policy outlines the supports offered to Trans\* students in Clonturk. It sets out to provide clarity, context and guidelines for all members of the school community. The concept of equality is central to Clonturk's ethos. Here in Clonturk, we understand that gender identity and expression are fundamental parts of one's personal identity and that they are integral to one's experience of wellbeing and fulfilment. At Clonturk Community College we aim to create a supportive and inclusive environment which promotes equality and diversity, and in which all gender identities are welcome. Clonturk holds a firm zero-tolerance stance on bullying and transphobic behaviour.

A student may request that the school use a pronoun/preferred name when referring to them in school and Clonturk Community College believes that this request should be honoured. This is consistent with Equal Status Acts 2000-2012 which protects against discrimination based on gender identity and expression and is in line with current best practice for supporting transgender and gender non-conforming members of our school community. We believe that not honouring the request may have ramifications for a student's ability to participate meaningfully in school.

In collaboration with the student and Parents/Guardians, personal details on VShare can be changed. If the student does not wish to inform the Parents/Guardians, the student will be informed that the school can only use their legal name on VShare and that all communication with Parents/Guardians will be with their legal name/pronouns. However, their preferred pronouns will be used in agreed-upon school settings, for example, when talking to members of staff one-to-one.

We recognise that gender identity, gender expression, and any transition journeys, are unique to individuals. We are committed to supporting students at all stages of their transition journey. It is important to note that different individuals will have different needs, and that there is no set, standard model of transition. Clonturk also recognises and respects that a student may not want to involve the school in their process. If the student wishes that all teachers use their chosen pronouns and name, every effort will be made to communicate this. It must be noted that in some cases, particularly when a teacher is supervising a class they don't normally teach, the teacher will use the name on VSware if they are not familiar with the 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, chromosomal, hormonal and/or sexual anatomy that does not fit the typical definitions of female or male.

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

**Gender Identity:** A person's deeply felt sense of their gender, the personally felt knowledge that they are a man, woman 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 informed by the following legislative acts:

- Gender Recognition Act 2015 which provides legal recognition of a person's gender through self-determination for those over 18 and for individuals aged 16/17 with parental consent.
- The Employment Equality Acts 1998 to 2011 which prohibit discrimination in employment – including recruitment, promotion, pay and other terms and conditions of employment.
- The Equal Status Acts 2000 to 2012 which prohibit 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, that is, discrimination arising from gender identity and gender expression. These acts specifically reference discrimination in access to and provision of services, accommodation and educational establishments.

This policy should be read in conjunction with the following suite of school policies:

- Anti-bullying Policy

- Code of Positive Behaviour
- Suspensions and Exclusions Policy
- Child Safeguarding and Risk Assessment
- Data Protection Policy

## Scope

This policy applies to:

- All student applicants and students.
- All members of the Clonturk school community.

All members of the school community have the right to protection under this policy and carry a responsibility for ensuring the policy is adhered to. In particular, this policy concerns 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 occurs in the above locations and situations.

The process is designed purely with the intention of making students feel comfortable in school and to ensure that school is a safe place.

This policy is deals solely with students' social transition journeys. It is not within the school's remit to mediate between family members or to provide family counselling or advice on gender identity.

It is not the intention of the school to make suggestions to a student or imply that 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, the GPT, any staff member or the Gender Identity and Gender Expression 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. Please see Appendix 6 for links to external organisations who may be able to offer support in this area.

## Statement of Commitment

Clonturk Community College will treat all Trans\* members of the school community with dignity and respect and seek to provide a work and learning environment free from discrimination, harassment or victimisation.

Clonturk Community College:

- is committed to non-discrimination (direct or indirect) on the grounds of gender identity and gender expression.

- supports an inclusive environment centred on dignity and respect where everyone can develop to their full potential. Clonturk Community College does not tolerate harassment or bullying of students or other members of the school community based on 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 in 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 Trans\* students' particular 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.
- be treated with fairness, dignity and respect.
- privacy and appropriate confidentiality of records. Disclosure of information will only happen in accordance with GDPR guidelines and Child Safeguarding procedures, always in consultation with you, the student.
- equal access to education, services, activities and facilities in school.

If you wish to disclose or avail of school supports as a Trans\* individual, you have a right to inform the school of any support needed when you deem it appropriate. The college will endeavour to support you in an appropriate manner and in an appropriate timeframe.

### Clonturk Community College 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 encompasses 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 exist, existed, may exist in the future, or is imputed to the person concerned<sup>1</sup>.

Some indicative examples of unlawful discrimination include:

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

## 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. This is in line with our Child Safeguarding Policy and Risk Assessment.
- Information held by the school complies with the requirements of the Data Protection Act and the Freedom of Information Act and GDPR relevant to school 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 policy may be used as a guide for what is acceptable language.

## Transition Journeys

Clonturk Community College is aware that a transition may not be applicable, necessary or desirable for all Trans\* individuals for a variety of reasons.

A social transition is a period in which a student may change aspects of their gender expression to align with their gender identity such as a name and pronoun change, change of clothes, change in use of facilities.

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<sup>1</sup> Irish Human Rights and Equality Commission - [www.ihrec.ie](http://www.ihrec.ie)

If a student wishes to begin a social transition, they may wish to contact a trusted member of staff who will refer on to the Gender Positivity Team to arrange a meeting to discuss in confidence how the school may support the student on their transition journey.

## Gender Positivity Team (GPT)

At Clonturk Community College we provide support for Trans\* students via the Gender Positivity Team. A student may approach any member of staff about potential support. The student will be asked if they would like to be referred to a GPT member. Members of the GPT are fully trained and resourced to assist the individual in developing a Confidential Implementation Plan (CIP) specific to their situation. The CIP development will be led by the individual at their own pace. A meeting will take place between the student and GPT member. A very important element of this meeting will be to determine who should be told what and when and how this should occur. The implementation of the CIP should be reviewed regularly and reassessed by the student and their chosen GPT member at each stage of the process.

The plan may include the following items, where applicable:

- Student's preferred timeline for potential changes to their identity and personal details.
- What level of information the student wishes to share, with whom, when, and who, if anyone, will communicate on behalf of the student.
- Supports and arrangements, if any, to be put in place.
- Whether the individual wishes to inform fellow students themselves or if they would prefer this to be done on their behalf.
- What amendments will be required to records and systems, if any.
- This list is not exhaustive or prescriptive. All parts of the plan should be led by the student.

Appendix 1 outlines the procedure followed by the GPT. It is important to note that different individuals will have different needs, and that there is no set, standard model of transition. The GPT members are equipped to support all students who identify as transgender in whatever way the student deems necessary during their social transition.

## Practical Considerations

Some practical considerations will arise when a person is socially transitioning. For example, changing and bathroom facilities, and accommodations for overnight trips. See Appendix 3 for guidance on practical considerations and how to promote Trans\* equality within school.

Please note that students will be allowed to use toilet and changing facilities that they are comfortable using.

## Sports activities

Clonturk acknowledges the important role that sports teams play in student wellbeing. Where school sports teams are gendered, trans\* students can play for the team they feel comfortable playing for. It

must be noted that when the school enters leagues and competitions managed by outside sporting organisations, the teams and their players are held to those organisations' policies.

## Training and Awareness Raising in school

Clonturk Community College will provide education for staff and students 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 in consultation with the student and/or the student's parent(s)/guardian(s). A legal name or gender change is not required, and the individual need not change their official records. Students who are over the age of 18 are entitled to request a name and/or pronoun change on VShare. They may communicate this intention to their preferred staff member who will refer to the GPT. Once informed, the GPT and Senior Leadership Team will ensure the changes are reflected in VShare. The GPT and SLT will consult with Parents/Guardians to inform them of the changes, prior to reflection in VShare.

NB In agreement with the student and parents, only GPT members and Senior Management should make changes to VShare. This is to ensure that correct procedure is followed.

## 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 Code of Positive Behaviour and Anti-bullying policies.

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 this 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. In addition, to purposefully and persistently call a transgender individual by their deadname (pre-transition name) and/or incorrect pronouns is a form of bullying and will be treated as such per school Anti-bullying Policy and Code of Positive Behaviour.

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.

A student can raise a concern with any member of staff they feel comfortable with. This staff member will in turn bring the case to the Year Head, GPT member, Anti-bullying Co-ordinator as appropriate.

Please Note: This policy encourages inclusion around gender identity. In some cases, mistakes may be made around a student's chosen name and pronoun without the intention of hurting them. With these cases, Clonturk Community College will work with students using the Restorative Practice Approach.

## Policy Review Procedures

In line with the democratic principles on which Clonturk Community College was founded, this Policy has been formulated with thorough consultation and input from students, parents and staff. This policy is subject to periodic review through the appropriate channels such as Student Council and other student committees, Staff Meetings, Parent/Guardian/Teacher's Association, and the Board of Management. It is subject to continuous assessment and evaluation and is subject to annual review and ratification while in its infancy.

## Transparency and Monitoring

Per the 'Flowchart' outlined in Appendix 1 and 'guidelines for support conversation' outlined in Appendix 2, the GPT commits to supporting Trans\* students in a timely manner. Once a student comes out as Trans\* and/or approaches a member of staff for support, they will be asked if they would like to be referred to the GPT. If so, the staff member will fill out an online form (linked in Appendix 2), detailing the student's name, class, desired support and GPT member with whom they would like to speak. GPT members will monitor the online form weekly, and review inputs in a timely manner.

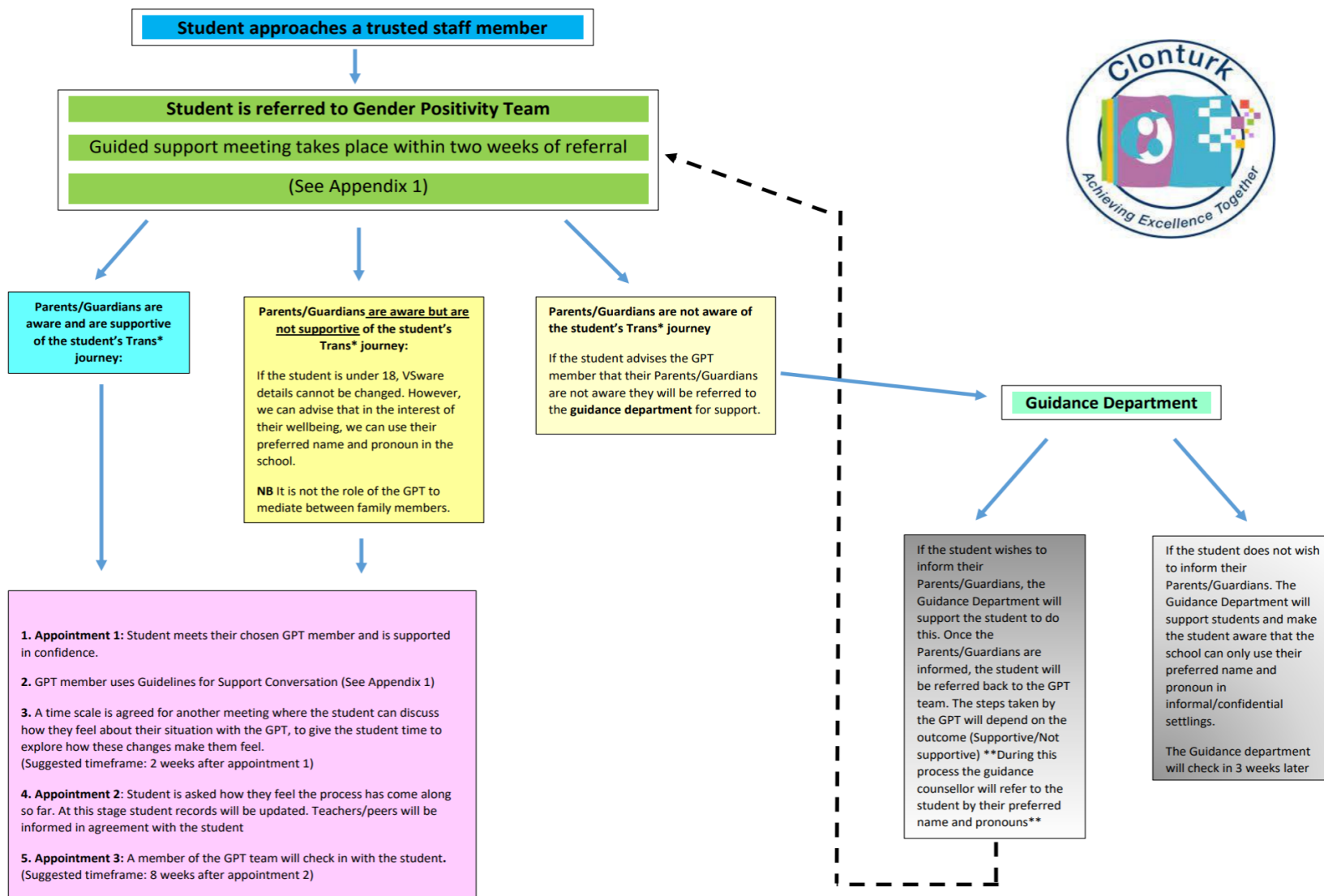
Once a GPT member has been assigned to assist a student, Appointment 1 must be scheduled within in a reasonable time-frame, approximately two weeks. If, for whatever reason, this is not possible, contact should be made with the student to see if they would like to speak with another member of the GPT.

## Appendices

### Appendix 1 - Flowchart and Appendix 2 - guidelines for support conversation

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 Clonturk Community College will respect and support each individual's choices and wishes. 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, in accordance with the student's wishes.

## Appendix 1: Procedural Flowchart



## Appendix 2: Gender Positivity Team Referral Form

Please click [this link](#) to view the GPT Referral Form.

## Appendix 3: Guidelines for a support conversation.

Thank the student for coming to you and trusting you.

It is their journey and they will lead the way at their own pace.

Some things you can ask:

How are you finding your transition experience, in general?

Would you like me to use a different new pronoun?

Would you like me to use a different name?

Have you spoken to your parents?

Have you spoken to your friends?

Are there any 'next steps' you would like to take?

Are there any particular supports you would like to have put in place?

Which, if any, identifications/ records need to be changed?

## Supports :

Who will need to be informed, and what level of information should be provided?
Continual support. Who will be the go-to person for checking in with the individual in order to make sure their needs are being met and they are not experiencing any bullying or harassment? Let the student choose who their go-to person is.
How often will the check in happen? Initially perhaps once a week, then once every two weeks, after that possibly once in a while etc. To be decided with the student.

## Training and Awareness

Will there be a need to arrange training?	
Who will receive the training?	
Who will deliver this training?	
What will the training cover?	

## Appendix 4: Promoting Trans\* equality within schools: Overnight Accommodation and other Practical Considerations

In providing accommodation for students, any special issues which may be raised in relation to Trans\* students will be treated sympathetically by the school and on a case-by-case basis.

A member of management will liaise with the individual and their parents/guardians ensuring the best possible arrangement for the individual. This will most likely involve a number of considerations such as:

- Does the individual have friends who wish to share accommodation?
- Which accommodation is most appropriate for each given situation? (Ensuites, numbers in the accommodation, age profile etc)
- Who needs to be informed, if anyone (with the permission of the individual)
- A teacher/adult should be placed in a room close by for safeguarding of the individual

### Facilities

Safeguarding is paramount in consideration of use of facilities. All decisions should be made in line with the school's Child Safeguarding Procedures and Risk Assessment.

### Toilets:

It is important to consult the individual to decide how best to approach this.

- The individual may prefer to use a universal access toilet until they feel comfortable enough to use the toilet of their identified gender.
- The safeguarding of the individual is paramount and must be taken into account when thinking about which toilet is most appropriate.

\*Requiring a person to use disabled toilet facilities is not acceptable unless the person requires these facilities due to a disability.

### Changing rooms:

The use of changing rooms should be considered carefully and in consultation with the individual and their parents/guardians. It may be necessary to explain the situation to other students but only after consultation with the person who is transitioning.

It is important to plan for:

- the provision of private cubicles within existing changing facilities, the provision of non-gender specific facilities (e.g. non-gendered toilet facilities) where possible.

## Appendix 5: Guidance to Staff and Students on Supporting Trans\* Individuals

- 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 use. If you are not sure what the right pronoun is, ask. If you make a mistake with the pronouns, correct yourself and move on, do not dwell on the mistake or make a big deal of it.
- 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. Do not ask personal questions.
- Listen to the person and ask how they want to be treated and referred to.

*(Adapted from the Equality Challenge Unit: Trans Staff and Students in Higher Education: 2010).*

## Appendix 6: Conditions for the Joining Gender Positivity Team

Clonturk is committed to not only accepting, but, celebrating the rich diversity of all students, staff, Parents/Guardians and anyone who joins our school community. This, of course, includes Trans\* students. For this reason, all staff members will be equipped (through annual training), available and willing to support Trans\* students in whatever way they can. However, the GPT exists to provide specialised support to Trans\* students and/or to their Parents/Guardians. GPT members are prepared to navigate nuanced conversations with students and/or their Parents/Guardians regarding scenarios such as: coming out as transgender, questioning their gender identity, changing personal identifying details, informing family members/friends etc.

Below are some conditions for joining the GPT at Clonturk:

- Must be a member of teaching staff/SNA staff.
- Must be an active, passionate ally and activist of the transgender community (and be able reference practical examples of the same).
- Must be comfortable with hearing new perspectives on and learning new aspects about the experience of being Trans\*, i.e., recognising that no one person is the 'expert' on a particular community (including those who are members of that community); education will be a constant part of this role.
- Must be conscious of and comfortable with the fact that each person's experience is varied and valuable. Trans\* students will not all share the same experiences, want the same things (particularly re: names, pronouns, gender expression, communication with others) or have the same outlook on the realities of being transgender. It is a *must* that current and prospective GPT members can hold nuance in their minds while supporting students who are referred to the Team.

## Appendix 7: External Resources

Below is a list of resources students, staff and/or Parents/Guardians may find useful related to gender identity, questioning of gender and gender expression:

[BeLonGTo](#)

[TENI](#)

[ShoutOut](#)

[LGBT Ireland](#)

[NGS](#)

[Gender Ed](#)