



the issues

For young lesbians, gay men and bisexuals, being equal at school means getting on with their lives and their studies without facing bullying or harassment, in the classroom or in the playground, because of their sexuality.

There is considerable evidence that homophobic bullying is widespread in schools. There is also evidence that section 28 has left a legacy that makes it harder to tackle homophobic bullying. Section 2A of the 1996 Local Government Act (Scottish equivalent of section 28 in England and Wales) was repealed in Scotland in 2000, but the vitriolic campaign leading up to its repeal left teachers

scared and wary of discussing issues relating to homosexuality. On 10 July 2003 the House of Lords supported the earlier decision of the House of Commons and voted to repeal section 28 in England and Wales. On Thursday 18 September 2003 the Local Government Bill received Royal Assent and Section 28 was finally to be taken off the statute books.

the law

The **Children Act 1989** requires that "the needs and concerns of gay young men and women must also be

recognised and approached sympathetically."

Section 28 of the **Local Government Act 1988** stated that no local authority shall "promote the acceptability of homosexuality as a pretended family relationship."

On 21 June 2000 the Scottish Parliament overwhelmingly passed the **Ethical Standards in Public Life Bill**, which included the repeal of the equivalent of section 28 in Scotland, by 99 votes to 17. England and Wales were the only countries in the world with a law like section 28, and now it is finally repealed.

Many people thought that schools in England and Wales could not talk about

sexuality or deal with homophobic bullying because of section 28. However section 28 did not apply to schools and did not prevent schools from addressing issues of sexuality or homophobic bullying. The following guidance governs the regulation of sex education in English schools. **DfES Circular 1988** states that "section 28 does not affect the activities of school

governors or teachers ... does not prevent objective discussion on homosexuality nor counselling..."

Additionally, the **Local Government Act 2000** Section 104 reads "nothing in section 28 ... shall be taken to prevent the head teacher or governing body of a maintained school, or a teacher employed by a maintained school, from taking steps to prevent any form of bullying."

The **Learning & Skills Act**, dealing with sex education in maintained schools, was passed at the end of July 2000. The Act clarifies that a) local

real issues, real lives ...

'If you're gay, you don't admit to it. There's this one boy who gets bullied all the time now, not because he is gay, it's more about his appearance, he's more feminine, has a higher voice. People call him names like 'bent'. No one in the school would admit to being gay. No one would be strong enough to come out with it.'

*Year 11 pupil,
mid Glamorgan*

authorities have no responsibility for sex education b) no inappropriate materials should be used in the teaching of sex education and c) that materials should take account of a pupil's age, cultural and religious beliefs.

New **Sex and Relationship Education Guidance** was published in July 2000. This statutory guidance has a section dealing with the needs of young lesbians, gay men and bisexuals – the first time ever gay sexuality has been recognised - which requires schools to deal with homophobic bullying. Section 1.30 states: 'It is up to schools to make sure that the needs of all pupils are met in their programmes. Young people, whatever their developing sexuality, need to feel that sex and relationship education is relevant to them and sensitive to their needs.' Section 1.32 states: 'Schools need to be able to deal with homophobic bullying.' Similar guidance was produced for Scottish schools as part of the package of support surrounding the repeal of section 28 and the

Standards in Scotland's Schools Act 2000 places a duty on schools to develop an annual equality action plan.

DfES 2002 anti-bullying pack for schools **Bullying: Don't Suffer in Silence** recommends including homophobic bullying in the school's anti-bullying policy 'so pupils know discrimination is wrong and the schools will act'. It also suggests covering homophobic bullying in INSET, guaranteeing confidentiality and appropriate advice, dealing with homophobic language and exploring issues of diversity and difference.

More recently, DfES 2004 **Stand up for us: challenging homophobia in schools** offers practical advice on responding to homophobic bullying,

auditing the problem and supporting pupils and staff.

The drawing up of sex education guidance for Welsh schools is a matter for the National Assembly for Wales. In July 2002 for the first time the Welsh Assembly Government's new **Sex and Relationships in Schools Guidance** states that issues of sexuality and sexual orientation should be dealt with honestly, sensitively and in a non-discriminatory way.

the problem

Although section 28 is gone now, it has created a climate of fear and abuse which teachers are either unaware of or feel powerless to deal with.



A 1999 survey found that, out of 1,000 Stonewall supporters, 77% had been bullied at school. A 1997 study by the Institute of Education found that 61% of teachers surveyed were aware of lesbian, gay or bisexual pupils in their school and 42% of teachers had been asked personal advice on

lesbian, gay and bisexual issues by their pupils. Yet 57% of schools reported that they did not have information relating to sources of support for lesbian, gay and bisexual pupils and 51% reported at least one incident of homophobic bullying in the last term. 99% of surveyed schools have general anti-bullying policies but only 6% had specific anti-homophobic provisions.

It is clear that young lesbians, gay men and bisexuals or those perceived to be lesbian, gay or bisexual, experience high levels of abuse and violence and that these experiences are damaging. In a study in 2000 by Ian Rivers, **Social inclusion, absenteeism and sexual minority youth**, 72% of young lesbians, gay men and bisexuals

indicated that they had either played truant or feigned illness to avoid homophobic abuse at school, 40% had attempted suicide on at least one occasion, and 36% of those persistently absent reported multiple episodes of self-harm.

stonewall campaigns

Stonewall was set up in 1989 after section 28 was first passed and fought for its repeal for over 10 years. Stonewall successfully campaigned for the House of Commons and the House of Lords to vote for an amendment to the **Local Government Bill 2003** that repeal section 28 in England and Wales.

Anti-gay groups frequently say that section 28 was used to manage teaching about gay issues in schools. This is incorrect. Section 28 never applied directly to schools, it in fact applied only to local authorities.

Nevertheless the legacy of then recently repealed section 28 in England and Wales continues to cause confusion and harm. Teachers are confused about what they can and cannot say and do, and whether they can help pupils who face homophobic bullying and abuse. Local authorities are unclear as to what legitimate services they can provide for lesbian, gay and bisexual members of their communities.

Homophobic Bullying

All political parties agree that homophobic bullying is something which needs to be tackled. Following research commissioned by the Stonewall Iris Trust and carried out by London University's Institute of Education, Stonewall's Citizenship 21 project published **Safe for All: a best practice guide to prevent homophobic bullying in secondary schools**.

Sex Education

We believe that sex education, like all other teaching, has to be inclusive. The new statutory **Sex and Relationship Guidance** clearly emphasises stable

relationships - some of our fiercest opponents in the Lords have complained that they only mention marriage three times. There is now no excuse for schools to duck the issue or fail to take steps to provide information and guidance on homosexuality.

education for all

This joint campaign by Stonewall, FFLAG and LGBT Youth Scotland will promote a "Safe Learning Environment for All" through challenging homophobia and homophobic bullying in education and ensuring accurate information about lesbian, gay and bisexual people and their experiences at all ages. It will create a favourable policy context to address the marginalisation and invisibility that young lesbian, gay & bisexual people have experienced in education. The campaign will be targeted at government, local authorities, schools and the broader education community in order to develop policies, inform attitudes and effect the changes that will enable lesbian, gay & bisexual young people to fulfil their potential. The campaign will rightly tie in with the national policy focus on raising educational standards and ensuring that pupils are included at the forefront of that process.

action points

If you are a pupil, parent or a school governor in England, Scotland or Wales, check that your school includes homophobic bullying in its anti-bullying policy, and that it follows the good practice guidance set out in **Stand up for us, Don't Suffer in Silence** and **Safe for All**.

references

Please visit the Education for All website for further resources and information on Stonewall's campaign to target homophobic bullying in education: www.stonewall.org.uk/educationforall.