



Briefing for the Public Petitions Committee

Petition Number: [PE1573](#)

Main Petitioner: Jordan Daly on behalf of T.I.E. - Time for Inclusive Education

Subject: LGBTI+ and school curriculum

Calls on the Parliament to urge the Scottish Government to make the teaching of LGBTI+ issues and topics statutory in all schools, with the introduction of a diverse and fully inclusive education programme that addresses, acknowledges and highlights such matters relating to the LGBTI+ community in a positive and progressive manner.

Background

The school curriculum in Scotland is not statutory but is developed within the framework of general guidance issued by Education Scotland. (There is some statutory provision for Gaelic in Gaelic speaking areas and for religious observance). Within the guidance, the 'experiences and outcomes' most relevant to the petition are those under 'health and well-being' which apply across all aspects of the curriculum. The guidelines state that:

The mental, emotional, social and physical wellbeing of everyone within a learning community should be positively developed by fostering a safe, caring, supportive, purposeful environment that enables the development of relationships based on mutual respect

The broad legislative framework for school education includes the following requirements:

- that education is directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential
- the education authority shall have due regard, so far as is reasonably practicable, to the views (if there is a wish to express them) of the child or young person in decisions that significantly affect that child or young person, taking account of the child or young person's age and maturity
- education authorities to have regard to the general principle that pupils are to be educated in accordance with the wishes of their parents.

- one of the five statutory national priorities in education is to promote equality and help every pupil benefit from education

Schools are covered by the Equality Act 2010. Guidance on which is available at:

http://www.equalityhumanrights.com/sites/default/files/publication_pdf/Technical%20Guidance%20for%20Schools%20in%20Scotland%202015.pdf

Some relevant points in the guidance include:

- The way in which the curriculum is delivered must not discriminate against a pupil with a protected characteristic
- Information that a school provides to pupils or prospective pupils, should not suggest that a school might discriminate or that applications from people with certain protected characteristics would not be welcome
- While the Act does not cover pupil-to-pupil bullying, a school is required to ensure that it does not discriminate in the way in which it deals with bullying in school.
- While the harassment provisions do not extend to sexual orientation or gender reassignment, it is unlawful under the direct discrimination provisions of the Act if the pupil suffers a disadvantage.

Local authorities are also covered by the public sector duty. The general equality duty requires public authorities, in the exercise of their functions, to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not.

However a report by LGBT youth Scotland (*Life in Scotland for LGBT Young People: Education*) found that education is the location where lesbian, gay, bisexual and transgender young people feel they face the most discrimination, with schools rated as the worst experience of all institutions.

In 2014, Stonewall published a report on [homophobic bullying in Scotland's schools](#). This found that:

“A lack of clear policies and leadership on LGBT issues prevents many teachers from feeling able to discuss LGBT issues in their classrooms. [...] a staggering 75 per cent of primary, and 44 per cent of secondary school staff say they either aren't allowed to, or aren't sure if they are allowed to teach about LGBT issues in their school.

Scottish Government Action

The Scottish Government recently updated its [guidance on sex and relationships education](#) to reflect changes such as the introduction of same sex marriage. This states:

The intention is that RSHP education should be inclusive of, and responsive to, all, regardless of their sexual orientation.

and that:

Children and young people should feel that they are listened to and feel confident in their ability to discuss sensitive aspects of their lives

[....]

No school, or individual teacher, is under a duty to support, promote or endorse one type of relationship over another. Discussions about relationships should acknowledge that same sex couples can now marry as a result of the Marriage and Civil Partnership (Scotland) Act 2014.

The Scottish Government also publishes guidance on [promoting positive behaviour](#) in schools. Developed with the Scottish Anti-Bullying Steering Group, the Scottish Government published '[A National Approach to Anti-Bullying for Scotland's Children and Young people](#)' in December 2010. It also funded a '[took kit](#)' for teachers on dealing with homophobic bullying which was distributed to all schools in 2009.

Scottish Parliament Action

A recent petition to the Parliament on sex and relationships education ([PE01526](#)) included consideration of sexual orientation and the non-statutory nature of the Scottish school curriculum. The Committee agreed to close the petition, under Rule 15.7, on the basis that the petitioners are supportive of the Scottish Government's forthcoming revised sex and relationship education (SRE) guidance; the Scottish Government has given a commitment to raise the profile of SRE when it publishes its revised guidance; Education Scotland will be tasked with monitoring and assessing the implementation and delivery of the Government's revised SRE guidance by local authorities, and the submissions received by the Committee were supportive of the current non-mandatory provision of SRE

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3 September 2015

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