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RAINBOW HAS – Rights through Alliances: Innovating and Networking - Both Within Homes And Schools

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Biblio-sitography UK Context Paper

Authors: Dr Trish Hafford-Letchfield (Middlesex University); Christine Cocker (University of East Anglia); Dr Peter Ryan (Middlesex University)

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General overview

In the UK, gay male and lesbian partnerships and families have been socially and legally endorsed to a degree hardly imaginable previously, complimented by other shifts in society and diversification of how parenting and families are now conceptualised including trends in lone-parenting, cohabitation, marriage, divorce and the formation of non-family households (Hicks, 2011). Significant progress has been made, but despite positive changes in public opinion and protective legislation, gay, trans and queer families are still subject to some continuing negativity (Brown and Cocker, 2011). This review briefly summarises the changed legislative landscape specific to the UK. We review relevant theories and research interests from scholars and other sources within the UK public domain on the changing nature of contemporary family life and personal relationships in relation to homosexuality and transexuality. We will then review key studies based in the UK on affective-sexual diversity and homophobic bullying in schools. This will focus on themes emerging from specific research studies and surveys undertaken and will highlight sources of current guidance and support issued by key organisations proactive in the sector on these issues.

Historical developments and legislative landscapes

Brown and Cocker (2011) have argued that most of the literature and theorists on sexuality politics, particularly within their own specialised field of social work has come from reformist traditions particularly via the development of equalities legislation in the UK from the turn of the century. These argue for equitable

treatment rather than for transformation of accepted orthodoxies associated with sexuality, relationships and construction of the family (p70). Brown and Cocker (2011) assert that both radical and liberal positions are necessary for the genuine realisation of social and political change. Brown (1998) has carefully documented these polarised binary positions. Gay and lesbian movements in the UK were symbolically associated with response to Stonewall in 1969 and the launch of the Gay Liberation Front with its explicit left agenda and engagement with socialist and feminist ideas which held the mantle of direct action. On the lobbying front, various committees and campaigns arguing for equality have used more traditional liberalist reformist methods. For example, the Governments *Wolfenden Report* in 1957 reported findings on homosexuality and prostitution and led to the first step towards decriminalisation of consensual sex between men over 21. On-going campaigns finally equalised consensual sex for gay men to 15 in 2000 and gave them legal protection against rape in the Sexual Offences Act 2003 and increased protection against harassment through the Criminal Justice Act 2003. The movement for lesbian and gay rights in the UK also gained momentum in response to the Conservative Government of 1979 which used social policy debates to associate lesbian and gay men with decay of family life and community. The backlash against HIV/AIDS associated with gay male sexuality around the same time and the subsequent development of Queer theory and politics associated with post modernism also increased movements against homophobia. These movements did not really engage with the public sector whereas lesbian and feminist political discourses have mostly been associated with the trade union movement. From the 1980s onwards some of the most sophisticated writing about gay and lesbian men and public services came out of debates on identity politics and municipal developments (Brown and Cocker, 2011). For example the trade union movement promoted sexual orientation within equal opportunities policies. Against this backdrop the incoming 1997 Labour Government built on such fertile ground during their office were successful in realising a number of social policy and legislative changes relevant to public services, rights and entitlements. Examples of these include:

2002 Adoption and Children Act allowed unmarried couples to jointly apply to be assessed as adopters for the first time opening opportunities for lesbians and gay men who wanted to parent.

2003 Employment Equality (Sexual Orientation) Regulations which made discrimination against lesbians, gay men and bisexuals in the workplace illegal.

2004 Domestic Violence, Crime and Victims Act which afforded more protection from violence within relationships

2004 Civil Partnership Act allowed lesbians and gay men to register as civil partners and have their relationships legally recognised.

2006 Equality Act and related Equality Act (Sexual Orientation) Regulations made discrimination against lesbians, gay men in the provision of goods and services illegal.

2008 Immigration Act gave protection against incitement to hatred on grounds of sexual orientation

2008 Human Fertilisation and Embryology Act recognised same-sex couples as legal parents of children conceived through the use of donated sperm, eggs or embryos.

2010 Equality Act provided a range of new equality initiatives but significantly introduced a new equality duty on public bodies to promote equality for sexual orientation on the same footing as other groups who experience discrimination and oppression.

Whilst legislation has played its part, homophobic discrimination and its associated issues are still live because of conscious and unconscious assumptions of heterosexuality and heteronormativity within public sector service settings. It also remains a marginalised area within research, education and professional practice (Dunk-West et al, 2009; Hafford-Letchfield, 2010; Cocker and Hafford-Letchfield, 2010; Dunk-West and Hafford-Letchfield, 2011). Within this however, there are some significant theorists from the UK who have made a contribution to sexuality studies related to political activism and support for lesbian and gay family and kinship.

Homosexuality/transexuality in families

The concept of lesbian and gay families has elicited considerable ideological, political and social concern during the 1980s and 1990s (Brown and Cocker, 2011). Definitions of family and kinship have changed over time subject to legal developments, economic forces and cultural attitudes within the UK. Section 28 of the Local Government Act 1988 was particularly influential as it prohibited active promotion of homosexuality in education. Discourses on homosexuality and transexuality in families have attracted a level of academic debate which is not yet mainstream. The UK government have also emphasized the primacy of marriage within family policy (HM Government, 2007; Home Office, 1998). For example, in 2010 the Government initiated tax breaks for married couples (Cabinet Office, 2000), so despite legal amendments, policy has clearly continued to assert that the stability associated with marriage usually provides the best environment in which to bring up children (HM Government, 2007, p3). Another example is the allocation of £25 million in 2005 to the voluntary sector for work that supported the primacy of heterosexual marriage, relationships and parenting.

Sociologists in the UK such as Anthony Giddens, Jeffrey Weeks, Ken Plummer and Steve Hicks have been significant in theorising lesbian, gay and queer parenting. For Giddens (1992), lesbian and gay relations exemplify all that is positive about

changing family forms and he describes them as relationship 'innovators' often in a hostile environment. According to Hicks (2011) however, Giddens tends to overlook wider social inequalities such as gender and has been criticised for imputing psychological insecurity (Hicks, 2011). Jeffrey Weeks et al (2001) coming from a social constructionist position focused on the concept of identity within what they termed; 'families of choice; and Weeks research on lesbian and gay families and kinship networks, has contributed significantly to debates that have influenced the UK social policy agenda and impacted on the rapid process of legislative change. Weeks et al (2001) study involved in-depth interviews with 96 lesbians and gay men to explore their familial and social relationships. He coined the words 'choice', which identified a narrative of assimilation or difference and the assimilation agenda, has been recognised within UK policy where equal citizenship comes with rights as well as responsibilities. Hicks's (2011) research engages with narratives and practices concerning lesbian and gay parenting within everyday contexts and he has theorised on how concepts and social categories are produced and put to use, such as kinship, family, race, gender, sexuality, lesbian, gay. For others academics, who argue against assimilative positions, this has been based on a critique against the emulation of heterosexuality and mainstream ways of living and buying into the ideology of the family as the organizing logic of intimate and social life (see Bell and Binnie, 2000). There are a number of academics in the UK who have written significant studies about lesbian and gay adoption and fostering (Brown, Cocker, Hicks, Golumbok). A range of studies have been emerging in the last two decades on the outcomes for children growing up in lesbian and gay families (Tasker and Golombok, 1995; Golombok and Tasker,1996; Tasker and Golombok, 1997; Tasker, 1999; Golombok, 2000; Golombok, Perry, Burston, Murray, Mooney-Somers, Stevens, and Golding, 2003; Tasker, 2005; Tasker and Bellamy, 2007; Tasker and Patterson, 2007; Mellish, Jennings, Tasker, Lamb and Golombok, 2013) and also on the experiences of lesbian and gay adopters (Brown, 2011; Cocker, 2011; Brown and Cocker2011, 2008; Cocker and Brown 2010; Hicks and McDermott, 1999; Hicks 2000).

Three key legislative developments have made a significant different to the way in which UK culture and society has conceptualised families. The Adoption and Children Act 2002 in England and Wales enabled unmarried couples, including lesbian and gay couples to jointly adopt for the first time. The bill that brought about the change was fiercely contested and took three years to pass through parliament. Issues raised in the debate included concerns that children adopted by same-sex couples would face bullying from peers and worries that children's own gender identity might be skewed by being raised by parents of the same sex. In-depth research by Mellish et al (2013) into the experiences of 130 lesbian and gay adoptive families, looked at important aspects of family relationships, parental wellbeing and the adjustment of children who did not have a good start to life. This study paints a positive picture of relationships and wellbeing in these families. This comparative study of those headed by gay fathers (41), lesbian mothers (40) and heterosexual

parents (49) similar in terms of ethnicity, socioeconomic status and education revealed markedly more similarities than differences between these family types. It suggested adoptive families with gay fathers might be faring particularly well where levels of depressive symptoms were especially low and social interaction was high. Out of 4,000 children looking for adoptive families, national statistics show that annually about 60 are adopted by gay couples and a further 60 by lesbian couples (Mellish et al, 2013).

The Civil Partnership Act 2004 brought legal recognition to lesbians and gay men when they register as 'civil partners'. Same-sex couples are given rights and responsibilities including property rights, tenancy rights, next of kin rights, inheritance tax, pension and welfare benefits as well as parental responsibility for a partner's child. There is a formal process for dissolving partnerships akin to divorce. The Office of National Statistics (NOS, 2012) reported that the most common family type in the UK in both 1996 and 2012 was a married or civil partner couple family without dependent children. There were 7.6 million such families in 2012, an increase of over 200,000 since 1996. The next most common family type was a married or civil partner coupled family with dependent children, of which there were 4.6 million in 2012. In 2012 there were an estimated 69,000 families consisting of a same sex cohabiting couple and 66,000 consisting of a civil partnered couple, the latter having steadily increased since the introduction of civil partnerships in the UK in December 2005.

The concept of sexual identity, that is, how we think of ourselves in terms of our sexual orientation, is used in most data collection on sexual orientation, including routine monitoring forms and government and other social survey questions. The Office for National Statistics (ONS, 2009) defines sexual identity, thus: 'Self-perceived sexual identity is a subjective view of oneself. Essentially, it is about what a person is, not what they do. It is about the inner sense of self, and perhaps sharing a collective social identity with a group of other people. As the question on sexual identity is asked as an opinion question … it is up to respondents to decide how they define themselves.' Aspinall (2009) who has investigated ways of measuring the LGBT population discovered that very few surveys ask about other dimensions of sexual orientation, such as sexual attraction/desire or sexual behaviour, and most that do are in the context of mental or sexual health. It is however widely accepted that the concept of sexual identity has a saliency in the wider society. It is the most appropriate concept to use in routine settings, such as surveys and monitoring, as it is the dimension that links most strongly with discrimination and disadvantage. Aspinall (2009) suggested that certain questions, labels and categories can be problematic when asking about sexual orientation in survey settings. Labelling the question as 'sexual orientation', 'sexual identity', 'or 'sexuality' have all caused concern or confusion among some respondents. His report for the Equalities and Human Rights commission recommended that terms used to describe the question in any discussion – and more directly to describe the results – need to be carefully

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considered and defined. Care is also needed in the use of response categories. In the UK, the term 'homosexual' is still used in a few social surveys. Many regard this as an imposed term that is offensive, has medical connotations, and is best avoided. The term 'gay or lesbian' is satisfactory. As all surveys tend to collect information on gender, this wording is sensitive to those women who prefer the term 'gay' as a self-descriptor to 'lesbian'. Including response categories such as 'trans', 'transgendered' and 'transsexual' in sexual orientation questions is inappropriate as they are not a form of sexual orientation. A small number of social survey questions ask about sexual orientation in response categories ordered as a continuum ('completely heterosexual', 'mainly heterosexual', etc.). The evidence base indicates that the main categories lesbian, gay, bisexual and heterosexual/straight are reasonably discrete in their capture and that scaled classifications are unnecessary (Aspinall, 2009). These are important issues when considering researching and reporting on issues in educational services.

At the time of writing, a controversial bill to introduced gay marriage is currently going through parliament. The Bill will extend the legal form of marriage to lesbian, gay and bisexual people and permit religious denominations to celebrate such marriages should they wish. The Marriage (Same Sex Couples) Bill has so far progressed to the House of Lords for further debate before it can become legislation.

As mentioned earlier, the Equality Act 2006 protects lesbians and gay men from discrimination in certain areas and more recently the Equality Act 2010 places a duty on public bodies to promote equality for lesbian and gay men. Despite increased emphasis at all levels of government on the importance of family to the fabric of society, there is limited acknowledgement that same-sex couples are capable of constituting a family, and that same-sex couples (and gay people who are not in a relationship) have children, or have caring responsibilities to others within their immediate family, or indeed are members of their immediate family (Brown, 1998).

These legislative developments, however, do not necessarily reflect general progress. For example, there is still a degree of invisibility at school, within the workplace, and within government policy, and this has a significantly detrimental effect on lesbian and gay people and their families (Jeyasingham, 2008). One example is the prohibition of discrimination on the basis of sexual orientation in the Equality Act including social welfare. This has meant that all adoption agencies were expected to treat lesbian, gay, bisexual and heterosexual applicants fairly and equally, but as the state had also prohibited discrimination on the basis of religious belief, this has caused problems with several Christian-based adoption agencies that have made explicit their refusal to work with lesbian or gay adopters. The government subsequently allowed religious-agencies exemption from the Equality Act until the end of 2008 so that they could consider their stance, the end of which, they were expected to confirm to equality legislation. Hicks (2011) highlighted how the liberal state was in the position of sanctioning homophobic practice for about 20 months during this period of 'adjustment' and 'transition'. Since then, there has been

continuous conflict between religious belief of individuals and the duties of publicly funded services in which the expression of homophobia is still to some extent considered acceptable.

Evidence continues to confirm that when lesbian and gay families are acknowledged, it is often in a negative context. It is erroneously assumed that gay parenting has a negative impact on the upbringing of children, and does not constitute a "real" family (ref). This makes it difficult for same sex couples to feel able to be open about their relationship and family status to health care practitioners, or to social care providers. This contradicts some of the experience of young people themselves. In 2010, The Centre for Family Research at the University of Cambridge conducted interviews for Stonewall with 82 children and young people who have lesbian, gay or bisexual parents to learn more about their experiences both at home and at school. The study, *Different Families* (Guasp, 2010), found that very young children with gay parents tend not to see their families as being any different to those of their peers. Many of the older children said they saw their families as special and different, but only because all families are special and different - though some felt that their families were a lot closer than other people's families. The report found that children with gay parents like having gay parents and would not want things to change, but that sometimes they wish that other people were more accepting.

Affective-sexual diversity and bullying at schools

Homophobic bullying within the UK has only been taken relatively seriously in the last decade within the parameters of policies and actions of bullying in schools generally. Section 28 of the *1988 Local Government Act* which was finally repealed in 2003 in England and Wales, appeared to confuse many schools about how to address issues of homosexuality and bisexuality within their schools this served to reinforce the silence surrounding the subject. *Section 28* demanded that a Local Authority ``must not `promote homosexuality' or `promote the teaching in any maintained school of the acceptability of homosexuality as a pretend family relationship''. Whilst a government circular from the Department of the Environment *Circular (1988: 12/88)* had made it clear that ``Section 28 does not affect the activities of school governors nor of teachers. It will not prevent the objective discussion of homosexuality in the classroom, nor the counselling of students, concerning their sexuality'' (section 20), there had been general confusion and lack of clarity amongst schools about their responsibilities towards issues of homophobia and preventing any initiatives in gaining ground. In 1994 the report of an Anti-Bullying Project was funded by the UK Government Department for Education resulting in the development of a guidance pack for schools called *Don't Suffer in Silence*, based on the findings of the project. Since this publication Government policy discourse has regarded bullying in schools as a key priority. *Section 61 of the Schools Standards and Framework Act* 1998 introduced a legal requirement for schools to have an Anti-Bullying Policy (as part of a Pupil Discipline Policy) from 1 September 1999. A revised edition of *Don't Suffer in Silence* was launched in 2000

along with a *Don't Suffer in Silence* Website (now archived)
http://www.help4me.info/service.aspx?serviceid={ca514eba-e1b4-43a9-b188-50fcb9df2f8f}. Within this pack, bullying in relation to sexual orientation was recognised and strategies for dealing with this were listed. The Charter for Action (Department for Education and Skills, 2003) built upon this advice. The Education Act 2002 required schools and Local Authorities to safeguard and promote the welfare of children and subsequent guidance made it clear that safeguarding the welfare of children encompasses issues such as pupil health and safety and bullying. Teachers unions and professional organisations such as the National Association of Students and National Union of Teachers (2002) have both produced strategies and guidance on dealing with homophobic bullying.

Two research briefs were produced in 2003 by the DfES, *Tackling Bullying: Listening to the views of children and young people* in March and an evaluation of the *Don't Suffer in Silence* Pack in April. This was followed in November 2003 by the *Anti-Bullying Charter for Action*. Government policy such as *Every Child Matters* (Dfes, 2003) has also highlighted the damage that bullying can do to young people and their educational and social achievements. Further, the Practitioners' Group on School Behaviour led by Sir Alan Steer, the Governments Behaviour Tsar, reported in October 2005 and made two specific suggestions about anti-bullying work. These were:

Recommendation 3.1.5: the DfES should work with the professional associations and other partners to promote the Anti-Bullying Charter for Action, by reissuing it to schools every two years and promoting it at regional events.

Recommendation 3.1.6: the DfES should issue further advice on tackling bullying motivated by prejudice. This includes homophobia, racism and persecution in all its various manifestations."

This was followed by the government *Higher Standards, Better Schools for All* White Paper which suggested ways to tackling bullying and emphasised that schools should set out, clearly, punishments and sanctions for bullying and stated that victims should not be blamed; instead "responsibility should be directed where it belongs". The *Education and Inspections Act* 2006 also gave head teachers the power to take action on behaviour that occurs outside school premises and when a member of staff is not in charge of the student.

In 2007, the UK Government held a Select Committee inquiry into bullying (House of Commons, 2007) which took evidence from a range of individuals and organisations involved in the development or delivery of anti-bullying programmes. They included schools, campaigning organisations and support organisations and the barriers that prevent schools from tackling bullying effectively. It was significant in that this committee also explored issues in more depth that have been developing such as prejudice-driven bullying, including Special Educational Needs-related, **homophobic**

and faith-based bullying, and cyber-bullying. It also sought to address the lack of research on how bullying affects bullies given suggestions that there may be significant problems for individuals and the community generally if bullying behaviour which occurs in childhood is not tackled and changed.

Two key definitions have since been adopted and used for identifying and dealing with bullying:

The first is by the UK Government which defined it as:

"Repetitive, wilful or persistent behaviour intended to cause harm, although one-off incidents can in some cases also be defined as bullying; Intentionally harmful behaviour, carried out by an individual or a group; and; An imbalance of power leaving the person being bullied feeling defenceless. Bullying is emotionally or physically harmful behaviour and includes: name-calling; taunting; mocking; making offensive comments; kicking; hitting; pushing; taking belongings; inappropriate text messaging and emailing; sending offensive or degrading images by phone or via the internet; gossiping; excluding people from groups and spreading hurtful and untruthful rumours."

The second is from the British Psychological Society which noted that some definitions:

 "strongly emphasise direct bullying and aggressive actions. Research reports looking at interactions between gender and forms of bullying suggest that more sensitive definitions may be required for children to report on female forms of bullying or more indirect forms of bullying."

However, when asked about introducing a statutory duty on schools to report **homophobic** bullying similar to the one in existence for racist bullying, the Minister for Schools, Jim Knight MP, said "there are some real difficulties around definition and getting some consistency. The Ofsted report *Bullying: Effective action in secondary schools* (2002) noted that: "Staff in the schools visited showed rather less certainty in dealing with name-calling and other verbal abuse about sexuality than any other matters. Pupils also find this area difficult. They were aware that, under the guise of 'having a laugh,' some pupils make personal comments about others' sexuality, such as using the expression 'you're gay,' of boys, in a condemnatory, homophobic tone. […]While many pupils dismiss such statements as simply silly, others, particularly those trying to make sense of their own sexuality, can clearly feel very uncomfortable in a climate marked by crude stereotyping and hostility to difference". The Minister also noted that "From the feedback that we have had from schools, it is a very difficult issue for them to be consistent about and in any behaviour policy consistency is crucial. Things like the use of the word 'gay' as a derogatory term to describe people is in fairly common usage amongst young people in this country" (pno). Current government guidance to schools however is that they should involve the entire school community in agreeing a definition of bullying and it

is recommended that additional guidance is given to schools on how to ensure difficult issues, such as the use of homophobic language and more subtle forms of bullying are included in this process.

Prejudice-driven bullying

The government inquiry (House of Commons 2007) identified that a distinctive feature of prejudice-driven bullying is that a person is attacked not only as an individual, as in most other offences, but also as the representative of a family, community or group resulting in other members of the same group, family or community being made to feel threatened and intimidated with wider social implications, extending beyond the school setting and schools. It was acknowledged that action therefore may have significance in limiting the negative consequences of this bullying on wider society. Findings from a study by a National Children's Charity, Barnardo's (ref) highlighted that young people tended to see identity-related bullying as worse than general bullying because identity related bullying focused on things that could not be changed. Sexuality alongside race, culture and disability were one of the three main things that young people mentioned in relation to identity-related bullying. The view that prejudice-driven bullying is different from other forms of bullying was supported by much of the evidence that the Select Committee in 2007 received throughout their inquiry.

Findings from surveys and research carried out by *Stonewall* (a national charity working for equality and justice for lesbians, gay men and bisexuals) and *Education Action Challenging Homophobia* (refs here) suggest that the degree of isolation is greater for the victims of homophobic bullying because they may have to 'come out' in order to report the bullying. While this may be part of the reason young people who are suffering homophobic bullying do not report it, a study (Stonewall, 2003) about bullying in general found that only 51% of Year 5 pupils and 31% of Year 8 pupils would find it easy to speak to a teacher about bullying. Evidence also suggests that it is not only young people who are suffering from homophobic bullying who feel they lack sympathetic peers. The British Psychological Society stated that "Friendship and social status have been another area where evidence suggests both a protective factor and a risk factor. Victims are often at greater 'social risk' as they lack supportive friends at schools and tend to be more rejected by their peers." Evidence does suggest that gay, lesbian and bisexual young people and those perceived to be gay, lesbian or bisexual, may be more at risk of bullying. Hunt and Jensen (2006) in a survey of 1,100 young person's found that homophobic bullying was highest in religious schools and this is an area that Stonewall has also tried to address in working with faith communities and cite a number of good practice examples in their education guides (Stonewall, 2007). Ninety-eight per cent of young LGB persons hear phrases such as 'that's so gay' used in a pejorative way, and 97 per cent hear insulting remarks such as 'poof', 'dyke', and 'rug-muncher'. Forms of harassment included the following: Verbal abuse (92 per cent), physical abuse (41 per cent), cyberbullying (41 per cent), death threats (17 per cent) and sexual assault

(12 per cent). While determining the extent of bullying is difficult, due to lack of record keeping and problems with establishing a consistent definition, the Anti-Bullying Alliance (refs) similarly found that between 30–50% of young people in secondary schools attracted to people of the same sex will have directly experienced homophobic bullying (compared to the 10–20% of young people who have experienced general bullying. They identified that attention was often given to the person bullied rather than the bully, and where pupils came out, they were told by teachers to keep their head down and not draw attention to themselves. Interestingly, little is known about the experience of teachers and homophobic bullying.

One of the themes from the research literature has been the importance of challenging homophobic attitudes and the inclusion of homophobia within the school curriculum. The statutory regulatory body Ofsted (www.ofsted.org.uk) drew on inspections and surveys with 140 primary, secondary and special schools, discussions with 650 young people, postal surveys of 1000 primary, secondary and special schools in 20 local educational authorities, and meetings with education and health professionals. They identified that schools' different interpretations of their aims and values produced confusions regarding what was deemed acceptable and unacceptable. Ofsted commented that this could result in homophobic attitudes going unchallenged in too many schools and derogatory terms about homosexuality being part of everyday practice.

Adams et al (2004) also investigated how effectively issues of homophobic bullying and sexualities were addressed through secondary schools' formal policies and areas of the curriculum within 19 secondary schools. The outcomes of their small scale research indicated that whilst sexual orientation was mentioned in two-thirds of Equal Opportunities policies, it was not mentioned specifically in any anti-bullying policies. Staff highlighted the need for training in issues surrounding sexualities, homophobic bullying and clarification of Section 28 (as this was in place at the time of the study). Implications for the work of educational psychologists are discussed, including raising awareness and clarifying issues in schools as well as informing whole school development work. One initiative within a secondary school in north London school has grappled with this issue successfully by developing lessons on gay historical figures who suffered persecution such as Oscar Wilde and Andy Warhol and claims to have succeeded in "more or less eliminating homophobic bullying" in its classrooms and playgrounds over the last five years (Shepherd and Learner, 2010) . The school has subsequently developed a training package for primary and secondary school teachers in how to "educate and celebrate" being gay.

More recently McDermott (2010) attempted to systematically capture evidence on the disadvantages experienced by young people due to their sexual orientation such as homophobic bullying, mental health issues, rejection from family and friends and increased risk of homelessness. The extent and impact of this disadvantage has not been systematically captured to date and constitutes a major evidence gap. Equally,

McDermott has asserted that a first step in understanding how to capture such inequality is to review the evidence and explore the issues involved in researching and monitoring sexual orientation in adolescence. Evidence suggests that by the age of 12 young people are dealing with emerging sexual feelings and attraction to others. Through the teenage years, some young people do begin to identify their sexual orientation, and others do not, or are just unsure. Young people also begin to identify the actual/perceived sexual orientation of others and this underpins homophobic bullying. Existing studies suggest that it is practically and ethically possible to capture evidence on sexual orientation in adolescence through research and monitoring, in order to better understand disadvantage. The questions we ask must take into account that young people's sexual orientation is not fixed and is in a process of forming. Equally, the type of question asked, and method used, should be appropriate for the purpose of the study. If the focus is sexual health risks, then sexual behaviour may be the most useful measure. If, however, the intention is to gauge experiences of discrimination then sexual identity may be a more accurate dimension to measure. It is important to identify the role of sexual orientation as a predictor of health, social and economic outcomes. McDermott reports the failure to account for sexual orientation effects which may lead to inaccurate scientific and policy conclusions, for example about targeting health or education interventions for young people. Most importantly, the principles at work here are about ensuring the safety and wellbeing of all young people, whatever their sexual orientation

In summary, there is a need to generate research which recognises that adolescent sexual orientation may intersect with other dimensions of disadvantage such as disabilities, ethnicity, social class and gender. This is especially important given the provision in the Equality Act 2010 to protect people on the basis of combined protected characteristics. Further research needs to be more sophisticated and develop questions and methods capable of capturing this intersectionality.

Parent, LGTB and civil associations:There are a number of parent, LGTB and civil associations In England who provide services specifically for LGBT families and individuals. We will review 4 of these organisations:

Albert Kennedy Trust (AKT): The AKT is a national voluntary sector organisation with charitable status that supports lesbian, gay, bisexual and trans homeless young people in crisis. They have offices in London, Manchester and Newcastle. The organisation takes its name from a 16 year old Albert Kennedy, who in 1989, fell to his death from the top of a car park in Manchester. Albert was a runaway from a childrens home and was suffering depression. In the same year, Cath Hall, an experienced foster carer, set up a supported lodgings service for LGBT young people in Manchester, as a result of the rejection & ejection of young LGBT people from their family home & the homophobia they faced within school and society. The organisation is financially supported by Manchester City Council, The Diana, Princess of Wales Memorial Fund development work in Scotland, Northern Ireland

and Wales, and the Association of London Government Information & Advice services in London. (www.akt.org.uk/)

East London Out Project (ELOP): This is a lesbian and gay mental health charity established in 1995 and based in East London. It is a grassroots developed and community-led organisation with the aim to promote the mental health, wellbeing, empowerment and equality of lesbian, gay, bisexual and trans (LGBT) communities and provides information, advice, advocacy, counselling and support services, plus other social and community activities and events to north and east London's LGBT communities. ELOP also delivers second-tier work which includes providing information, training, consultancy and support to statutory and voluntary sector policy makers, managers, service providers and their staff teams. (www.elop.org/)

New Family Social: New Family Social is the UK network for LGBT (lesbian, gay, bisexual and transgender) adoptive and foster families. Formed in 2007, shortly after the change in adoption law in England that allowed unmarried couples, including same-sex couples, to adopt jointly (in England and Wales), New Family Social is a growing national charity that provides support and information for prospective and existing LGBT adopters and foster carers. This includes: providing a social network for parents to share support, and for children to gain confidence in their new families; promoting LGBT families; and providing direct help to families and agencies. They currently have a membership of 600 family members and 151 organisations in England, Wales, Scotland and Northern Ireland are member agencies, including local authorities adn voluntary sector organisations. (www.newfamilysocial.org.uk/)

Stonewall: Stonewall was founded in 1989 following the passing of Section 28 of the Local Government Act, which was an offensive piece of legislation designed to prevent the so-called 'promotion' of homosexuality in schools; as well as stigmatising gay people it also galvanised the gay community. Stonewall is a professional lobbying group that has subsequently put the case for equality for LGBT on the mainstream political agenda by winning support within all the main political parties and now has offices in England, Scotland and Wales. Some of its major successes include helping achieve the equalisation of the age of consent, lifting the ban on lesbians and gay men serving in the military, securing legislation allowing same-sex couples to adopt and the repeal of Section 28. More recently Stonewall has helped secure civil partnerships and ensured the recent Equality Act protected lesbians and gay men in terms of goods and services.

Stonewall also works with a whole range of agencies to address the needs of lesbians, gay men and bisexuals in the wider community, including offering advice and support to over 600 organisations including IBM, Barclays, Barnardos, DCLG and the Royal Navy.

Stonewall's 'Education for All' campaign, launched in January 2005, helps tackle homophobia and homophobic bullying in schools and works with a wide coalition of

groups. and has published a number of research studies examining homophobic bullying in schools. Stonewall has also been acively involved in improving eduction services for LGBT youth by creating Schools Champions, College Champions and Education Champions as a way of promoting and sharing good practice in the sector. It has published a number of resources to aid in this work. (www.stonewall.org.uk and www.stonewall.org.uk/at_school/education_for_all/default.asp)

Transgender issues

It is estimated that 3: 100,000 people aged over 15 years within the UK presenting themselves for gender dysphoria every year (Gires et al, 2008) This is estimated to grow at 15% per annum as better social, medical and legislative provisions for transgendered people coupled with a buddy effect of snowballing effective mutual support appears to be driving this growth. Fewer younger people present for treatment despite the fact that most gender dysphoric adults experience gender variance from an early age. Social pressure in the family and at school inhibit early revelation and in 2009, only 84 young people presented to the UK soles specialist gender identity service

The Gender Recognition Panel was established under the *Gender Recognition Act* 2004 to assess applications from transsexual people for legal recognition in their acquired gender. The Gender Recognition process enables transsexual people to be legally recognised in their acquired gender. Under the provisions of the *Gender Recognition Act* 2004, a transsexual person may submit an application to the Gender Recognition Panel. Successful applicants will receive a Gender Recognition Certificate and will, from the date of full recognition, acquire all the rights and responsibilities appropriate to a person of his or her acquired gender.

All Trans teachers have specific protection at work from harassment under the *Equality Act* 2010 and from the unlawful disclosure of transgender status. Transgender harassment would include hostile and intimidating behaviour by colleagues because teachers are preparing to undergo gender reassignment. Or it could include degrading or humiliating behaviour where teachers have undergone gender reassignment. Intimidating or degrading behaviour, such as name-calling or offensive transphobic 'jokes' by pupils or colleagues or graffiti, could amount to harassment. The Equality and Human Rights Commission Trans Research Review published in Autumn 2009 reported that a higher percentage of trans people experience bullying at school (75%) than lesbian, gay and bisexual (LGB) people (25%) and that 64% of trans men (born female) and 44% of trans women (born male) had experienced bullying at school from fellow pupils as well as staff.

There is limited guidance on combating transphobic bullying in schools to date (http://www.gires.org.uk/transbullying.php) although in the last decade transgender

issues have become a major component of diversity programmes throughout the public service sector. Their present prominence results from continuing rapid growth in the number of transgender people who reveal their gender variance, and substantial strengthening in the laws that support and protect them. Despite the enactment of supportive legislation, transgender people continue to experience widespread discrimination in the educational environment, in the workplace and in society generally. As part of its crime reduction programme, the Home Office (2010) has provided this toolkit to help schools meet their obligation to combat transphobic bullying. This toolkit contains guidance for schools on effective ways to support and protect transgender pupils and staff. It also suggests what needs to be done for other staff members. The appendices include a model policy, an example of a letter written to staff about a pupil's transition and a self-assessment checklist as well as a number of examples of inspirational role models intended to demonstrate how people who transition are able to lead successful and fulfilling lives.

Further guidance has been provided by the Department for Children and Families (http://tinyurl.com/dcsf-transphobic-bullying) and National Union of Teachers (http://www.lluk.org/documents/transgender_guidance.pdf). Some research (Gender Identity Research and Education Society, 2008) has identified that gender variance may be detected in children as young as two: it causes extreme stress for youngsters and their families. This is alone would impair the young person's achievements at school. Bullying severely aggravates this. In responding to the challenge that transphobic bullying presents, schools would need to understand the nature of gender variance, the biological factors involved in its occurrence and how it differs from sexual orientation . Homophobic bullying, based on a person's actual or perceived sexual orientation, is in many respects similar to transphobic bullying. Moreover in pre-pubertal children, it may be difficult for them or those who care for them to distinguish between uncertainties of gender identity and sexual orientation. However, perpetrators of transphobic bullying and crime do use specific terms of abuse: 'he/she/it', 'girl with a cock', that reveals their special hatred for transgender people. Although schools may think that they have no transgender people to worry about, that is statistically unlikely. In any school of 1,000 pupils there are likely to be 6 who will experience transgenderism throughout their lives. There are likely to be others who have a transgender parent or close relative (www.gires.co.uk). Among pre-pubertal pupils, there are likely to be 60 in 1,000 who will experience atypical sexual orientation that may be difficult to distinguish from atypical gender identity. There may be links between homophobic and transphobic bullying in schools since often the bullying is sparked by expressing behaviours that are seen as breaking gender norms rather than sexual orientation. As such, addressing homophobic bullying in schools may also help challenge transphobic bullying. Research conducted by the Equality Challenge Unit (ECU) 26 in 2009 suggests that Trans students encountered higher levels of negative treatment than LGB students, and disturbingly high levels of threatening behaviour, physical abuse and sexual abuse – particularly from other students.

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There is likely to be one transgender person in 170 members of staff. Unlike people who experience atypical sexual orientation, people who experience severe gender variance require medical care to deal with their condition. Those who are entering puberty may experience intensifying stress, which may have a negative impact on their school work, as their bodies become increasingly discordant with their gender identities. Although major medical centres overseas provide treatment to suspend puberty, that treatment is not available in the UK. Support from the educational psychologist may be vital. Gender variant adults, who undertake the transition to a new gender role and receive hormone and surgical treatment to realign their bodies correctly, may require time off work to attend medical appointments, undergo surgery and convalesce. Other challenges may involve consideration of shared facilities particularly single sex boarding dormitory facilities or physical education changing and showering facilities and toilets; records which may hold personal information regarding a parent or teacher; strict uniform policies and education qualification certificates and examination results and transcripts. Support from the

There are some resources on the New Family Social Site about transgender and fostering/adopting.https://www.newfamilysocial.org.uk/trans-adoption-fostering-event/

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