Melbourne Archdiocese
Catholic Schools

Pastoral Care of Students relating to Gender Policy

Introduction

> *The mission of the Catholic school springs from the mercy of Jesus Christ shown to every person he encounters. Christ's mercy is one of invitation into God's own life of tenderness and love, as well as a challenge to courageously help others grow in child-like wisdom. As Catholic schools develop the work of mercy and wisdom, they do so in the hope that every child, whatever their personal circumstances, will find the living Christ to be the source of hope and dignity in the path of life before them.*

Most Rev Peter A. Comensoli, Archbishop of Melbourne.

Melbourne Archdiocese Catholic Schools Ltd (MACS) is committed to creating safe, supportive, inclusive and hope-filled learning environments of welcome where human dignity is respected, diversity and inclusiveness are valued and authentic relationships are fostered (MACS 2021). Catholic schooling seeks to provide the young with the best kind of education possible, one that fosters a formation of the whole person that is deeply and enduringly humanising. (Francis 2019) In valuing the innate dignity and sacredness of the human person, all interactions in Catholic schools are grounded in the principles of care, compassion and respect.

Purpose

This policy has been developed to assist Catholic schools to respond to the unique pastoral and learning needs of children and young people who struggle with their emerging identity and gender. It has been written to complement Created and Loved, developed by the Australian Catholic Bishops' Conference (ACBC) (ACBC, 2022). The guide sets parameters and offers clear guidance for the development of local policies such as this document, providing for depth and context.

'Gender incongruence' in individuals is characterised by 'a marked and persistent' sense of discomfort or 'mismatch' between their natal (birth) sex and their experienced/ expressed gender (World Health Organisation, 2019). A student presenting at school with one of the varieties of gender incongruence (such as 'gender variant', 'gender questioning', 'non-binary' or similar) will usually require careful, coordinated and compassionate support to navigate the challenges of their emerging identity. Strategies and procedures identified below in 'Principles of Decision Making' will be important.

When the level of distress due to gender incongruence impairs the young person's 'social, schooling or other important areas of functioning' it becomes clinically significant and is properly termed 'gender dysphoria' (American Psychiatric Association (APA), 2013). Gender dysphoria is a complex and sensitive topic to navigate. Because every child's circumstances will be different, a formal diagnosis must be managed on a case-by-case basis. Only specialised multidisciplinary medical teams can make a formal diagnosis of gender dysphoria. (Claahsen-van der Grinten, Heidi et al 2021; Hewitt, Jacqueline K et al, 2012).

Working with the child, parents/carers, medical professionals experienced in gender issues, other specialists and relevant governing authorities, appropriate school responses to students with gender incongruence or gender dysphoria must be informed by the mission and purpose of the Catholic school, relevant legislation and fundamental human rights and freedoms to ensure individual and family needs are balanced with those of the school community.

This policy complements guidelines documented in the Catholic Education Melbourne (CEM) Catholic Foundation Statement: Identity & Growth (CEM, 2018) and the Pastoral Care of Students Policy (MACS, 2021). The policy is supported by the ACBC guide: Created and Loved: A guide for Catholic schools on identity and gender. (ACBC, 2022)

Scope

This policy applies to MACS and its subsidiaries.

Principles

> *The way a school responds to gender dysphoric students must be informed and guided by the mission of Jesus, who came 'that they may have life, and have it to the full'. Therefore the school has a serious duty of care for each of its students, which it interprets in light of Jesus' own ministry. In all circumstances the school will endeavour to ensure that all parties act truthfully, charitably, with good will, and with absolute respect for the human dignity of all parties (Parkinson, 2017, p. 23).*

In responding to the unique learning and support needs of gender incongruent children and young people in Catholic school settings, all decision making between the principal, parent/carers, child, gender medical experts, treating specialist/s and relevant governing authorities should be guided by the principles of:

a) inclusion, respect and dignity for the human person

b) collaboration and open, constructive and non-judgmental dialogue

c) active listening and cooperation

d) discernment, objectivity and fairness.

For further support and context please refer to Created and Loved Section B: Pastoral Principles (ACBC 2022).

Policy

Catholic schools must exercise caution, prudence and sensitivity in establishing how best to respond to the unique pastoral and learning needs of gender incongruent children and young people. It is the role of families, supported by the school, to accompany students on their growth into maturity and help them understand the changes that are taking place.

Procedural considerations

> *Those providing pastoral care in Catholic schools will not automatically simply affirm the student's self-perceived condition; rather, building on an authentically Christian vision of the human person, they will strive to establish a safe and trusting relationship with the student capable of sustaining a sensitive, mature and hope-filled exploration of all future possibilities for growth (Parkinson, p. 20).*

Catholic schools are bound to provide a nurturing environment that frees students to discover who they are, to appreciate their significant relationships, and to know that they are loved.

Under state and federal laws, it is unlawful to discriminate against a person on the grounds of their gender, intersex status or sexual orientation. School communities are required to take reasonable and proportionate measures to eliminate bullying, harassment and discrimination. In actively promoting inclusive school environments, principals must work with the child and their parents/carers, gender medical experts, other treating specialist/s and relevant governing authorities to develop a school management plan to support the pastoral and learning needs of the student.

Developing a school management plan: key considerations

The school management plan must distinguish between the physical, social, emotional, cognitive and spiritual development of primary and secondary-aged students and include the provision of specialist counselling.

Documented management plans identify and establish clear expectations, strategies and actions. They assist schools to discharge their duty of care to all students and members of the community.

Management plans contribute to building respectful relationships and resilience. This enables students to feel safe, valued and connected to their school community so that they may effectively engage with their learning.

Provisions within the management plan should be reviewed periodically to ensure that they continue to meet and reflect the wellbeing and educational needs of the gender incongruent student, their family and the school community.

In developing and enacting a school management plan for a student presenting with gender incongruence, the principal should:

a. Within the concept of 'community of care', engage in ongoing dialogue with the child and their parents/carers, gender medical experts, other specialist/s and relevant governing authorities to identify strategies to assist the school to provide agreed pastoral and learning supports in accordance with their age, capability and maturity. This may include consulting on:

    - the biological sex of all students at time of enrolment should be documented and kept on school records
    - the referencing of student's preferred name, preferred use of pronouns, and preferred gender may be noted on school records
    - the use of toilets, showers and change rooms that meet the needs of the student
    - the appropriate uniform that reflects the gender expression of the student and meets the school's dress or uniform code.

b. Request relevant medical reports and supporting documentation from gender medical experts and other treating specialist/s. (for gender dysphoria or gender incongruence)

c. Maintain privacy and confidentiality in accordance with relevant legislation. The sharing of information should only be communicated with those who have an appropriate reason to know in order to support the wellbeing and learning outcomes of the student.

d. Ensure the student is not subject to bullying, harassment and/or discrimination either directly or indirectly.

e. Include the provision of relevant professional learning and information for staff, students and families within the school community to raise understanding of gender incongruence within the context of Catholic teachings about human sexuality.

f. Consider the pastoral and academic needs of all members of the school community with the individual needs of the child experiencing gender incongruence and their family.

g. Update school policies, where appropriate, to reflect arrangements for gender incongruent students.

For further support please refer to the Created and Loved: Section C: Practical Protocols (ACBC 2022).

Principals should contact the General Manager, MACS Student Wellbeing Unit for additional advice and support.

The student may be a 'mature minor'

Melbourne Archdiocese Catholic Schools recognises that parents and carers are significant and essential partners with schools in actively supporting and nurturing the educational and wellbeing outcomes of children and young people from early years through to adolescence. For this reason, schools continue to engage parents in schooling matters even after the student has turned 18 and are legally recognised as adults. Notwithstanding this, for a variety of reasons students under the age of 18 sometimes ask to make decisions on their own behalf as a 'mature minor', without involvement of their parents. In such scenarios the principal should, in the first instance, seek advice from MACS Legal and Professional Standards Unit prior to determining whether a student is a 'mature minor'.

Definitions

Bullying

Bullying is repeated unreasonable behaviour directed towards a person that creates a risk to health and safety. It occurs when an individual or group deliberately upsets or hurts another person, their property, reputation or social acceptance on more than one occasion. Forms of bullying include physical, verbal, gesture, extortion, exclusion, visual, and sexual bullying and can be direct or indirect.

Discrimination

Occurs when a person is treated unfavourably compared to another person/s. It can be either direct (i.e. a person is treated unfavourably because they have an attribute protected by law such as age, race or religion) or indirect (i.e. when a condition, requirement or practice has the effect of disadvantaging people with a particular attribute protected by law and that condition, practice or requirement is not reasonable).

Gender

A person's identity as male or female, harmonious with one's biological sex upon birth (Catechism of the Catholic Church, 2333). 'Biological sex' is also sometimes called a person's 'legal gender'.

Gender dysphoria

A concept defined in the DSM-5 as clinically significant distress or impairment related to a strong desire to be of another gender, which may include desire to change primary and/or secondary sex characteristics. Not all gender diverse people experience dysphoria. (APA 2013)

Gender incongruence

A marked and persistent discord between the natal (birth) gender and the experienced/expressed gender of the person (APA 2013) (WHO 2019)

Gender identity

In common use it is understood as the way in which individuals perceive and describe themselves psychologically. It is defined in the legislation as 'the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person (whether by way of medical intervention or not) with or without regard to the person's designated sex at birth' (*Sex Discrimination Act 1984* (Cth)).

Gender transitioning

The process where a transgender person commences living as a member of another sex. This may occur through medical intervention, style of dressing, or anything else that indicates an intention to commence living permanently as a member of another sex.

Intersex

Is the status of having physical, hormonal genetic or chromosomal features that are:

a. neither wholly female nor wholly male; (or)

b. a combination of female and male; (or)

c. neither female nor male' (*Sex Discrimination Act 1984* (Cth)).

Being intersex is about biological variations, not about a person's 'felt' gender. People with intersex variations share the same range of sexual orientation, identities and gender expression as people with no intersex variations.

Mature minor

A mature minor is an individual in a MACS school who is assessed by the principal of that school to be a mature minor.

Melbourne Catholic Archdiocese Schools Ltd (MACS)

MACS is a reference to Melbourne Archdiocese Catholic Schools Ltd, and / or its subsidiary, MACSS.

MACS school or school

A school which operates with the consent of the Catholic Archbishop of Melbourne and is owned, operated and governed by MACS, directly or through MACSS (as the context requires). References to schools or MACS schools also includes boarding premises of schools operated by MACS and specialist schools operated by MACSS.

Policy

A high-level, principles-based directive that must be complied with across MACS and MACSS.

Principal

Individual appointed by MACS as principal in a MACS school.

Procedure

A step-by-step or detailed instruction for the implementation of MACS policy that is mandatory across MACS and MACS schools.

Process

A process is a method of implementation of a MACS framework, policy or procedure.

Sex

A biological term dividing a species into male and female, usually based on physical, hormonal, chromosomal and genetic characteristics. A person's 'sex' is usually the basis for their 'legal gender'.

Student

Student means a person who is enrolled at or attends a MACS school.

Transgender

A person whose gender identity is different to their biological sex.

Related policies and documents

Related MACS policies and documents

Anti-bullying Policy (including cyberbullying) – Schools
Child Safety and Wellbeing Policy – Schools
[insert school name] Complaints Handling Policy
Engaging Families in Child Safety Policy
Pastoral Care of Students Policy
Pastoral Care of Student Related to Sexual Orientation Policy
[insert school name] Privacy Policy

Resources

Excel https://cevn.cecv.catholic.edu.au/Melb/Student-Support/Student-Wellbeing

Identity and Growth Resource Package https://cevn.cecv.catholic.edu.au/Melb/CI/Identity-Growth

Victorian Equal Opportunity & Human Rights Commission – educates people about the rights and responsibilities contained in the Charter and reports annually to the government about the operation of the Charter.

Bully Stoppers – supports students, parents, teachers and principals in working together to make sure schools are safe and supportive places, where everyone is empowered to help reduce the incidence of bullying.

National Safe Schools Framework – provides Australian schools with a vision and a set of guiding principles that assist school communities to develop positive and practical student safety and wellbeing policies.

Catholic Education Commission of Victoria Ltd (CECV) 2022, *CECV Commitment Statement to Child Safety*, CECV, East Melbourne www.cecv.catholic.edu.au/getmedia/b5d43278-51b9-4704-b45a-f14e50546a70/Commitment-Statement-A4.aspx

Melbourne Archdiocese Catholic Schools (MACS), *Horizons of Hope*, CEM, East Melbourne www.cem.edu.au/Our-Schools/Curriculum-Learning-Programs/Horizons-of-Hope.aspx

Key contacts

MACS Student Wellbeing Unit	03 9267 0228
MACS Catholic Mission and Identity Unit	03 9267 0228
MACS Legal and Professional Standards Unit	03 9267 0228
Kids Helpline	1800 55 1800
Lifeline	13 11 14

Legislation and standards

Change or Suppression (Conversion) Practices Prohibition Act 2021 (Vic)
Ministerial Order 1359 (Vic) – Implementing the child safe standards – managing the risk of child abuse in schools and school boarding premises
Equal Opportunity Act 2010 (Vic.)
Privacy Act 1988 (Cth)
Sex Discrimination Act 1984 (Cth)

Policy information table

Responsible director	Director, Catholic Identity People and Culture
Policy owner	Director, Catholic Identity People and Culture
Approving authority	MACS Board
Assigned board committee	Child Safety and Risk Management
Approval date	13 February 2023
Risk rating	Extreme
Date of next review	February 2024
Publication details	MACS website, CEVN
POLICY DATABASE INFORMATION	
Assigned framework	Care, Safety and Welfare of Students
Supporting documents	
Superseded documents	CEM Policy 2.31 Pastoral care of Students Experiencing Gender Dysphoria
New policy	New

References

American Psychiatric Association (APA). 2013, *Diagnostic and statistical manual of mental disorders (DSM)* (5th ed.), American Psychiatric Association Publishing, Arlington, VA.

American Psychiatric Association (APA). 2020, *What is Gender Dysphoria?* Patient and Families Expert Q and A webpage, https://www.psychiatry.org/patients-families/gender-dysphoria/what-is-gender-dysphoria

Australian Catholic Bishops' Conference (ACBC) 2022 *Created and Loved: A guide for Catholic schools on identity and gender*. https://bit.ly/CreatedandLoved

Australian Government 2014, *Sex Discrimination Act 1984* (Cth), Federal Register of Legislation, ACT, www.legislation.gov.au/Details/C2014C00002.

Catechism of the Catholic Church (CCC) 1994, St Paul's Publications, Strathfield, NSW www.vatican.va/archive/ENG0015/_INDEX.HTM.

Catholic Education Melbourne. 2017, *Horizons of Hope*: Wellbeing, https://www.macs.vic.edu.au/Our-Schools/Curriculum-Learning-Programs/Student-Wellbeing.aspx

Catholic Education Melbourne. 2018, Catholic Foundation Statement, https://cevn.cecv.catholic.edu.au/Melb/CI/Identity-Growth

Claahsen-van der Grinten, Heidi, et al. 2021. 'Gender incongruence and gender dysphoria in childhood and adolescence – current insights in diagnostics, management and follow-up'. European Journal of Paediatrics (EJP) 2021 180:1349-1357.

Francis (Pope) 2019. Christus Vivit, Libreria Editrice Vaticana, Rome. n. 223 in MACS Statement of Mission

Hewitt, Jacqueline K et al. 2012. 'Hormone treatment of gender identity disorder in a cohort of children and adolescents'. Medical Journal of Australia 196(9) (MJA) 21 May 2012. p578-581.

https://www.macs.vic.edu.au/Our-Schools/Curriculum-Learning-Programs/Student-Wellbeing.aspx

Melbourne Catholic Archdiocese Catholic Schools (MACS) 2021, Policy 2.26: Pastoral Care of Students, MACS, East Melbourne https://cevn.cecv.catholic.edu.au/Melb/Compliance/Policies-Procedures/MACS-Policies

Parkinson, J. 2017. unpublished, Preparing Catholic schools to care for gender dysphoric students. (monograph)

Parkinson, J. 2021. unpublished, Gender Incongruence in Children and Adolescents (May 2021) (Update to monograph)

World Health Organisation. International Classification of Diseases, Eleventh Revision (ICD-11), World Health Organization (WHO) 2019/2021 https://icd.who.int/browse11 Licensed under Creative Commons Attribution-No Derivatives 3.0 IGO licence (CC BY-ND 3.0 IGO).