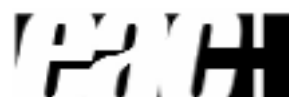


# Out of the Shadow

GUIDANCE TO BRISTOL SCHOOLS ON  
THE REPEAL OF SECTION 28

Jonathan Charlesworth M.Ed.



## Useful terms when reading this Guidance

### **Appropriate words to describe someone that will cause no offence**

heterosexual    gay    lesbian    bisexual

### **Inappropriate words to describe a gay man or lesbian**

homosexual (has medical or criminal connotations)  
pouf    dyke    queer    lezzer

### **Vocabulary to avoid when discussing a person's sexual orientation includes**

inclination    proclivity    persuasion    lifestyle

**Sexual orientation is not a TENDENCY or a CHOICE.  
It is simply a FACT.**

## **Useful definitions**

### **Bisexual**

Bisexual is the term which refers to a man or woman who is emotionally and sexually attracted to people of both sexes.

### **Heterosexual**

Heterosexual is the term which refers to a man or woman who is emotionally and sexually attracted to people of the opposite sex.

### **Heterosexism**

Heterosexism is the assumption that every individual is heterosexual. This has been institutionalised in family, as well as culture and law.

### **Homophobia**

Homophobia describes the aggressive and fearful feelings and behaviour directed at lesbians, gay men and bisexual men and women. These can range from jokes, graffiti, insults and threats, to physical attacks.

### **Lesbians and gay men**

Lesbian and gay are the terms lesbians and gay men prefer to 'homosexual'. Same-sex oriented women sometimes prefer the term 'lesbian' rather than 'gay' because it reflects their separate identities and experiences.

### **Sexual orientation**

Sexual orientation is the legislative term used to describe how an individual chooses to identify their sexuality, that is, lesbian, gay, bisexual or heterosexual. However, it is better to use the proper terms of lesbian, gay and so on.

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## Foreword



Bristol LEA has strong equalities and inclusion policies which we are committed to putting into practice to ensure that all our pupils and their parents/carers, members of staff and governors can feel fully included in the life of their school. In particular, we are determined to enable pupils to feel safe and free from harassment or bullying - a prerequisite for effective learning.

We therefore welcome the repeal of Section 28, which has cast a shadow over schools for some time.

Teachers have felt restricted and lacking in confidence about the way they should deal with sensitive issues, such as sexuality in the curriculum, homophobic bullying or the common misuse of the term “gay” as a term of abuse.

The recent conference organised by the Young People’s Services in Bristol and “Hear by Right” Report clearly highlighted the concern that young people themselves have about this area and the extent of the bullying that takes place.

Nationally there has also been a recognition of the need for work in this area, and it is a fundamental part of the work of the Anti-Bullying Alliance and of the nine regional anti-bullying conferences organised by the DfES.

We were pleased to be able to work with EACH (Educational Action Challenging Homophobia) which is based in Bristol. EACH has written this document, and is able to support schools with on-going training and advice to take this work forward. We intend that this guidance will offer schools practical support to move forward, taking a proactive approach to this important aspect of equalities.

### **Heather Tomlinson**

Director of Education  
Bristol LEA

## **Section 28 of the Local Government Act 1988 was repealed in November 2003.**

This Guidance is a revision of Bristol City Council's 1999 publication "Section 28 – a guide for all staff and governors of Bristol LEA schools". It is for everyone working in schools including governors, teachers and support staff. It provides information about the abolition of Section 28 and seeks to clarify the position of Bristol LEA, its schools and nurseries. It highlights existing and new legislation and demonstrates how teaching policy and practice should be inclusive of all staff, children, young people and their parents or carers.

This document has been written by EACH (Educational Action Challenging Homophobia) in collaboration with Bristol LEA and should not be reproduced or amended without their permission.

### **Why Bristol LEA is providing this guidance**

Section 28 was never directly applicable to schools because it was targeted at local councils. Compounded by continual, erroneous reinforcement by sections of the media, many working in education were under the misapprehension that it did. They felt inhibited about what they could and could not say regarding sexuality. Most schools felt constrained in their abilities to tackle homophobic bullying. Consequently, Section 28 served to undermine the confidence of those professionals who sought, and had responsibilities, to provide appropriate advice and support to all young people and colleagues, especially lesbian, gay or bisexual people on the subject of homosexuality.

This was not in keeping with the Council's Equalities Policy which strives to treat all residents, workers and young people of the City equally. Nor would it have been in line with Government advice.

Following Section 28's repeal, teachers can feel fully confident about working to the Ofsted recommendations and within the SRE Guidance which states clearly that young people need to believe that sex education is relevant to them and sensitive to their needs, whatever their developing sexuality.

## Legislation and Guidance

Given how very few people could or can today quote Section 28 (often erroneously referred to still as Clause 28), it is useful to reflect on its precise wording.

In summary, Section 28 of the Local Government Act 1988 stated:

- 2A (1) A local authority shall not:
- (a) intentionally promote homosexuality or publish material with the intention of promoting homosexuality;
  - (b) promote the teaching in any maintained school of the acceptability of homosexuality as a pretended family relationship.

Its impact was out of all proportion to the narrow legal restraints which in reality it imposed and, as a response to Section 28, the Department for the Environment issued Circular 12/99:

“Local authorities will not be prevented by this section from offering the full range of their services to homosexuals [sic], on the same basis as to all their inhabitants.”

The OFSTED report on the provision of Sex and Relationships Education published in 2002, stated very clearly that schools have a responsibility to ensure that diversity and difference are valued and respected:

“In too many secondary schools homophobic attitudes among pupils often go unchallenged. The problem is compounded when derogatory terms about homosexuality are used in everyday language in school and their use passes unchallenged by staff. Where problems arise, staff have often had insufficient guidance on the interpretation of school values and what constitutes unacceptable language or behaviour.”

It is important to acknowledge that this is also an issue in primary schools. The DfES advises that a school policy on bullying “should be short, succinct and written in a language that everyone understands” and include a definition of bullying which includes “racist, sexist and homophobic bullying”.

Most recently, the DfES has published Sex and Relationship Education – Schools Responsibilities (June 2004) which states unequivocally: “Teachers should deal honestly and sensitively with sexual orientation, answer appropriate questions and offer support. It is important that schools tackle all forms of abuse and bullying including homophobic bullying”.

See: <http://publications.teachernet.gov.uk>

Additionally, all staff in schools and nurseries are protected by employment legislation which came into force on December 1 2003 and which outlaws discrimination against any worker, in training or employment, on the grounds of sexual orientation. For more information about the rights this brings, go to the NUT website: <http://www.nut.org.uk/resources/pdf/EESORegs.pdf>

## **A Fresh Approach**

Necessary now is to:-

- unequivocally build into bullying policies reference to homophobia
- raise awareness in schools of their statutory and moral responsibility towards this issue
- rebuild schools' confidence so that they can deliver good quality Sex and Relationships Education (SRE) and Personal, Social and Health Education (PSHE) to all children and young people
- inform teachers of their position discussing same-sex relationships
- support and value lesbian, gay and bisexual members of staff, young people and children of lesbian, gay or bisexual parents or carers

This does not happen by chance. Schools need to plan training and be resourced with appropriate literature and resources to guide them.

## **Schools' Responsibilities**

Challenging homophobic attitudes in our schools and supporting lesbian, gay or bisexual young people and adults involves ensuring the issues are included in all areas of the work of the school from school policies and procedures, to the curriculum and to the training opportunities the school offers to its employees.

All schools should have an equal opportunities policy that includes a section on equality for lesbian, gay or bisexual pupils, staff, parents and carers. Equal opportunities policies are valuable. They clarify the approach of the school for staff, pupils, governors, parents or carers and external agencies. They enable staff to manage equal opportunities issues with confidence, competence and consistency.

## **The Responsibility of School Governors**

The governing body plays a key role in developing and reviewing school behaviour and anti-bullying policies and maintains behaviour in line with these policies. They also have the overall responsibility for ensuring that the school follows National Curriculum guidance. The Inclusion Statement relating to every subject requires classroom teachers to ensure that:

- Stereotypical views are confronted and pupils learn to appreciate and view positively difference in others
- All pupils feel secure and can contribute effectively
- All forms of bullying and harassment are challenged

Governing bodies must, by law, have regard to Annex B of Circular 10/99 when drawing up behaviour and anti-bullying policies and advising the headteacher. This annex states:

Each school should have a clear behaviour policy. It should make clear the boundaries of what is acceptable, the hierarchy of sanctions, arrangements for their consistent and fair application and a linked system of rewards for good behaviour. It should promote respect for others, intolerance of bullying and harassment, the importance of self-discipline and the difference between 'right' and 'wrong'.

The governing body should set the framework of a school's behaviour policy through a written statement of general principles. This should cover the ethos and values of the school. The boundaries of acceptable behaviour, the school's moral code, the positive and constructive rules of conduct and all sanctions should be fairly and consistently applied.

The governing body should oversee the headteacher's sound maintenance of behaviour at the school in line with their policies. The headteacher has day-to-day responsibility for behaviour with the backing of the governing body.

Headteachers should put in place effective strategies against bullying which are developed and put into effect by everyone in the school including pupils.

Prospectuses and other documents for staff, pupils, parents and carers should explain arrangements to report bullying and how it will be investigated.

Governing bodies should regularly review all their policies to ensure they comply with new legislation and guidance. Additionally, everyone within a school should be clear about what constitutes acceptable and unacceptable behaviour, for example, adopting a zero tolerance approach to harassment.



## **Homophobic Bullying of Young People**

Just like any form of bullying, homophobic bullying can include verbal, physical and emotional abuse by an individual or group but it's directed specifically at someone who is lesbian or gay, perceived to be by others or because the young person has same-sex parents. What makes it different from other forms of bullying is the personal motivation that drives it.

Most homophobic bullying takes place at a time when young people, particularly boys, are unsure about their own developing identity – subjected as they are to the confusing messages our society sends out about what it means to be 'a man' and against the stereotype of what it means to be gay. Homophobia presents itself in young people as the fear of and reaction to an issue about which they can have little understanding and to a person perceived as 'different'.

Homophobic bullying is recognised to be an issue by the Government, OFSTED, the Health and Police services and, of course, schools and youth groups nationwide.

A survey of 1,177 sixth formers carried out by academics at Loughborough University found that 43% believe their school is not a safe place for gay pupils. By contrast, only 6% thought their school unsafe for ethnic minority pupils (2002). <http://www.lboro.ac.uk/index.html>

At the "Hear By Right" Conference, attended by over three hundred young people in Bristol in 2003, 45% of pupils said they were bullied at least occasionally and 7% said it was specifically on the grounds of sexuality. When asked what they would do if their best friend said they were gay, 14% said they would 'verbally abuse them' and only 53% said it 'would not matter'. 51% however said they have friends who have disclosed that they are lesbian or gay.

### **How can homophobic bullying affect young people?**

Young people can have their education disrupted and it can have a major impact on their attendance. They are unlikely to participate in lessons appropriately due to feelings of fear or anger. Their self-esteem is often severely affected and as a result their academic potential is not fulfilled.

Too many victims of homophobic bullying are driven to self-harm and suicide. Other young people whose fears and confusions are not adequately dealt with in their youth too often go to develop problems in adulthood including depressive disorders or dependencies upon alcohol or drugs.

Research conducted by Ian Rivers in 2001 showed that, of all lesbian, gay or bisexual young people in our schools:

37% are homophobically bullied.

53% of those homophobically bullied contemplate suicide.

40% attempt suicide at least once (3/4 of these attempt more than once).

17% will go on to develop long-term mental health problems.

Schools who dismiss the problem are not helping any of their young people to develop a concern for the well being of others and an understanding and healthy acceptance of people's difference.

Lesbian, gay or bisexual young people can find themselves exhausted by having to wrestle with their own feelings about themselves and the problems others have in coming to terms with their sexual orientation.

Secondary schools particularly should be places where there is specific reference to expectations of behaviour, for example anti-harassment posters outlawing homophobic behaviour and signposting to further sources of help and support like EACH's Freefone Helpline and Freedom Youth (see Contact List).

### **Schools' acknowledgement of lesbian, gay and bisexual households**

It is important that schools encourage understanding and respect for a wide range of different family patterns and lifestyles so that children themselves can make responsible and informed judgements. Educating for equality should aim to foster a sense of responsibility, to encourage the development of a positive self-image and reassure pupils of their value and self-worth within their families.

Bristol LEA considers it good practice for children's own experiences to be acknowledged by their teachers as the central focus for their learning and social development from early years upwards. The home provides the basis for much oral and written work and children from lesbian, gay or bisexual households will inevitably engage in talk and writing about their family. These households will also be made up of lesbian, gay or bisexual people who have Black or minority ethnic backgrounds or are disabled – issues which also should be explicitly acknowledged. Children and young people should feel their home circumstances are fully valued and they should not be made to feel that they are in some way set apart from their peers.

Books and other resources portraying people of all sexual orientations, cultures and abilities provide children and young people with a balanced representation of people in our society. Contextualised use of such positive imagery of lesbian, gay or bisexual people within curriculum resources is to be encouraged.

Both the LEA's "Equalities and Educational Inclusion Policy" and "National Curriculum 2000" outline the requirements upon schools to challenge stereotypes and develop an inclusive curriculum. See

[http://www.bristol-lea.org.uk/services/eit/inclusion\\_policies.html](http://www.bristol-lea.org.uk/services/eit/inclusion_policies.html)

A special edition of PinkParents contains book reviews, features and reports of initiatives in schools. To order send £3 to PinkParents UK, Box 55, Greenleaf Bookshop, 82 Colston St Bristol BS1 5BB or Email [enquiries@pinkparents.org.uk](mailto:enquiries@pinkparents.org.uk)

## **Sex and Relationship Education Guidance**

This Guidance, published in 2002, recommends that:

"Schools make sure that values relevant to education about sex and relationships are consistently adhered to within the school so that, for example, homophobic attitudes do not go unchallenged. Teachers should be given further guidance about content and methods in teaching about sexuality." [www.standards.dfes.gov.uk](http://www.standards.dfes.gov.uk)

Similarly, SRE Guidance issued by the DfES in 2000 stated:

"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. ...teachers should be able to deal honestly and sensitively with sexual orientation, answer appropriate questions and offer support."

Every LEA, headteacher and governing body has a statutory responsibility to take account of the Education Act 2000 which requires that SRE be provided. Furthermore a written SRE policy, which is open to Ofsted inspection, must be in place and should be available to anybody planning or delivering SRE.

## **Responding to lesbian, gay or bisexual young people “coming out”**

Any adult working in a professional capacity with young people in a school may find themselves the confidante of a young person's 'coming out'. If a young person chooses a particular member of the staff team with whom to discuss their sexual maturation, or any related concerns, it is because they respect and trust them. The young person should be acknowledged supportively for doing so. If the member of staff feels unconfident about providing support it is important to explain why they are being referred onto another member of staff or a support agency such as EACH (see Contact List).

## **Teachers' openness about their own sexuality**

Bristol City Council's Equalities Policy encourages a working environment where lesbian, gay or bisexual people can feel at liberty to be open about their sexuality. In schools being open with young people about one's sexuality can help encourage a culture of honesty, respect and pride. With new legislation this freedom is enshrined in law.

All employees are protected in law by Employment Equality (Sexual Orientation) Regulations which came into effect on 1 December 2003. Governing bodies need to be aware of their responsibilities in this area and, as employees of Bristol City Council, all members of a school's staff are entitled and welcome to attend the lesbian, gay and bisexual 'Rainbow Group' (see Contact List).

## **Conclusion**

Bristol LEA intends that its schools are places where all young people feel safe and valued and are able to achieve to the best of their ability. We hope that this guidance will provide a starting point for schools to begin to address issues of sexuality and homophobia in their policies and to take a whole school approach to developing effective equalities practice within their teaching, learning and pastoral care.

Subsequent resources relating to this area will be developed in the future and published by Bristol LEA e.g. Guidance for Primary Schools and model policies, and will be posted on Bristol LEA's website.

## References

DfES (June 2004) Sex and Relationship Education / Section 28 – Schools Responsibilities.

Health Development Agency (2004) Stand Up For Us (Ed. Mark Jennett)  
ISBN: 1-84279-200-8.

Office for Standards in Education (2002) Sex and Relationships Education in Schools.

DfES (2000) Don't Suffer in Silence – DfEE 0116/2000  
[www.dfes.gov.uk/sreguidance](http://www.dfes.gov.uk/sreguidance)

DfEE Circular 12/99,

DfEE Circular 10/99 Social Inclusion: Pupil Support.

National Healthy School Standard (2001) Sex and Relationship Education  
ISBN 1-84279-055-2.

Loughborough University (2003)

RIVERS, I., and DUNCAN, N. (2002) Understanding homophobic bullying in schools: Building a safe learning environment for all pupils. Youth & Policy, no.75 (Spring). pp30-41.

DfES publications can be ordered from:

PO Box 5050, Sherwood Park, Annesley, Nottinghamshire, NG15 0DG

With acknowledgements to the National Union of Teachers' Education and Equal Opportunities Department and the Sex Education Forum's Briefing November 2003: Sexuality and SRE- The End of Section 28.

## Useful Contacts and Further Sources of Help

### **Department of Education and Lifelong Learning**

Equalities and Inclusion Team  
PO Box 57, Council House  
College Green, Bristol BS99 7EB  
Tel: 0117 903 7722  
Fax: 0117 903 7738  
Email: ruth\_pickersgill@bristol-city.gov.uk  
www.bristol-lea.org.uk/services/eit/eit.html

### **Educational Action Challenging Homophobia (EACH)**

Office 24, 14 Clifton Down Road  
Bristol BS8 4BF  
Office: 0117 946 7606  
Freefone Helpline: 0808 1000 143  
Fax: by request  
www.eachaction.org.uk  
Email: info@eachaction.org.uk

### **Rainbow Group (for Bristol City Council's lesbian, gay and bisexual employees)**

Tel: 0117 922 3737 or 903 1894  
Or phone the Equalities Team on 0117 922 2661  
Or email equalities\_team@bristol-city.gov.uk  
Information to join on line for Council employees on:  
intranet.bcc.lan/php/home/people/sog\_rainbow.phtml  
or search for the Group in the information on the external website  
www.bristol-city.gov.uk

### **Corporate Equalities Team (including Strategic Access Officer)**

Scrutiny and Equalities Unit, Council House, College Green, Bristol BS1 5TR  
Tel: 0117 922 2352  
Fax: 0117 922 2392  
Email: equalities\_team@bristol-city.gov.uk

### **LEA Citizenship Coordinator**

Tel: 0117 903 1221  
Email: antonia\_taylor@bristol-city.gov.uk

### **LEA PSHE Advisor and Drugs Consultant**

Tel: 0117 377 3218  
Email: julie\_coulthard@bristol-city.gov.uk

### **SW Regional Co-ordinator**

National Healthy School Standard  
Waverley House,  
Old Church Road, Clevedon,  
North Somerset, BS21 6NN  
Tel: 01275 546741  
Email: dali.sidebottom@nsomerset-pct.nhs.uk

### **Freedom Youth**

Tel: 0117 955 3355  
(open Tues eves 7- 9.30pm)  
Best method of contact:  
Leave a phone message  
www.freedomyouth.co.uk

### **Senior Youth & Community Worker**

LGB Young People  
Tel: 0117 377 3673  
Email: barbara\_mcphail@bristol-city.gov.uk

### **Bristol Lesbian Gay and Bisexual Forum**

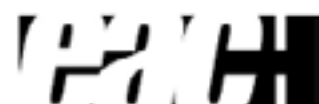
82 Colston Street,  
Bristol BS1 5BB  
Tel: 0117 922 0741  
Email: info@bristol-lgb-forum.org.uk  
www.bristol-lgb-forum.org.uk

### **PinkParents UK**

Box 55, Greenleaf Bookshop  
82 Colston St BS1 5BB  
Tel: 0117 904 4500  
Email enquiries@pinkparents.org.uk

## What can schools do to challenge homophobia? EACH's Recommendations for Action

- 1.** Do not assume heterosexuality in general discussions about people we do not know. Be inclusive in the language that we use in the classroom and in meetings thereby avoiding marginalising lesbian and gay people.
- 2.** Make sure that homophobic bullying is identified specifically in the school's anti-bullying policy. All equal opportunities policies should include a positive statement about sexual orientation, as they would about race, belief, disability, gender etc.
- 3.** Create a safe environment. Use posters of Helpline numbers covering a range of issues to indicate to young people that there is help available should they need it. Have nominated teachers to whom young people can turn included in this publicity.
- 4.** Provide appropriate information. Young people identifying as gay or lesbian or unsure of their sexual orientation have an equal right to appropriate sexual health education as part of a school's Duty of Care. Ensure appropriate books and information on emotional development can be found in the school library. Remove offensive books and materials and deal immediately with negative graffiti.
- 5.** Be a role model. Actions speak louder than words. By adopting a consistently respectful behaviour to others' difference, ourselves, we can foster this in young people.
- 6.** Be supportive. If a young person chooses you to discuss any concerns about their emotional development it's because they respect you. Respect them for doing so and do not automatically refer them onto someone else. Governors should respect teachers' and their own Duty of Care on this issue.
- 7.** Use the curriculum. Art, Music, History, Drama and Citizenship provide myriad opportunities to open up sensible, appropriate discussion around sexuality – take advantage of “teachable moments”. Don't pigeon hole issues of sexuality into SRE or PSHE.
- 8.** Invite governors and outside speakers to talk to year groups about difference, respect, understanding, prejudice and discrimination. Invite the local council's equality unit to assist by explaining how they address equality issues generally.
- 9.** Request staff training as INSET. School staff, including governors, cannot be expected to understand how damaging homophobia is within the school culture and how important it is to support those affected by it without professional guidance.
- 10.** Challenge homophobic verbal abuse every time exactly as you would racist abuse. 'Gay' used pejoratively to describe something's or someone's value or worth is insulting, offensive and unacceptable.



## **Department of Education and Lifelong Learning**

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PO Box 57  
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