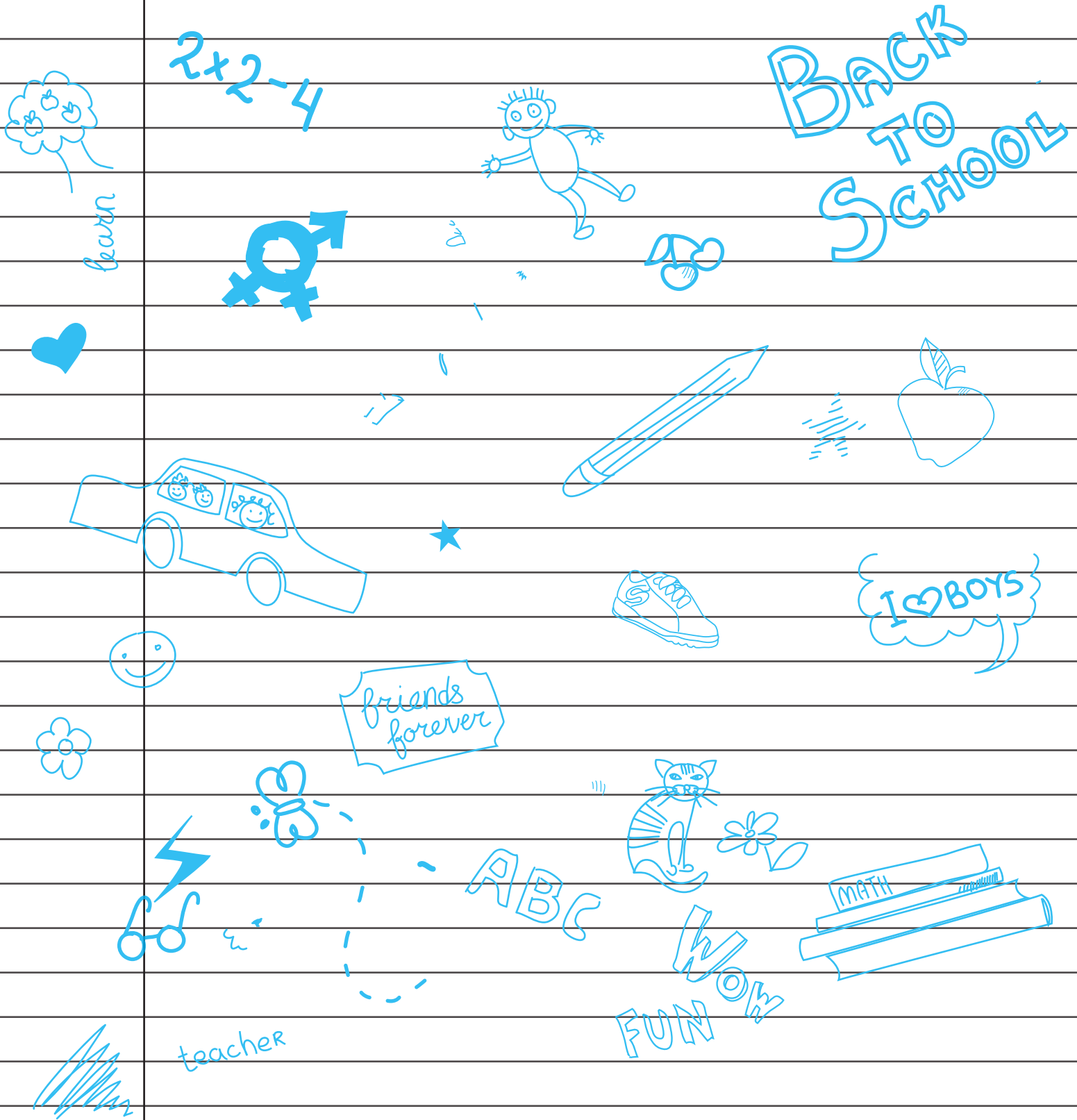


LEFT OUT OF THE EQUATION

A Report on the Experiences of Lesbian, Gay and Bisexual Young People at School



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project

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The logo for The Tudor Trust features the text 'the Tudor trust' in a lowercase sans-serif font. The word 'the' is smaller and positioned above 'Tudor'. The word 'trust' is in a larger font size. The text is colored in a dark green.

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Introduction

The Education Equality Project was created to promote the well-being of young lesbian, gay and bisexual (LGB) people in education. The project is jointly run by The Rainbow Project and Cara-Friend with The Rainbow Project managing the Education Equality Officer, and Cara-Friend managing the Education Training Officer.

This report assesses the barriers which young LGB people routinely face in school. These include; homophobic bullying, school staff not adequately trained to tackle homophobia, a curriculum which does not recognise the existence of LGB young people and education structures which place all power and authority with unaccountable Boards of Governors.

LGB young people are one of the most invisible, isolated and vulnerable groups in our society. Homophobic bullying is rife in schools across Northern Ireland and it continues, unchallenged, because school staff lack the capacity, confidence or will to tackle it. Many LGB young people experience severe emotional, verbal and physical abuse while they are at school and yet continue to suffer in silence because they do not want to 'out' themselves, because they believe that the school would look unfavourably upon them, or because they do not believe that the school will take any appropriate action. Although many young LGB people are coming out at an earlier age, many spend their time in school trying to conceal their sexual orientation from their parents, teachers, peers and even themselves.

The evidence used to support the findings of this report is sourced from reports by The Rainbow Project, Stonewall, Youthnet, the Gay, Lesbian and Straight Education Network (GLSEN), Human Rights Watch, peer-reviewed journal articles and case law from the European Court of Human Rights.

Issues Impacting on LGB Young People

The issues facing LGB young people in education are wide-ranging and diverse. While homophobic bullying remains the single greatest threat facing LGB young people it cannot be tackled in a vacuum when its existence is related to the far more prevalent and insidious reality that the rights, needs and aspirations of LGB young people are not considered by most education providers in Northern Ireland. Research has found that attitudes associated with homophobia and heterosexism appear to be important contributors to homophobic bullying in schools.ⁱ Heterosexism refers to assumptions which attach a greater value to a heterosexual identity and stigmatise anything which differs from this identity.

Bullying

Homophobic bullying is a pattern of language, behaviour or harassment, motivated by anti-gay prejudice or animus. It ranges from deliberate exclusion and rumour-spreading to serious physical assault and threats of death. Rivers (2001)ⁱⁱ found that young peoples' experiences of homophobic bullying in schools were often long-term, systematic and perpetrated by groups of peers with numerous witnesses. Victims of homophobic bullying were unlikely to report the behaviour to teachers or a family member, leading to increased feelings of isolation.

Homophobic bullying is prevalent in schools across Northern Ireland and, as such, is much bigger than the discrete relationship between perpetrator and victim. Homophobic bullying relies upon and is fuelled by a climate in schools which asserts that anyone who is not heterosexual is abnormal, wrong and undeserving of respect. When schools do not counter this assertion, they are providing tacit approval. This can be seen by teachers not intervening when they hear homophobic language and not responding adequately

when they are informed of homophobic bullying.

The American organisation GLSEN (Gay, Lesbian and Straight Education Network) determined in its 2003 National School Climate Survey that young people, who were perceived to be LGB, were subjected to bullying behaviours regardless of their actual sexual orientation and that verbal harassment of LGB young people was the most prevalent form of all school bullying.ⁱⁱⁱ

There is currently no requirement that schools should include homophobic bullying in their behaviour or anti-bullying policies. As schools are not required to take any proactive steps to prevent homophobic bullying, teachers and other school staff are not trained to recognise homophobic bullying and language and deal with it accordingly. Staff are essentially in a limbo created by the education system wherein they frequently witness homophobic behaviour and yet have not been told that it is something they should prevent. Therefore, homophobic behaviour goes unchecked leading perpetrators to believe that what they are doing is acceptable and leading victims to believe that the school is unwilling to protect them.

As is consistent with the consequences of a heterosexist bias in education, Sweet and DesRoches (2008)^{iv} describe policy responses to bullying as being 'don't ask, don't tell':

'One indicator of the success of 'cloaking' ... homophobia, is evidence which suggests that bullying based on race and gender is strictly regulated within schools, whereas homophobic bullying is dismissed or ignored (Rhoads & Calderone, 2007).'

In 2002, the Office for Standards in Education, Ofsted, published a report on sex and relationship education. The report concluded that schools were not doing enough to challenge homophobic attitudes. Ofsted found that the different

interpretations of schools' aims and values produced confusions regarding what language and behaviour was deemed acceptable or unacceptable. The report commented that this could result in 'homophobic attitudes going unchallenged in too many schools and derogatory terms about homosexuality being part of everyday practice.'

As it is the actual or perceived sexual orientation of pupils which is the motivation for homophobic bullying, LGB young people are denied equal standing with their heterosexual peers. The ambiguous approach to sexual orientation in schools and the lack of effective teacher training is an ideal climate for prejudiced behaviours to gain an air of acceptability.

The Education Equality Project recently carried out a survey of the experiences of LGB young people in education in Northern Ireland. This was an online survey which was anonymously responded to by 133 young people aged between 14 and 25.

According to the survey conducted by the Education Equality Project, 75% of LGB young people did not report incidents of bullying and harassment to school authorities. The most frequently cited reason for not reporting incidents was that young people thought that the school would not take it seriously (43%). Of those who reported incidents to school authorities, 22% believed that the school did not take their claim seriously and 40% believed that the school took no action.

When asked if, to their knowledge, their school made any efforts to tackle homophobic bullying 87% of LGB young people said that their school made no efforts. When asked how staff responded to homophobic language 69% of respondents reported that staff ignored the homophobic language and 8% reported that staff laughed

along or joined in with the homophobic language.

What is clear from the evidence presented is that, when it comes to homophobic bullying, LGB young people are presented with a lose/lose choice; either remain marginalised through silence and invisibility or risk physical or emotional abuse by reporting bullying and becoming visible.

In Northern Ireland, we have comprehensive laws, which protect LGB people from abuse, harassment and discrimination and we expect adults to comply with these protections. It is cruel and counter-productive to have affirmed the homophobic behaviour of young people while they are in school and to hold them criminally liable for the same actions after they have left school.

LGB young people often feel that they are outsiders in their own homes, schools and communities.^{vi} As a result of these feelings of isolation and exclusion, LGB young people rarely have support structures on which they can rely. This can exacerbate the isolation experienced by LGB young people. Whilst a young person who is being victimised for being a member of a racial or religious minority will have other members of their family who share the same characteristic, LGB young people often do not know of another family member who shares their sexual orientation.

In 2006 The Rainbow Project commissioned research into the mental health of young same-sex attracted men in Northern Ireland. The report, *Out on Your Own*, examined the prevalence of homophobic prejudice and its impacts on young men. Relying on questionnaires and face-to-face interviews, it was revealed that of the young men who were bullied, 42.4% were diagnosed with mental illness and 49.4% were referred for professional help. Of those who reported homophobia from teaching staff, 60.7% of respondents were referred for professional

help. The report also identified the increased risk of self-harm and suicide amongst young same-sex attracted men. Of those respondents who reported that they had experienced bullying in school, 84.5% thought about suicide, 35.3% had attempted suicide and 41.2% had self-harmed. The report highlighted that homophobia from teaching staff was the strongest indicator of whether a respondent had been referred for professional help.

There are also educational consequences for LGB young people who have been victims of homophobic bullying. Research carried out by Human Rights Watch indicated that LGB young people often experience declining interest and success in school as a result of being bullied. Human Rights Watch^{vii} determined that, compared to their heterosexual peers, LGB young people were three times more likely to have been assaulted in school and four times more likely to skip school out of fear of harassment.

Consequently, LGB young people are more likely to drop out of education due to bullying than their heterosexual peers, while those who remain in school spend inordinate amounts of time attempting to avoid those areas in school where they believe harassment is more likely to occur; toilets, changing rooms and corridors.^{viii}

Homophobic bullying, which is motivated by prejudice, is an outright attack on a person because of their actual or perceived sexual orientation and can amount to a reportable hate crime. When schools are aware of homophobic bullying but do not introduce effective means of responding to it, the school becomes complicit. The Boards of Governors have the legal obligation to promote and safeguard the welfare of all registered pupils and by not making efforts to tackle homophobic bullying, they are acting in breach of the Education and Libraries (NI) Order 2003.

As schools are essentially organs of the state, providing a state service and maintained by public funds, pupils may rely on human rights legislation to protect them from abuses by the state.

Homophobic bullying is degrading and inhuman, it diminishes a young person's self-esteem and denies them respect and dignity because of an aspect of their identity. When schools are aware of homophobic bullying and do nothing to prevent it or protect the students involved, the school is complicit in the degrading and inhuman treatment.

There are examples of good practice in Northern Ireland. Shimna Integrated College became the first school in Northern Ireland to host a Gay/Straight Alliance for its pupils. Gay/Straight Alliances (GSAs) are created as extra-curricular groups where pupils of all sexual orientations can come together in a supportive and welcoming environment to talk about issues they face and how they can improve their school. GSAs are an excellent, visible way of letting LGB pupils know that they are valued by their school and their teachers and also highlights to all pupils that the school takes an inclusive approach to sexual orientation.

Evidence from the GLSEN National School Climate Survey indicates that students in schools with a Gay/Straight Alliance reported hearing fewer homophobic remarks, experienced less harassment and assault because of their sexual orientation, were more likely to report incidents of harassment and assault to school staff, were less likely to feel unsafe because of their sexual orientation, were less likely to miss school because of safety concerns and reported a greater sense of belonging to their school community.^{ix}

Recommendations

- *Government must ensure that all schools are required to have an effective policy and intervention strategy to combat homophobic bullying.*
- *The Minister for Education must ensure that there is an appropriate complaints mechanism where pupils and their families can challenge the decisions of Boards of Governors.*
- *The Minister for Education must ensure that the legal protections afforded to LGB people are not denied to young people.*
- *The Minister for Education must ensure that all teachers are required to have effective training in how to intervene when they witness homophobic language and behaviour.*
- *The Minister for Education must ensure that there is a legal duty placed on schools; that they must show due regard to the necessity of promoting equality of opportunity for all young people.*

The Northern Ireland Curriculum

The Northern Ireland curriculum is not merely about teaching children reading, writing and arithmetic. It is intended to enhance the emotional and social intelligence of children, to teach them how to gauge risk and how they fit into their community and society. We recognise that educational institutions have an enormous impact on the development of a young person. While in school, children are exposed to the values and expectations, which are central to how our society is organised. As a result of this, educational institutions provide a framework through which young people come to understand how they fit into the society around them. However, the absence of sexual orientation from the curriculum means that young people will be taught in accordance with the heterosexist bias that only male/female relationships are of value. Heterosexism is the attitude that heterosexuality is the only valuable, natural or acceptable sexual orientation. By not including sexual orientation in the education of young people, schools communicate to all pupils that heterosexuality is the norm and neglect to recognise that many young people do not fit this mould.

Many schools recognise the importance of educating young people in increasingly diverse communities, however, this is almost always exclusively focussed on racial and religious diversity; sexual orientation is notable by its absence. Indeed, the statutory curriculum includes many references to the necessity for children to be educated in human rights, equality and respect for diversity but the curriculum itself only refers to race, sectarianism, sexism and disablism; again, ignoring sexual orientation.

While not as visibly harmful to LGB young people as homophobic bullying; the absence of sexual orientation from the curriculum has negative impacts on the ability of LGB young people to access their right to education.

Simoni (1996)^x argues that, on an individual level, the absence of the diversity of sexual orientation from the curriculum impacts negatively on a young person coming to terms with their sexual orientation. While developing their sense of identity, young LGB people are forced to understand and come to terms with their sexual orientation in an environment which denies and devalues this aspect of their identity.

A heterosexist curriculum also impacts on the way LGB people are perceived in school. By not talking about the diversity of sexual orientation and the dignity which LGB people deserve, schools do not counter the prejudiced views of pupils; granting them acceptability.

The survey of young LGB people, conducted by the Education Equality Project, shows that 94% of young LGB people were not taught anything in sexual health education that they felt was relevant to them, as an LGB person. 24% of respondents reported that they had been taught something about being LGB in school that they now know to be false e.g. that all gay men have AIDS and that people choose to be LGB. 79% of respondents reported that they had been taught nothing about their rights as an LGB person including; civil partnership rights, anti-discrimination legislation and the correct age of consent.

Below are sections from the statutory curriculum for Northern Ireland. All of these sections are areas where the diversity of sexual orientation should be discussed and how the experiences of lesbian, gay and bisexual people are different from those of their heterosexual peers.

Foundation Stage

From as early as Foundation Stage, the statutory curriculum mandates that children, through the Personal Development and Mutual Understanding curriculum, are taught to explore:

- Themselves and their personal attributes
- Their own and others' feelings and emotions
- Their relationships with family and friends
- Similarities and differences between groups of people
- Learning to live as a member of a community

Through Foundation Stage, the progression indicators for young people are that they should be enabled to:

- Express a sense of self-awareness
- Show some self-control and express their own feelings and emotions appropriately;
- Form good relationships with adults and other pupils
- Recognise similarities and differences in families and the wider community.

As the diversity of sexual orientation is rarely discussed in schools in Northern Ireland, young people, even from Foundation Stage, are taught these skills only in relation to heterosexual people and heterosexual relationships. This heterosexist bias within education teaches young people, from as soon as they begin their education, that to be heterosexual is right and nothing else is worth talking about.

As pupils progress through education, the Personal Development and Mutual Understanding curriculum progresses with them. In Key Stage 1 teachers should enable pupils to develop knowledge, understanding and skills in:

- Their self-esteem and self-confidence
- Their own and others' feelings and emotions and how their actions affect others

- Initiating and developing mutually satisfying relationships
- Similarities and differences between people

Within Foundation Stage, when young people are introduced to concepts of similarity and difference, they should know that there are many different types of relationships and different types of families. Pupils should be taught that, while the majority of people are attracted to people of the opposite sex, some people, including friends and relatives are attracted to people of the same sex and that this is perfectly normal.

Key Stage 2:

Teachers should enable pupils to develop knowledge, understanding and skills in:

- Their management of a range of feelings and emotions and the feelings and emotions of others
- Initiating, developing and sustaining mutually satisfying relationships
- Human rights and social responsibility
- Causes of conflict and appropriate responses
- Valuing and celebrating cultural difference and diversity

In Key Stage 2, pupils are introduced to notions of human rights and social responsibility and therefore pupils should be educated in how all people deserve respect and dignity. Pupils should be taught about all forms of difference and diversity, including those which are not always visible i.e. sexual orientation.

Key Stage 3:

Language and Literacy

Pupils should have opportunities to:

- Engage, through language, with their peers and with fictional and real-life characters and situations, to explore their own emotions and develop creative potential
- Explore and respond to others' emotions as encountered in literature, the media, moving image and peer discussion
- Explore the use of language and imagery in conveying and evoking a variety of powerful feelings
- Use literature, drama, poetry or the moving image to explore others' needs and rights

For pupils to be able to explore their own emotions, it is necessary that they are taught about the diversity of sexual orientation. Many young people coming to terms with their sexual orientation find it difficult to explore or articulate their emotions because they fear that they will be isolated or denigrated. It is vital that schools are places where all students, regardless of their sexual orientation, feel safe and supported in exploring their emotions.

Environment and Society: History

Pupils should have opportunities to:

- Explore how history has affected their personal identity, culture and lifestyle
- Investigate how history has been selectively interpreted to create stereotypical perceptions and to justify views and actions
- Investigate individuals who are considered to have taken a significant moral stand and examine their motivation and legacy
- Investigate the impact of significant events/ideas of the 20th Century on the world
- Critically investigate and evaluate the power of the media in their representation of a significant historical event or individual

In order for young people to fully understand the vast social changes which defined the 20th Century, it is important that young people are aware of all marginalised groups, including LGB people, who were stigmatised because of an aspect of their identity.

Environment and Society: Geography

Pupils should have opportunities to:

- Develop a sense of place and belonging at a local level
- Demonstrate an awareness of their own relationships to other places, peoples and environments, from local to global
- Investigate differences in lifestyle within and between countries
- Explore how we can play a role in helping to promote a fairer world for all

Pupils should be aware that, although in many Western and European countries, LGB people are protected from harassment and abuse by law, there are many countries where being LGB is illegal and punishable by death.

Young people should be taught about the differences between being LGB in the UK and being LGB in other, less progressive, countries. Young people should be taught about how European colonisation of Africa led to the rise of homophobia on the continent.

Learning for Life and Work: Local and Global Citizenship

Diversity and Inclusion – Exploring Diversity and Inclusion provides opportunities to consider the range and extent of diversity in societies locally and globally and to identify the challenges and opportunities which diversity and inclusion present in local, national, European and global contexts. Pupils should have opportunities to:

- Investigate factors that influence individual and group identity
- Investigate ways in which individuals and groups express their identity
- Investigate how and why conflict, including prejudice, stereotyping, sectarianism and racism may arise in the community

Pupils should be taught about how LGB people express their identity in an increasingly diverse society.

Pupils should be taught about the stereotypes and prejudices which have been employed to marginalise LGB people and the effects of this marginalisation on LGB people.

Learning for Life and Work: Human Rights and Social Responsibility

Exploring human rights and social responsibility provides opportunities to understand, that a globally accepted values base exists that reflects the rights, as outlined within various international human rights instruments, and responsibilities of individuals and groups in democratic society.

Pupils should have opportunities to:

- Investigate why it is important to uphold human rights standards in modern democratic societies, including meeting basic needs, protecting individuals and groups of people
- Investigate key human rights principles
- Investigate why different rights must be limited or balanced in our society
- Investigate local and global scenarios where human rights have been seriously infringed

Pupils should be taught why it is important that there are legal protections for LGB people.

Pupils should be taught about why there are, sometimes, conflicts between the rights of religious believers to express their beliefs and the rights of LGB people to access goods, facilities and services, and how these conflicts can be resolved. For example, pupils could be taught about the injustices which have been suffered by LGB people, including the thousands of gay men who were murdered in Nazi concentration camps, because of their sexual orientation.

Learning for Life and Work: Equality and Social Justice

Exploring equality and social justice provides opportunities to understand that society needs to safeguard individual and collective rights to try and ensure that everyone is treated fairly.

Pupils should have opportunities to:

- Explore how inequalities can arise in society including how and why some people may experience inequality or discrimination on the basis of their group identity
- Explore the work of inter-governmental, governmental and non-governmental organisations (NGOs) which aim to promote equality and social justice

Pupils should be taught about the inequalities experienced by LGB people in our society including inequalities in; healthcare, criminal justice, housing and education.

Learning for Life and Work: Democracy and Active Participation

Exploring Democracy and Active Participation provides opportunities for young people to understand how to participate in and to influence democratic processes and to be aware of some key democratic institutions and their role in promoting inclusion, justice and democracy.

Pupils should have opportunities to:

- Investigate various ways to participate in school and society
- Investigate why rules and laws are needed, how they are enforced and how breaches of the law affect the community

Pupils should be taught about why it is important that there are laws which protect LGB people from harassment and discrimination, based on their sexual orientation.

Learning for Life and Work: Personal Development

Self-Awareness – Exploring self-awareness provides opportunities to consider the importance of self-confidence and self-esteem to physical and emotional/mental health throughout life.

Pupils should have opportunities:

- Explore and express a sense of self
- Explore personal morals, values and beliefs
- Investigate the influences on a young person
- Explore the different ways to develop self-esteem

Personal Health – Exploring personal health provides opportunities to understand the importance of recognising and managing factors that may influence physical and emotional/mental health throughout life.

Pupils should have opportunities to:

- Explore the concept of health as the development of a whole person
- Investigate the influences on physical and emotional/mental personal health

- Develop understanding about, and strategies to manage, the effects of change on body. Mind and behaviour
- Investigate the effects on the body of legal and illegal substances and the risks and consequences of their misuse

Pupils should be taught about the poorer mental health outcomes currently experienced by LGB people and the factors which contribute to these inequalities.

Learning for Life and Work: Personal Development

Relationships – Exploring relationships provides opportunities to understand the importance of forming and maintaining relationships to physical and emotional/mental health throughout life.

Pupils should have opportunities to:

- Explore the qualities of relationships including friendship
- Explore the qualities of a loving, respectful relationship
- Develop coping strategies to deal with challenging relationship scenarios
- Explore the implications of sexual maturation
- Explore the emotional, social and moral implications of early sexual activity

Pupils should be taught about civil partnership and the nature of a loving, respectful relationship in a same-sex context.

Pupils should be taught about what sex is in a non-heterosexual relationship and the specific risks involved.

Pupils should be taught that, regardless of their sexual orientation, they should never let anyone pressurise them into having sex that they do not want.

Pupils should be taught about how the absence of sexual health education for young LGB people has led to their poorer sexual health outcomes.

Learning for Life and Work: Home Economics

Home and Family Life – Exploring Home and Family Life provides opportunities to understand the importance of the family as a caring unit.

Pupils should have opportunities to:

- Explore the roles and responsibilities of individuals within a variety of home and family structures
- Develop awareness of parenting skills

Pupils should be taught to explore the differences and similarities between heterosexual relationships and non-heterosexual relationships. They should be taught about how these differences and similarities manifest themselves in home and family settings.

Young people should be taught about the parenting skills in a variety of contexts including same-sex relationships.

Key Stage 4:

Learning for Life and Work: Employability

Pupils should be enabled to:

- Investigate the recruitment and selection process, taking into account the rights and responsibilities of employees and employers
- Consider how employees and employers might maintain an effective working environment

Pupils should be taught about the workplace protections for LGB people and how homophobic language or conduct could result in disciplinary procedures and dismissal.

Learning for Life and Work: Personal Development

Pupils should be enabled to:

- Develop an understanding of how to maximise and sustain their own health and well-being
- Reflect on, and respond to, their developing concept of self, including managing emotions and reactions to on-going life experiences
- Recognise, assess and manage risk in a range of real-life contexts
- Develop their understanding of relationships and sexuality and the responsibilities of healthy relationships
- Develop an understanding of the roles and responsibilities of parenting

Pupils, regardless of their sexual orientation, should be able to express and explore what their understanding of a healthy, stable relationship looks like.

Pupils should be taught about managing and assessing risk in the context of same-sex relationships.

Learning for Life and Work: Local and Global Citizenship

Pupils should be enabled to:

- Respond to the specific challenges and opportunities which diversity and inclusion present in Northern Ireland and the wider world
- Identify and exercise their rights and social responsibilities in relation to local, national and global issues
- Develop their understanding of the role of society and government in safeguarding individual and collective rights in order to promote equality and to ensure that everyone is fairly treated
- Develop their understanding of how to participate in a range of democratic processes
- Develop awareness of key democratic institutions and their role in promoting inclusion, justice and democracy
- Develop an awareness of the role of non-governmental organisations

The statutory curriculum is the minimum which must be taught to all young people in all grant-aided schools and contains no references to the diversity of sexual orientation although it contains; sectarianism, racism, sexism and disability.

The fact that the diversity sexual orientation is not included in the statutory curriculum highlights again how LGB young people are, effectively, excluded from education. The curriculum is taught to address the needs of heterosexual young people; anyone who does not fit this prescribed sexual orientation is rendered invisible.

Recommendations

- *The Minister for Education must immediately remedy the exclusion of the diversity of sexual orientation from the curriculum and revise the existing minimum content in accordance with section 7(4)(b) of The Education (Northern Ireland) Order 2006.*

Lack of Enforcement

Although the vast majority of schools in Northern Ireland are funded with public money; they are, essentially, independent. Public schools are maintained by a grant of funds made available from the Education and Library Boards. A consequence of this system is that Boards of Governors and Headteachers hold ultimate power in relation to how the school is run.

This form of independence and lack of accountability has contributed negatively to the educational experiences of LGB young people. If a pupil reports incidents of bullying to their school and Board of Governors and is unhappy with the outcome, there is no higher body where the pupil or his/her family can make a complaint against the school.

Distressed parents and young people frequently contact the Education and Library Boards, as well as the Department of Education, raising complaints about their schools, and can only be told that it is an issue for the Board of Governors and no other body can intervene.

It is logical for parents and young people to assume that, as schools are publicly-funded, that those bodies which fund the schools (the Department of Education and the Education and Library Boards) would have some oversight or enforcement authority over their funded schools but this is not the case. The Department of Education and the Education and Library Boards have no authority over the schools which they fund. Consequently, when a young person or their family wants to raise a complaint against their school, the only recourse is through the courts. This adds prohibitive costs and emotional strain on a young person and their family; denying them their right to an effective remedy in breach of Article 13 of the European Convention on Human Rights.

The Equality Commission has recognised that, without a statutory duty to promote equality in schools, the prejudice of some Governors would ensure that the diversity of sexual orientation would not be addressed within their school, that teachers would not be trained in how to tackle homophobic bullying and LGB pupils would not feel welcome or safe in their schools.

In order to protect vulnerable young people and to rein in the negative impacts of some Governors, it is of vital importance that there is an accountability mechanism introduced to counter the unregulated power of Boards of Governors. Whether it is by a departmental complaints body or an independent complaints commission, there must be a body, which can make determinations on whether a school has acted in the best interests of its pupils and if it has responded appropriately to instances of bullying and other forms of abuse.

Recommendations

- *The Minister for Education must ensure that there is an appropriate complaints mechanism where pupils and their families can challenge the decisions of Boards of Governors.*
- *The Minister for Education must ensure that all Governors receive training on sexual orientation issues and are aware of their legal obligations towards all pupils.*

Role of Teachers

The Teacher Report^{xi}, published by Stonewall, surveyed teachers in Great Britain on their awareness of homophobic language and bullying in their schools. The key results of the survey are as follows:

- 90% of secondary school teachers say pupils in their school are bullied or harassed because of their actual or perceived sexual orientation
- More than 2 in 5 primary school teachers say children in their school experience homophobic bullying.
- Half of secondary school teachers who are aware of homophobic bullying in their school say the vast majority of incidents go unreported.
- 9 in 10 teachers and non-teaching staff at primary and secondary schools have not received any training on how to tackle homophobic bullying
- 40% of secondary school teachers would not feel confident in providing pupils with information, advice and guidance on gay issues.

Although, currently, there is no data on the experiences of teachers in Northern Ireland, with comparable levels of bullying and language reported by young people in Northern Ireland, it is logical to assume that they will correlate with those in GB.

As in the rest of the UK, the absence of training for teachers, coupled with a lack of leadership from Headteachers and Boards of Governors, means teachers do not know how, or even if they are supposed to intervene when they are a witness to homophobic language or bullying.

Evidence shows that many teachers want to be able to intervene when they witness homophobic behaviour in schools but feel that they lack the capacity to approach the subject correctly and do not know if they will have the support of school management in doing so. Teachers also report that they need

more information on sexual orientation in general. The 2011 Report into Relationships and Sexuality Education in Post Primary Schools in Northern Ireland, carried out by the Education and Training Inspectorate (ETI) revealed that 78.2% of respondents felt that they need more information and guidance on the diversity of sexual orientation; this was the topic with the highest percentage of respondents.

The role of teachers is critically important in setting the standard in what is and is not acceptable in the classroom. Teachers must be consistent in intervening when they witness homophobic language and behaviour. They must know that they have the support of management and be sufficiently trained in how to resolve any homophobic incident.

The Rainbow Project and Cara-Friend assert that all teachers and non-teaching staff should be trained in how to tackle homophobic bullying, how to respond to homophobic language and how to make their classroom a safe and welcoming place for their LGB pupils.

Recommendations

- *The Minister for Education must ensure that all teachers are required to have effective training in how to intervene when they witness homophobic language and behaviour.*

The Equality Commission and 'Mainstreaming Equality in Schools'

In 2005 the Equality Commission sponsored the National Foundation for Educational Research (NFER) to 'develop a range of potential options that can further equality in schools; and to provide a detailed implementation plan on the preferred option(s)'. The NFER carried out a public consultation and organised consultation seminars to assist in their research.

The discussion paper 'Mainstreaming Equality Objectives in Schools,' which was presented to the Equality Commission Steering Group in April 2006 noted that there was a 'virtual unanimity of views concerning the desirable moral and political ethos and purposes of section 75' of the Northern Ireland Act 1998.

The discussion paper notes that it was suggested by all groups that 'equality should shape **all** aspects of the school's policies, including admissions, curriculum, anti-bullying policies – amounting to the creation of a comprehensive equality *ethos* in the school.'

It was also expressed by most groups ('except a significant majority within the Statutory Providers and NPDS') that section 75 should be extended to schools. Rationale given by proponents of section 75 designation included:

'schools are effectively 'public bodies' which should not be distinguished from any other in respect of statutory duties'

'schools are the interface between children and their parents not the ELBs or the Departments'

Generally responses ranged from a firm 'certainly' to 'it is a total disgrace' [that section 75 does not currently apply]

Opponents of designation argued that 'section 75 is an unsuitable instrument' and that it was 'a poor mechanism and overly bureaucratic.'

In July 2006, the NFER presented its final report 'The Development of Workable and Realisable Options for Mainstreaming Equality Objectives in Schools' and its recommendations were as follows:

- A Statutory Equality Duty (employing the wording which is used in section 75) should be applied to all Publicly-Funded Schools
- Boards of Governors should be placed under a statutory obligation to have due regard to the need to promote equality of opportunity in schools
- The statutory duty should apply to all school policies
- The Board of Governors should incorporate the mainstreaming of equality as part of existing school development planning and annual review and reporting processes
- Reporting should take place through school development plans and annual reports, with external monitoring by ETI; rights to direct complaint to Equality Commission would be maintained.
- This would require dedicated Department of Education and Education and Library Board support for audit, development and training programmes

The Rainbow Project and Cara-Friend concur with the findings of the NFER report and agrees that an equality duty on schools with legal responsibility placed upon Boards of Governors is an appropriate and workable method of mainstreaming equality objectives in schools.

The Equality Commission rejected the findings of the NFER report and proposed that schools should not be designated as section 75 compliant bodies. However, the Commission went further and opposed a policy directive being placed on schools and opposed any changes to the statutory minimum content of the curriculum.

Instead, the Equality Commission identified four actions, included in **'Key Inequalities in Education: A Commission Policy Intervention Strategy to Mainstream Equality and Good Relations in Schools'** which would be the Commission's policy approach and intervention strategy and are as follows:

- Working with the Department of Education and CCEA to develop and enhance existing guidance materials for embedding equality and good relations in the revised curriculum. This includes a good practice guide published in partnership with the Department.
- Working with the Department of Education and ESA to set a series of strategic actions for reducing inequalities in schools which will be delivered through the Department of Education's, ESA's and other relevant public authorities' equality schemes. This will be supported by the good practice guide.
- Working with the Department of Education, teacher training colleges, General Teaching Council, Regional Training Unit and other key stakeholders to develop equality and good relations elements to the training programmes provided for student teachers, existing teachers, heads and governors.
- Working with the ETI to develop equality and good relations indicators for schools that will reflect the creation of a welcoming and inclusive culture for schools and which can be used as part of the 'whole school' inspection process.

The Rainbow Project has made several inquiries with the Equality Commission, the Department of Education and the Education Training Inspectorate and can find no evidence of any of these actions being completed; either wholly or in part. However, even if the Equality Commission had acted on each of these points it would remain a woefully inadequate response to the issues raised by the NFER report as well as the inequalities recognised by the Equality Commission in its own reports.

The Chief Commissioner commended this intervention strategy to the Commission for approval in May 2008. The Commission approved the intervention strategy but not before Commissioners made several salient points:

- 'In not imposing a statutory duty, schools who do not wish to fulfil their obligations may opt out of a particular category, for example sexual orientation'
- 'Whilst sexual orientation was a compulsory element of the Life and Work module, the time devoted to it currently was often minimal'
- 'In this post-conflict era, it was important that schools should be spaces where differences across categories can be celebrated and all can feel welcome'
- 'Equality legislation afforded protection in employment and in respect of goods, facilities and services but, without designation, there was little protection for young people'
- 'bullying was rife and, without mainstreaming equality in schools, the reality was that children's lives were at stake; the Commission must do the maximum to protect them'

How the Equality Commission came to its decision

Initially, it appeared unusual that the Equality Commission adopted not one of the proposals which arose from the NFER report, especially given the high levels of support these proposals gained from its consultation seminars and the comments made by individual Commissioners.

When The Rainbow Project and Cara-Friend spoke to then-Minister for Education, Caitriona Ruane, in March 2011, we were told, in no uncertain terms, that the Department had no part in the decision and that it was a matter solely for the Equality Commission and the Northern Ireland Office. However, following a Freedom of Information request to the Department of Education, it has become clear that senior civil servants within the Department of Education were completely opposed, not only to the designation of schools, but also to mainstreaming equality in education. These civil servants exerted pressure on the Equality Commission to ensure that, regardless of the recommendations of the NFER, the Commission would not seek to place any obligation, of any kind, on schools.

There is no evidence to suggest that Minister Ruane was aware of the representations made by civil servants during Direct Rule or that she intentionally misled The Rainbow Project and Cara-Friend. Civil servants may not have informed Minister Ruane of the steps which were taken during Direct Rule.

As early as November 2005, senior civil servants within the Department of Education, upon having been invited by the Commission to sit on the steering group, sought to undermine the work of the NFER and ensure that the Commission would not adopt its proposals.

On Friday 5th May 2006, two months before the NFER made its final report, representatives of the Department of Education and the Education Training Inspectorate met with representatives of the Equality Commission. At this meeting, it was agreed that the Equality Commission would seek to take an ‘evolutionary’ and ‘incremental’ approach to mainstreaming equality in schools. In emails to each other, civil servants write of how ‘[the Commission] undertook to work closely with the Department’ and how the Permanent Secretary of the Department ‘favoured a “light touch” approach to this issue’ and that this was conveyed to the Equality Commission.

Freedom of Information requests to the Department of Education and the Northern Ireland Office have yielded no evidence that Education Ministers were aware of the decisions being taken by civil servants. If Ministers were aware of the representations made by civil servants, it is incumbent on them to justify why these representations were made and why this evidence has not been released to The Rainbow Project and Cara-Friend. If Ministers were not aware of the representations made by civil servants then questions must be asked as to how civil servants were able to determine that the designation of schools was contrary to departmental policy.

The Equality Commission must explain why it rejected the findings of the NFER report and advocated against putting obligations on schools to promote equality of opportunity. What is clear from the evidence referenced within this report and others is that this decision was not taken with the welfare of vulnerable young people in mind.

Legal Framework

As schools are organs of the state, sustained by public funds and providing a public service, they are bound, not only by domestic legislation, but also by international human rights obligations.

The Education and Libraries (NI) Order 2003 section 17(1) obligates Boards of Governors to 'safeguard and promote the welfare of registered pupils.' Schools which do not protect their pupils from homophobic bullying or do not respond adequately to incidents of bullying are illegally acting in breach of the Order.

Article 2 of the First Protocol of the European Convention on Human Rights guarantees that no one shall be denied the right to education. As has been outlined, LGB young people are systemically denied their right to education because schools do not recognise the rights and needs of LGB young people and do not adequately protect them against homophobic bullying.

As this denial of the right to education is based on a young person's sexual orientation, schools are also in breach of Article 14 of the European Convention, which guarantees that convention rights shall be secured without discrimination.

Article 13 of the European Convention on Human Rights, guarantees that everyone whose convention rights are violated shall have access to an effective remedy. The education structures of Northern Ireland ensure a de facto breach of this article as Boards of Governors have ultimate authority over what happens in their school and there is no effective mechanism to bring a complaint against a school or Board of Governors.

LGB young people are routinely and systemically subjected to very serious human rights abuses. It is incumbent on all schools,

Boards of Governors and the Department of Education, to ensure that these breaches are ended and that there is a strong legal framework put in place to protect all young people, regardless of their sexual orientation.

Conclusion

The prevalence of homophobic bullying, the absence of the diversity of sexual orientation from the curriculum, the lack of appropriate training for teachers and the individual authority of each school, combine to create an environment, within education in Northern Ireland, which prejudicially, discriminately and illegally disadvantages young people who are LGB.

The rights and needs of LGB young people have not been taken into account and they are, therefore, effectively excluded from the education system with no mechanism through which to attain an effective remedy for their loss of the right to education.

The Equality Commission failed to take the best interests of young people into account when it recommended that no changes were necessary to the education system.

Clarity must be sought on whether the Department of Education is guilty of allowing civil servants, during direct rule, to influence an independent oversight Commission, without ministerial authority.

Recommendations

The Rainbow Project and Cara-Friend believe that, based on the evidence which has been presented, lesbian, gay and bisexual young people are systemically denied their right to education and to access that right in a safe, welcoming and respectful environment. As has been stated, there are numerous factors which contribute to the exclusion and isolation of lesbian, gay and bisexual people including; a lack of legal protections, the absence of the diversity of sexual orientation from the curriculum, inadequate teacher training and a 'don't ask, don't tell' approach to homophobic bullying.

The Rainbow Project and Cara-Friend believe that in order to remedy the systemic problems within the education structures of Northern Ireland, the following recommendations should be adopted:

- *All publicly-funded schools should be designated as public authorities, subject to the conditions of section 75 of the Northern Ireland Act (1998).*
- *The Minister for Education must ensure that the legal protections afforded to LGB people are not denied to young people.*
- *All legal duties and responsibilities, including screening and monitoring should be placed on Boards of Governors*
- *The Minister for Education should ensure that there is an adequate complaints mechanism in order for young people and their families to bring complaints against schools which have not responded properly to incidents of homophobic bullying.*
- *The Minister for Education should amend the Education (NI) Order (2006) to ensure that the diversity of sexual orientation is included in the mandatory curriculum and that the diversity of sexual orientation is included thoroughly in non-statutory guidance.*
- *All schools should be required to have a comprehensive policy in how to tackle homophobic bullying*
- *The Minister for Education should ensure that all staff are trained in how to intervene when they witness homophobic language and behaviour.*

Footnotes

- ⁱ What schools can do to help gay/lesbian/bisexual youth: A harm reduction approach: Van Wormer *Adolescence* 38 (2003) 409-501
- ⁱⁱ The Bullying of Sexual Minorities in School: Its Nature and Long-term Correlates: Rivers *Educational and Child Psychology* 18(1) (2001) 13-32
- ⁱⁱⁱ GLSEN National School Climate Survey (2003)
- ^{iv} Citizenship for Some: Heteronormativity as Cloaked Bullying – Sweet & DesRoches *Journal of Gay and Lesbian Social Services* 19:3 (2008) 173-187
- ^v Reconstructing the Democratic Subject: Sexuality, schooling and citizenship – Rhoads & Calderone *Education Theory* (2007) 57 (1), 105-121
- ^{vi} Group Counselling for Sexual Minority Youth: Muller and Hartman *Professional School Counselling* 1(3) (1998) 38-41
- ^{vii} Hatred in the Hallways: Violence and Discrimination against lesbian, gay, bisexual and transgender students in US schools: Human Rights Watch (2001)
- ^{viii} *Ibid.*
- ^{ix} GLSEN National School Climate Survey 2003
- ^x Pathways to Prejudice: J. M. Simoni *Journal of College Student Development* 37 (1996) 68-78
- ^{xi} The Teacher Report – Stonewall (2006)

Appendix 1: Responses to Questionnaires

A survey was conducted of 14 -25 year old lesbian, gay and bisexual (LGB) young people. The survey was hosted online at Survey Monkey and promoted through Facebook and other social networking sites. Respondents were asked questions about their experiences of being LGB while at school. There were 133 respondents of whom 74 were male and 59 were female. The results are below broken down by gender and school sector.

What is your gender?

	Total %	Catholic %	Controlled %	Integrated %
Male	57	55	58	59
Female	43	45	42	41

Do you identify as trans?

	Total %	Catholic %	Controlled %	Integrated %	Male %	Female %
Yes	5	5	6	3	3	7
No	95	95	94	97	97	93

How would you describe your sexual orientation?

	Total %	Catholic %	Controlled %	Integrated %	Male %	Female %
Lesbian	22	27	18	21	0	51
Gay Man	54	50	52	59	93	0
Gay Woman	4	8	3	0	0	10
Bisexual	13	8	21	9	3	24
More attracted to men than women	5	6	3	6	4	7
More attracted to women than men	4	2	3	6	0	9

Are you currently...

	Total %	Catholic %	Controlled %	Integrated %	Male %	Female %
In school	14	22	6	15	10	25
In further education	28	19	27	38	27	25
In university	22	14	33	18	22	17
In an apprenticeship/training scheme	1	0	3	0	0	2
In full-time employment	23	40	21	9	28	20
In part-time employment	11	6	9	18	12	7
None of the above	2	3	0	3	11	3

Where did you go to school?

	Total %	Catholic %	Controlled %	Integrated %	Male %	Female %
BELB	32	44	31	21	32	35
NEELB	11	6	19	9	10	12
SEELB	20	5	19	35	16	16
SELB	16	17	23	9	18	16
WELB	19	25	6	26	20	21

Did you hear homophobic language while at school? (that's so gay/bent etc)

	Total %	Catholic %	Controlled %	Integrated %	Male %	Female %
Yes	98	98	100	97	100	97
No	2	2	0	3	0	3

How frequently did you hear homophobic language in school?

	Total %	Catholic %	Controlled %	Integrated %	Male %	Female %
Most days	81	73	85	84	84	70
Sometimes	17	22	12	16	15	25
Rarely	3	5	3	0	1	5

Who have you heard using homophobic language? (tick all that apply)

	Total %	Catholic %	Controlled %	Integrated %	Male %	Female %
Pupils	99	100	100	97	100	100
Teachers	26	25	33	21	31	19
Non-teaching staff	20	21	24	15	22	18
Visitors to the school	19	14	24	18	23	12

Where did you hear homophobic language? (tick all that apply)

	Total %	Catholic %	Controlled %	Integrated %	Male %	Female %
In the classroom	84	86	88	79	88	81
In the corridor	93	92	97	91	96	90
At lunch	94	95	94	94	96	95
In the toilets	72	64	76	76	73	65
Playground/sports pitches	84	78	91	82	85	79
Other	7	8	3	9	10	4

Did staff ever hear homophobic language?

	Total %	Catholic %	Controlled %	Integrated %	Male %	Female %
Yes	88	88	85	90	90	85
No	12	12	15	10	10	15

How did staff respond to homophobic language?

	Total %	Catholic %	Controlled %	Integrated %	Male %	Female %
Staff intervened and explained why homophobic language is unacceptable	11	11	6	15	10	12
Staff disciplined the person using homophobic language	11	21	6	6	10	16
Staff ignored the homophobic language	72	60	82	73	70	67
Staff joined in or laughed along with homophobic language	7	8	6	6	10	5

Did you experience any of the following while at school: (tick all that apply)

	Total %	Catholic %	Controlled %	Integrated %	Male %	Female %
Physical assault	30	32	27	32	43	12
Verbal abuse	64	70	61	62	82	44
Feeling excluded or isolated	56	57	52	59	61	49
Intimidation	47	57	48	35	62	32
Threats of violence	34	38	33	32	46	21
Death threats	5	8	6	0	7	4
Stolen property	19	24	24	9	26	14
Gossip/rumours about your sexual orientation	70	70	76	65	76	63
Threatened with being outed	23	25	27	18	27	19
None of the above	14	11	18	12	8	21

Did you feel these incidents were motivated by your perceived sexual orientation?

	Total %	Catholic %	Controlled %	Integrated %	Male %	Female %
Yes	84	85	85	83	90	77
No	16	15	15	17	10	23

Did you report these incidents to school authorities?

	Total %	Catholic %	Controlled %	Integrated %	Male %	Female %
Yes	25	22	19	33	26	23
No	75	78	81	67	74	77

If you did not report incidents, why not? (tick all that apply)

	Total %	Catholic %	Controlled %	Integrated %	Male %	Female %
Didn't trust teachers	10	12	7	10	10	10
Fear of it getting back to perpetrators	8	10	11	3	10	6
Didn't think the school would do anything about it	38	38	44	33	39	36
Fear of being outed to family/friends	19	17	22	17	19	17
Other (please specify)	25	22	15	37	22	30

If you did report incidents, how do you think it was handled?

	Total %	Catholic %	Controlled %	Integrated %	Male %	Female %
The school responded and dealt well with the issue	10	8	7	16	10	10
The school responded but I did not feel they dealt with it properly	25	16	25	34	27	16
I do not believe the school took it seriously	22	21	37	9	25	18
The school took no action	37	48	29	34	33	49
Other (please specify)	6	8	4	6	6	7

To your knowledge, did your school make any efforts to stop homophobic bullying?

	Total %	Catholic %	Controlled %	Integrated %	Male %	Female %
Yes	14	8	6	29	10	17
No	86	92	94	71	90	83

What kind of LGB resources did you have access to in school? (tick all that apply)

	Total %	Catholic %	Controlled %	Integrated %	Male %	Female %
Information about being LGB	7	3	9	9	3	5
Safer sex information for LGB people	3	2	0	6	4	0
Mental health information for LGB people	2	3	3	0	4	0
Homophobic bullying resources	6	2	0	15	3	7
Information about LGB support organisations	8	2	9	12	5	7
Other (please specify)	7	6	3	12	3	12
There were no LGB resources	86	92	88	77	78	89

While you were in school, did you tell anyone else that you were LGB? (tick all that apply)

	Total %	Catholic %	Controlled %	Integrated %	Male %	Female %
Friend/s	67	67	76	59	66	72
Parent/s	34	41	30	32	34	39
Brothers/Sisters	26	33	24	21	24	32
Teacher/s	11	13	15	6	11	12
Non-teaching staff	6	6	6	6	8	4
Everyone	11	13	12	9	12	11
No-one	29	27	21	38	30	28

Were you ever taught something about being LGB that you now know to be untrue?

	Total %	Catholic %	Controlled %	Integrated %	Male %	Female %
Yes	24	27	27	18	26	22
No	76	73	73	82	74	78

In sexual health or sex education classes did you learn anything which you felt was relevant to you as an LGB person?

	Total %	Catholic %	Controlled %	Integrated %	Male %	Female %
Yes	6	6	6	6	8	3
No	94	94	94	94	92	97

While at school did you learn about your rights as an LGB person? (tick all that apply)

	Total %	Catholic %	Controlled %	Integrated %	Male %	Female %
Civil Partnership	7	6	3	12	8	5
Adoption/Surrogacy	3	2	0	6	4	10
Age of Consent	17	17	18	15	18	17
Anti-discrimination laws for employment and accessing goods and services	7	3	6	12	7	5
Other (please specify)	3	2	0	6	3	2
I wasn't taught about these things	79	83	79	74	81	76

Were you aware of any other LGB people in your school? (tick all that apply)

	Total %	Catholic %	Controlled %	Integrated %	Male %	Female %
Pupil/s	67	69	67	65	68	66
Teacher/s	19	8	12	38	15	20
Non-teaching staff	3	6	0	3	5	3
No	27	30	33	18	30	24

Do you think any of the following would be helpful to LGB people in school: (tick all that apply)

	Total %	Catholic %	Controlled %	Integrated %	Male %	Female %
If schools had to promote equality of opportunity for LGB people like the Police, Health Service, Housing Executive etc	89	89	91	88	95	81
If there was a body where you could bring complaints against schools	60	63	55	62	72	46
If sexual orientation was included in the curriculum so that all young people were taught about LGB issues	90	86	91	94	87	92
If schools put up posters or had leaflets about LGB issues	79	77	79	82	80	76
If teachers and other school staff were trained in sexual orientation issues and homophobic bullying	87	88	91	82	88	85
If schools created Gay/Straight Alliances as safe spaces for LGB young people and their friends	70	67	76	66	70	68
Other (please specify)	8	5	9	9	7	7
None of the above	0	0	0	0	0	0

