

# Gender diverse and intersex children and young people support procedure

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

## Overview

This procedure outlines the Department for Education's (the department) processes to support gender diverse and intersex children and young people in accordance with the department's [supporting gender diverse, intersex and sexually diverse children and young people policy \(PDF 250KB\)](#).

## Scope

This procedure applies to all department staff in schools, preschools and care settings, specifically staff who work directly with children and young people. It also includes family day care educators and respite care program care providers.

## A note on language

When we say 'you' or 'your' we mean setting staff unless we specify otherwise.

When we say 'site leader' we mean principal, preschool director, care setting manager or coordinator, or their delegate.

When we say 'school' it includes high schools, primary schools and combined schools.

When we say 'parent' we mean parent or guardian.

It is important to read the [definitions](#) before reading the [detail](#) in this procedure.



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# Detail

The department is committed to providing a safe and supportive learning environment where every child and young person is respected and diversity is valued. This procedure supports staff to create an inclusive learning environment where intersex and gender diverse children and young people know they belong.

It provides guidance for the support of gender diverse children and young people, some of whom might want to affirm a gender identity that is different from their assigned gender at birth. This process is often referred to as gender transition, gender affirmation or social transition.

The procedure also provides information to help staff support children and young people with intersex variations if required.

The procedure outlines the specific arrangements that can be made to create an inclusive and safe education environment for these children and young people. It does not cover every possible situation. The diversity of children and young people, and their families and the local contexts of each learning setting will impact how you put the procedure in place. The needs of a child or young person must be assessed on an individual basis, taking into consideration each child or young person's circumstances.

## Promoting an inclusive environment

A whole-setting commitment to inclusion of gender diverse and intersex children and young people is important. Inclusive practices focus on the dignity of all children and young people, respect for differences, and rejection of all forms of bullying, stigmatisation and discrimination.

Local bullying prevention policies and procedures must address specific types of discrimination and bullying that can particularly affect children and young people who experience marginalisation. Transphobic and interphobic behaviour are specific types of discrimination that gender diverse and intersex children and young people might experience. Deliberate or repeated use of names and pronouns not identified with by a child or young person is known as misgendering. These types of behaviour could be in breach of discrimination laws.

An inclusive approach recognises that support for gender diverse and intersex children and young people must be:

- child-centred and led
- family inclusive
- culturally sensitive.

## Support process for children and young people who are intersex

For some children, an intersex variation is identified early and the child is assigned a sex based on medical advice to the parents. In these circumstances, the child and their parents are able to identify any arrangements needed so the child is safe and supported.

Adolescence is another time when an intersex variation can be identified, and a young person might request support.

In either case, [planning for inclusion, safety and wellbeing](#) in this procedure can help to guide support arrangements if required.

An intersex child or young person might tell you that they do not identify with the gender assigned to them at birth. In this situation, the [support process for children and young people who are gender diverse](#) should be used.

## Support process for children and young people who are gender diverse

The following process helps you to understand the specific support an individual child or young person needs and to create arrangements that support their safety, wellbeing and inclusion. This might include social transition in their setting.

### Disclosure and request for support

A request for support might come from a gender diverse child or young person themselves, or from a parent. It is critical that a child or young person's identity is recognised, and they are not encouraged to hide or change their identity.

A child or young person might share this information with any staff member. You must tell your site leader if they are not already aware.

Your first responsibility when you receive a request for support is to provide reassurance that the setting is a safe and supportive place.

You should:

- listen, normalise and emphasise that support is available
- explain that the department has policies and procedures to help staff support them
- ask the child or young person (or parent) what they would like to happen next.

### Meeting with the child or young person and parents

As soon as you receive a request for support, the site leader should arrange a meeting.

#### Purpose of the meeting

The meeting aims to:

- reassure the child or young person and their parents that the setting will support them to be safe, comfortable and fully included in the setting
- explain the supportive arrangements available to ensure inclusion, safety and privacy

- have a child or young person led-conversation to talk about their concerns and wellbeing needs, and to plan the support arrangements they would like at this point in time ([planning for inclusion, safety and wellbeing](#) in this procedure supports this conversation)
- check if the child or young person and their parents have sought advice from a health provider or would like help to do this
- cover any medical and health support issues related to gender affirmation that are included in a child or young person's existing health plan, or create a health plan if needed.

A child or young person's right to [confidentiality and privacy](#) must be maintained.

## Who is at the meeting

This meeting must include:

- the child or young person
- the site leader or their delegate.

The meeting should also include:

- the child or young person's parents where possible
- any other support people the child or young person wants there. This might be a carer, the student wellbeing leader or year level coordinator, other health professionals or an external agency support provider.

## Preparing for the meeting – what to think about

### Child and young person-centred and -led

Where possible, gender diverse and intersex children and young people must be allowed to lead conversations about arrangements made for their inclusion and safety in their learning setting.

### Parent involvement

The best outcomes for a gender diverse child or young person happen when they are supported by their family. The aim is always to have a family inclusive approach. You should make every effort to include the child or young person's parents when a child or young person asks for support to affirm their gender or to socially transition.

Some parents of gender diverse children and young people might find it difficult at first to accept their child's gender identity. They might also be concerned about their child's wellbeing. Listen to their concerns and be supportive. You can help parents access more information and support services.

Where there is at least one supportive parent, it can be helpful to discuss options for supporting the child with that parent. This should include the best way to minimise any distress to the child or young person.

### Parents who do not currently support their child's gender affirmation

When parents make it clear they do not support their child's gender affirmation, the site leader must decide

what is in the best interests of the child or young person. The primary consideration is the safety and wellbeing of the child or young person within the learning setting. You must be guided by your [duty of care \(PDF 182KB\)](#) (staff login required) obligations.

In this situation, the site leader should:

- try to negotiate actions the setting can take to support the child that might be acceptable to the parents and their child in the short term
- review and update this arrangement at an agreed time.

There will be some situations where it is not possible to reach agreement between the child and their parents about their gender affirmation.

If the site leader determines that supporting gender affirmation is in a child or young person's best interest, this procedure must be followed to make support arrangements for them.

For older children and young people, a leader's determination should be guided by the child or young person's capacity to make an informed decision to affirm their gender. A child or young person has this capacity when they demonstrate they understand:

- what gender diversity means for them
- the benefits and the challenges of different actions to affirm their gender
- the long-term impact their affirmation might have for them, for example, the impact on family, peer relationships and schooling.

When a site leader determines that the child or young person has the capacity to make this decision, they must document their reasoning. This must be kept securely on file.

Parents or guardians must always be informed about the arrangements that have been made to support their child. It is important to explain to parents that ensuring their child's safety and wellbeing is the primary concern and obligation.

Try to keep the conversation going with parents. The aim is to support their relationship with their child.

If you need further advice on responding to situations where parents are not supportive, contact the Engagement and Wellbeing Directorate.

### [A child or young person's concerns about informing their parent](#)

Sometimes a child or young person might not want their parents to know about their gender diversity. If this happens, the site leader should:

- sensitively ask about the child or young person's concerns about informing their parents
- access all relevant information about the family situation of the child or young person including any known child protection or safety concerns
- discuss with the child or young person ways that their concerns about informing their parent could be addressed with support from their setting
- use this information to decide whether there are serious and legitimate reasons (such as safety concerns) not to inform a child or young person's parents.

In the case of older children and young people, a leader's decision can be helped if they can determine whether the child or young person has the capacity to make an informed decision about their gender affirmation and the consequences of their actions.

The decision made by the site leader whether to involve parents should be documented and reviewed regularly with the child or young person as part of the gender affirmation planning process.

If there is reasonable suspicion of harm for a child or young person, you must follow the usual mandatory reporting processes.

### Cultural awareness and sensitivity

Cultural views of gender diversity must inform how you support a gender diverse child or young person. You should consider cultural perspectives of different Aboriginal communities, cultural groups and religious faiths when supporting gender diverse children and young people and their families.

There are culturally distinct terms that are used in some Aboriginal communities, such as Sistergirls and Brotherboys. It is important to ask a child or young person which culturally appropriate terms they prefer and respect their choices.

## Creating a gender affirmation plan

A [gender affirmation plan \(DOCX 672KB\)](#) supports conversations that happen at the meeting. The plan is used to document the agreed support arrangements.

The gender affirmation plan will identify the staff members responsible for specific support arrangements that the child or young person needs. The plan must also be monitored to make sure the support arrangements are being implemented as planned. Issues should be addressed as they arise.

The gender affirmation plan includes a scheduled review meeting date 3 months after the first meeting. The site leader arranges this review meeting, which will include the same people and have the same purpose and structure as the initial meeting. After the first review meeting, review meetings must be held every 6 months.

At any time, a child or young person might express concerns or ask for changes in arrangements. These should be addressed as quickly as possible, and their plan updated.

## Planning for inclusion, safety and wellbeing

In the meeting, support arrangements should be recorded in the Plan as needed for each of the following considerations.

### Confidentiality and Privacy

You must consider the child or young person's preferences regarding any communication of their intersex status or gender identity. This includes who needs to know, when and how they will be told, and what language is used.

Settings must respect confidentiality and privacy in relation to children and young people. An individual's intersex status or gender identity is considered personal information. A child or young person's intersex

status or gender identity must only be disclosed in accordance with section 14 of the *Education and Children's Services Act 2019*, the [Information Privacy Principles \(IPPS\) Instruction](#) and the [Information Sharing Guidelines \(ISG\)](#).

To fulfill your mandatory reporting obligations under the *Children and Young Persons (Safety) Act 2017* you might need to disclose personal information about a child or young person, including their intersex status or gender diversity, if you suspect on reasonable grounds that a child or young person is, or may be, at risk of harm.

## Names and pronouns

One of the first things a gender diverse child or young person often wants is to change their name and gender pronouns.

This will mean using a preferred name and pronouns in the setting. They might also request to change enrolment and other records. Advice on responding to these requests is below.

### Using a preferred name and pronouns at school, preschool or in the care setting

A gender diverse child or young person should be asked their preferred first name and the pronouns they would like used.

A child or young person's preferred name and pronouns must be used by staff, children and young people regardless of enrolment information.

You must also ensure that internal records and communications (for example class lists, attendance role, reports) use the child or young person's preferred name and pronouns.

Sometimes one or both parents will not agree with their child being known by their preferred name and pronouns. In these circumstances, the best interests of the child or young person's wellbeing is the primary consideration. The child or young person's preferred name and pronouns are to be used in the education setting if a site leader decides it is in their best interests, even if no agreement can be reached with the parents.

When this happens, you might use the child's birth name and sex when communicating with a parent. This recognises the parent's decisions outside of the education setting and respects how they currently relate to their child.

### Changing enrolment and other records

As part of their gender affirmation, a gender diverse child or young person might want to change their official enrolment name and gender identifier.

A signed request from at least one parent gives authority for their child's enrolled name and gender identifier to be changed on their enrolment record. However, it is best practice to get consent from both parents before changing a student's enrolled first name and gender pronoun.

For schools, when a parent provides a signed request for these changes to be made to their child's enrolment details, the child or young person's enrolment record must be changed on EDSAS and all records.

Changes on the Education Department School Administration System (EDSAS) must be informed by the

EDSAS fact sheet, [maintaining EDSAS records to support transgender students](#).

### When parental support is not available

If a parent does not support a child or young person's request to change their enrolment name and gender identifier, the site leader must decide what is in the best interests of the child or young person. Again, the child or young person's wellbeing and the setting's duty of care inform the leader's determination.

A site leader's determination can also be informed by an older child or young person's capacity to make the decision to change their name and gender themselves.

When a site leader determines that the child or young person has the capacity to make this decision, they must document their reasoning. This must be kept securely on file.

You can seek further advice from the Engagement and Wellbeing Directorate.

## Toilet and changeroom facilities

All children should have access to toilet and changeroom facilities that respect their privacy, safety and inclusion. This includes access to sanitary items as required.

For an intersex child or young person, particular considerations might need to be given to ensure this respect.

A gender diverse child or young person should be able to access the facilities that match their gender identity.

Alternative options to accessing gender aligned facilities (such as use of disability or staff facilities) should only be a short-term solution, unless the child or young person wants to use these facilities. Education settings might also have unisex or gender-neutral facilities, which any child or young person can use. This can help create an inclusive environment for gender diverse and intersex children and young people.

## Uniforms and dress codes

Many settings already have gender neutral uniforms or dress codes.

The uniform or dress code should be flexible and allow the right of choice and gender expression. This applies to all uniforms including any sports uniforms.

You can find out more about this in the [school dress code administrative instruction](#) (staff login required).

## Excursions, camps and overnight stays

Excursions, camps and overnight stays need specific planning to make sure gender diverse and intersex children and young people can participate fully and safely.

### Excursions

When planning excursions, you should think about ways to make sure a gender diverse child or young person feels included. This might be:

- toilet options at the venue

- not splitting groups into boys and girls
- briefing people at the venue about names and pronouns, and any other relevant arrangements.

## Camps and overnight stays

The considerations for [excursions](#) in this procedure also apply for camps and overnight stays.

For camps and overnight stays, you must discuss the sleeping arrangement options with a gender diverse or intersex child or young person and their parents before the camp or overnight stay.

The primary consideration in deciding sleeping arrangements is the safety and wellbeing of the child or young person.

Ideally, a gender diverse child or young person should use sleeping quarters that match their gender identity.

If, for safety or wellbeing reasons, it is not possible for a child or young person to share communal sleeping quarters that match their gender identity, then other arrangements must be made. Separate sleeping quarters or shared sleeping quarters with supportive friends are good options.

A risk assessment must be created for all excursions and camps. The decisions taken to support an intersex or gender diverse child or young person's inclusion and safety during an excursion or camp should be documented as part of the risk assessment. See also the department's [camps and excursions procedure \(PDF 431KB\)](#).

## Physical Education and sport

The goal for gender diverse and intersex children and young people is full participation in all types of sport activity.

[Toilet and changeroom facilities](#) and [uniforms and dress codes](#) in this procedure both apply to sporting activities.

### Physical Education

All children and young people are entitled to access and fully participate in the Australian Curriculum, including the subject health and physical education. Physical education learning must be designed to be inclusive so that all children and young people can participate. Inclusive design accommodates all gender identities.

### Participation in school competitive sport

The goal of full participation by gender diverse children and young people in all types of sport activity includes participation in competitive sport.

All children and young people must be supported to participate in events that align with their gender identity. This includes all sport run by schools including inter-school competitions and School Sport SA.

Both the Commonwealth legislation, the [Sex Discrimination Act 1984 \(Cth\)](#), and the state legislation, the [Equal Opportunity Act 1984 \(SA\)](#), prohibit discrimination on the basis of gender identity by an educational authority. Schools are education authorities within the meaning of these Acts. Compliance with law overrides

any complaint the school might receive about including a gender diverse child or young person in any competitive sport.

## Participation in competitive sport outside of school

External sports associations have their own policies and guidelines for the participation of gender diverse people. These policies might not allow all students to participate in sport in their affirmed gender. When a competition is organised by an external association, their policies and guidelines will apply.

It is important for the site leader to know before a young person participates in the entry level of a sport competition if, at a higher level of that competition, the young person might be excluded. A young person might not wish to compete in a competition if they know they could be excluded later.

You can contact [School Sport SA](#) for advice on sports association codes about the participation of gender diverse children and young people.

## Professional development and support for staff

Professional development is available to help you to support gender diverse or intersex children and young people. This includes knowledge and practices to support gender affirmation and social transition within the education setting.

Details of the training are available and registration can be found on the department's [intranet](#) and on [plink](#).

You can also contact the department's Engagement and Wellbeing Directorate directly to receive assistance, discuss needs and to access appropriate support. This might include policy advice, access to specialist consultancy for complex cases, staff training and links to other services.

# Roles and responsibilities

## Chief Executive

This procedure is issued under the authority of the Chief Executive who is ultimately responsible for ensuring compliance by department staff with this procedure.

## Executive directors and directors

Executive directors and directors are responsible for ensuring that department policies and processes support gender diversity and intersex and will oversee the development of state-wide initiatives to support these children and young people.

## Education directors

Education directors will ensure that:

- all principals and preschool directors are familiar with this procedure and the ‘supporting gender diverse, intersex and sexually diverse children and young people policy’, and implement the procedure in accordance with the policy when a child or young person requires support
- settings are safe and inclusive environments for all children and young people including gender diverse, intersex and sexually diverse children and young people
- settings have practices and procedures in place to address and respond to interphobia and transphobia, as part of their local bullying prevention policy and procedures.

The education director will support staff to implement this procedure and will respond to concerns raised in relation to the procedure.

## School, preschool and care setting leaders

Leaders are responsible for ensuring:

- all staff are familiar with this procedure and their obligations to ensure their settings are safe and inclusive environments for gender diverse, intersex and sexually diverse children and young people
- gender diverse and intersex children and young people are provided appropriate support and arrangements are recorded
- a school’s local bullying prevention policy addresses all types of bullying, and specifically incidents of transphobic and interphobic bullying, harassment and discrimination. Such incidents must be recorded appropriately
- that any incident of a staff member acting in contravention to the policy and procedure is addressed and recorded appropriately
- staff are appropriately trained to support and respond to the needs of gender diverse, intersex and sexually diverse children and young people
- all volunteers and service providers comply with the procedure
- compliance with confidentiality and privacy principles
- that teaching and learning is inclusive and relevant to the lived experiences of all children and young people.

## Staff

All staff are responsible for:

- being familiar with this procedure and their obligations to ensure that the setting is a safe and inclusive environment for gender diverse, intersex and sexually diverse children and young people
- complying with this procedure and modelling appropriate and professional conduct at all times
- responding to a request for support from a child or young person or their parents in accordance with this procedure

- taking all support actions and implementing all support arrangements for which a gender affirmation plan records they are responsible
- taking responsibility for learning about gender diversity and intersex variation
- responding to and challenging all forms of interphobic and transphobic language and behaviour, in line with the school's local bullying prevention policy
- promoting the use of inclusive and non-gendered language within the setting.

## Student Support Services

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

## Definitions

### assigned gender at birth

An infant is assigned a sex at birth determined by the visible sex characteristics. At the same time an infant is assigned the gender that corresponds to their sex assignment. A child is identified and nurtured in this gender, but the assigned gender does not always match a person's innate gender identity.

### best interest of a child

Consideration of the long-term and short-term welfare concerns for a child or young person, such as their academic, social and emotional needs, aspirations and abilities.

### carer

Carers are approved carers as defined by section 16 of the [Children and Young People \(Safety\) Act 2017](#).

Carers can also include [Aboriginal kinship carers](#).

### discrimination

When a person treats another person or their child in a way that is less favourable because of their gender, nationality, culture, age, disability, religion, gender identity, pregnancy or potential pregnancy, sexual orientation, intersex status, marital or relationship status, and family responsibilities as defined in the:

- [Equal Opportunity Act 1984 \(SA\)](#)
- [Sex Discrimination Act 1984 \(Cth\)](#)
- [Disability Discrimination Act 1992 \(Cth\)](#).

## EDSAS

The Education Department School Administration System (EDSAS) is the mandated electronic database provided to all department schools and contains student information.

## gender

A term used to describe a characteristic of a person. Gender can be classified as female, male, trans, non-binary or agender. Gender may or may not correspond to a person's sex assigned at birth.

## gender affirmation/gender transition

The actions a gender diverse person takes to affirm their gender identity that is different to the gender typically associated with the sex assigned to them at birth.

## gender diverse

People whose gender identity differs from the gender identity typically associated with the sex assigned to them at birth. A person might identify as neither male nor female, or as both. People might identify as for example, trans, transgender, non-binary, gender fluid, gender queer, gender questioning or agender.

## gender identity

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

## guardian

A person who has legal guardianship or custody of a child. Also refer to the definition of parent.

## in loco parentis

A person acting in a parental style relationship with a child, where the person has intended to place themselves in the position of a parent toward a child and has assumed the same duty and authority as a parent with respect to the nurturing, control and protection of a child. A person in loco parentis may include a person:

- in a de facto relationship with a child's biological parent where they have assumed responsibility for the child
- who has taken over care of a child after the death of both biological parents, or where there has been a family breakdown and the child is estranged from both biological parents
- in an informal fostering arrangement.

This person does not have to assume any or all financial responsibility for a child to satisfy this definition.

## intersex

Intersex people have sex characteristics (hormonal, genetic and reproductive) that don't fit medical and social norms for female or male bodies.

Intersex variations are natural manifestations of human bodily diversity. These variations can be identified prenatally, at birth, at puberty, when trying to conceive, or through random discovery. There are at least 40 known intersex variations.

## misgendering

The act of referring to someone, especially a gender diverse person, using a word, name, pronoun or form of address, that does not correctly reflect the gender with which they identify.

## non-binary

Someone who doesn't identify exclusively as male or female. They might feel like they have a mix of genders or like they have no gender at all.

## parent

For the purposes of this procedure, the term 'parent' refers to all persons responsible for the child. A person responsible for the child means a person who is the child's:

- biological parent, adoptive parent or other person recognised as a parent if the child was conceived following a fertilisation procedure or under a surrogacy arrangement
- guardian
- person standing in loco parentis.

This does not include a person who has had their legal custody, guardianship or responsibility for the child removed by a Court, Act or Law.

As an example, a biological parent who has had their custody, guardianship or parental responsibility for the child removed by a parenting order made under *Family Law Act 1975* (Cth) is not a person responsible for the child.

## -phobia

The fear, intolerance, and/or discrimination of people who identify as:

- intersex (interphobia)
- transgender, gender diverse or gender nonconforming (transphobia).

These attitudes can be linked with bullying, verbal and physical abuse, prejudice, discrimination and/or exclusion.

## sex assigned at birth

When a baby is born, they are assigned a sex which is usually based on visible physical sex characteristics. This may be male, female or intersex.

For intersex people a female or male assignment does not adequately describe their sex physiology, as their hormone, genetic and reproductive characteristics vary from defined female and male characteristics.

## 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.

## site leader

The person who has the ultimate responsibility for the implementation of policy, procedure and practices in the education or care setting.

## social transitioning

A number of changes that can be made in a gender diverse person's social life and situation to affirm their gender identity, including:

- using a different name and pronouns
- changing physical appearance (for example hair, clothing)
- using amenities in keeping with their gender.

It does not refer to medical intervention.

## staff

Department for Education employees and family day care educators and respite care program care providers.

## transgender

An umbrella term used to describe someone whose gender identity is not aligned typically with their sex assigned at birth. It also specifically describes a trans male and trans female person, whose gender identity is the opposite to the gender typically aligned with their sex assigned at birth.

## Supporting information

[Bullying prevention requirements](#)

[Keeping Safe: Child Protection Curriculum](#)

## Related legislation

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

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

[Education and Children's Services Act 2019 \(SA\)](#)

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

[Equal Opportunity Act 1984 \(SA\)](#)

[Sex Discrimination Act 1984 \(Cth\)](#)

## Related policies

[Access to legal services across the department procedure \(PDF 176KB\)](#) (staff login required)

[Camps and excursions procedure \(PDF 431KB\)](#)

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

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

[Protective practices for staff in their interactions with children and young people: guidelines for staff working or volunteering in education or care settings \(PDF 3.2MB\)](#)

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

[School dress code administrative instruction](#) (staff login required)

[School and preschool enrolment policy \(PDF 284KB\)](#)

[Supporting gender diverse, intersex and sexually diverse children and young people policy \(PDF 250KB\)](#)

## Record history

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## Contact

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