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## **Guidelines on supporting children discerning in the context of gender**

### **1. Purpose**

The intention of this guideline is to provide the leadership of Catholic Schools, and their communities, with context, guidance and direction in engaging with children and their families who are discerning or grappling with issues of Gender Identity, in a way that is both consistent with the inclusive values of the Catholic faith, and legally compliant (embracing the values of the Constitution of South Africa and its Bill of Rights).

### **2. Background**

The Catholic Church affirms the inherent dignity of each person, and advocates for the wellbeing of all people, particularly the most vulnerable. The Child Safeguarding Policy of the National Catholic Board of Education promotes the following underlying principles

- All children have the fundamental right to be respected, nurtured, cared for and protected
- All children have equal rights to protection from abuse and exploitation. No matter what cultural differences there are, no matter any other reason, Catholic schools must intervene on behalf of any child who they think might be being abused
- No practice that is harmful to children will be tolerated or condoned. A complicating factor here is the possibility that premature or inadequately discerned change of gender could be seriously harmful
- Catholic Schools must create safe environments for children and young people, and through doing this they can best protect them from any form of harm or abuse
- Every person has a duty of care to support the protection of children
- The professional commitment of all personnel at schools to keeping children safe, and stopping them being abused, is an enormous resource in this mission and it is therefore essential that all staff are informed regarding these issues.

The Church teaches that “the human body shares in the dignity of the image of God”<sup>1</sup> and that all people should acknowledge and accept their sexual identity<sup>2</sup>. At the same time, it is recognised that there may be instances where people experience dissonance between their biological sex and their ‘affirmed gender’.

While there is no explicit Catholic teaching on the nature or causes of gender fluidity, the Church affirms the inherent differences between males and females<sup>3</sup>, as well as their complementarity.

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<sup>1</sup> Catechism of the Catholic Church, paragraph 364

<sup>2</sup> Cf Catechism of the Catholic Church, 2393

<sup>3</sup> Gen 1:27

Furthermore, the Church affirms that “beyond the understandable difficulties which individuals may experience, the young need to be helped to accept their own body as it was created.”<sup>4</sup>

The issue of gender is sensitive and complex. Above all else, it is important that children experiencing struggles with their gender identity understand the depth of God’s love for them, and their intrinsic worth and beauty, and that they and their families are treated with compassion, sensitivity, and respect. The school’s responsibility is to support and protect the child from exclusion, ridicule and bullying. It is not the school’s role to participate in any decisions that are made, but rather to support those decisions where possible.

### 3. Terminology

- Child                      A person under the age of 18 years. *It should be noted that in the school setting, our duty of care requires us to apply these guidelines to anyone who is attending the school, even if a pupil is 18 or older*
- Gender identity        A person’s deeply-felt individual experience of gender, which may or may not correspond with the sex assigned at birth. It may be the experience of the person’s own maleness or femaleness, or non-binary experience of neither gender
- Biological sex         The physical sexual organs with which the person is born

Sexual orientation    Who the person is sexually attracted to

### 4 Basic responsibility of the School:

Recognising that the child, and the parents/guardians of the child, are the prime agents in this situation (not the school or the principal or those consulted by the parents for advice), it is the responsibility of the school to enter into a good-faith arrangement with the parents/guardians and the child to establish counselling needs, and a transition plan if this is indicated. (While it is understood that the school may be the first option for counselling, it might not be possible for the entire counselling responsibility to rest on the school, as it may not have the resources). This should include strategies to support the child at school, as well as any siblings and possibly friendship groups. It is a process that should be confidential and low-key (as would any interaction of a sensitive nature) including appropriate information for school personnel, and a workable level of provision for the intimate needs of the child. *Note: there may be limits to what the school can offer in this regard.*

### 5 Principles underlying these Guidelines

The following principles underpin the implementation of these guidelines in Catholic schools:

- 5.1 Respect for the dignity and worth of every person is the key priority.

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<sup>4</sup> Amoris Laetitia, 285

- 5.2 Parental responsibility: decisions by the school regarding its response should normally be made in consultation with the child's parents/guardians and the child themselves.
- 5.2.1 It must be recognised that one or both parents/guardians may not be in agreement with the child's choice to express a gender identity that is different from the social norms associated with their biological sex. While this can prove challenging for a school, the school should be mindful that at base, the task of resolution belongs to the parents/guardians, not to the school.
- 5.2.2 Sound clinical advice, including that of a Child and Adolescent Psychiatrist, may be sought by the parent/guardian, and this is likely routinely to involve second opinions.
- 5.3 All decisions will have regard to the age, capability and maturity of the child, and will be informed by advice from the treating Child and Adolescent Psychiatrist(s) about the potential impact on the child's wellbeing.
- 5.4 The Principal, parents / carers and any other relevant staff member will be open to ongoing dialogue to ensure effective support for the child.
- 5.5 It should be clearly understood that the school may not be in a position to comply with all the recommendations / requirements made by the parents / medical professionals
- 5.6 The harassment of children on the basis of their gender identity will not be tolerated. This constitutes bullying and should be considered a serious violation of the child's human rights.

## **6 Process**

- 6.1 The following understandings are fundamental to any processes:
- 6.1.1 Supporting child wellbeing is the priority.
- 6.1.2 Ensuring respectful arrangements are made that are feasible and practical, and that consider the needs and rights of all children.
- 6.1.3 Strategies should ensure the child is not discriminated against, either directly or indirectly. This includes protocols for reporting harassment and dealing with it.
- 6.1.4 Ensuring that confidentiality is respected and that consent is obtained from both parent/guardian and child, as required, if the child's information needs to be shared. This includes self-disclosure.
- 6.2 At the request of the parents/guardians, the Principal will meet with them and in most circumstances, the child, to gather information about the child's situation. What is important here is that the child's choice is not something that happens in a single moment but is part of a process of assessment and incremental change where indicated. Parents/Guardians may be concerned that their children will be encouraged to make inauthentic choices unless a careful and thorough process is followed.
- 6.3 The following information should be required from the parents/guardians:
- Current stage of the child's experience of the child's affirmed gender identity
  - Family circumstances (e.g. siblings who may also attend the school)

- Medical reports. A report from the child's GP and/or paediatrician is highly desirable to help frame the school's response strategy. Other medical reports might also be sought.
- Any other formal information or reports: e.g. Court Orders

- 6.4 Parents/Guardians and the child should be reassured that although this may take some time, the goal is to achieve a successful and supportive result for the child concerned.
- 6.5 No child should be made to feel that they are the ones who are causing problems or that they owe anything to the school in return for being treated with the equality they deserve and are legally entitled to. This may be an opportunity quietly and responsibly to enrich the school community, and respectfully to challenge gender stereotypes and norms.
- 6.6 Based on the information obtained, and with the support of the stakeholders, the principal should enter into a good faith arrangement with the parents/guardians and the child to establish a plan which should include strategies to support the child at school, as well as any siblings.
- 6.7 Consideration of arrangements for the child's intimate needs at school.
- 6.8 Provision of relevant information/education session for school personnel.
- 6.9 An area that can be difficult and sensitive to handle is when a child discloses that they are struggling with issues of gender, but request that their parents not be informed. It is important that the confidentiality of this disclosure be respected, in order that the child can be safe and protected. However, the school must at all times be mindful that this area is the responsibility of the parent/guardian. The two need to be held in balance, supporting the child towards the courageous place when hopefully this conversation can happen in the family context.

## **7 Implications for the broader school community**

In keeping with the need to honour the privacy of the child, and to keep confidentiality, the following considerations should be part of the broader curriculum, not related to a particular child. Whether or not the child wishes for privacy, that should be the stance of the school. The POPI Act refers.

- 7.1 Consideration of types of information/education to be made available to the parent community
- 7.2 Consideration of the types of information/education appropriate for the student body, for example, a review of the school's Bullying Prevention Policy.
- 7.3 Admission policy: it will most likely be necessary for the school to review its Admission Policy, and ensure that there is adequate clarity for prospective parents/guardians who are considering applying for admission for their children. For example, if the stated and owned identity of the school is that it is a school for boys, that needs to be made known to prospective parents on application.

- 7.4 While it is vital to respond to particular instances responsibly and ethically, a broader understanding of sexuality should already be part of the school's own curriculum. "Sex education should also include respect and appreciation for differences, as a way of helping the young to ... be open and accepting of others<sup>5</sup>". All teachers, whether teaching sexuality education or not, should be clear on the school's policy with regard to speaking about sexuality, and children's rights with regard to their freedom of expression and inclusion in decisions about them. The school may need to provide appropriate guidance and formation for teachers in this regard, along with clarity regarding the school's expectations of how such issues are presented, in relation to the ethos of the school.
- 7.5 Recognise that some children and staff may be uncomfortable, but that being uncomfortable is not the same as harm – and that any expression of the rights of someone with a gender identity different from their biological sex cannot be considered a disruption. Members of the school community may feel that traditions and social norms are being challenged. They need to be allowed the space to talk about their beliefs, feelings and attitudes.
- 7.6 The school affirms the commitment to work within the core values of the Constitution of South Africa (dignity, equality and freedom), while dealing sensitively, confidentially and compassionately with the realities of the children.

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<sup>5</sup> Amoris Laetitia, 285

## **Appendix 1: Further terminology that may be of assistance**

### **Gender incongruence**

This refers to a felt difference between one's sex and one's gender causing a feeling of discomfort or 'mismatch'. When this discomfort causes distress such that it prevents one from functioning well, the term 'gender dysphoria' is often used. The Christian vision acknowledges the medical evidence that gender incongruence has a strong psychological dimension.

### **Intersex**

Intersex people are born with the full genitals or parts of the genitals and reproductive organs of both sexes.

### **Cisgender**

This term refers to those who believe that their biological sex is merely a category to which they were assigned at birth and that their gender matches their biological sex ('cis' means 'on the same side as'). The Christian vision of the human person acknowledges the biological fact of a person's sex as a 'given' foundation of their personhood, not an arbitrarily assigned category; absent an intersex condition. It is advisable to avoid using the term 'cisgender' because it reflects a misunderstanding of the significance of biological sex.

### **Sexual orientation**

Sexual orientation has to do with who a person is sexually attracted to. It does not say anything about a person's gender and is not always based on their biological sex. Some people are emotionally and sexually attracted to:

- the opposite sex (**heterosexual**),
- the same sex (**homosexual**),
- both sexes (**bisexual**), or
- neither sex (**asexual**).

### **Transsexual**

A transsexual is someone who identifies their gender identity as different to their biological sex and feels that they have been "born in the wrong body." Transsexuals usually embrace the gender norms linked to the gender they identify with.

### **Transgender**

The word transgender is most often used to refer to transsexuals, but it also acts as an umbrella category that describes a wide range of people that includes those who are not trying to change their biological sex (undergoing a binary transition between male and female or female and male).