

JOINT ACTION AGAINST HOMOPHOBIC BULLYING

Practical Guidelines for schools & colleges in the South West

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What is homophobic bullying?

* We're talking about bullying or victimisation which includes:

- verbal abuse using words such as "gay", "lezzie", "poof", "queer".
- physical abuse or any form of victimisation that involves defining the victim (or a friend or family member) as lesbian, gay, effeminate, butch etc.

The victims can be students, parents, teachers, or auxiliary staff. So can the bullies.

Why should this be different from other kinds of bullying?

* All bullying is unacceptable. But this is the kind that victims may be least able to speak about to their parents, teachers, or colleagues. The victims fear that if they speak up they will be socially stigmatised, and become even more isolated—and this fear gives the bullies all the more power.

Bullies are not clairvoyant, of course: some of their victims will not in fact be lesbian or gay. Some won't know for certain. But everyone knows the stigma.

How can we prevent it?

* Bullies feed on an atmosphere where prejudice is socially accepted. As a teacher or auxiliary staff member you can do a great deal to influence people away from anti-gay behaviour, or using anti-gay language as a term of abuse, just as you would challenge a racist attitude when you encounter it. Many bullies learn these prejudices very early—sometimes even before Reception.

Is that all?

* Help to create a climate of trust in the school. When a victim hears staff saying clearly that homophobic bullying will not be tolerated, it becomes more possible to consider speaking up and asking for help.

But when this kind of bullying is identified...

* Deal with it robustly, just as you'd deal with racist or sexist or sizeist bullying, using the school's established anti-bullying procedures. Respect the victim's confidence, bearing in mind that homophobic bullying can be especially scary and painful. Make it clear that as far as you and the school are con-

cerned, it's the bullying that's the issue, not the victim's sexuality. And follow up afterwards to make sure the bullying has not simply gone underground, or been diverted.

But you can't just duck the issue of homosexuality!

* No, but in this context it has to take a back seat. To raise it as an issue here may well compound the bullying. Avoid pressing the victim to define their sexuality, and say clearly that what matters is stopping the bullying. Other victims may be watching, who always thought they were isolated and alone in the school. Handling this incident with a clear focus will send out the message to them that if they ask for help, it will *not* make things worse.

If you feel there really are other issues in the case that also need addressing, separate them. Deal with the bullying first. Come back to other issues afterwards, but remember a student may prefer to choose which member of staff s/he approaches on these matters.

What about telling the parents?

* Your school will have a policy on confidentiality, which will take account of the fact that schools do not have any statutory responsibility to disclose information to parents if in the school's opinion this would be likely to cause serious harm to the student's physical or mental health or emotional condition. Within the law and your school's policy, you must be guided by the victim's own wishes, by the extent and nature of the bullying, by your staff team's knowledge of the family, and so on. The victim's well-being must always be your first priority. Some of the points on the next page may be relevant.

If we leave things to sort themselves out?

* They don't. Victims who find no support resources in school, and cannot ask for help at home, are in serious danger. If you believe a student may be in physical or emotional danger then the school should seek guidance.

Bullying causes many different kinds of pain, and each victim responds in their own way. At one end of the spectrum, victims can be driven to the edge and contemplate harming themselves.

Some of them succeed.

FOR HELP AGAINST HOMOPHOBIC BULLYING, CONTACT...

The intercom Trust

lesbian gay & bisexual support
in the South West

Helpline: 01392 20 10 18

Office: 01392 67 87 44

bullying@intercomtrust.org.uk

www.intercomtrust.org.uk/goodschools

ChildLine

0800 1111

Kidscape

020 7730 3300

FFLAG

Families and Friends of
Lesbians and Gays

01392 279546 (Jenny)

01884 253062 (Roberta)

01454 852418 (Central Helpline)

info@fflag.org.uk

... and some issues arising

What is a school's legal position on bullying?

* Every school in the UK has a legal duty of care towards its students. This includes, amongst other things, (a) protection from harm, and (b) maintaining an environment in which the student can work without harassment. School governors are responsible for ensuring that the school is living up to these responsibilities. The head teacher also has a legal obligation to combat all forms of bullying without exception. If a school falls short in these matters, students and their families do have legal remedies against the school and/or the governors. This is clearly an opportunity to take a pro-active approach to this problem.

Bullying acts are also criminal offences. Even a bully who never has physical contact with her/his victim may be prosecuted for an offence (e.g. common assault or, in extreme cases of psychological damage, actual or grievous bodily harm.) Police Diversity Officers or Youth Affairs Officers can advise schools and parents in these situations.

What about the Age of Consent?

* The victim's age and sexual history, if any, are not in themselves relevant when a school is responding to a case of bullying. The school needs to centre on the bullying.

The age of consent is now the same for all young people (16), regardless of their sexual orientation.

It is not against UK law for anyone to *be* homosexual, whatever their age or gender. UK law has never had any concern for people's *sexual orientation*, only for some kinds of *sexual behaviour*.

If a student of any age tells you s/he is attracted to people of her/his own gender, this poses no legal problem of any kind either for you, or for them. You have no duty of disclosure to anyone. As far as the law is concerned you can answer any student's questions about homosexuality in a balanced and factual manner, appropriate to the maturity of the student concerned—unless...

Unless...?

* Unless that particular student's parent or carer has formally withdrawn her/him from sex-education classes under section 17A of the Education Reform Act 1988. In this case explain to the student that you have to respect her/his parent's wishes in matters of sex-education. If however in your profes-

sional judgement this student's need for information or help may in fact involve the school's legal duty of care towards the student, there is a possible conflict, and you should privately raise the issue with your head teacher, paying appropriate regard to any assurances of confidentiality you may have given the student.

What about child abuse?

* Anyone who has any reason to suspect physical or sexual or any other form of abuse should act promptly under whatever protocols the school has put in place. But contrary to tabloid rumour there is absolutely no link between being homosexual and being abused or being an abuser. If parents ask for assurance about this, suggest they contact a national children's charity such as ChildLine (0171 239 1000) or Kidscape (0171 730 3300), or Child LinkLine in Torbay (01803 557027).

What about health matters?

* If a person is being bullied as a result of inaccurate or mythical ideas about infection and disease this is an issue on which the school will wish to intervene as a matter of urgency. Victims of bullying may have specific health needs, whether emotional, mental or physical, which the school should seek to address. All students need to be appropriately informed about personal health and sexual health.

What about sport and PE?

* Lesbian and gay students should not be dissuaded from any school activities. That would compound the existing bullying and incite further bullying, and it might well lead to legal challenge. (And after all, there will certainly be other lesbian and gay people already in school teams who choose not to be identified.)

You haven't even mentioned Clause 28

* Section 28 does not exist any longer. It was completely repealed by Parliament in 2003. The repeal came into effect on 17 November 2003.

Even when Section 28 existed, school staff always had a statutory responsibility under the Children Act for the emotional well-being of each individual student whatever her or his sexual orientation. This has not changed.

These Guidelines are part of the JAAHB Programme. For details of JAAHB workshops in your area, call 01392 678744.

For more information about the JAAHB Programme please contact INTERCOM or any member of the partnership.

- APAUSE (Exeter Uni, Dept of Child Health)
- ChildLine
- Devon & Cornwall Constabulary
- Devon County Council
- Cornwall County Council
- Devon Youth Council
- Exeter University Guild of Students
- FFLAG (Families & Friends of Lesbians & Gays)
- University of Plymouth Students' Union
- Gay & Lesbian Switchboard (South West)
- HOPE Project for young people, Exeter
- In Touch Youth Counselling Service, Exeter
- JACAT Joint Agencies' Child Abuse Team, Devon
- LGB Health Worker, North & East Devon
- National Association of Governors and Managers
- National Union of Teachers
- Devon Youth Association
- PTA Devon
- Stonewall