SENSITIVITY, SAFETY AND STRENGTH:
An Inter-agency Review of Malta's Policy on Trans, Gender Variant and Intersex Students

MG RM

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MINISTRY FOR SOCIAL DIALOGUE,
CONSUMER AFFAIRS AND CIVIL LIBERTIES

MINISTRY FOR EDUCATION AND EMPLOYMENT
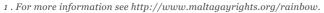GREAT SIEGE ROAD, FLORIANA, MALTA

BACKGROUND

A meeting was held in the summer of 2014 to discuss the case of a transgender child who had sought support from the Rainbow Support Service[1] provided by the Malta LGBTIQ Rights Movement (MGRM). Present at the meeting were the child's parents, the MGRM representatives, the Minister for Education and Employment (MEDE) as well as the Minister for Social Dialogue, Consumer Affairs and Civil Liberties (MSDC).

Following the discussion on this particular case it was suggested by MGRM that it would be helpful to have a policy to guide schools in such situations, a recommendation accepted by the two Ministers. A working group was established, composed of representatives from MEDE's legal office, policy unit and student services, MSDC's policy director and MGRM.

Over the following six months the working group drew up a policy document that also looked at best practice in the field as well as Malta's legal framework. In December 2014 the draft document was passed on to MEDE for internal consultations with a number of stakeholders, including the Malta Union of Teachers as well as various Directors.

The finalisation and launch of the policy was delayed until June 2015, since a decision was taken by MEDE to wait until the Gender Identity, Gender Expression and Sex Characteristics Act[2] was adopted in April 2015. The initial draft document was reformulated into three separate documents, one outlining the policy, the second the procedures and the third the strategy. This approach reflects that of other policy documents adopted within MEDE's 'Respect for All Framework'[3], and is explained in greater detail below.

1 . For more information see http://www.maltagayrights.org/rainbow.
2. The Gender Identity, Gender Expression and Sex Characteristics Act, Chapter 540 of
the Laws of Malta, available at
http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=12312&l=1.
3. See http://education.gov.mt/en/resources/News/Documents/Respect%20For%20All%20Document.pdf

TRANS, GENDER VARIANT AND INTERSEX STUDENTS IN SCHOOLS POLICY

Adopted by the Ministry for Education and Employment (MEDE) in June 2015, the 'Trans, Gender Variant and Intersex Students in Schools Policy'[4] is the result of cooperation between the Ministry for Education and Employment, the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties (MSDC) and the Malta LGBTIQ Rights Movement (MGRM). It is part of Malta's strategic education vision of working towards safe and empowering school environments that seek to form active and employable citizens.

The policy is an important component within MEDE's broader 'Respect for All Framework', an initiative formally launched in October 2014 "based on a philosophy of values-based education, supporting active citizenship"[5]. Since its launch, the Framework has given birth to several initiatives covering an extremely broad range of themes: 'Managing Behaviour in Schools Policy' (June 2015), 'A Whole School Approach to a Healthy Lifestyle: Healthy Eating and Physical Activity Policy' (February 2015), 'Addressing Bullying Behaviour in Schools' (October 2014), and 'Address Attendance in Schools' (October 2014)[6]. As mentioned below, mixed feelings were expressed in relation to this eagerness spurring the Framework's growth: on the one hand welcoming the scope of its reach whilst on the other hand feeling overwhelmed by this very scope.

In essence, the June 2015 Policy has two broad aims: an institutional and an educational one. Institutionally, the policy addresses school structures and procedures in order to create a learning environment that is safe for all persons. This prioritisation of safety is a key theme throughout the policy, clearly based on an acute awareness of the vulnerability of LGBTIQ students - and other members of the School Community - to bullying, harassment, violence and social exclusion[7].

4. The 'June 2015 Policy', available at http://education.gov.mt/en/resources/Documents/Policy Documents/ Trans, Gender Variant and Intersex Students in Schools Policy.pdf.
5. 'Respect for all Framework' (the 'Framework', page 3).
6. All available at http://education.gov.mt/en/resources/Pages/Policy-Documentation.aspx.
7 Also highlighted in Section 5, where the relationship between this policy and that relating to bullying behaviour is explicitly underlined.

From an educational perspective, the policy seeks to mainstream LGBTIQ themes within the school's spirit and ethos in order for them to influence the School Community's perspectives, outlooks and actions. The policy document also underlines the values on which it is based, as being: inclusivity, diversity, equity and social justice.

Although adopted by the Education Ministry, the policy does not regulate or bind Church or Independent Schools but is limited to the public education system's primary and secondary levels[8].

As also highlighted in the Framework, the June 2015 Policy is not a closed process, but an open-ended one. This is reflected in the establishment of a review date within the policy itself, coupled with an open invitation for feedback. The June 2015 Policy will be reviewed during August 2016. It is envisaged that this present research, and its outcomes, will contribute to the policy's review.

The June 2015 Policy is composed of three interdependent documents, following a methodology and structure adopted for all polices established within the Framework. Together with the Policy document itself, there are two accompanying documents covering Procedures and Strategy. Whilst the Policy document is publicly available, the other two documents are only available to relevant stakeholders.

Policy Document Overview

This document provides the value-based context for a more operational other two documents. It stipulates the philosophical approach adopted by MEDE, by also providing background reference materials useful in understanding the rationale supporting the need for this policy. The document's rights-based approach is further underlined through Section 3, wherein reference is made to the human rights obligations relevant to the theme, such as those found in Article 13 International Covenant on Civil and Political Rights[9], Article 2 of Protocol 1 European Convention on Human Rights[10], Article 14 of the Charter of Fundamental Rights of the European Union[11], and other national and regional instruments.

It is in this document that a list of terms is found, largely reflecting terminology adopted in relevant Maltese legal instruments[12] and echoing definitions found in the Yogyakarta Principles[13]. Together with definitions, the document also provides a basic and accessible overview of the key themes related to trans, gender variant and intersex students: transition, intersex, health issues, needs, disclosure, inclusive language and community partnerships.

9. http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx.
10. http://www.coe.int/en/web/conventions/search-on-treaties/-/conventions/treaty/009.
11. http://ec.europa.eu/justice/fundamental-rights/charter/index_en.htm.
12 Mainly GIGESC.
13 http://www.yogyakartaprinciples.org/index.html.

Strategy Document Overview

Whereas the Policy document provides the conceptual and rights-based framework towards the Ministry's approach to the theme, the Strategy document establishes a more detailed matrix on the policy's actual implementation methodology.

Presented in table format, the document lists a number of performance and results targets to be achieved through the policy's implementation. It further allocates responsibilities and lays out an implementation timeline for each identified measure. For the sake of illustration, examples of such measures include the following:

MEASURE	OWNER	STAKEHOLDER	OUTCOME	TIMELINE
1.11. Ensuring the provision of adequate training opportunities for educators	Director General Directorate for Quality and Educational Standards College Principal Head of School	Educators College inter-disciplinary team	1.11.1 Educators understand terms and concepts and current developmental understanding of sex...	Scholastic year 2015-2016.
3.1 To develop close partnership between parents and the school in order to facilitate access to the right to gender identity and gender expression	College Principal Head of School	Parents School Support Staff College inter-disciplinary team Students	3.1.1 Engaged parents. 3.1.2 Parents feel supported...	Scholastic year 2015-2016. Scholastic year 2015-2016.
4.1 Responsibility	Director General Directorate for Educational Services Director General Directorate for Quality and Educational Standards	Students Parents School Support Staff Director, Student Services Director, Curriculum Development Education Officers Heads of Department	4.1.1 Inclusive Education for All. 4.1.2 Safe, Secure and motivating school environments	Scholastic year 2015-2016. Scholastic year 2015-2016.

Procedures Document Overview

The third document in the series moves from the general approach of school management towards the individual case in providing schools with uniform procedures to be followed in specific situations. With the aims of facilitating policy implementation, providing uniform methodologies and ensuring safe school environments, the document presents itself as a Standard Operating Procedures guide for cases involving change in gender identity and student transition. It is clear that the conceptual and rights-based framework established in the Policy document should be adhered to at all stages outlined in this Procedures document.

Schools handling a change in gender identity are generally required to establish a School Support Management Plan together with the student, parents and other relevant individuals. The Plan is intended to guide the relationship between the student and the school environment in relation to issues such as the provision of professional support services, data protection and confidentiality, and well-being of other students. In relation to student transition, the document requires the development of a Student Transition Management Plan that should include the elements highlighted in the document:

* Name and Pronoun;
* Dress Code;
* Privacy and Confidentiality;
* Access to Gender-specific Activities and Areas;
* Physical Education Classes and Other Sports Activities and Competitions;
* Other Gender-based Activities, Rules, Policies and Practices;
* School Documentation;
* Bullying, Discrimination and Harassment.

THE PROJECT

Summary

'Research-based Assessment of the National Education Policy on Trans, Gender Variant and Intersex Children' is an inter-agency project implemented throughout 2015 by the Malta LGBTIQ Rights Movement (MGRM), aditus foundation, the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties (MSDC) and the Ministry for Education and Employment (MEDE). In terms of the project's terms of reference, it is intended to conduct a qualitative research exercise assessing the immediate impact on schools of the 2015 policy.

The project is funded by the ILGA-Europe Documentation and Advocacy Fund (2014 funding cycle)[14], which fund has the overall goal of promoting the "documentation of cases of discrimination, hate crimes and other human rights violations against LGBTI people". Furthermore, it's objectives include promoting LGBTI equality through evidence-based advocacy, building the capacity of LGBTI organisations to monitor and document human rights violations, developing transferable methodology and tools for data- and information-collection.

Purpose, Objectives And Activities

'In order to conduct and present its assessment of the 2015 policy, the project envisaged a series of objectives:

* Data collection of data on specific barriers and obstacles faced by trans, gender variant and intersex students at primary, secondary and post-secondary levels.

14. http://www.ilga-europe.org/what-we-do/our-work-supporting-movement/funder/daf.

The project's intention was to collect, assess and compare data at two distinct points: the first data set, acting as baseline data, would be captured prior to or immediately following the policy's launch whilst the second data set would be captured after one academic year;

∗ Formulation of a series of recommendations on how best to ensure a safe learning environment meeting the needs of trans, gender variant and intersex students;

∗ Creation of a flexible policy assessment tool for sustained, regular policy assessments and improvements.

Achievement of these objectives was premised around the successful and joint implementation of various activities, namely:

∗ Various qualitative interviews with relevant stakeholders including: trans, gender-variant and intersex children and youth; elements within the School Community [15]; and officials from MEDE;

∗ A report outlining the project's implementation process, good practices, challenges and recommendations; and

∗ A high-level seminar that would launch the report and trigger a stakeholder discussion on key themes, with a view to forging the way ahead.

15. As defined in 'Respect for All Framework', page 6.

Implementation And Methodology

A number of changes to the project's intended methodology were necessitated, primarily due to delays in the policy's finalisation and eventual launch. With the policy adopted only in June 2015, the project partners were only able to undertake preparatory and basic implementation stages for the project's first months.

The delay also meant that, instead of carrying out two data collection exercises - as originally planned - only one was conducted, thereby preventing the project from undertaking a comparative assessment of the policy's actual impact throughout the academic year.

During the months preceding the policy's adoption a series of technical meetings were held between all project partners, working on an advanced policy draft, with the aim of formulating the critical and evaluative criteria for assessing the policy's impact. The result of these meetings was the formulation of a list of performance indicators that would form the basis of the project's assessment exercise, in fulfilment of the project's aim of developing a flexible and adaptable Policy Assessment Tool.

Following the policy's adoption and general agreement on the contents of the Policy Assessment Tool, a series of stakeholder meetings were held in order to test the Tool. Qualitative interviews were held with officials from Public and Church schools, MEDE and trans individuals[16]. All conversations were guaranteed anonymity, having obtained prior authorisation for such research from the Research and Development Department within MEDE. The project was unable to collect data from officials from Independent Schools, although data from a meeting with a trans individual related to experiences within this school environment.

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16. Unless otherwise specified, data gathered from the meetings is presented collectively and not by stakeholder.

Working With Education Settings And Trans Children And Youth

MGRM's Rainbow Support Service social workers have been in contact with a number of independent, church and state schools. Initial requests and queries made by the schools' support professional staff generally focus on how they should support the transgender child or young person, especially if the child or young person wishes to undergo, or is going through transition. For those children and young people who do not wish to or who are not in a position to start their gender transition, schools have sought ways of how to support the student and parents through the support services available at the school.

In the case of students who do not wish or are not in a position to start their gender transition, together with providing the supportive space for the student and their parents, the schools sought to address issues of gender and sexual diversity both with the peers of the trans student and the teachers. In three cases, the schools requested the Rainbow Support Service to provide a training session to teachers on gender and sexual diversity, with the aim of increasing the teachers' awareness and knowledge on such issues, without highlighting or pin-pointing the needs of any specific student.

A church school has also sought consultation from the Rainbow Support Service on how church schools may adopt the June 2015 Policy, and pursued a discussion within its own structures on how this policy may be adopted wholly or in part in the best interests of students. The same school offered the parents of the trans student the possibility of changing school from an only-male church school to an only-female church school. Unfortunately, no space was available in any female school. At the same time, despite the parents being supportive of their trans daughter, they were not supporting the idea of her changing school at Form 4. The trans student accepted to continue attending the all-male school, however she sought community-based activities that would provide her the space wherein she could participate as a female.

The school had facilitated the contact between the parents and the trans student, and the social workers of the Rainbow Support Service. The latter engaged with the young person and her mother and supported them through the acknowledgement of the trans identity.

The support staff of one independent school requested a consultation session with the Rainbow Support Service to explore how they may address gender and sexual diversity in their school. This was prompted by their awareness of the fact that some teenage students were questioning their gender identity and sexual orientation. The support staff sought teaching and community resources that support them in addressing the gender and sexual diversity issues students could present to them.

Another independent school sought the Rainbow Support Service for various consultations on how to best support and work with a gender variant student. The school first requested a training session for teachers, and later for the service to hold sessions with the class of the gender variant pupil in order to address issues of bullying and diversity around LGBTIQ identities. The teacher training focused on giving them knowledge of LGBTIQ identities, heteronormative and homo-negative perceptions and stereotypes, and the importance of reflection to deal with these perceptions and to work in a more affirmative manner. In this case, there was no direct contact with the gender variant student, apart from the class session.

Services were also provided to a state school in relation to a trans child. These included supporting the academic and administrative staff in their understanding and knowledge of transgender issues, providing training to the teachers, as well as advocating for the trans student to undergo a social transition in school and be identified in the preferred gender. In the meantime, the child and parents were also supported by social workers, and the service facilitated an assessment by a play-therapist to gauge the child's understanding of his/her gender identity. The Rainbow Support Service assisted the parents through information-sharing and empowerment tools for them to support their child.

Two other schools have recently been in touch with the service requesting support and consultation on how to address and deal with gender variant children or children who are expressing a gender different to that assigned at birth. At the time of writing, consultation meetings are being scheduled.

THE POLICY ASSESSMENT TOOL

The Tool, included in Annex I, is largely modelled on indicator frameworks utilised in monitoring implementation of human rights commitments[17,] based on the understanding that effective human rights policies ought to be regularly assessed in order to ensure their continued impact, relevance and updating. It is essentially a data-gathering vehicle that allows users to gather various forms of data that can then be collated, assessed and - following regular exercises - compared in order to extract trends, identify strengths and weaknesses and formulate follow-up actions.

In order to develop the specific indicators within the Policy Assessment Tool, the June 2015 policy was deconstructed in order to identify its specific targets. This exercise involved a process of translating generic and broadly formulated policy goals into concrete ends - whether of process or of result - to be met through the policy's eventual implementation.

17. The most notable example being the human rights indicators developed by the United Nations Office of the High Commissioner for Human Rights, available at http://www.ohchr.org/EN/Issues/Indicators/Pages/HRIndicatorsIndex.aspx.

The Tool gathers indicators under the following headings, reflecting the policy's thematic sub-sections:

* Violence and Bullying;
* Environment;
* Data Protection;
* Procedures; and
* Dissemination.

Targets corresponding to the policy's goals are listed, with related indicators that form the basis of data collection, within each heading. As can be seen in the Annex, the nature of required data is varied so as to enable a more flexible research approach and also to reflect the kind of data different indicators require for impact assessment. Collected data could therefore be: a basic Yes or No option, qualitative, quantitative, or a rating.

Each indicator is also presented in relation to specific Respondents, acknowledging the need to gather data from various sources: School, Education Directorates, Parents, Students, Educators (interpreted broadly), Community-based Organisations.

Although the Tool is intended to be used on a regular basis in assessing the policy's overall impact, a number of observations ought to be made on its use in the project, and on its possible use for future assessment exercises:

* since the project stakeholder meetings were held weeks or months after the policy's launch, thereby not allowing too much actual time for implementation, the meetings were only loosely based on the Tool instead of being rigorous data-collection interviews;

* most stakeholder meetings noted the importance of the School Management Plan as a key process in establishing specific targets for schools, and ensuring the monitoring and evaluation of steps taken towards their achievement. Reference is made to this Plan in the report's recommendations, namely in relation to exploring ways of merging aspects of the Tool into the Plan itself;

* the policy's document structure, described above, transpired quite late in the project's implementation. The Strategy document is particularly relevant since it seeks to adopt the same structural approach towards targets and indicators as that adopted by the Tool. Although the Strategy document is far more general in its approach, there is a clear risk of duplication of efforts and content between the two documents;

* the Tool was intended as a product of the current project, to be used for the project's main purpose of collecting data to assess the policy's effectiveness and also to be transferable to other policy contexts[18] within the ILGA-Europe's broader context. As such, the Tool is therefore intended to be flexible in all its aspects so that each user is able to gather the specific set of data required, depending on the context.

18. See Directorate for Quality and Standards in Education - Quality Assurance Department, MEDE, School Development Plan Handbook, September 2014, available at https://education.gov.mt/en/education/quality-assurance/Documents/QAD SCHOOL IMPROVEMENT/SDP handbook FINAL COPY.pdf.
Also the 'Internal Reviews' section of the MEDE website,
https://education.gov.mt/en/education/quality-assurance/Pages/Internal-Reviews.aspx.

Seminar: 'Trans, Gender Variant and Intersex Students in School Policy: From Legislation, to Policy, to Implementation'

The project's final deliverable envisaged the organisation of a stakeholder workshop or seminar that would disseminate this report and trigger a discussion on its findings with a view towards improving the policy's effectiveness and, generally, to explore other LGBTIQ issues in school.

At the time of writing, the seminar is planned for Monday 29 February as an event primarily targeting MEDE educators, as well as educators in Church and Independent schools.

STAKEHOLDER MEETINGS

General Comments

Overall, the policy seems to have been well-received by schools and educators. Positive comments were expressed on the policy's rights-based approach and its placing of the child at the centre of all decisions discussed and taken on the child's school life. This appreciation seems to stem from an understanding of the challenges faced by LGBTIQ children in terms of relations with peers and family members, and also the resultant impact of these challenges on the child's overall well-being, including academic performance.

In this regard it is also felt that the policy expresses MEDE's willingness to reach out and support children but also their environment, particularly when the latter struggles to understand, manage and handle complex situations.

From a school management perspective, despite concerns relating to logistics and capacity (mentioned below), it seems like the procedures and guidance provided by the policy, as well as by its broader framework approach, filled a vacuum in decision-making procedures. Prior to the policy, schools were unclear as to how to handle individual cases of transition and document changes, resulting at times in ineffective or possibly also inappropriate decisions and processes.

This lack of clarity also led to inconsistent approaches that varied at school level. Schools therefore welcomed the detailed guidance provided by the policy, particularly through the Procedures document, as it not only harmonises procedures but - importantly - shifts the burden of decision-making from the school onto the policy itself thereby acting as a buffer for unsure or cautious decision-makers.

Yet despite this general welcoming of the policy, feedback from all the meetings expressed concern about its actual implementation at school level. Together with logistical and financial considerations, explored below, queries centred around the difficulties schools face in mainstreaming broader LGBTIQ issues within the school environment. These concerns include frequent instances of LGBTIQ-related bullying, attitudes of educators and parents, and lack of professional capacity. Whilst these elements are individually identified below, they indicate a clear trend in how schools are viewing the policy, particularly with regard to its implementation obligations.

The above thoughts are also reflected in the individual perspectives, emphasising the need for a framework supporting decision-making processes that are rights-based and student-centric.

Key Observations

Bullying

LGBTIQ-related bullying was the main concern during all stakeholder and individual meetings. Although the policy's impact on important areas such as transition and document change was acknowledged and discussed at length, the challenge of addressing LGBTIQ-related bullying remains a pressing one. Schools commented on various forms of bullying witnessed in the school environment, including name-calling (of varying degrees of aggression, vulgarity and hurtful intent), social exclusion and violence.

Reference was made to how most forms of bullying make extensive use of stereotypical characteristics associated with members of the LGBTIQ community, such as preference of particular colours over others, spending time with members of the opposite gender, refusal to engage in physical activities, mannerisms and physical appearance.

One stakeholder commented how, when confronted with questions about use of such stereotypes, the bullying child simply replied: "Għax missieri hekk jgħidilha liz-zija."[19]

Bullying also dominated conversations on the policy's elements relating to use of toilets. Concerns were expressed about the possible 'outing' impact of use of gender-neutral toilets, when these are installed together with and not in replacement of gender-specific toilets.

Concerns were expressed by most stakeholders regarding the low number of reports of LGBTIQ-related bullying in a context where such bullying is known to be common. Stakeholders and individuals commented that reliance on reporting figures, whilst necessary from an institutional perspective, might not be ideal to gauge the extent of the situation in any given school. They also noted how they value early warning systems as a more effective way of tackling bullying, especially in relation to vulnerable students.

In this regard, interviewed individuals noted how the ad hoc interventions of individual teachers or other members of staff were central to the identification of exclusion and vulnerability to bullying. This point reinforces the idea that teachers and other staff members in direct contact with students are best-placed to identify those students going through challenging moments, including transition and gender questioning.

As examples of external signs of such developments, interviewees mentioned a lowering of grades, inability to concentrate in class, increased exclusion from social/group activities, difficulties controlling emotions, changes in approach to uniforms and external appearance.

19. *"Because this is how my father addresses my aunt."*

Whilst all stakeholders agreed that efforts are made to monitor students in order to identify and tackle such experiences, there was agreement that knowledge of the themes covered by the policy is somewhat limited, particularly in terms of how these are experienced and externalised - if at all - by children.

It is relevant to note that the Tool contains specific queries that seek to gather quantitative data regarding the number of reports of LGBTIQ-related bullying received by schools, as a percentage of the overall number of bullying reports. These elements are included in the Tool for three main reasons:

* to gather baseline data for future reviews; and
* to trigger the establishment of disaggregated data collection procedures by schools;
* to position LGBTIQ-bullying within the context of other specific forms of bullying, such as that based on disability, race/nationality, religion, skin colour, or gender.

With reference to the policy and its aims of creating safe school environments, comments were expressed on the difficulty of explaining particular terms and concepts in a child-friendly manner either in a specific bullying scenario or generally, in thematic classes on diversity, gender, etc. Significantly, this element and its importance in anti-bullying efforts and activities were not only raised in relation to students, but also in discussions on the levels of awareness, skills, sensitivity and knowledge of both educators and parents.

Community involvement

All stakeholders and individuals reiterated the need for the policy to reach the broader community for it to be truly effective within the school environment. Parents were at the core of these discussions, reiterating their multi-faceted role as key influencers of their children, of other parents and their children and of educators.

Stakeholders and individuals were also keen to underline the school's role in acting as social educator within its community environment, reaching out through students to reach parents, families, businesses and the village/town context. The meetings mentioned how the process of integrating the policy within the School Community would, on the one hand, be facilitated if done through a broad community engagement process and, on the other hand, extend the policy's objectives into Malta's social strata.

In this regard it was felt that whilst the policy is in fact extremely student-centric and stresses the importance of community-based organisations, there is limited particular direction and support on increased involvement of parents. It seems that these concerns were not so much based on the policy objectives themselves, but more on uncertainty as to how to implement activities on sensitive themes, with parents as targets.

This uncertainty seems to have been exacerbated by the public 'incident' involving books donated by MGRM to MEDE for use by educators and other professionals[20]. Whilst aware that this specific issue is beyond the scope of the policy and of the project research, all meetings referred to it as an example of several relevant elements, including:

* reluctance and fear of some parents to engage with LGBTIQ issues in schools;
* widespread homophobic and transphobic sentiments;
* direct relevance of parents and their perspectives to education management, policy and operations;
* fear of engaging with civil society/community-based organisations.

Regarding the latter observation on the involvement of civil society organisations, all meetings confirmed knowledge of the relevant key organisations yet were not too clear about the services offered to individuals and to schools.

20. *The Times of Malta, 'Gay books' will not be distributed in schools, 16 October 2015,*
available at http://www.timesofmalta.com/articles/view/20151016/local/gay-books-will-not-be-distributed-in-schools.588391,
and The Times of Malta, MGRM children's books may go to teachers, 19 October 2015,
available at http://www.timesofmalta.com/articles/view/20151019/local/mgrm-childrens-books-may-go-to-teachers.588775.

Capacity

Whilst many stakeholders seemed to be familiar with issues relating to sexual orientation, doubts were expressed as to the meaning of terms and issues relating to trans, gender variant and intersex students[21]. These doubts were expressed during all stakeholder meetings, and were emphasised when discussions extended to the knowledge and awareness of teachers and other educators.

Importantly, as also highlighted above, lack of knowledge was expressed as a concern not only in relation to terminology but, more importantly, in relation to how children manifest and handle gender questioning, transition and intersex experiences. Questions were asked as to how School Communities can provide effective support and guidance in situations where the experiences are not directly brought to their attention by students or their parents. Early identification for the purpose of prompt intervention and avoidance of escalation or aggravation of problematic circumstances were mentioned as priorities.

Furthermore, concerns were also expressed as to how such limited knowledge of themes and issues might affect the school's capacity to provide the in-depth support necessary, both in terms of policy requirements and also in terms of the students' own needs. Schools highlighted the fact that LGBTIQ issues are not included in initial or on-going professional formation of most members of the School Community. Whilst ad hoc initiatives were referred to, such as staff meetings and other activities involving entities such as MGRM, the lack of a more structured approach was repeatedly mentioned. It also seems that schools are concerned that the policy might emphasise their technical inabilities, or limitations, in dealing with trans, gender variant or intersex children.

Specifically, it is unclear for some schools how the necessary procedures will be implemented and the safe environment created where they do not have easy access to experts such as counsellors. Whilst access to guidance teachers seems to be readily available, schools questioned the nature and availability of required professionals.

21 *Elements of the Tool are in fact geared towards assessing the extent to which respondents are familiar with such terminology and issues.*

It seems that this situation is more of a concern for Church schools. Although no meetings were held with Gozo or Independent Schools, limitations in this specific context could also be explored.

Capacity issues were also raised by schools in relation to the obligation to ensure access to "a safe and non-stigmatising alternative". This element is interpreted by schools as requiring them to construct gender-neutral toilets, or to alter existing facilities in order to render them gender-neutral. Together with the stigmatising risks perceived with this obligation, schools are also concerned with its financial and logistical implications.

Capacity limitations were also expressed in terms of the possibility of students changing schools, in those cases where their individual situations would be best-handled in a different environment. This was raised from the Church school perspective, emphasising the difficulty of students changing schools due to severe place limitations within the Church school system.

Finally, comments were also expressed on the possibility of schools feeling overwhelmed by the number of policies adopted within a relatively short time-frame, affecting their ability to absorb and own them.

Dissemination

Disseminated across MEDE's iLearn platform[22], the policy reached the email Inboxes of all persons registered on the platform. The policy's mandatory nature, at least for public schools, requires all colleges and schools to ensure its targets are met through appropriate implementation of its procedures within the timeframes established in the Strategy document. This would require, as a minimum, mainstreaming the policy throughout the school's operations, ensuring that all persons within the School Community are aware of and understand its contents.

22. The platform offers a virtual and interactive education space to be used by educators and students. It is only accessible to persons holding an iLearn account. See Malta Independent, ILearn: A whole new world of educational opportunities, 27 February 2012, at http://www.independent.com.mt/articles/2012-02-27/news/ilearn-a-whole-new-world-of-educational-opportunities-306391/

The stakeholder meetings confirmed that respondents were aware of the policy, yet it is not clear whether this was a result of their own independent initiative or done in preparation of the meeting with the researcher. What is clear, however, is that the policy's mainstreaming has already met many of the challenges mentioned under the Capacity heading, thereby limiting its immediate impact. In particular, it seems that the policy's trickling down to all levels within the School Community is largely based on ad hoc initiatives organised by individual entities, such as policy-related discussions during staff meetings.

Whilst it is clear to all that the policy requires a long-term implementation approach, comments were made on the preferability of a more structured dissemination programme contained within the policy itself and providing clear guidance/instruction on how to target various elements within the School Community.

Dissemination and mainstreaming considerations in relation to Church and Independent schools centre around the policy's non-binding nature.Whilst it seems that efforts are in fact made towards endorsing the policy within these schools' operations, often based on an acknowledgement of the policy's benefits for students and the school environment, such efforts remain largely discretionary. What is also noted is the need for MEDE to monitor or at least map such efforts in order to identify strengths and weaknesses in its attempts at creating a truly nation-wide approach to trans, gender variant and intersex students.

Procedures

Individual respondents explained how earlier transitioning experiences were either not handled by the school due to the student's/parent's mistrust or fear of an unregulated system, or escalated up to the Minister for Education and Employment due to the school's unwillingness to act decisively and/or respectfully. As explained above, these situations led to the formulation and adoption of the policy and the inclusion of procedures is intended to normalise and harmonise schools' approaches to trans, gender variant and intersex students[23].

23. The research was unable to assess the procedures' effectiveness since no cases were identified during the research phase.

In fact, the Procedures document regulates two important procedures, guiding schools on how to deal with student transition and with situations where a student or parent approaches the school regarding a change in gender identity. As mentioned above, these procedures were welcomed by schools since they (1) harmonise practices at a national level and (2) empower decision-makers to take important decisions without situations having to escalate to higher levels. In addition to these considerations, it was also noted that the procedures do away with the Ministry's or the Minister's involvement in individual cases.

The meetings indicated a clear willingness on behalf of the schools to implement the procedures once a situation arises. Whilst this indicates a positive attitude towards the policy, it also underlines the schools' understanding that the Procedures document does not need in-depth attention until a situation actually arises. No reference was made to in-school exercises to 'test' the procedures, or to identify the resources (human and other) that would be necessary to successfully implement them.

Miscellaneous

Together with the key observations gathered above under thematic headings, a number of other important observations were made during the stakeholder and individual meetings

School Uniforms

There seems to be general agreement that the challenges posed by school uniforms to trans, gender variant and intersex students are gradually being eliminated. This is mainly due to the phasing out of gender-segregated education and gender-segregated school activities, and the fact that for physical education classes students leave home dressed in their sportswear. Yet schools also noted the lack of guidance with regard to students' attire, fearing that the policy might exacerbate the situation due to its requirements to respect the right to gender expression.

Furthermore, adoption of the policy seems to have led to a school-level discussion on gender stereotypes, related primarily to activities and attire traditionally associated with males and females. It seems that the policy's approach triggered a critique of the sustainability and validity of such stereotypes.

Personal Details

Access to students' personal details, and related issues raised in the policy, were understood and appreciated. Subsequent policy reviews would have the opportunity of assessing the policy's impact in this regard if situations triggering the relevant procedures actually arise.

RECOMMENDATIONS

On the basis of the above observations, the following recommendations are being made with a view to strengthening the policy and its implementation. Whilst most recommendations are primarily addressed to MEDE, it is understood that all project partners are identified as owners. Furthermore, it is also highlighted that, unless otherwise specified, all recommendations include State, Church and Independent schools.

* Distribute civil society information to schools, highlighting contact details and available services to individuals, families and schools.

* Effective outreach to Church and Independent schools is necessary to ensure the best interests of their trans, gender variant and intersex students. Their endorsement of the policy, coupled with a willingness to share monitoring/assessment data, would be an ideal scenario.

* Maintain the policy's use of rights-based language and approach in other policies, and ensure a rights-based approach towards implementation.

* Provide guidelines to schools, possibly as part of the procedures, on how best to involve parents and the school's broader environment.

* Emphasise the need to maintain and assess disaggregated bullying statistics.

* Design a long-term training programme that is structured in approach and content, and not based on ad hoc initiatives. The training programme should target the entire School Community and should involve civil-society/community-based organisations.

* All training efforts should include elements providing information on existing support services, whether provided by state or non-state entities.

* Mapping and harmonising of dress codes would be beneficial. Whilst acknowledging the need for flexibility and school-level decision-making, the policy's mainstreaming ought to explore its impact on all students' gender expression and assess how best to ensure a non-discriminatory approach in their regard.

* Reach out to the University of Malta and the newly established Institute for Education among others for assessment and review of the policy and also to discuss the way ahead in terms of professional development of teachers, heads, principals, LSAs, counsellors, etc.

* Consider including components of the Tool or of the Strategy document in the School Development Plan.

Annex: Policy Implementation Tool

GENERAL

Title:	Trans, Gender Variant and Intersex Students in School Policy
Date:	
Ownership:	Director General - Directorate for Educational Services
	Director General - Directorate for Quality and Standards in Education
Aims	To foster a school environment that is inclusive, safe and free from discrimination for all student
	To promote the learning of human diversity
	To facilitate compliance with national laws and public policies concerning data protection, bullying, harassment and discrimination
	To ensure a fruitful school climate that is physically, emotionally and intellectually safe for all school community members

REVIEW

Conducted by	
From	
To	
No. parents	
No. students	
No. teachers	
No. school administration	
Education Directorates	
Community-based Organisations	
Review No.	

General

REF.	TARGET	INDICATOR	RESPONDENT	KIND
	Setting the Review context	Are you aware of LGBTIQ students in your school?	School, teachers	YES/No, Qualitative
	All complaints are handled in the same manner as other complaints	Do you feel LGBTI-related complaints were successfully handled?	School, students, parents	YES/NO, Qualitative
	The policy is reviewed on the basis of feedback from key stakeholders	What feedback, questions, concerns do you have in relation to the policy?	Education Directorates, School, teachers	Qualitative

Violence & Bullying

REF.	TARGET	INDICATOR	RESPONDENT	KIND
1.1	The school environment is safe from bullying, harassment and discrimination.	Number of bullying, harassment or discrimination complaints received in year XXXX/Number of LGBTI-related complaints of bullying, harassment or discrimination	School	Quantitative
1.2	The school environment is safe from bullying, harassment and discrimination.	Are students/parents aware of the school's complaints procedure?	Students, parents	YES/NO
2	All complaints are handled in the same manner as other complaints.	Do you feel LGBTI-related complaints were successfully handled?	School, students, parents	YES/NO, Quantitative

Environment

REF.	TARGET	INDICATOR	RESPONDENT	KIND
3.1	In gender-specific facilities students may request use of an integrated space.	Is it possible for transgender students to use the toilets /changing facilities corresponding to their gender identity?	School, students, parents	YES/NO
3.2	In gender-specific facilities students may request use of an integrated space.	Has the school identified a possible safe and non-stigmatising alternative, in case of requests?	School	YES/NO
4	Students are not coerced to use facilities not corresponding to their gender identity.	Number of complaints received about students forced to participate in PE/sports activities not corresponding to their gender identity in year XXX.	School, students, parents	Quantitative
5	Students are able to participate in PE and sports classes in accordance with their gender identity.	Number of complaints received about students forced to participate in PE/sports activities not corresponding to their gender identity in year XXX.	School, students, parents	Quantitative
6	The only sports activities that are gender-specific are those regulated by international rules.	What schools sports events are regulated by international rules, if any?	School, Community-based organisations	Quantitative
7	Students are addressed with names and pronouns corresponding to their gender identity.	Does the school use appropriate names and pronouns when addressing transgender students?	School, students, parents	YES/NO
8.1	Students are able to dress in accordance with their gender identity.	Number of complaints received about students forced to dress not in accordance with their gender identity in year XXX.	School	Qualitative
8.2	Students are able to dress in accordance with their gender identity.	Can you dress in accordance with your gender identity?	Students	YES/NO
10	Training is provided all persons.	Number of persons engaged by schools in year XXX/Number of training participants (annual and cumulative)	Education Directorates	Qualitative
10	Training is provided all persons.	What is the training evaluation score?	Education Directorates	Rating
12	Schools and community-based organisations work together as partners	Total number of schools/Total number of schools with a relationship with community-based organisations (annual and cumulative)	School, Community-based organisations	Qualitative
12	Schools and community-based organisations work together as partners	How would you rate the relationship between the school and the community-based organisation?	School, Community-based organisations	Rating
13	Parents, students and school staff have access to information and services provided by community-based organisations.	Does the school provide information about services provided by community-based organisations?	Educators, students, parents	YES/NO
13	Parents, students and school staff have access to information and services provided by community-based organisations.	Who would you contact if you needed additional information on LGBTIQ issues?	Educators, students, parents	Qualitative

Data Protection

REF.	TARGET	INDICATOR	RESPONDENT	KIND
14.1	The legal gender and name of students are not disclosed.	What practices has the school adopted to avoid the inadvertent disclosure of confidential information?	School	Quantitative
14.2	The legal gender and name of students are not disclosed.	Number of schools in year XXX/Number of schools adopting required practices	Education Directorates	Qualitative
15.1	The LGBTI issues of new students are only known to the College Principal/Head Teacher.	What procedures are in place to ensure that the details of new students remain known only to the College Principal/Head Teacher?	School	Qualitative
15.2	The LGBTI issues of new students are only known to the College Principal/Head Teacher.	Number of complaints received regarding inappropriate information disclosure/use in year XXX	School, Education Directorates, Parents, Students	Qualitative

Procedures

16	Schools discontinue gender-specific activities that do not have a clear and sound pedagogical purpose.	Please provide a list of gender-specific activities.	School	Qualitative
16	Schools discontinue gender-specific activities that do not have a clear and sound pedagogical purpose.	If the school is gender-specific, how are trans students handled?	School	Qualitative
16	Schools discontinue gender-specific activities that do not have a clear and sound pedagogical purpose.	Could you explain why these activities are classified as gender-specific?	School	Qualitative
17	Students may participate in approved gender-specific activities in accordance with their gender identity.	Number of complaints received about students forced to participate in gender-specific activities not corresponding to their gender identity in year XXX.	School, Parents, Students	Qualitative
17	Students may participate in approved gender-specific activities in accordance with their gender identity.	What are the gender-specific activities about which complaints have been received in year XXX	School	Qualitative
18	School records indicate, as a minimum, the student's legal name and legal gender.	How do you regulate student information in required records, and in everyday use?	School	Qualitative

Procedures

REF.	TARGET	INDICATOR	RESPONDENT	KIND
20	School records are changed upon receipt of birth certificate.	Does the school allow for changes to be made to school documentation upon receipt of a new birth certificate?	School	YES/NO
21	Schools offer the option of an X marker on school records.	Does the central software system allow for us of X markers by schools?	Education Directorates	YES/NO
22	Rules on physical appearance (non-uniform) are not gender-specific	Explain the school's rules on physical appearance (e.g. hair, jewellry, make-up, etc.)	School	Qualitative
23	Dress code enforcement is non-discriminatory.	Number of complaints received about discriminatory treatment in relation to dress code enforcement in year XXX.	School	Qualitative
24	Parents are the first approach where transition might surface at primary school.	What procedures would the school follow where transition is seen surfacing at primary school?	School	Qualitative
25	At middle, secondary and post-secondary school, the student is first-approached regarding possible transition issues.	What procedures would the school follow where transition is seen surfacing at secondary and post-secondary school?	School	Qualitative
25	At middle, secondary and post-secondary school, the student is first-approached regarding possible transition issues.	What procedure was followed in relation to your situation?	Parent, student	Qualitative
26	Parents are referred to information and support services (including through organisations).	Do you have the contact details of information and service-providers?	School, teachers	YES/NO
26	Parents are referred to information and support services (including through organisations).	Number of queries and/or referrals received from schools (formally or informally) in year XXX.	Community-based organisation	Qualitative
28	All schools adopt and implement the School Management Plan.	Have you adopted the School Management Plan?	School	YES/NO

Dissemination

REF.	TARGET	INDICATOR	RESPONDENT	KIND
29.1	The policy is disseminated at all education levels.	Number and names of entities to which the policy has been sent	Education Directorates	Qualitative
29.2	The policy is disseminated at all education levels.	Have you received a copy of the policy?	School	YES/NO
29.3	The policy is disseminated at all education levels.	Number and names of entities to which the policy has been sent	School	Qualitative
29.4	The policy is disseminated at all education levels.	Have you received a copy of the policy?	Teachers, parents, students, other	YES/NO
29.5	The policy is disseminated at all education levels.	How many meetings have been held with schools regarding this policy?	Education Directorates	Qualitative
29.5	The policy is disseminated at all education levels.	How many meetings have been held with schools regarding this policy?	Education Directorates	Qualitative
29.6	The policy is disseminated at all education levels.	How many meetings have been held with teachers regarding this policy?	School	Qualitative
30.1	Schools understand (even basically) the terms trans, gender variant and intersex	How would you rate your understanding of the terms trans, gender variant and intersex?	School, teachers	Rating, qualitative
30.2	Schools understand (even basically) the terms trans, gender variant and intersex	What is the level of understanding by schools of the terms trans, gender variant and intersex?	Reviewer	Rating, qualitative
31	The policy is owned by schools	Who is the school's focal person/responsible person for this policy?	School	Qualitative
31.2	The policy is owned by schools	What is the level of understanding by schools of the terms trans, gender variant and intersex?	Reviewer	Rating, qualitative