



Y Safeguarding

Gender Diversity Safeguarding Guidance

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Feel Safe, Be Safe

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Introduction

At the Y, our safeguarding vision is to empower all children and young people to feel safe and be safe at the Y, in their families and their communities.

We are nurturing and believe that enabling a child or young person to have a voice in matters that affect them helps to foster a sense of belonging- which is fundamental to empowering children and young people to feel safe and be safe - including those who may identify as Lesbian, Gay, Bisexual, Transgender, Queer, Intersex or Asexual (LGBTQIA+).

Developed in consultation with those with lived experience as well as industry experts, peak bodies, Government and Non-Government Organisations, this guidance can assist Member Y's to:

- uphold the [UN Convention of the Rights of the Child](#) Article 12;
- uphold the [Sex Discrimination Act 1984](#) (Commonwealth) (the Act);
- embed Principles 2, 3 & 4 of the National Child Safe Principles;
- embed the Y Safeguarding Children and Young People Licensing Standards; and
- support the inclusion of gender diverse children and young people in our programs and services, specifically around sleeping arrangements and overnight stays.

The implementation of this guidance forms part of the Y's Safeguarding Framework under Environment and '*Diversity*'.

Equality and Accessible Facilities for Overnight Stays

Sleeping Arrangements

If a Y program or service includes overnight stays, transgender or gender diverse (a term that includes all the different ways gender can be experienced and perceived, it can include people questioning their gender, those who identify as trans/transgender, genderqueer, non-binary, gender nonconforming and more) children and young people should be allowed to sleep in an arrangement that reflects their age and gender identity so that they feel most comfortable and safe.

For example, if a transgender young person is attending a camp and the sleeping arrangements are separated into cis (a term used to describe people who identify their gender as the same as what was presumed for them at birth) male/female, the young person should be consulted about their preferences for sleeping and personal care arrangements.

If the child or young person is not comfortable sleeping in either cis male/female rooms and/or cabins, then private or separate sleeping quarters can be considered. To avoid the child or young person feeling isolated, shared sleeping quarters with other participants such as friends of the child or young person should be considered.

Whilst the above are good options and strategies, it is not appropriate to insist that a gender diverse or non-binary child or young person use one of these options if they are not comfortable doing so. There should be further engagement and open discussion with the child or young person to ensure they are comfortable.

Any arrangements agreed upon should be incorporated and documented as part of the program or service risk assessment and consultation with the child or young person as well as their parents and/or carers prior to the program or service.

Change Rooms and Bathrooms

Gender diverse children and young people should also have the choice of accessing toilets and/or change room facilities that match their gender identity.

It is important to discuss with the child or young person options available in an open way that does not put pressure on their decisions. Such facility arrangements are to be made and managed by the program and/or service leader and in consultation with the child or young person and family and other identified support agency persons the child or young person may choose.

Sleeping, change room and bathroom options made to children and young people should not compromise their safety or wellbeing in any way. Some options may include:

- having gender-neutral bathrooms;
- arranging for the child or young person to use the accessible bathroom or having privacy screens within the room to ensure the child or young person feels comfortable using existing facilities; and
- ensuring that timetabling of personal care routine times is sensitive to the needs of all children and young people.

While many transgender or non-binary people may prefer to use bathrooms, showers and change rooms that align with their gender identity, there may also be a strong preference for privacy. For example: A young person who identifies as non-binary may prefer to use gender-neutral facilities.

Change room and shower arrangements should be considered to ensure they are suitable for all participants. Venues may consider making their existing facilities more inclusive by:

- changing signage on some facilities to all-gender;
- modifying change rooms and bathrooms to create private spaces (higher doors, room dividers, shower curtains etc.); and
- ensuring all change rooms have appropriate waste disposal.

It is important to note that each individual child or young person is different, and arrangements should be made on a case-by-case basis.

Importantly, the safety and wellbeing of all children and young people must be the primary consideration when making any decisions.

Consultation

It is essential that the child or young person as well as their parents and/or carers are meaningfully consulted throughout these processes.

The aim of this is to ensure there is open and transparent communication so that the child or young person can feel supported, comfortable and safe during their time in the program or service.

All parties should agree on the provisions and arrangements to be accommodated. These must also be documented as part of your risk assessment and planning for the program or service.

Inclusive Language

The language we use is important and may have a positive or negative effect on others, including gender diverse children and young people.

To use inclusive language is to ensure each person feels validated through the use of their preferred pronouns and name. Avoiding gender stereotypes as well as using non-descript or gendered group terms- such as 'everyone' instead of 'guys'- is an important step towards using language that does not assume others' gender identity and cause unintentional misgendering.

The pronoun a person uses to describe themselves generally reflects their gender identity. Conventional pronouns are 'she/her/hers' and 'he/ him/his'. Some people prefer to use gender-neutral pronouns, such as 'they/them/their/ze'.

An easy way to encourage and facilitate the use of everyone's correct pronouns can be to include them on name badges for Y People as well as participants and to mention them when you introduce yourself at the start of each program.

Confidentiality

All children and young people have a right to have their personal information protected. Information about a child or young person's gender should only be disclosed or shared by the child or young person themselves or by their parent and/or carer. This means Y People must not share or disclose information about a child or young person's gender unless they have authorisation to do so.

Risk Assessments

At the Y, it is standard operational practice to complete a risk assessment for all programs and services that run overnight stays. The inclusion of individual needs of gender diverse children and young people attending such programs and services should be incorporated in such assessments.

You can find the national risk assessment template on the Y Extranet.

Communication

It is important to ensure everyone is aware of the Y's support for all children and young people. Clearly communicating (and demonstrating) our values and inclusive approach will ensure diverse children and young people can feel that they belong at the Y.

Ensuring our policies and guidance documents are easily accessible will also demonstrate transparency and provide an opportunity for any children, young people, parents and/or carers or partners to raise any concerns to the Y or to provide added support to the participant prior to attending an overnight program or service.

Quote from Nick Payne YNSW Camp Yarramundi - "The culture within camp is one free of judgement, one of empathy, understanding and opportunity to make a difference.

It is not my job nor my right to pass judgement or direct how things should be done, it is my job to provide a service that takes care of client needs. In short, I treat all conversations as a normal conversation, judgement free. I listen to the needs of client and ensure I hear and any concerns. In addressing needs and concerns I provide options and allow the client to make choices. Finally, I reassure the customer of our commitment to our values."

Legislative Considerations

Discrimination

The Sex Discrimination Act 1984, states that it is against the law to discriminate against someone due to their gender identity. Other protected attributes include sex, sexual orientation and intersex status.

There are two types of discrimination,

1. Direct discrimination occurs when somebody is treated unfavourably because of a protected attribute.
2. Indirect discrimination can be less obvious. Indirect discrimination occurs when a condition, requirement or practice that applies to everyone disadvantages another person's of a particular sex or gender identity and the condition, requirement or practice is not reasonable in the circumstances.

Privacy Act

The Privacy Act 1988 (Privacy Act) protects individuals' personal information regardless of their age. The definition of personal information includes a broad range of information that could identify an individual.

What is personal information will vary depending on whether a person can be identified or is reasonably identifiable in the circumstances.

Personal Information may include, but not limited to, sensitive information. For the purpose of this guidance, sensitive information is personal information that includes information or an opinion about an individual's sexual orientation or practices but can also include a person's health or religious information.

FAQs

Question: How do I answer questions from other parents or adults about a transgender child or young person?

Answer: It is important that you do not disclose or discuss personal information about children or young people in your program or service with others- unless expressly authorised by the child/ young person and their parents/carers.

Question: How should I handle specific questions about the look of a transgender child or young person in my program or service?

Answer: Everyone is different. There is no rule for how a transgender or non-binary person looks just as there is no rule for how cis-gender people look. At the Y, we pride ourselves on our differences and our ability to ensure that everyone feels a sense of belonging.

Remind the person that bodies are generally considered private, and that it is inappropriate to ask about another child or young person's appearance (and if questioned, specifically their genitals or hormones). You may also like to let them know that such questions can be deemed intrusive and inappropriate – if possible, refer to our values and/or Code of Conduct (including Safe Behaviours).

Question: How should I respond if the parent of a child or young person in my program or service expresses concern about their child or young person's physical safety and does not want them using a bathroom with a transgender child or young person?

Answer: This is often raised in conversations about denying transgender people access to bathrooms and is recognised as a form of discrimination.

Advise the parent that you expect all children and young people to behave in respectful and appropriate ways (can refer to our values and Safe Behaviours) and that everyone's safety is important to you.

You can also inform them that having a transgender child or young person attend a Y program or service poses no additional risk to their child or young person, and that you will address any concerns about behaviour should they arise.

Question: How do I determine what is "Reasonable" under the Act when accommodating arrangements not to disadvantage a child or young person?

Answer: The Act provides that the following matters are considered when deciding whether a condition, requirement or practice is reasonable:

- the nature and extent of the disadvantage;
- the feasibility of overcoming or mitigating the disadvantage; and
- whether the disadvantage is proportionate to the result sought.

Related Policies and Procedures

- Safeguarding Children and Young People Policy
- Critical Incident Policy

More Information and Further Resources

- Risk Assessment Template
- [Know Your Rights – Sex Discrimination](#)
- Transcend [Australia](#)
- <https://www.pridecamping.org/resources>
- [Pride in Sport](#)
- [Minus 18](#)
- [Sex Discrimination Act 1984](#)

Definitions and Common Terms

Cis gender/CIS	Is a term used to describe people who identify their gender as the same as what was presumed for them at birth (male / Female) 'Cis' is a Latin term meaning 'on the same side as'.
Gender Diverse	Is an umbrella term that includes all the different ways gender can be experienced and perceived. It can include people questioning their gender, those who identify as trans/transgender, genderqueer, non-binary, gender nonconforming and many more.
Gender Expression	Refers to the way that a person externally expresses their gender, or how their gender is perceived by others.
Gender Fluid	Gender fluid people are people whose gender changes over time. A gender fluid person might identify as a female one day and a male the next and may also identify as a gender, bigender or another non-binary identity.
Gender Identity	Is defined in the Act as 'the gender-related identity, appearance or mannerisms of other gender -related characteristics of a person (whether by way of medical intervention or not) with or without regard to the persons designated sex at birth.
Misgendering	Is an occurrence where a person is described or addressed using language that does not match their gender identity. This can include the incorrect use of pronouns (She/he/they), familial titles (father, sister, uncle) and at time, the other words traditionally have gendered applications (pretty, handsome etc) It is best to ask a person, at a relevant moment, what words they like to use.

Non-Binary	Is a term used to describe a person who does not identify exclusively as either a man or a woman. Genders that sit outside of the female and male binary are often called non - binary.
Pronouns	Are a grammatical means of referring to a person or persons. Conventional pronouns are 'she/her/hers' and 'he/him/his'. Some people prefer to use gender neutral pronouns, such as 'they/them/their/'. The pronoun a person uses to describe themselves generally reflects their gender identity. It is important not to assume someone's pronouns based off of their appearance.
Sex	Refers to a person's biological sex or sex characteristics. These may be genetic, hormonal or anatomical.
Sex Characteristics	Refers to physical parts of the body that are related to body development/regulation and reproductive systems.
Sexual Harassment	Any unwelcome sexual advance, request for favours or conduct of a sexual nature.
The Act	Sex Discrimination Act 1984 (Cth).
Transgender	(Commonly abbreviated to Trans) is a general term used to describe a person whose gender identity is different to the sex they were assumed at birth. Being transgender is about how an individual describes their own gender. It is not necessarily about their biological characteristics. Transgender people may position 'being Trans' as a history or experience, rather than an identity and consider their gender identity as simply being female, male or a non-binary identity. Some transgender people connect strongly with their transgender experience, whereas others do not. The process of gender affirmation may or may not be part of a transgender or gender diverse person's life.

Transition/ Gender Affirmation	<p>Is a personal process or processes a transgender or gender diverse person determines is right for them to live as their defined gender and so that society recognises this. Transition may involve social, medical/surgical and/or legal steps that affirm a person's gender. Affirming gender doesn't mean changing gender, 'having a sex change' or 'becoming a man or a woman', and transition isn't the same as being trans. A transgender or gender diverse person who hasn't medically or legally affirmed their gender is no less the man, woman or non-binary person they've always been.</p> <p>Social transition is the process by which a person changes their gender expression to better match their gender identity. This may include changing their name, pronouns, and appearance.</p> <p>Medical transition is the process by which a person changes their physical sex characteristics to align with their gender identity. This may include hormone therapy, surgery or both.</p> <p>Legal transition is the process by which a person changes their identity documents, name, or both, to reflect their gender identity. This may include changing their gender marker on a passport or birth certificate or changing their name on a driver's license or bank card.</p> <p>It is not appropriate to question an individual about the gender affirmation process.</p>
Transphobia	<p>Refers to negative beliefs, prejudices and stereotypes that exist about transgender/trans and gender diverse people.</p> <p>This can be evidenced by the use of inappropriate or outdated language towards gender diverse people or restrictions on the way that people are allowed to express their gender such as which uniform they are allowed to wear or which toilet facilities they can use.</p> <p>Transphobia can also include abusive threats or actual physical violence, sexual harassment and deliberately excluding someone because of their gender.</p>