

# **Education & Equal Opportunities**

## **Tackling homophobic bullying**

### **Policy, Advice, Support**

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## **WHAT IS HOMOPHOBIA?**

### **1. What is Homophobia?**

NASUWT believes that the harassment, bullying and persecution of lesbian, gay, bisexual and transgender people is an issue for every member.

Homophobic bullying is commonplace within society. It is seen in all aspects of everyday life, on the streets, in the media and in political life. It is in this context that schools operate and they are not immune from the problem of homophobia.

NASUWT is fully committed to pursuing fair and equitable conditions of service for lesbian, gay, bisexual and transgender teachers.

NASUWT is committed to campaigning for the elimination of homophobic bullying in schools and society. In 1998, at the first motion-based TUC Lesbian and Gay Conference, the Association moved a motion on the elimination of homophobic bullying which was carried unanimously.

This was followed by a further motion to the TUC Lesbian and Gay Conference in 2000 calling for Section 28 to be scrapped without conditions, and for Government to establish a strategy of zero tolerance to eradicate the problem of homophobia in schools.

### **Defining the problem**

Schools, like the rest of society, are made up of individuals who hold a spectrum of values, beliefs and opinions. Some of these may be based on prejudice and may be discriminatory. Homophobia is an example of such prejudice. In short, homophobia can be defined as an irrational dislike, hatred or fear of individuals who are lesbian, gay, bisexual or transgender. It results in negative consequences ranging from damage of self-esteem to premature death.

Examples of homophobic behaviour can include offensive 'jokes', language, innuendo and mockery; insulting or abusive behaviour and gestures; graffiti; damage and threat to property; refusal to co-operate because of a person's sexual orientation; deliberate

exclusion from conversation and professional and social activity; HIV/AIDS-related discrimination; physical threats; and assault.

A study of minority youth identified a number of examples of homophobic abuse experienced by lesbian and gay pupils at school, which included:

- name calling;
- physical assault;
- hostility;
- isolation;
- rumours;
- ridicule;
- theft of property;
- sexual assault.

(Rivers, I (2000) 'Social exclusion, absenteeism and sexual minority youth' in Support for Learning, 15, 1, NASEN)

Homophobic bullying may be directed against and perpetrated by any member of the school community, including staff, pupils and parents/carers. Those who suffer homophobic abuse do not necessarily have to be lesbian, gay or bisexual to experience such bullying.

The circumstances in which homophobic bullying can occur will include:

- Bullying by staff against staff;
- Bullying by pupils against staff;
- Bullying by staff against pupils;
- Bullying by pupils against pupils;
- Bullying by another (e.g. parent/visitor) against staff or pupils;
- Bullying by staff or pupils against another (e.g. parent/visitor).

### **How widespread is the problem of homophobia in schools?**

There is a great deal of research which has identified and demonstrated that homophobic abuse is a serious issue for schools and society. Given the nature of the bullying, it is likely that many people who experience homophobic abuse will be unwilling to report it to parents, teachers or colleagues since they may fear further stigmatisation and isolation. Nevertheless, the

findings from recent research present a clear picture of the extent of the problem:

- ◆ **51%** of schools surveyed reported one or two incidents of homophobic bullying as occurring in the last term;
- ◆ **5%** of schools surveyed reported ten incidents of homophobic bullying as occurring in the last term.

(see Douglas, N, Warwick, I, Kemp, S and Whitty, G (1997) Playing it Safe: Responses of Secondary School Teachers to Lesbian, Gay and Bisexual Pupils, Bullying, HIV/AIDS Education and Section 28, London, Institute of Education University of London)

- ◆ **34%** of gay and bisexual men and **24%** of lesbian and bisexual women surveyed had been subjected to at least one assault in the last five years;
- ◆ **48%** of under-18s surveyed had been subjected to at least one violent attack;
- ◆ **40%** of all reported violent attacks on under-18s took place at school.

(see Mason, A and Palmer, A (1996) Queer Bashing: A National Survey of Hate Crimes Against Lesbians and Gay Men, London, Stonewall)

- ◆ **50%** of young lesbian and gay people report that they had problems at school because they were lesbian or gay;
- ◆ Of the young lesbians and gay men surveyed who specified the nature of their experiences, **21%** reported that they had been called names or otherwise verbally abused, **13%** had been teased, **12%** had been physically assaulted, **7%** had been isolated by their peers and a further **7%** had felt pressure to change their behaviour.

(see Trenchard, L and Warren, H (1984), Something to Tell You, London, Lesbian and Gay Teenage Group)

- ◆ Evidence from the United States identified that **50%** of the gay men who were surveyed and **12%** of the lesbians had experienced some form of harassment or persecution in junior

high school (12-14 years), rising to **59%** for gay men and lesbians in high school (14-18 years).

(see Aurand, SK and Adessa, R and Bush, C (1985) Violence and Discrimination Against Philadelphia Lesbian and Gay People, Philadelphia Lesbian and Gay Task Force)

### **What are the effects of homophobia on teachers and pupils?**

Homophobic bullying may lead to:

- low self-esteem;
  - a culture of fear;
  - pupil indiscipline;
  - pupil or staff absenteeism;
  - reduced staff productivity;
  - staff turnover;
  - poor teaching performance;
  - reduced learning outcomes;
  - stress;
  - loss of health;
  - self-harm.
- ◆ 1 in 5 young lesbian and gay people attempted suicide because they were lesbian or gay.

(see Trenchard, L and Warren, H (1984), Something to Tell You, London, Lesbian and Gay Teenage Group)

## **CREATING A POSITIVE CULTURE IN SCHOOLS**

### **2. CREATING A POSITIVE CULTURE IN SCHOOLS**

#### **Does Section 28 prevent schools from tackling homophobia?**

Section 28 does not apply to schools.

Section 28 refers to the provisions contained in the Local Government Act 1988 which makes it illegal for local authorities to promote the teaching of the acceptability of homosexuality as 'a pretended family relationship'.

NASUWT believes that Section 28 has created an unacceptable climate of anti-lesbian/gay prejudice and intimidation. The Association will continue to press the Government to repeal this piece of homophobic legislation.

Dealing with homophobic bullying does not constitute the promotion of homosexuality. There is nothing to prevent schools and teachers from actively working to challenge homophobia through the use of relevant curriculum resources and other forms of practical intervention.

However, many teachers cite Section 28 as a justification for failing to address lesbian, gay and bisexual issues in schools. A study commissioned by Stonewall and the Terence Higgins Trust found that 44% of teacher respondents "stated that they had experienced difficulty in addressing the needs of lesbian, gay and bisexual students as a result of Section 28".

Successive Governments have accepted that objective discussion of homosexuality in the classroom or the counselling of pupils concerned about their sexuality would not be in breach of Section 28. Indeed, the DfEE has issued a number of Guidance Circulars<sup>1</sup> to schools which make clear the duty on schools to address the problem of homophobic abuse, through effective sex and relationship education and programmes of behaviour management and pastoral support.

#### **Why is behaviour management important?**

Paragraphs 4.29 and 4.30 of the DfEE Circular on Social Inclusion: Pupil Support (10/99) advise that:

“The emotional distress caused by bullying in whatever form – be it racial, or as a result of a child’s appearance, behaviour or special educational needs, or related to sexual orientation – can prejudice school achievement, lead to lateness or truancy and, in extreme cases, end with suicide...Bullying is usually part of a pattern of behaviour rather than an isolated incident. Pupils should be encouraged to report any bullying to staff or to older pupils they can trust. Low report rates should not of themselves be taken as proof that bullying is not occurring.

Head teachers have a legal duty to take measures to prevent all forms of bullying among pupils. All teaching and non-teaching staff, including lunchtime supervisors, should be alert to signs of bullying and act promptly and firmly. Pupils may see failure to respond to incidents or allegations as tolerating bullying.”

1 for example, DfEE Circular 10/99, Social Inclusion: Pupil Support; DfEE Guidance 0116/2000, Sex and Relationship Education; DfEE Guidance (2000), Bullying: Don’t Suffer in Silence

### **Why is sex and relationship education important?**

Effective sex and relationship education is important in helping young people make responsible and well-informed decisions about their lives. It enables young people to develop self-respect as well as respect for others.

The DfEE Sex and Relationship Education Guidance (DfEE 0116/2000) sets out the expectations of schools for the delivery of effective sex and relationship education programmes and with regard to tackling homophobic bullying:

- Paragraph 1.30 confirms the duty upon schools to develop an inclusive sex and relationship education programme:

“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.

The Secretary of State for Education and Employment is clear that teachers should be able to deal honestly and sensitively with sexual orientation, answer appropriate questions and offer support. There should be no direct promotion of sexual orientation.”

- Paragraph 1.32 of the DfEE Guidance also makes clear the need for schools to deal with homophobic bullying, making clear the emotional distress and harm caused by bullying related to sexual orientation.
- Paragraph 1.21 of the Guidance makes clear that schools should have a duty to educate young people about the diversity of family and personal relationships and the need to ensure that all are equally respected and valued:

“The Government recognises that there are strong and mutually supportive relationships outside marriage. Therefore, children should learn the significance of marriage and stable relationships as key building blocks of community and society. Teaching in this area needs to be sensitive so as not to stigmatise children on the basis of their home circumstances.”

### **What should schools do about the problem of homophobic bullying?**

It is essential that schools develop policies and procedures which address the problem of homophobic bullying. Research conducted by the University of London in 1997 has demonstrated that whilst 99% of schools had anti-bullying policies, only 6% of these included reference to lesbian and gay related bullying.

The following sections of this advice document provide guidance on what schools can do to tackle and prevent homophobic bullying.

## **RESPONSIBILITIES OF THE EMPLOYER**

### **3. RESPONSIBILITIES OF THE EMPLOYER**

Acts of homophobic bullying may result in a range of criminal or civil claims against the employer and the bullying individual.

#### **Health and Safety at Work Act 1974**

All employers have a duty of care to their employees. This means that they must work to ensure the physical and mental health and wellbeing of all employees. Employers are also required to assess the work-related risks to the health and safety of their employees and to take appropriate action in the light of such an assessment.

The duty of care on employers means that employers should have in place a workplace harassment policy and procedure which is properly implemented. Such policies and procedures should include reference to homophobic bullying.

In law employers are also responsible for the conduct of their employees during the course of employment. This is known as their 'vicarious liability'. The employer is still responsible even if the unacceptable conduct is committed without their knowledge or approval. The employer can be held liable under both criminal and civil law unless it can be shown that all reasonable steps have been taken to eliminate unwarranted behaviour.

#### **Common Law**

Employers can be sued for damages under common law where an employee suffers personal injury because of bullying carried out by any member of staff, unless they can satisfy the court that the bullying individual acted "outside the course of his employment".

#### **Sex Discrimination Act 1975 and Race Relations Act 1976**

Where there is a sexual or racial element to bullying behaviour, an employer could be held vicariously liable for the actions of the bullying employee even if the employer was not aware of the bullying behaviour.

## **Protection from Harassment Act 1997**

This legislation makes unlawful any behaviour, regardless of its intent, which causes another person personal harm or distress, for example by:

- threatening, abusive or insulting words or behaviour, or disorderly behaviour;
- displaying any writing, sign or other visual representation which is threatening, abusive or insulting;
- stalking.

Where such harassment takes place, a record of the incident should be kept and the matter reported to the Police.

## **Employment Protection (Consolidation) Act 1978**

An employee may complain to an Industrial Tribunal of constructive dismissal in circumstances where workplace bullying has led him/her to leave his/her employment with an organisation.

## **STRATEGIES AND REMEDIES**

### **4. STRATEGIES AND REMEDIES**

#### **Anti-Bullying Policy**

The DfEE has made clear in its Guidance to schools on dealing with bullying – Bullying: Don't Suffer in Silence - that headteachers are required by law to have a policy to prevent bullying among pupils. In addition, the DfEE makes clear that headteachers should "satisfy themselves that their policies comply with the Human Rights Act 1998". The policy should include specific reference to all bullying on grounds of sexual orientation. The protection available to pupils within the school should also be available to staff. The policy should explicitly address the problem of pupils who bully staff.

#### **Equal opportunities policy**

Schools should have a policy in respect of equal opportunities. The equal opportunities policy should be reflected in all aspects of school ethos and school life. It should apply to staff, pupils and their parents/carers. The policy should include reference to the problems of discrimination, bullying and persecution on grounds of sexuality. It should be disseminated to all staff, pupils at the school and parents/carers. All staff should receive training in respect of the policy. In addition, the policy should be monitored regularly with a view to identifying and dealing with any trends or issues of concern.

#### **Curriculum**

- ◆ Research indicates that only 1 in 38 lesbian and gay young people could recall any mention of homosexuality in sex education lessons at school.

Trenchard, L and Warren, H (1984), Something to Tell You, London, Lesbian and Gay Teenage Group

All schools are required to develop a sex and relationship education policy in accordance with the provisions of the DfEE Guidance. In particular, the teaching of sex and relationship education should:

- be firmly rooted within the framework for PSHE and the National Curriculum;
- provide help and support to young people through their physical, emotional and moral development;
- enable young people to understand human sexuality;
- help young people learn respect for themselves and others.

Addressing these issues is a prerequisite to tackling the problem of homophobic bullying and an essential form of early intervention.

### **Behaviour management**

NASUWT has developed specific and detailed guidance for schools on the issue of behaviour management in schools which is available on request. In particular, NASUWT guidance makes clear the need for schools to develop policies which provide the conditions for all pupils to learn and for all teachers to teach in an environment free from chaos, violence and disruption.

Violent and aggressive language and behaviour and all forms of harassment and bullying are unacceptable. Such behaviour must not be tolerated or seen to be tolerated by the failure of school management to take firm action against bullies. The school's behaviour policy and procedures should clearly define what sanctions will be used to deal with such behaviour, including the use of exclusion.

The Association advises that all schools should consult with their staff when drawing up the behaviour management policy and procedures, and that parents and carers should also be involved. In addition, "schools are responsible for ensuring that their behaviour management policies are non-discriminatory in terms of their scope and operation. It is unacceptable for the measures, to address the problems caused by inappropriate pupil behaviour or to reward positive behaviour, to be applied differentially on the grounds of race or ethnic origin, gender, disability or sexuality. School management should regularly review behaviour management policies to ensure that the operation is fair and equitable."

The DfEE Circular Social Inclusion: Pupil Support makes clear the need for schools to address the problem of bullying related to sexual orientation through measures including:

- encouraging pupils to report incidents of bullying;
- monitoring incidents of bullying;
- raising awareness of teaching and non-teaching staff so that they are alert to signs of bullying and are clear as to how to respond;
- strategies covering break times;
- appropriate staff training.

### **Pastoral and other support**

Access to support and counselling facilities will be important for staff and pupils who experience homophobic abuse. The school should make available appropriate facilities and provide signposts to relevant external agencies. All instances of bullying should be followed up, regardless of the pastoral or other support offered. Confidentiality should be respected. In the case of pupils, however, it may not be appropriate to promise confidentiality.

The DfEE anti-bullying guidance pack – Bullying: Don't Suffer in Silence – sets out what schools can do to address the problem of bullying. The pack highlights the particular problem of bullying related to sexual orientation and makes it clear that “pupils do not necessarily have to be lesbian, gay or bisexual to experience such bullying. Just being different can be enough.” The pack suggests a number of strategies for reducing homophobic bullying, including:

- making clear reference to the unacceptability of homophobic bullying in the school's anti-bullying policy;
- in-service training for staff;
- guaranteeing confidentiality and appropriate advice to lesbian and gay pupils;

- challenging homophobic language;
- exploring issues of diversity and difference;
- exploring pupils' understanding of their use of homophobic language.

### **What action can school staff take about pupil bullying?**

Teachers and other staff should keep a written record of any incidents of homophobia which they witness or which are reported to them, including details of:

- times and dates;
- places;
- witnesses;
- pupils involved;
- the nature of the bullying.

Incidents of homophobic bullying should be communicated to the school management so that effective action can be taken. At the same time, any concerns regarding confidentiality should be considered.

## **NASUWT SUPPORT FOR MEMBERS**

### **5. NASUWT SUPPORT FOR MEMBERS**

#### **What should teachers do if they are bullied?**

Every teacher has the right to respect and a safe working environment. Any member who has experience of homophobic abuse should keep a written note of the event(s) which have caused concern, including details of:

- times and dates;
- places;
- witnesses;
- persons involved;
- the nature of the bullying.

Where members experience difficulties in their school they should contact their NASUWT School Representative, Local Secretary or Regional Office immediately.

In addition, teachers should obtain a copy of their school's equal opportunities policy and any policies and associated procedures for dealing with homophobic bullying, harassment and discrimination.

#### **What support can NASUWT provide to members?**

NASUWT implements a regular programme of training on equal opportunities matters for school representatives, local secretaries and staff. Representatives are trained in the handling of all areas of casework involving workplace discrimination, harassment and bullying, including homophobic bullying.

Any member who is subject to homophobic bullying should contact their NASUWT School Representative, Local Secretary or Regional Centre for support in respect of:

- confidential face-to-face and telephone advice;
- information;
- workplace representation;
- legal advice and assistance.

## **Where can teachers go for support and further information?**

In the first instance, members should contact their NASUWT School Representative, Local Secretary or Regional Centre for advice and support.

NASUWT has published separate guidance for members on workplace bullying, personal harassment and other associated matters which should be read in conjunction with this document. These documents are available from NASUWT Headquarters on request:

- ◆ **Behaviour Management - A Model Policy Statement**
- ◆ **Behaviour Management - Statement of Common Principles**
- ◆ **Indiscipline in Schools - The Case Against Inclusivity**
- ◆ **No Place To Hide - Confronting Workplace Bullies**
- ◆ **School Bullying**
- ◆ **Sexuality, Education And Employment - Support and Advice for Members**
- ◆ **STOP! Personal Harassment**

## **OTHER SOURCES OF SUPPORT AND INFORMATION**

### **6. OTHER SOURCES OF SUPPORT AND INFORMATION**

There are a number of organisations supporting individuals who have experienced homophobic bullying:

#### **Stonewall**

46-48 Grosvenor Gardens

London SW1W 0DH.

[www.stonewall.org.uk](http://www.stonewall.org.uk)

Lobbying organisation for lesbian and gay equality.

#### **LAGER**

Unit 1G, Leroy House

436 Essex Road

London N1 3QP.

[www.lager.dircon.co.uk](http://www.lager.dircon.co.uk)

Lesbian and gay employment rights and anti-discrimination organisation.

#### **Schools Out!**

BM Schools Out

London WC1N 3XX.

[www.schools-out.org.uk](http://www.schools-out.org.uk)

National campaigning body on lesbian and gay issues in education.

#### **Lesbian and Gay Switchboard**

020 7837 7324 A confidential 24-hour helpline

#### **Joint Action Against Homophobic Bullying (JAAHB)**

The Intercom Trust

PO Box 285

Exeter

Devon EX1 2YZ.

Provides practical resources for use in schools

#### **Teacherline**

08000 562 561 24-hour confidential telephone counselling, support and advice service for teachers.

#### **Department for Education and Employment**

Schools Inclusion Division  
Sanctuary Buildings  
Great Smith Street  
London SW1P 3BT.  
[www.dfes.gov.uk/bullying](http://www.dfes.gov.uk/bullying)

**NASUWT**  
**Hillscourt Education Centre,**  
**Rose Hill, Rednal,**  
**Birmingham B45 8RS.**  
**T: 0121 453 6150 F: 0121 457 6208/9**  
**E: [nasuwt@mail.nasuwt.org.uk](mailto:nasuwt@mail.nasuwt.org.uk)**  
**W: [www.teachersunion.org.uk](http://www.teachersunion.org.uk)**