



ADDRESSING INCLUSION

.....
EFFECTIVELY CHALLENGING
HOMOPHOBIA, BIPHOBIA
AND TRANSPHOBIA



This resource provides information and guidance to school staff on addressing homophobic, biphobic and transphobic bullying in Scottish schools and has been written to complement *Respect for All: The National Approach to Anti-Bullying for Scotland's Children and Young People*.

Respect for All is for everyone involved in children's and young people's lives and highlights the responsibility of all to work to prevent and address bullying in Scotland.

Experiencing bullying incidents is *NOT* character-building, a normal part of growing up, a normal part of being lesbian, gay, bisexual or transgender, or the fault of the person being bullied.

CONTENTS

BULLYING AND PREJUDICE-BASED BULLYING	5
UNDERSTANDING HOMOPHOBIC, BIPHOBIC & TRANSPHOBIC BULLYING	7
CREATING INCLUSIVE LEARNING ENVIRONMENTS	10
DEALING WITH INCIDENTS OF HOMOPHOBIC, BIPHOBIC & TRANSPHOBIC BULLYING	12
HOMOPHOBIC, BIPHOBIC AND TRANSPHOBIC BULLYING IN PRIMARY SCHOOLS	14
POLICY & LEGISLATION	16
RESOURCES & CONTACTS	18



“It is weird really – my school is all for LGBTQI+ people in school, but yet the pupils there are openly homophobic and transphobic and it is brushed off and goes unnoticed.”

“Most LGBT-phobia stems from a place of ignorance or misunderstanding. Teach people about identities and why diversity is to be celebrated, not shunned.”

“The teachers in some schools need more training, especially in dealing with transphobia. Teachers in my school were actively transphobic towards an FTM boy – he overheard two teachers talking about how ‘freaks’ like him shouldn’t be ‘allowed to mix with normal children’.”

“I was told I was disgusting and in PE I was forced to change in a disused shower cubicle in case I ‘stared at’ any of the girls.”

“The incident I personally experienced resulted in a lot of mental health problems that interfered with my school performance, and I eventually moved school to leave behind the bad experience and any association with it.”

BULLYING AND PREJUDICE-BASED BULLYING

WHAT DO WE MEAN WHEN WE TALK ABOUT BULLYING?

Bullying takes place in the context of relationships; it is behaviour that can make people feel hurt, threatened, frightened and left out. Bullying is both behaviour and impact; the impact is on a person's capacity to feel in control of themselves. This is what we term their sense of 'agency'. For more information go to respectme.org.uk/bullying/what-is-bullying

Bullying behaviour can harm people physically and/or emotionally. Although the actual behaviour may not be repeated, the threat may be sustained over time, through actions: looks, messages, confrontations, physical interventions, or the fear of these.

IS ONLINE BULLYING DIFFERENT?

Online bullying, or 'cyberbullying' as it is often referred to, is bullying behaviour that takes place online, usually on social networking sites and online gaming platforms. A person can be called names, threatened or have rumours spread about them and this can (like other behaviours) happen both in person and online. Online bullying is most effectively addressed as part of a whole anti-bullying approach, not as a separate area of work or policy.

UNDERSTANDING PREJUDICE AND PREJUDICE-BASED BULLYING

Bullying behaviour may be a result of prejudice-based views, beliefs and fears, leading to the dislike and hatred of individuals and groups; this is called prejudice-based bullying. It can be based on any characteristic or characteristics unique to a child or young person's identity or circumstance and some of these characteristics are protected by law under the ***Equality Act 2010***, including sexual orientation and gender reassignment.

Prejudice is a social problem and is not limited to schools, however schools can contribute to social change and assist to prepare children and young people for adulthood. In order to thrive and achieve their full potential, children and young people need learning environments which are safe, nurturing, respecting, and free from fear, abuse and discrimination.

Research¹ shows that anti-bullying work that clearly addresses the particular needs of vulnerable or minority groups is more effective at increasing pupil willingness to discuss and respond to prejudice-based bullying. There is a need to address the root cause of prejudice as well as effectively respond to incidents as they arise.



1/ Lough Donnell, BL. and Logan, C. (2015) *Prejudice-Based Bullying in Scottish Schools*. LGBT Youth Scotland and respectme for EHRC Scotland.

IS PREJUDICE-BASED BULLYING A HATE CRIME?

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There is no legal definition of bullying in Scotland and 'as such' bullying in itself is not a crime. Bullying, however, can be motivated by prejudice similar to hate crime; the distinction is when a crime has taken place, such as assault.

The presumption should be against criminalising children and young people, unless it's in the public interest. However, if a bullying incident is serious in nature, with clear criminal aspects, it would be reasonable to report the incident to Police Scotland.

It is also important to take the child or young person's views into consideration, particularly those that have experienced bullying behaviour.

More information on reporting a hate crime or hate incident can be found at [scotland.police.uk](https://www.scotland.police.uk).

WHEN IS IT NOT BULLYING?

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Children and young people can fall out and disagree with each other as they form and build relationships. This is a normal part of growing up and many children and young people have the capacity to bounce back from this type of behaviour. Some of this behaviour can be perceived as bullying.

Certain incidents can, however, be more serious and criminal in nature. It is important to ensure that there is a clear distinction between bullying and other potential forms of criminal offences. When someone is coerced or pressurised to do something sexual or is touched inappropriately, for instance, this is not bullying but sexual assault or abuse and should be dealt with as a child protection or wellbeing concern, linking with appropriate organisations where necessary.



UNDERSTANDING HOMOPHOBIC, BIPHOBIC AND TRANSPHOBIC BULLYING

SO WHAT IS HOMOPHOBIC, BIPHOBIC & TRANSPHOBIC BULLYING?

Homophobic, biphobic and transphobic bullying is when a young person's actual or perceived sexual orientation/transgender identity is used to exclude, threaten, hurt, or humiliate them. This type of bullying relates to an element of a person's identity, targeting their 'inner being' and is therefore an example of '**prejudice-based bullying**'.

Some children and young people experience bullying because others think that they are LGBT, because they have LGBT family or friends or because they are seen as different or do not conform to traditional gender stereotypes (not viewed as a 'stereotypical boy' or a 'stereotypical girl'). Indeed many children and young people will experience homophobic, biphobic or transphobic bullying whether they are LGBT or not.

Homophobic, biphobic and transphobic bullying can include some of the following behaviours, but are not limited to:

- ➞ Name calling; spreading rumours and gossip about a young person's sexual orientation and/or transgender identity
- ➞ Physical attack based on someone's perceived sexual orientation and/or transgender identity. It should be noted that this can also be classed as assault which may become a police matter
- ➞ Stealing from someone because of their perceived sexual orientation and/or transgender identity or damaging their property with homophobic, biphobic and/or transphobic graffiti
- ➞ Using texts or social media to threaten someone or spread rumours about their sexual orientation and/or transgender identity
- ➞ 'Outing' or threatening to 'out' someone as lesbian, gay, bisexual or transgender to their peers, teachers or family
- ➞ Harassment and/or intimidation because of their perceived sexual orientation and/or transgender identity

- ➞ Using threatening homophobic, biphobic or transphobic language or behaviour, including using the word 'gay' as an insult
- ➞ Not letting someone join in with group work, conversations or activities and games because of their perceived sexual orientation and/or transgender identity
- ➞ Non-verbal communication including gestures and looks

BIPHOBIA AND BIPHOBIC BULLYING

Bisexual people can experience bullying that directly targets their bisexual identity. These can include, but are not limited to, being told they are secretly gay, or having assumptions made that they are promiscuous. While acceptance and understanding of lesbian and gay identities has increased in recent years, bisexual identities are still often dismissed, belittled and/or misunderstood.



TRANSPHOBIA AND TRANSPHOBIC BULLYING

Transphobic bullying is behaviour or language that makes a child or young person feel unwelcome or marginalised because of their perceived or actual gender identity. This can include deliberately calling transgender young people the wrong pronoun or making fun of their gender identity or expression.

Not all transphobic bullying is directed at transgender young people. Comparing people to transgender people in a derogatory manner, for example, would be an example of transphobic bullying. Transgender people may also experience homophobia or biphobia with regards to the relationships they are in.

IMPACTS OF BULLYING

Experiencing homophobic, biphobic and transphobic bullying can have a negative effect on the health and wellbeing of young people and of those around them. It can mean that young people internalise the prejudice they experience, resulting in feelings of shame or limiting their ability to talk to others, and it can undermine their confidence. Common impacts reported by LGBT young people who experienced homophobic, biphobic and/or transphobic bullying are (but are not limited to):

- ➔ Anxiety and stress
- ➔ Low self-esteem and feelings of worthlessness
- ➔ Self-harm behaviours

- ➔ Suicidal thoughts and actions
- ➔ Isolation from their peers
- ➔ Feelings of shame and anger
- ➔ Behavioural issues and 'acting out'
- ➔ Academic underachievement and non-attendance

Research² by Ian Rivers showed that 72% of young people who experienced homophobic bullying in schools in Scotland had a history of absenteeism.

Non-attendance is often a coping mechanism for LGBT young people experiencing bullying which can have a detrimental impact on their attainment, access to support, and general educational opportunities.

*Life in Scotland for LGBT Young People*³ also showed that 94% of LGBT young people who had experienced homophobic, biphobic and transphobic bullying believed that it had negatively affected their education. Additionally, **9% of all LGBT young people left education as a result of their direct experience of homophobic or biphobic bullying, rising to 27% for those who had experienced transphobic bullying.**



2/ Rivers, I. (2011) *Homophobic Bullying: Research and Theoretical Perspectives*. Oxford: Oxford University Press.

3/ Lough Dennell, B.L., Anderson, G and McDonnell, D (2018) *Life in Scotland for LGBT Young People*. LGBT Youth Scotland.

IMPACT ON ALL STUDENTS

Any child or young person can experience homophobic, biphobic or transphobic bullying, whether they are LGBT or not. This can be based on the perception of sexual orientation or transgender identity or simply not fitting into gender stereotypes. Homophobia, biphobia and transphobia in school environments, when left unaddressed can also have the following impact on students:

- ➡ It can make it difficult for young people to be close friends with someone of the same gender for fear of being labelled as LGBT
- ➡ It can have an impact on learners' values and attitudes and can make it difficult for them to appreciate the diverse range of people whom they will meet and interact with in their lives
- ➡ It can create feelings of shame or upset in children and young people with LGBT parents, carers or family members

BARRIERS TO REPORTING BULLYING INCIDENTS

There are many reasons why young people choose not to report bullying incidents to staff in school. LGBT young people regularly articulate the following about why they don't report to teachers:

- ➡ They don't think adults in the school will understand what is happening or won't take it seriously
- ➡ They think that telling someone will not help and the incidents will get worse
- ➡ They believe teachers will phone their home and 'out' them to family members. Confidentiality is a real concern for LGBT young people in relation to working with their schools and teachers

It is useful for schools to recognise these barriers and work to address them by: reviewing policies and procedures to ensure they are inclusive of LGBT people; delivering work to improve the skills and confidence of staff; and embedding positive messages regarding LGBT identities into the curriculum.

Findings from *Life in Scotland for LGBT Young People*⁴

92%

LGBT YOUNG PEOPLE EXPERIENCE BULLYING

96%

TRANSGENDER YOUNG PEOPLE EXPERIENCE BULLYING

25%

LGBT YOUNG PEOPLE DON'T FEEL CONFIDENT REPORTING BULLYING

4/ Lough Dennell, B.L., Anderson, G and McDonnell, D (2018) *Life in Scotland for LGBT Young People*. LGBT Youth Scotland.

CREATING INCLUSIVE LEARNING ENVIRONMENTS

ADDRESSING INCLUSION

EFFECTIVELY CHALLENGING
HOMOPHOBIA, BIPHOBIA
AND TRANSPHOBIA

As well as dealing with individual incidents of bullying it is important to develop a school environment where the values of inclusion and respect are uniformly applied to all learners and their families. It is this inclusive ethos that addresses the root cause of prejudice-based bullying. This is most effectively implemented through staff training, inclusive policies, and school leadership.

Children and young people should feel happy, safe, respected and included in the learning environment and all staff should be proactive in promoting positive relationships and behaviour in the classroom, playground, and wider learning community.

1 ADDRESS LANGUAGE AND NEGATIVE MESSAGES

Language and jokes around the school can create a climate of homophobia, biphobia and transphobia which indirectly excludes, threatens, hurts, or humiliates young people.

The common use of the word 'gay' to mean sub-standard, uncool, or inferior may seem harmless but LGBT young people who hear the word 'gay' used in an insulting way can feel that it applies directly to them. This phrase can be used without malice or understanding but this does not mean that it has no impact on LGBT young people who may internalise these negative messages. This could also have a negative impact on children who have an LGBT family member, making them feel uncomfortable, angry or ashamed.

Acknowledging that 'gay' as a synonym for 'bad' is damaging regardless of intention, challenging this and exploring the use of the word with learners can limit the damage which it can do.

USEFUL PHRASES

Finding the right words can be difficult. Here are some useful phrases to address the use of the word 'gay' as a negative or an insult:

- ➡ Why did you use the word gay in this way? What did you mean?
- ➡ Are you aware that using the word gay in this way is homophobic?
- ➡ Are you aware that what you said could hurt someone who identifies as gay?
- ➡ Using the word gay in this way is not acceptable. This is an inclusive school.

Addressing gender stereotypes and prejudice-based views will also contribute to creating more inclusive learning environments for LGBT young people and all learners.

2 ENSURE STAFF ARE TRAINED AND HAVE OPPORTUNITIES TO LEARN

Staff training or CPD opportunities are a good way to build the capacity of the school to address incidents of homophobic, biphobic and transphobic bullying and create inclusive learning environments. It creates a consistency in approach and improves competence and confidence in this area.

There are various CDP and training programmes for school staff provided across Scotland. LGBT Youth Scotland offers bespoke **training** on these issues as well as delivering the **LGBT Schools Charter**. respectme also offers free anti-bullying **training** to professionals and parents across Scotland and this training includes a specific focus on prejudice-based bullying.

3 DEVELOP INCLUSIVE POLICIES AND PROCEDURES

Local Authorities and schools should have clear, unambiguous policies which state they are inclusive environments for LGBT young people. This supports consistency in practice and demonstrates the school's commitment to inclusion, LGBT young people and families.

The Local Authority and the school's anti-bullying policy should directly reference the ***Equality Act 2010*** and list all protected characteristics. They should also specifically address homophobia, biphobia and transphobia and all forms of prejudice-based bullying. These policies should be available to learners, staff and the wider school community, and be easily understood by all.

4 INVOLVE CHILDREN AND YOUNG PEOPLE AND CONNECT WITH THE WIDER COMMUNITY

Every school is different and the best people to articulate what the day to day environment is like for young people are young people themselves. Schools should talk to their learners about their awareness and experiences of homophobia, biphobia and transphobia and of bullying in the school. Young people should also have a voice in interventions and strategies to address these issues.

Learners may also have LGBT parents, carers or family members. It's important to engage with a diverse range of families, ensuring that they feel safe and welcome within the school and that their families are recognised and celebrated.

5 DEVELOP A GENDER AND SEXUAL ORIENTATION ALLIANCE (GSA)

GSA groups provide safe spaces for lesbian, gay, bisexual and transgender (LGBT) young people. They also provide opportunities for LGBT young people and allies to assist in creating inclusive learning environments. Young people who attend a GSA are more likely to report that they feel safe in school and are less likely to be absent. They can also be useful spaces to help them identify the support available to them.

Importantly, supporting a GSA gives the school an opportunity to demonstrate its commitment to equalities and inclusion, and to fulfil its legislative responsibilities to ensure that no young person is treated less favourably because of their identity.

6 INCLUDE LGBT IDENTITIES IN THE CURRICULUM

Curriculum for Excellence is built around preparing the next generation of Scotland to be active, responsible and successful members of society. By including LGBT voices and identities in the curriculum it sends a strong message that your school is inclusive and welcoming of all its students and their families. It can also support children and young people to be more accepting and prepare them for adulthood.

An inclusive curriculum can be achieved by using LGBT voices and identities to contextualise learning. This should include, ensuring LGBT relationships and gender identity are part of RSHPE education, as per Scottish Government guidance, *Conduct of Relationships, Sexual Health and Parenthood Education in Schools* (2014).⁵

7 CREATING VISUALLY INCLUSIVE LEARNING ENVIRONMENTS

One of the easiest things that teachers and schools can do is ensure that they have a visually LGBT inclusive environment. This can be accomplished through displays and posters which feature LGBT information, topics, role models or community links.

You may also want to consider creating your own LGBT inclusive poster, which gives the opportunity to discuss with students the need for such awareness raising.

8 SUPPORT YOUNG PEOPLE AND REFER TO SERVICES

Some LGBT young people will require support to 'come out'. If a student approaches you they need some reassurance and positive messages regarding their identity. You then need to find out what they would like to happen next and link them into support services.

School staff are not expected to be experts, it's therefore okay to refer to another service or simply provide a listening ear.

To find out about services for LGBT young people in your area contact: info@lgbtyouth.org.uk

Coming out guides, written by LGBT young people, can be found at lgbtyouth.org.uk/yp-coming-out

DEALING WITH INCIDENTS OF HOMOPHOBIC, BIPHOBIC AND TRANSPHOBIC BULLYING

Children and young people should feel happy, safe, respected and included in the learning environment and all staff should be proactive in promoting positive relationships and behaviour in the classroom, playground, and wider learning community.

Above all, keep the child or young person at the heart of any and all responses; consider what impact the actions you take will have on their wellbeing. This applies to all young people involved in bullying incidents:

- ➡ Recognise that simply listening can help
- ➡ Explore the options open to the young person, with the young person
- ➡ Take the child or young people's views seriously, considering what they want to happen next
- ➡ Remember to consider young people's privacy and the impact of sharing information with others
- ➡ Take steps to address any underlying prejudice in the school
- ➡ Challenge any homophobic, biphobic or transphobic language used in school environments

RECORDING AND MONITORING

It is essential that schools monitor and record bullying incidents. This helps to identify any patterns in behaviour and an appropriate school response.

Recording systems must gather information on any underlying prejudice including details related to any protected characteristic(s). If the incident was motivated by homophobia, biphobia or transphobia or was perceived to be by any other party, including witnesses and school staff – this should also be recorded.

When recording or sharing information it is important to do so in accordance with the *Data Protection Act 1998* and *Human Rights Act 1998*.



CONFIDENTIALITY

Children and young people should be made aware that they can talk to staff and know that, unless it's a child protection or wellbeing concern, their right to privacy will be respected.

If a homophobic, biphobic or transphobic bullying incident has occurred in school it is important to talk to the children or young people involved before talking to parents/carers. If they do not wish the nature of the bullying incident disclosed, every effort should be made for it not to be.

Schools should be alert to the fact that some parents and carers may struggle to accept their child's sexual orientation and/or gender identity. In addition, many young people will simply not be ready to speak to them and 'outing' them (disclosing information without their permission) could cause needless distress.

Young people's confidentiality should also be respected within the school, only sharing information with those who 'need to know' and informing the child or young person of who you will tell.

When dealing with a specific incident of homophobia, biphobia or transphobia, there are some simple questions to consider:

WHAT WAS THE BEHAVIOUR?

As discussed previously, bullying behaviours can harm people physically and/or emotionally and, although the actual behaviour may not be repeated, the threat may be sustained over time. It is worth noting here that use of the word 'gay' as an insult, or to mean bad is always homophobic, regardless of how it was meant. Remember, bullying behaviour can happen face to face, online and outwith school grounds.

WHAT WAS THE IMPACT?

Speaking to the young person about the impact is important for framing how you respond to a bullying incident. No one should assume to know what they think the impact on the young person was. Are they worried, scared or not all that bothered? Even if a person is perceived to be 'not bothered' the behaviour may still be unacceptable and therefore must be challenged.

WHAT DOES THE YOUNG PERSON EXPERIENCING THE BULLYING WANT TO HAPPEN NEXT?

Bullying incidents remove agency from young people. It is important that, in responding to a bullying incident, you take the young person's views seriously. You can provide them with suggestions on what could happen next, but you should be guided by the child/young person's views.

WHAT SHOULD YOU DO?

Firstly, you should recognise that simply listening can help. You should listen to the young person without judgement or preconception and support them to recover from the incident in whatever manner is most beneficial for them. If they wish to report it you should support them in that. Next steps can include: providing options for them to consider; taking note of the conversation and any prejudice-based views raised (storing this in a confidential place); arranging a follow-up meeting and linking them into support. More information about LGBT Youth Scotland's services and support for young people can be found at lgbtyouth.org.uk

It is important to not only support the young person who experienced the bullying incident to recover, but also to work with the person who bullied others to understand their behaviours, the impact they can have and why it is not acceptable.

THINGS NOT TO DO

One of the main reasons that LGBT young people say they do not report incidents of homophobic, biphobic or transphobic bullying is a fear that the adult they tell will ignore it or not believe them.

It is vital that if a young person makes a disclosure to you that you do not dismiss it, or belittle it. If they have come to you, it is important to them and should be respected. You should also avoid trying to make decisions for the young person; bullying incidents can remove young people's agency and compounding that can disengage young people from the process.



HOMOPHOBIC, BIPHOBIC AND TRANSPHOBIC BULLYING IN PRIMARY SCHOOLS

Research⁶ into the extent and impact of homophobic bullying by Highland Council found that the most common time young people first recalled hearing incidences of homophobia in primary school was in Primary 4. Children are hearing discriminatory language from a younger and younger age and, as such, primary schools should ensure that this is appropriately challenged.

Although younger learners may not know what they are saying or what the word means, they are learning that there is a connection between the word 'gay' and 'bad' or 'rubbish'.

'THAT'S SO GAY!'

Realistically, in primary schools, the most common form of bullying incident will be concerning the use of the word 'gay' as a negative. While it is unlikely, though not unheard of, for primary age children to identify as lesbian, gay or bisexual, there will be students who have family members and friends who identify as this label and, as such, it can cause some children significant distress.

Even if they don't know anyone who is gay, everyone needs to be aware that using this word in this manner is hurtful, derogatory and unacceptable. This can be done in larger groups by explaining the impact of the negative use of the word 'gay' and ensuring all learners know that the school finds it unacceptable to use the word in this way. In one to one discussions, teachers should be as clear as possible and may want to say something like:

"Even if you didn't mean anything by it, it's really important that I let you know that it sounds homophobic and could really hurt people who hear it."

6/ McTaggart, J. Yavuz, C. MacPhee, K. and Shepherd, V. (2014)
A Whole-School study of the extent and impact of homophobic bullying.
Highland Council.

GENDER AND GENDER IDENTITY

All teachers need to be alert to gender stereotypes and having an awareness that not every child will identify as the gender you may assume, will help in creating an environment in which all children and young people can flourish.

Children and young people continuously receive messages about gender, often about traditional and stereotypical notions of masculinity and femininity. In schools gender messages can be picked up from everyday classroom practice such as how the class is divided into groups, comments on children's appearance or behaviours, the images used in learning materials, and gender-based assumptions about children's interests. Similarly school management may project gender messages through a school uniform policy or the way they communicate with parents. Practice and policies which are not gender-neutral can be frustrating and dis-comforting for learners including children and young people who are questioning their gender identity.

Children begin to identify their own gender identity from three years old and for children who do not conform to these expectations, school can be a very challenging environment. Children are quick to police gender stereotypes and this behaviour can easily develop into bullying incidents as children are mocked for their likes, personalities, friendships or interests.

PRIMARY LEVEL RESOURCES AND LESSONS

There can be concerns that including content in the curriculum relating to sexual orientation or gender identity in primary schools isn't age appropriate. The communities in which primary schools are based, however, are diverse and will most likely include LGBT people and families. Talking about love, different families, and breaking down gender stereotypes is important for children of primary school age, creating young adults with inclusive values and acceptance of others and themselves.

Additionally, the *Health and Wellbeing Benchmarks*,⁷ published in March 2017, clearly indicate an expectation that learners are able to demonstrate an understanding of different sexual orientations and genders.

One of simplest ways to achieve LGBT inclusion in the primary classroom is to discuss LGBT identities through exploration of families. There are numerous age appropriate picture books and novels which can assist with this. A book list, suggested lessons and posters are available from LGBT Youth Scotland and Stonewall Scotland.⁸

7/ Education Scotland (2017) *Benchmarks: Personal and Social Education*.

8/ www.stonewallscotland.org.uk

POLICY AND LEGISLATION

Regardless of the school you teach in, be it denominational or non-denominational, private or state funded, this guidance helps you fulfil your legal duties in ensuring no child or young person is left feeling scared, frightened, and alone in your school.

GETTING IT RIGHT FOR EVERY CHILD (GIRFEC)

The wellbeing of children and young people is at the heart of *Getting It Right For Every Child*:⁹ that all children and young people should be safe, healthy, active, nurtured, achieving, responsible, respected and included. This includes the LGBT children and young people in your school.

EQUALITY ACT (2010)

The *Equality Act 2010*¹⁰ protects employees and young people on the basis of 'protected characteristics'. These are: age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, sex, religion or belief, and sexual orientation. Of these, marriage and civil partnership and age do not apply to young people in schools.

Schools and education authorities have a responsibility to ensure they comply with the three duties articulated in this law:

- ➡ Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act
- ➡ Advance equality of opportunity between people who share a protected characteristic and people who do not share it
- ➡ Foster good relations between people who share a protected characteristic and people who do not share it

The *Equality Act 2010* also makes it unlawful for a school to discriminate against a learner or prospective learner by treating them less favourably because of their sexual orientation or gender reassignment. It also states that it is unlawful to discriminate because of the sexual orientation or gender reassignment of a person with whom the learner is associated.

It is unlawful to discriminate on the grounds of a perceived protected characteristic. So a teacher who treats a pupil less favourably for being gay will be discriminating on the grounds of sexual orientation whether or not the pupil is gay.

RELIGIOUS FREEDOM

The *Equality Act 2010* protects all equality groups, including the protection of those with religious beliefs. This law does not prevent denominational schools from delivering appropriate teaching in accordance with their beliefs. Conveying a belief within an educational context in a way that harasses or berates a particular learner, or group of learners however, is unacceptable and may constitute unlawful discrimination.

This work also aligns with the Scottish Government's *National Outcomes and Curriculum for Excellence*.

- ➡ Our young people are successful learners, confident individuals, effective contributors and responsible citizens
- ➡ We have tackled the significant inequalities in Scottish society
- ➡ We have improved the life chances for children, young people and families at risk

9/ www.gov.scot/Topics/People/Young-People/gettingitright

10/ www.legislation.gov.uk/ukpga/2010/15/contents

UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (UNCRC)

The principles of the UNCRC¹¹ are embedded into the Scottish policy landscape and were used to develop *Curriculum for Excellence* and *Getting it Right for Every Child*. Many of the articles are key in working with LGBT young people.

- ➡ Article 2: Children and young people have the right to protection against discrimination:

Lesbian, gay, bisexual and transgender young people should not experience homophobia, discrimination or prejudice in school settings and school staff should take measures to protect them from this

- ➡ Article 12: Children and young people have the right to an opinion and for it to be listened to and taken seriously:

LGBT young people have the right to have their opinion heard in relation to incidents of homophobic, biphobic or transphobic bullying; these views should be taken seriously and considered in identifying your next steps

- ➡ Article 16: Children and young people have the right to a private life:

Confidentiality and information sharing is of the utmost importance to LGBT young people. LGBT young people's privacy should therefore be considered and respected in dealing with any incident of bullying

CHILDREN AND YOUNG PEOPLE (SCOTLAND) ACT 2014

The *Children and Young People (Scotland) Act 2014*¹² places a duty on the Scottish Government and Scottish Ministers to take account of the UNCRC and children's rights. Schools should be mindful of this and of the duty on local authorities to report on the steps to improve young people's understanding, and realisation, of their rights.

PROFESSIONAL STANDARDS AND VALUES

The *Standards for Registration: Mandatory Requirements for Registration* with the General Teaching Council for Scotland,¹³ which all teachers in Scotland are signed up to, show a clear commitment to respect for young people and improving social justice. There is an expectation that teachers are:

"Valuing as well as respecting social, cultural and ecological diversity and promoting the principles and practices of local and global citizenship for all learners."

and

"Providing and ensuring a safe and secure environment for all learners within a caring and compassionate ethos and with an understanding of wellbeing."

Additionally, the General Teaching Council Scotland *Code of Professionalism and Conduct* (COPAC)¹⁴ is clear:

"You should identify and respond appropriately to indicators of the wellbeing and welfare of pupils, including bullying and discrimination."

All teachers need to meet these standards, values and duties of professionalism and be aware of the wellbeing impacts of bullying on all the young people in their care. More information can be found at gtcs.org.uk

11/ www.gov.scot/Topics/People/Young-People/families/rights/uncrc

12/ www.cypcs.org.uk/policy/children-young-people-scotland-act

13/ General Teaching Council for Scotland (2012) *The Standards for Registration: Mandatory Requirements for Registration with the General Teaching Council For Scotland*.

14/ General Teaching Council Scotland (2012) *Code of Professionalism and Conduct*.

RESOURCES AND CONTACTS

Respect for All: The National Approach to Anti-Bullying for Scotland's Children and Young People

National guidance on how to recognise, respond to and recover from bullying incidents.

respectme – Bullying – What can I do?

A short film showing options available to young people experiencing bullying. You can use this resource to explore strategies and options with children and young people.

Supporting Transgender Young People: Guidance for Schools in Scotland

Guidance developed by LGBT Youth Scotland to help primary and secondary education staff support transgender children and young people. Funded by the Scottish Government and developed in partnership with the Scottish Trans Alliance.

This resource was written by LGBT Youth Scotland and respectme. For more information, further resources, or training please get in touch using the contact details below:

LGBT Youth Scotland
Email: info@lgbtyouth.org.uk
lgbtyouth.org.uk

respectme, Scotland's Anti-Bullying Service
Email: enquire@respectme.org.uk
respectme.org.uk

Additional information or support:
Childline: childline.org.uk and 0800 1111
Parentline: 08000 28 22 23
Stonewall Scotland: stonewallscotland.org.uk







RESPECT FOR ALL

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THIS IS AN INCLUSIVE SCHOOL
FOR LESBIAN, GAY, BISEXUAL AND
TRANSGENDER STUDENTS,
STAFF AND FAMILIES

School contact(s):
is available to chat about sexual orientation, gender identity or bullying.

For more info:
lgbtyouth.org.uk
respectme.org.uk

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