

Child Safety

POLICY

Title: Children and young people with gender and sexual orientation diversity

Policy No: 648-1

Policy Statement:

The Department of Children, Youth Justice and Multicultural Affairs (Child Safety) is committed to meeting the safety, belonging and wellbeing needs of all children and young people subject to statutory intervention, throughout their lives, including children and young people with diverse genders and sexual orientations. This includes providing safe, supportive and inclusive intervention that is free from discrimination, bullying and harassment.

Child Safety staff will respectfully engage with all people they encounter while carrying out their duties and will not discriminate on the basis of a person's sexual orientation, gender identity or gender expression (referred to in literature as SOGIE) when delivering services.

Child Safety staff will continue to develop their understanding of gender and sexual orientation diversity and how to best support children and young people with diverse genders and sexual orientations. Staff will ensure they understand concepts such as sex assigned at birth, sexual orientation, gender identity and gender expression in order to support children and young people in their sexual identity and to live and be accepted as a person of their experienced gender. Staff will listen to, and learn from, the views and experiences of children and young people with diverse genders and sexual orientations.

Child Safety is committed to respecting, protecting and promoting human rights. The *Human Rights Act 2019* requires Child Safety to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights.

The safe care and connection of Aboriginal and Torres Strait Islander children with family, community, culture and country will be a key consideration when supporting Aboriginal and Torres Strait Islander children and young people with diverse genders and sexual orientations.

Definitions

Gender diversity is a term used to describe gender identities that demonstrate a diversity of expression beyond the binary framework of male and female, including people who identify as transgender and gender fluid. Gender diverse children and young people are at increased risk of experiencing stigma and discrimination, which can lead to poor mental health outcomes. Child Safety will ensure gender diverse children and young people are provided with the information, support and access to services they need to safely explore and express their gender identity.

Sexual orientation refers to a person's identity in relation to the gender or genders to which they are physically and emotionally attracted, for example, heterosexual, gay, lesbian, bisexual, pansexual or asexual.

Transgender is a term that relates to a person whose sense of personal identity and gender does not correspond with their birth sex.

Principles:

- The safety, wellbeing and best interests of the child, both throughout childhood and the rest of the child's life, are paramount.
- Every child and young person has a right to protection from harm and to live a life free from discrimination.
- Child Safety staff will work in respectful ways with children and young people with diverse genders and sexual orientations and be guided by the needs, views and experiences of these children or young people.
- Child Safety staff will promote the wellbeing of children and young people with diverse genders and sexual orientations by taking action to acknowledge and affirm their gender identity and sexual orientation.
- Child Safety staff will take action to ensure children and young people with diverse genders or sexual orientations are in safe and supportive care arrangements.
- Children and young people in care will be supported to safely explore and express their gender identity through their choice of clothing, name and pronouns, behaviours and social interactions.
- Child Safety staff will respect and maintain the privacy and confidentiality of gender diverse children and young people.
- The views of the child or young person will be sought before documenting or sharing information related to their gender and sexual orientation with other people and their request for confidentiality will be respected.
- Child Safety staff will act and make decisions in a way that is compatible with human rights and obligations under the *Human Rights Act 2019*.
- The five elements of the child placement principle (prevention, partnership, placement, participation and connection) under the *Child Protection Act 1999*, section 5C, apply to any processes, decisions and actions taken for an Aboriginal or Torres Strait Islander child.

Objectives:

This policy aims to ensure that:

- Child Safety staff respectfully engage with, and are sensitive to, the needs of children and young people with diverse genders and sexual orientations and deliver services in a way that does not discriminate on the basis of orientation, gender identity or gender expression.
- The safety, belonging and wellbeing needs of children and young people subject to statutory intervention are met and they are provided with the information, support and access to services they need to safely explore and express their sexual and gender identity.
- Child Safety staff will advocate for children and young people and support them to receive services and be in care arrangements where they feel safe and their gender and sexual orientation is affirmed.
- Decisions made under the *Child Protection Act 1999* in relation to Aboriginal and Torres Strait Islander children promote their safe care and connection with family, community, culture and country.
- Child Safety staff recognise whether human rights are affected by their decisions or actions and only limit rights proportionately and reasonably as appropriate in the circumstances.

Scope:

This policy refers to the way Child Safety staff will operate when delivering services to children and young people with diverse genders and sexual orientations who are subject to statutory intervention.

Roles and Responsibilities:

- Child Safety staff are responsible for respectfully engaging with children and young people with diverse genders and sexual orientations to understand their safety, belonging and wellbeing needs, affirming their sexual orientation and gender identity and safeguarding their private and personal information.
- Child Safety staff are responsible for proactively supporting children and young people with gender and sexual orientation diversity to access the particular social, medical, cultural and therapeutic supports they require.
- Carers and care services who care for children and young people with diverse genders and sexual orientations are responsible for respecting the child or young person's views and wishes, affirming their sexual orientation and gender identity and supporting them in an accepting and non-judgemental way.
- Child Safety and care services have a responsibility to ensure carers have access to education, services and support to assist them develop their understanding of, and meet the needs of, children and young people with diverse genders and sexual orientation.
- Child Safety staff will refrain from making assumptions about a child or young person's gender or sexuality and will give the child or young person opportunity to talk about their personal pronouns, gender identity and sexual orientation.
- Child Safety staff will talk to children and young people and involve them in decision-making about how their gender identity is documented in Child Safety systems.
- Senior team leaders and Child Safety Service Centre managers are responsible for ensuring the Child Safety Service Centre is a safe and respectful environment for children and young people with diverse genders and sexual orientations and that staff have the information and support they need to identify and meet the needs of these children and young people who are subject to statutory intervention.
- Further information about the roles and responsibilities of Child Safety staff in relation to supporting children and young people with diverse genders and sexual orientations is outlined in the Child Safety Practice Manual procedure, Place a child in care, and associated resources.

Authority:

Child Protection Act 1999.

Delegations:

Refer to instruments of delegation for delegations relevant to supporting children and young people subject to statutory intervention.

Records File No.: Not applicable
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Office: Office of the Chief Practitioner
Help Contact: Child Protection Practice

Links:

Procedures

Child Safety Practice Manual

Related Policies

Assessing and responding to self-harm and suicide risk (605)
 Carer learning and support (457)
 Case planning (263)
 Decisions about Aboriginal and Torres Strait Islander children (641)
 Foster care matching: a partnership approach (639)
 Foster care training (383)
 Information sharing for service delivery coordination (403)
 Investigation and assessment (386)
 Participation of children and young people in decision-making (369-4)
 Permanency planning (594)
 Placement of children in care (578)
 Support service case (406)
 Transition to adulthood (349)

Related Legislation

Human Rights Act 2019
Public Guardian Act 2014
Queensland Civil and Administrative Tribunal Act 2009

Rescinded Policies

Not applicable

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