

Lesbian, Gay, Bisexual and Transgender issues: Inspecting provision and outcomes for pupils in schools

Flexible Learning Materials

Contents

Introduction	3
Background	3
Why is this such an important consideration?	4
Some background research	5
Reports of homophobic incidents	5
What does this research show us?	6
Reflective learning activities	8
Activity 1	8
Activity 2	9
The legal position	10
Activity 3	10
What does good practice look like?	11
Weaker practice	12
Implications for inspection	14
How pupils feel safe	14
Pupils' behaviour	15
Pupils' social & cultural development	15
The curriculum	15
Effectiveness of care, guidance & support	15
Effectiveness of governance	16
Equality & Diversity	16
Safeguarding	16
Community cohesion	17
Summary	17
Appendix 1: possible answers to the scenarios	18
Scenario 1	18
Scenario 2	19
Scenario 3	20
Appendix 2: Additional resources	20

1. Introduction

- 1.1 The aim of this learning package is to discuss outcomes for a significant group of learners in schools that are often overlooked by school staff and by inspectors. The common abbreviation used for this group is **LGBT**. What does LGBT stand for? **L**esbian, **G**ay, **B**isexual and **T**ransgender young people.
- 1.2 When we inspect settings, schools, colleges, children's centres, care homes and so forth, it is highly unlikely you will be able to recognise this group in data, group discussions, lesson observations or in discussion with staff. A common response is "We don't have any of those" or "They are too young for that".
- 1.3 This pack includes hyperlinks to documents, links to video clips and some scenarios which we hope will open up the discussion about diversity in schools and how we make judgements in inspections.

2. Background

- 2.1 Lesbian, Gay and Bisexual are different forms of sexual orientation. Sexual orientation is a protected characteristic in the 2010 and 2006 Equality Acts and within legislation regarding community cohesion. Transgender is different. This term does not relate to sexuality. Instead transgender refers to people who feel they have been assigned the incorrect gender. Please read the following list of terms to identify the difference between the different forms of transgender.
<http://www.gires.org.uk/glossary.php>
- 2.2 The vast majority of this training refers to young people who are lesbian, gay or bisexual. Transgender issues are very different from those of sexuality. There are many pupils in England's schools who have the characteristics of transgender. Estimates suggest there are around 100,000 pupils with a form of transgender, which is about the size of the city of Sheffield and more than the number from Bangladeshi heritage.
- 2.3 The following link may give you some extra information about transgender pupils, particularly those in primary school: <http://transkids.synthasite.com/>
- 2.4 This learning material is split into sections for ease of use. Firstly there is a brief commentary about why this is an issue for Ofsted to consider; section two concerns LGBT issues in schools and what the research says; section three provides you with the chance to think about three different scenarios all based on real-life events; section four is a chance to review your thinking about the three scenarios and section five outlines briefly the legal position; section six identifies some good practice and section seven some weak practice; section eight covers the implications for Ofsted inspectors and the final section briefly identifies some of the resources that are available for teachers, inspectors, social workers and so on.

3. Why is this such an important consideration?

- 3.1 It is an important consideration because it has an impact upon the lives of young people in our schools, on their educational outcomes and on their physical and emotional wellbeing.
- 3.2 In July 2008 Michael Causer from Liverpool was kicked to death by a young man shouting homophobic abuse. The murderer attended a secondary school within the last 5 years. <http://www.independent.co.uk/news/uk/crime/young-gay-proud-murdered-the-hairdresser-battered-to-death-1630322.html>
- 3.3 The same fate nearly befell an off-duty policeman who was walking with his boyfriend when he was surrounded by a group of 15 and 16 year old teenagers – many of whom were still in school. <http://www.dailymail.co.uk/news/article-1223050/Man-22-left-fighting-life-13-teenagers-beat-homophobic-attack.html>
- 3.4 There are numerous other incidents like these. Many are less severe but can still have a significant impact on young people. This can result in truancy, or cause pupils to leave school early before getting the qualifications they want and of which they are capable. Pupils may become non-communicative, isolated or particularly poorly behaved.
- 3.5 The following link indicates a typical hate crime against transgendered young people: <http://www.dailymail.co.uk/news/article-1379691/Transgender-girl-beaten-seizure-McDonalds-attack-victim-hate-crime.html>
- 3.6 If treated poorly in schools and colleges this can in turn lead to loss of confidence and self-worth, self-harming, alcohol or drug misuse and even attempts at suicide. It can also affect heterosexual students and their families. Please read the following article: <http://www.viewshound.com/education/2011/8/homophobic-bullying-dominic-crouchs-story>. This situation does not fit other protected groups, that is you would not find people committing suicide because they have a chosen faith, because they are from an ethnic heritage or because they are heterosexual.
- 3.7 On many occasions, if you trace the behaviour backwards in time you will find a history of the perpetrators using homophobic language and some low level incidents such as running after their targets and shouting abuse. Prior to this there will have been signs that the perpetrators used the term 'gay' in a derogatory way or to mean something horrible or vile. They will often have very little knowledge or experience of LGBT people.
- 3.8 On many occasions the perpetrators may still be in school. Those schools often have 'good' Ofsted judgements for community cohesion, equality, care, guidance and support, cultural development, social development and behaviour.

4. Some background research

- 4.1 There are at least three reports which have tried to quantify the volume of incidents which were perceived as being homophobic. These are:
- the National Advisory Group [NAG] Survey, published in 1999
 - the GALOP Survey of London Youth, published in 1998
 - the Stonewall Study, published in 1996.

4.2 Total Number of Questionnaires returned and age range of respondents

	Number	Age Range
NAG	2,656	14 to 83 years (median age 31)
GALOP	202	Under 25s
Stonewall	4,000+	18 to 60 years

4.3 Sample Profile

	Male	Female	Transgender	Not Known
NAG	64.1%	35.2%	0.8%	
GALOP	68%	31%		1%
	Gay Men	Lesbians	Bisexual	
Stonewall	72%	21%	7%	

- 4.4 Of those who responded, the following indicated that they had been subjected to the types of incident below:

	NAG	GALOP		Stonewall			
	Total	Total	Male	Female	Total	Male	Female
Verbal abuse	45%	83%	82%	89%	73%		
Physical Assault	21%	47%	49%	44%	32%	24%	34%
Threats/Intimidation	20%	31%	29%	34%	32%		
Damage to property	6%						
Rape	5%						
Sexual		41%	31%	66%			
Theft	2%						

- 4.5 Since 2007, homophobic incidents in London have risen by 28%.
<http://www.thisislondon.co.uk/standard/article-23922083-huge-rise-in-anti-gay-attacks-sparks-call-to-fight-hate-crime.do>
- 4.6 The Stephen Lawrence case rightly galvanised the authorities to tackle racism in all of our institutions, particularly in schools. There is a move for all authorities to start taking homophobia seriously.
- 4.7 In schools, the White Paper '*The Importance of Teaching*' and subsequently the 2011 Education Act outlines the government's determination to start taking homophobic bullying seriously.
<http://www.education.gov.uk/b0068570/the-importance-of-teaching/>
- 4.8 A 2008 research review written by Michael King identified that young lesbian, gay and bisexual people are twice as likely to commit suicide, with gay and bisexual men four times as likely. This review into mental disorder, suicide and deliberate self-harm in LGB people indicated that this group is at a higher risk of mental disorder, suicidal ideation, substance misuse and deliberate self-harm. The UK has one of the highest rates of self-harm in these groups of people in Europe. "LGB people are subject to institutionalised prejudice, social stress, social exclusion and anti-homosexual hatred and violence."
<http://www.biomedcentral.com/1471-244X/8/70/>

5. What does the research show us?

- 5.1 Valentine and Macdonald (2004) stated in their research:

'Alongside prejudice, there is often a perceptible intolerance towards minority groups. Tolerance can be expressed as a grudging acceptance of a group and is often conditional upon groups keeping a low profile.'

- 5.2 Wallis and VanEvery (2000) stated in their research:

'While attention to diversity and difference is now widespread in schools under the rubrics of multiculturalism and equal opportunities, sexuality is notable for its absence.'

- 5.3 In April 2009, HMI conducted a search on the Ofsted website and could find no reference to lesbian, gay, bisexual, transgender, homosexual or homophobia. It is conspicuous by its absence in surveys, reports, policies and frameworks for inspection. Yet other diversity groups are mentioned explicitly.
- 5.4 Stonewall is a charity set up to campaign against Section 28. (*Section 28 of the Local Government Act 1988 was a controversial amendment which stated that a*

local authority shall not intentionally promote homosexuality, publish material with the intention of promoting homosexuality or promote the teaching in any maintained school of the acceptability of homosexuality as a pretended family relationship. This Act was repealed in 2000). Stonewall commissioned research in 2007 involving more than 1100 secondary school pupils. It also commissioned a survey conducted by YouGov, which surveyed a sample of 2043 teachers and non-teaching staff from primary and secondary schools across Great Britain. 80% of the respondents were teachers. Half worked in primary schools and half in secondary schools. 90% worked in state schools and 8% worked in independent schools. 23% of the respondents worked in faith schools.

5.5 The results of the surveys indicated that:

- 90% of teachers said pupils are bullied or harassed for either being or being perceived to be lesbian or gay
- staff said homophobic bullying is the second most frequent form of bullying
- 95% of teachers reported hearing the term 'gay' in a derogatory way
- half of the teachers who were aware of homophobic bullying said most incidents go unreported
- 92% of LGB pupils said they experienced verbal abuse; 58% were ignored or isolated; 41% suffered physical abuse; 17% had death threats against them; and 13% were threatened with a weapon.

Now consider: How does this sit with the high proportion of schools with a 'good' Ofsted judgement for feeling safe and for behaviour?

5.6 In the survey, the vast majority of teachers acknowledged that there is homophobic bullying in their schools. They also said it was the second most frequent form of bullying with the most prevalent form of bullying being related to weight issues. Homophobic bullying is three times more frequent than bullying because of race or religion. The survey, as you can see from the percentages, also concluded that homophobic language is rife in school.

5.7 Also shown in the survey was that 90% of teachers believed a school has a duty to prevent and respond to homophobic bullying. The same proportion said LGB issues should be tackled in school. The large majority of teachers who have included sexual orientation issues in classrooms reported a positive reaction from pupils.

5.8 Over a third of LGB pupils do not like going to school and 35% did not agree that their school is accepting and tolerant. 70% of LGB pupils said homophobic bullying affects their school work – particularly girls. Half of those experiencing homophobic bullying have 'skipped' school.

5.9 "I plan to go to University or college": twice as many minority ethnic pupils who

are lesbian, gay and bisexual disagreed with this statement compared to their white peers (whether they had been bullied or not).

6. Reflective learning activities

6.1 Activity 1

Please have a think about the following three scenarios. We will refer to them later. What would you do in each case?

Scenario 1

Year 2 are making mother's day cards. Sandeep says she wants to make two cards because she has two mummies. Some of the other children laugh and one calls her a lesbian. In order to defuse things, Sandeep's teacher tells her for the meantime it would be better that she only makes one card.

What would you do?

Scenario 2

Tom is 16 and is openly gay. He has a boyfriend at another school. Sometimes they meet after school at the school gates and kiss. Tom has been receiving text messages and e-mails calling him a "bender" and saying "we're gonna get you... and your boyfriend... queer!" He has been pushed and jostled in the school corridors and his bag has been vandalised. A few parents have also complained about Tom kissing his boyfriend in front of their children. Tom has told his teacher who says that maybe if he didn't kiss his boyfriend the trouble might stop.

What would you do?

Scenario 3

During an inspection an inspector becomes aware of some potential bullying from the response to a parent questionnaire. On investigation the school dealt with an issue of a boy being hung up on the school railings by his rucksack. The school said it wasn't an issue because the boy was leaving soon for another school and it was an isolated incident. After further investigation the inspector unearths the records of the incident. The boy has suffered cyber bullying, homophobic verbal and physical abuse from a group of students at school. He is straight but his brother, two years older than him, is gay.

What would you do?

6.2 Activity 2

Please download and read the following two surveys:

http://www.stonewall.org.uk/at_school/education_for_all/quick_links/education_resources/4004.asp

http://www.stonewall.org.uk/at_school/education_for_all/quick_links/education_resources/4003.asp

- 6.3 Please download and read the following survey. The initial survey is research into sexual orientation and gender identity in adult learning commissioned for the Skills Funding Agency.

http://readingroom.skillsfundingagency.bis.gov.uk/sfa/Sexual_Orientation_and_Gender_Identity_Equality_in_Adult_Learning- Published_August_2011.pdf

- 6.4 Another report has been published which may help you think about the scenarios:

http://www.stonewall.org.uk/at_school/education_for_all/quick_links/education_resources/4673.asp

- 6.5 Please can you make notes and think about the scenarios again – what would you do now?

Sandeep's Mother's day card

Tom kissing at school

Boy hung on railings

7. The legal position

- 7.1 The Equality Act of 2010: Sexuality and transgender are protected characteristics (http://www.equalities.gov.uk/equality_act_2010.aspx)
- 7.2 Aspects of The Education and Inspections Act 2006 remain, including duties regarding pupils' behaviour: Headteachers must identify and implement measures to promote good behaviour and respect for others and prevent **all forms** of bullying.
<http://www.legislation.gov.uk/ukpga/2006/40/contents>
- 7.3 The Equality Acts 2006 and 2010: Colleges and schools cannot treat homophobic bullying differently to other forms of bullying because it is the law in the provision of goods and services that LGB and transgender pupils are treated the same as their peers. So the curriculum should cater for LGB, heterosexual and for transgender students.
<http://www.legislation.gov.uk/ukpga/2006/3/contents>
- 7.4 Ofsted currently inspects pupils' cultural development please refer in particular to paragraph 13 using the following link. This legislation remains and has not been repealed. Inspectors should continue to ask schools and governing bodies whether they meet the legislation.
<http://www.communitycohesionncc.org.uk/docs/484.doc>
- 7.5 **Activity 3**
How would the legislation apply to the three scenarios we have been considering?

Sandeep's Mother's day card

Tom kissing at school

Boy hung on railings

8. What does good practice look like?

- 8.1 In schools and colleges in which staff have said to pupils that homophobic bullying is wrong:
- LGBT students are more likely not to have been bullied because of their perceived sexuality or gender
 - LGBT students are more likely to feel safe.
- 8.2 LGBT students are happier and have good attendance if staff are accepting, positive and respect LGBT people. Most teachers and tutors believe there is a duty to prevent and respond to homophobic bullying. Most teachers who have addressed these issues said they would do it again.

- 8.3 Where teachers have created a curriculum relating to LGBT as well as other students, LGBT students feel included, happier and safer. For example: Heather, teacher:

"I'm careful not to make assumptions about relationships. I discussed Shakespeare's sonnets which are possibly addressed to a young man and the idea of gay relationships in the Renaissance period."

Lydia, teacher:

"My current school is a strongly Catholic school, with a very positive attitude towards lesbian, gay and bisexual students and their parents and a strong anti-bullying position on all issues including sexuality. Pupils are sensitive and supportive of one another and several are happy to be openly gay when they move further up the school."

- 8.4 Features of good practice are demonstrated where, for example:
- the setting acknowledges there is a problem and has introduced policies, procedures and training for staff in how to identify and deal with homophobic bullying
 - there is identification of homophobic incidents and the provider has improved its practices as a result
 - there is reference to LGB and Transgender young people in the policies, systems, forms and procedures
 - there is good care, guidance and support for young people who may be gay or transgender from all staff including admin, ancillary staff etc.
 - the child protection officer knows how to protect the welfare of transgender pupils and LGB pupils, and this is understood among all staff working in the setting
 - it is good practice to log homophobic incidents in addition to racist incidents (providers understand abuse against transgender people is not defined as homophobic)
 - leaders and managers have trained staff in how to deal with incidents and there is an understanding that every child matters regardless of sexuality.

- 8.5 Most good providers know about key information and documents such as the DVDs about tackling homophobia and teachers' guides.
http://www.stonewall.org.uk/at_school/education_resources/default.asp
 In addition, from the same link, many providers will have downloaded booklets entitled '*Challenging Homophobic Language*' and '*Supporting Lesbian, Gay and Bisexual Young People*'. They have used these resources with staff and with young people and have tackled the issues with parents, the diocese, community, staff and young people.

9 Weaker practice

- 9.1 The vast majority of providers are good or outstanding for equality and diversity. However, in evidence base reviews, reviews of reports and in quality assurance visits it appears this judgement has been arrived at without any consideration of two out of the seven protected characteristics, specifically transgender and lesbian, gay or bisexual.
- 9.2 Inspectors are very good at asking questions about racism, and following up behaviour in relation to faith and ethnicity. Weaker practice is identified when inspectors do not consider homophobic bullying, ask questions or find out whether the school is tackling it.
- 9.3 Features of poor practice are demonstrated where, for example:
- LGB and transgender pupils have no-one safe to speak to
 - in interviews with pupils it becomes apparent the term 'gay' is commonly used by students in a derogatory way
 - pupils say it would be difficult if someone came out in their class because they would not be accepted, perhaps ignored and suffer name calling
 - in the provider there is no equality of practice so, for example, two girls walking hand in hand in the corridors are treated differently to a boy and a girl
 - no policies or procedures such as community cohesion, diversity and behaviour mention homophobic bullying, or LGB, or transgender pupils
 - staff have not been trained and do not believe homophobic bullying is an issue, or minimise it by saying things like, '*The children say it but they don't know what it means*', '*They are too young to understand*', '*This is a Christian school*'
 - staff do not record incidents and do not know how to deal with homophobia or ensure the curriculum meets LGBT pupils' needs.

10. Implications for inspection

- 10.1 The government wants Ofsted to take homophobic bullying seriously in its inspections across all remits. Unsurprisingly, pupils who are bullied are more likely to be disengaged from school and do substantially worse in their examinations than their classmates, their attendance and retention figures are worse.
- 10.2 Teachers, students and charities report that prejudice-based bullying in particular is on the increase. It is unacceptable for young people to be bullied because of their sexuality, yet this happens to two thirds of lesbian, gay and bisexual pupils. Homophobic bullying is often directed at heterosexual pupils as well. Schools and colleges should take incidents of prejudice-based bullying especially seriously. It is important that they educate children about the differences between different groups of people and create a culture of respect and understanding.
- 10.3 Barry Sheerman, the former chair of the Education Select Committee, asked in 2006 why Ofsted wasn't doing anything about homophobic bullying:
<http://www.cypnow.co.uk/news/559162/Education-News-Homophobic-bullying---Ofsted-accused-failing-action/>
- 10.4 It is also high profile with the Prime Minister:
http://www.stonewall.org.uk/what_you_can_do/campaigning_opportunities/it_gets_better_today/4844.asp
- 10.5 In '*Conducting school inspections*' (P. 12), it states that inspectors **must** make their judgements by drawing on evidence that they have directly observed during the inspection along with evidence that provides a view of what behaviour and safety are normally like including for LGBT pupils. This includes finding out the level of respect pupils show for each other.
- 10.6 Inspectors should consider LGBT young people in every inspection remit. During inspection, when considering **how pupils feel safe** (p. 14, 15 of the evaluation schedule), when evaluating the behaviour and safety of pupils at the school, inspectors **must** consider:
- pupils' behaviour towards, and respect for, other young people and adults, including, for example, freedom from bullying and harassment that may include cyber-bullying and prejudice-based bullying related to special educational need, sexual orientation, sex, race, religion and belief, gender reassignment or disability
 - how well teachers manage the behaviour and expectations of LGBT pupils to ensure that all pupils have an equal and fair chance to thrive and learn in an atmosphere of respect and dignity
 - LGBT pupils' ability to assess and manage risk and keep themselves safe
 - LGBT pupils' attendance and punctuality at school and in lessons

10.7 Judgements on behaviour and safety **must not** be made solely on the basis of what is seen during the inspection. Inspectors **must** take into account a range of evidence to judge behaviour and safety over an extended period, and should consider:

- rates and patterns of bullying and the effectiveness of the school's actions to **prevent** and tackle all forms of bullying and harassment, including cyber-bullying and prejudice-based bullying related to sexual orientation and gender reassignment
- the views expressed by pupils, and different groups of pupils, on behaviour and safety, respect for and courtesy towards others, and their views on harassment, racism, homophobia and different types of bullying
- the extent to which pupils are able to understand and respond to risk, for example risks associated with extremism, new technology, substance misuse, relationships (including sexual relationships)
- the school's analysis of and response to pupils' behaviour over time in relation to LGBT people
- pupils' respect for and courtesy towards other LGBT pupils and LGBT adults
- the impact of the school's strategies to improve behaviour towards LGBT people
- the school's response to any extremist anti-LGBT behaviour shown by pupils.

10.8 Please ask pupils:

- whether they have been told homophobic bullying is wrong
- if there were two openly gay students in school or pupils from same-sex families, whether they would be accepted, respected, and would have no problems from cyber, verbal or physical bullying
- is there any use of the word 'gay' to mean not very nice, for example, that pencil case is gay, those clothes are gay?
- is anyone teased about having same-sex parents?

10.9 Please ask staff:

- what training have you had in dealing with homophobia, transphobia, in teaching about gender identity or sexuality?
- how has the school tackled the issue of sexuality through sex and relationship education, community cohesion, and curricula?
- how are you protecting LGB pupils and same-sex parents?
- how are you protecting transgender pupils and parents?
- what training has been provided for staff in how to tackle homophobic language?
- how has the school tackled the issue of sexuality and ensured the curriculum meets the needs of LGBT pupils, for example, SRE, health education, advice and guidance?

- would a lesbian, gay or bisexual pupil feel safe in this school?
- would a transgender pupil be safe in this school, why?
- can a boy and a girl hold hand and kiss in school, could two girls or two boys do this in school safely?

10.10 When considering **leadership and management** (p.18 – 20 of the evaluation schedule) and evaluating the quality of leadership and management at all levels, inspectors **must** consider whether the school's leadership:

- provides a broad and balanced curriculum that meets the needs of LGBT pupils; enables all of them to achieve their potential and make progress in their learning; and promotes their good behaviour and safety, and their spiritual, moral, social and cultural development
- ensures that LGBT pupils are safe.

10.11 Inspectors should focus on how effectively leadership and management at all levels enable pupils to overcome specific barriers to learning and promote improvements for LGBT pupils. These are likely to include:

- how relentlessly leaders, managers and the governing body ensure that the curriculum is broad and balanced and meets the needs, aptitudes and interest of LGBT pupils so that it promotes high levels of achievement and good behaviour and promotes their spiritual, moral, social and cultural development
- managing safeguarding arrangements to ensure that there is safe recruitment and LGBT pupils are safe.

10.12 When considering **the overall effectiveness** of the school (p. 22 of the evaluation schedule), in addition, inspectors must consider:

- the extent to which the education provided by the school meets the needs of LGBT pupils at the school
- how well the school promotes all pupils' spiritual, moral, social and cultural development by providing positive experiences of LGBT people through planned and coherent opportunities in the curriculum and through interactions with teachers, other adults and the local community as shown by pupils:
 - being reflective about beliefs, values and more profound aspects of human experience
 - developing awareness of, and respect towards, diversity in relation to sexual orientation
 - developing the skills and attitudes to enable them to participate fully and positively in democratic, modern Britain
 - understanding and appreciating the range of different cultures including LGBT culture within school and further afield as an essential element of their preparation for life.

11. Summary

On inspection, please consider LGBT pupils when you make final judgements about behaviour and safety, leadership and management, and the overall effectiveness of the school.. Are you sure, given the national research and data, you can judge these aspects for good in terms of LGBT pupils?

We hope you have found this distance learning useful.

Allan.torr@ofsted.gov.uk

Janet.palmer@ofsted.gov.uk

Appendix 1 – Possible answers to the scenarios

Scenario 1

Year 2 are making mother's day cards. Sandeep says she wants to make 2 cards because she has two mummies. Some of the other children laugh and one calls her a lesbian. In order to diffuse things, Sandeep's teacher tells her for the meantime it would be better that she only makes one card.

Sandeep's request is a fair and valid one and the teacher's reaction is poor. If the school ensures good equality and diversity it should take account of Sandeep and her parents/carers. Not all pupils are heterosexual, and neither are all parents and carers. The school has a duty to cater for all pupils and for all parents and carers.

Some pupils laughed, the teacher should have stopped this immediately and explained this behaviour and these comments were unacceptable. It is highly likely the pupils did not know what they are saying but this is no excuse for letting the comments go by without being tackled. The teacher should have used the incident as a talking point within the lesson to the group of girls and then as a whole to the class. The focus should have been on indicating all families are different and should be respected and valued. The teacher should have reported the matter to the child protection / safeguarding officer and to senior leaders who should log it and think about taking broader action such as training staff in how to deal with such instances.

The teacher took the wrong course of action because the girls who laughed at Sandeep have had their actions condoned by the teacher. Studies have shown that this sort of homophobic language and attitude can escalate quickly into name calling, teasing, having things thrown at them and so on. The school has a duty under the Education Act and the Equality Act to prevent all types of bullying. The teacher may also be in breach of the 2010 Equality Act because this could be a case of indirect discrimination.

If an inspector sees this scenario it would trigger serious questions about LGBT pupils' safety, behaviour, equality and diversity, community cohesion, care for pupils, and leadership and management. Inspectors need to identify whether Sandeep is able to confide in an understanding adult who is trained in how to tackle homophobic incidents. Inspectors need to leave the school knowing she is safe and protected from harm or from derision. The behaviour of pupils in this lesson cannot be graded higher than satisfactory and arguably it could be inadequate because pupils are not polite or respectful about LGB parents and their treatment of Sandeep could be identified as homophobic (remember the victims of homophobia may be heterosexual).

Remember Section 28, introduced in the 1980s to prevent schools and local authorities from promoting same-sex couples as pretended families, was repealed in 2000. No public organisation can treat same-sex couples differently from any other couple.

Scenario 2

Tom is 16 and is openly gay. He has a boyfriend at another school. Sometimes they meet after school at the school gates and kiss. Tom has been receiving text messages and emails calling him a 'bender' and saying 'we're gonna get you... and your boyfriend .. queer!' He has been pushed and jostled in the school corridors and his bag has been vandalised. A few parents have also complained about Tom kissing his boyfriend in front of their children. Tom has told his teacher who says that maybe if he didn't kiss his boyfriend the trouble might stop.

This is a case of equality and of homophobic bullying. If 'straight' pupils are allowed to kiss then so should same-sex couples. The school could be in breach of the Equality Acts 2006 and 2010.

The Education Act states that headteachers have a duty to establish and maintain good standards of behaviour and discipline and to ensure that all types of bullying are treated equally. Inspectors should discuss this incident at the team meeting and with the school. It is important not to just look at what the school did as a result. The fact is the homophobic threats happened and this should impact on the judgement for behaviour. Inspectors should find out whether any more incidents have happened and have been recorded. They should ask pupils to find out their attitudes and what they have been told about homophobic abuse.

The response from the teacher is inappropriate, unfair and is not protecting or safeguarding the well-being of pupils. Inspectors should examine school policies about equality, diversity and behaviour to see if kissing is disallowed in school or at the school gates for all pupils. They should also determine whether the culture in the school is inclusive and whether pupils respect each other whatever their cultural background. Remember sexuality is a characteristic of socio-economic diversity. Inspectors would have to investigate whether cultural development, community cohesion etc can be satisfactory. If hate crimes or threats of violence are happening in the school inspectors could judge community cohesion, behaviour, diversity to be inadequate.

Inspectors should find out whether there has been any staff training about how to handle homophobic incidents. The child protection officer should be interviewed to find out how the school protects, cares for and supports LGBT young people. Inspectors should determine whether LGBT pupils are safeguarded and what information, guidance and support is available for this group of young people.

The school should have helped parents and carers understand the duty of the school to ensure equality. Inspectors should find out what has been done to work with parents and carers and how the incident has been dealt with in protecting LGBT pupils. They should also find out what the school leaders are doing about the teacher's highly inappropriate actions and his/her lack of ability to safeguard LGBT pupils.

Inspectors should phone the helpdesk and the child protection helpdesk. The school report should refer to incidents of homophobia.

Scenario 3

During an inspection an inspector becomes aware of some potential bullying from the response to a parent questionnaire. On investigation the school dealt with an issue of a boy being hung up on the school railings by his rucksack. The school said it wasn't an issue because the boy was leaving soon to go to another school and it was an isolated incident. After further investigation the inspector unearths the records of the incident. The boy has suffered cyber bullying, homophobic verbal and physical abuse from a group of students at school. He is straight but his brother, two years older than him, is gay.

This scenario actually happened in an inspection and is a clear case of homophobic bullying. This is also a child protection issue. Inspectors investigated how school staff cared for and protected all pupils, and looked in detail at the behaviour of pupils. Remember every child matters!

It is the responsibility of the headteacher to maintain good discipline and prevent all forms of bullying. The headteacher's response was dismissive, treating it as a one-off incident and saying it wasn't worth pursuing because the child was leaving for another school. The inspectors found out that a large number of pupils were involved over a number of years and it covered threats of violence, verbal abuse, cyber bullying etc. The school dismissed it as not being homophobic because the boy was 'straight'. However, homophobic bullying and abuse can come from people of any gender and sexuality. Sometimes the perpetrators are gay themselves and often the victims are heterosexual. It was clear the school had institutionalized homophobia. Its systems, policies and procedures were not inclusive for LGBT pupils. Staff had no training. The safeguarding inspector and inspectors did not ask any questions specifically to find out whether LGBT pupils were safe and protected in their discussions with pupils. The curriculum did not meet LGBT pupils' needs, in particular sex and relationships education and citizenship. A whole-school response had not been instigated (however it was judged good for CGS, community cohesion and equality and diversity! Despite the issue being brought forward in the team meeting some inspectors dismissed it as irrelevant because it was only a one-off incident and only involved a few pupils).

The incident should have been investigated more fully and it should have impacted negatively on the judgements for CGS, equality and diversity, leadership and management, behaviour, safety, safeguarding and feeling safe. The team should have telephoned the help desk and talked it through to determine whether it is a child protection issue. It is clear this child was not protected. The school report should have made references to incidents of homophobia.

Appendix 2 – Additional resources

Schools and inspectors have access to some very useful resources.

The first is how to tackle homophobic language:

http://www.stonewall.org.uk/at_school/education_for_all/quick_links/education_resources/4006.asp

The second is advice in how to support and guide LGB young people:

http://www.stonewall.org.uk/at_school/education_for_all/quick_links/education_resources/4534.asp

The third is a report in how schools can include different families:

http://www.stonewall.org.uk/at_school/education_for_all/quick_links/education_resources/4673.asp

You can also see lesson plans and videos:

http://www.stonewall.org.uk/at_school/education_for_all/quick_links/education_resources/fit/default.asp

