



Discrimination

Sexual Orientation and Gender Identity

Help & Advice

If you or someone you know is affected by anything from today, there are lots of people and places you can go to for advice:

- Child Line - 0800 11 11
- Young Minds - www.youngminds.org.uk
- Stonewall - 0800 050 20 20
- Beat Bullying Cyber Mentors: www.cybermentors.org.uk
- CEOP – www.ceop.police.uk
- Teachers

Objectives

- Recap the terms “sexual orientation” and “gender identity”
- Explore what is meant by discrimination and how LGBT+ individuals may be discriminated against
- Explore who else can experience LGBT+ discrimination and hate crimes, even if they themselves do not identify as LGBT+
- Examine DHSG’s policy on homophobic and gender identity bullying
- Discuss how young people can play a positive role in overcoming LGBTQ+ discrimination

What are sexual orientation and gender identity?

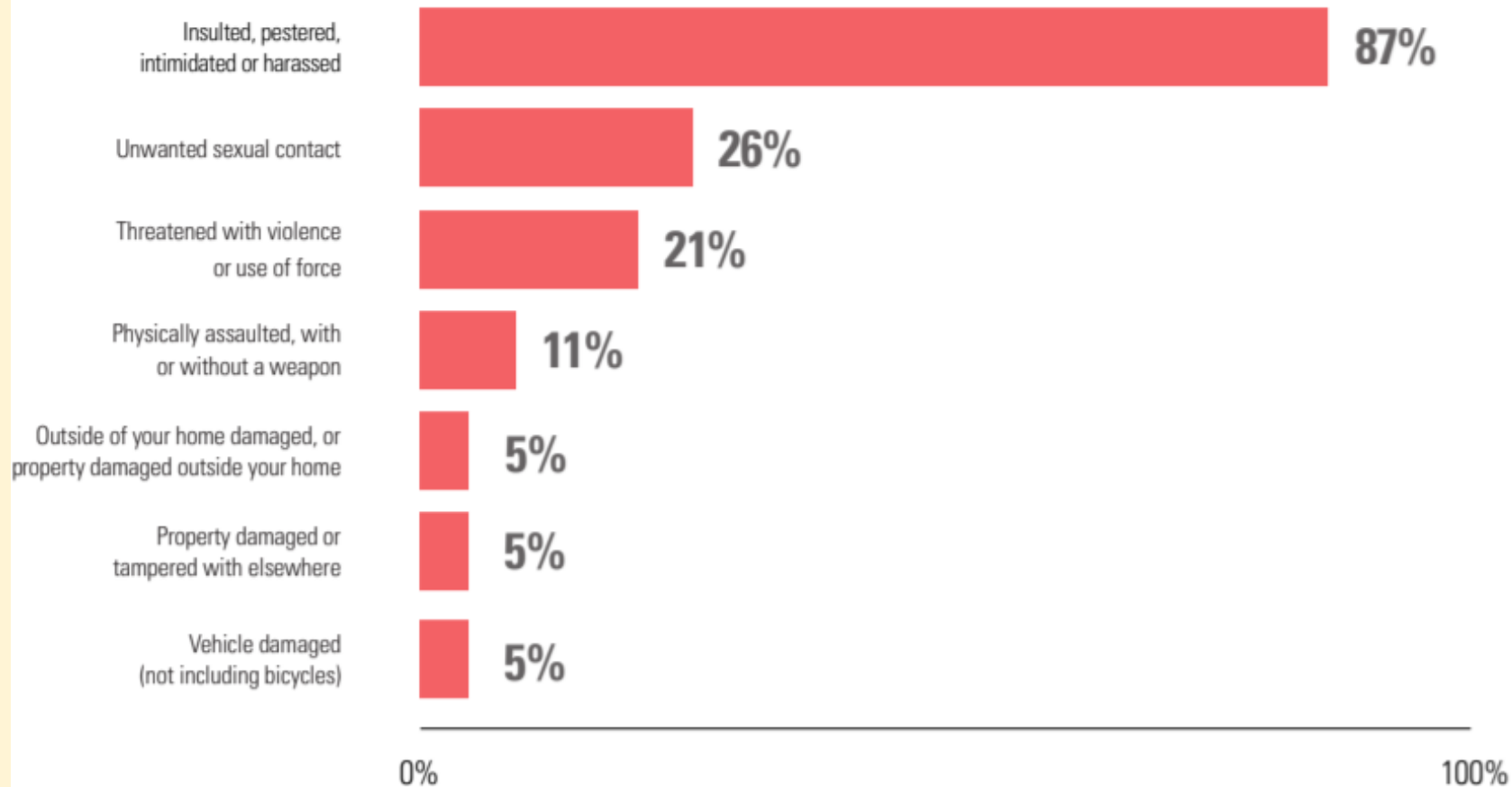
- A person's **sexual orientation** is their sexual and/or romantic attraction to other people (or lack thereof), sometimes referred to as their "sexuality". Common terms you may hear are people using terms such as "straight" (attracted to someone of the opposite sex), "lesbian/gay" (attracted to someone of the same sex), "bi" (attracted to people of both sexes), but there are many more variations in sexual orientation.
- A person's **gender identity** is their sense of their own gender – male, female or something else (often called "non binary" – where the person's gender identity doesn't fit within the terms of "man" or "woman"). A person's gender identity may or may not correspond to the sex assigned at birth. (A person's sex is assigned to them on the basis of their genitalia and reproductive functions)
- Broadly, the term **LGBT+** is often used to refer to people whose sexual orientation is different to "straight" or whose gender identity is different to that assigned to them at birth.

How does this link to discrimination?

- People who identify having a sexual orientation other than “straight” or people who identify as having a gender identity which is different to the sex they were assigned at birth are **more likely to experience discrimination.**
- 1 in 5 (20%) of LGBT+ people have experienced a **hate crime or incident** because of their sexual orientation and/or gender identity **in the last 12 months.**
- 4 in 5 (80%) of anti-LGBT+ hate crimes and incidents **go unreported**
- Younger LGBT people are **particularly reluctant** to go to the police.

What kind of hate incidents do LGBT+ people experience?

Types of hate incidents LGBT people have been affected by in the last year because of their sexual orientation or gender identity.



Source: Stonewall, 2017

What does the law say?

- The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.
- It is against the law to discriminate against anyone because of:
 - age
 - **gender reassignment**
 - being married or in a civil partnership
 - being pregnant or on maternity leave
 - disability
 - race including colour, nationality, ethnic or national origin
 - religion or belief
 - **sex**
 - **sexual orientation**
- These are called “**protected characteristics**”.

Source: <https://www.gov.uk/discrimination-your-rights>

Why do you think the UK government has identified these protected characteristics?

What does the law say?

- Under the 2010 Equality Act, people with protected characteristics are specifically protected from discrimination:
 - at work
 - in education
 - as a consumer
 - when using public services
 - when buying or renting property
 - as a member or guest of a private club or association
- You're also protected from discrimination if:
 - you're associated with someone who has a protected characteristic, for example a family member or friend
 - you've complained about discrimination or supported someone else's claim

What forms does discrimination take?

- Discrimination can come in one of the following forms:
 - **direct discrimination** - treating someone with a protected characteristic less favourably than others
 - **indirect discrimination** - putting rules or arrangements in place that apply to everyone, but that put someone with a protected characteristic at an unfair disadvantage
 - **harassment** - unwanted behaviour linked to a protected characteristic that violates someone's dignity or creates an offensive environment for them
 - **victimisation** - treating someone unfairly because they've complained about discrimination or harassment

Can you think of an example of how someone who identifies as LGBT+ could face each of these types of discrimination?

Why do you think LGBT+ individuals are more likely to experience discrimination?

Are LGBT+ individuals the only ones to experience homophobic or gender identity discrimination? Who else might be affected?

What are “hate crime” or “hate incidents”?

- If someone has been violent or hostile towards another person because of their sexual orientation, this is known as a **homophobic** hate incident.
- Hostile or violent incidents because of their transgender identity are known as **transphobic** hate incidents.
- Something is a homophobic or transphobic hate incident if the victim **or anyone else** thinks it was carried out because of hostility or prejudice based on sexual orientation or gender identity. This means that if **you** believe something is a hate incident (either as the victim **or** the witness), it should be recorded as this by the person you are reporting it to.

But what if I don't identify as LGBT+?

- You can be the victim of a homophobic or transphobic hate incident if someone believes you're a LGBT person even though you're not. You can also be the victim of a hate incident because of your association with members of the LGBT communities.
- Homophobic and transphobic hate incidents can take many forms including:
 - verbal and physical abuse
 - physical violence
 - teasing
 - bullying
 - threatening behaviour
 - online abuse
 - damage to property.
- It can be a one-off incident or part of an ongoing campaign of harassment or intimidation.

Why might young people with family members that identify as LGBT+ be more at risk of hate incidents, hate crimes or bullying?

- When a homophobic or transphobic hate incident becomes a criminal offence, it's known as a **hate crime**. There are no specific homophobic or transphobic hate crimes. Any criminal offence can be a hate crime, if the offender targeted you because of their prejudice or hostility against LGBT people.
- When someone is charged with a homophobic or transphobic hate crime, the judge can impose a tougher sentence on the offender under the **Criminal Justice Act 2003**.



Is this fair? Why (not)?

What about in school?

DHSG's anti-bullying policy specifically identifies homophobic bullying as a way in which young people may be discriminated against:

“Teasing people for being, or for being perceived LGBT. Calling them anti-‘gay’ names, even in jest. Spreading rumours about people’s sexual orientation for the purpose of making fun of them. Hitting, intimidating and isolating people who are believed to be gay.”

DHSG also identifies gender identity as a type of bullying:

“Bullying because of a person’s gender or gender identity.”

Students are expected to:

- Respond to bullying as a serious matter.
- Report all incidents of bullying.
- Report suspected incidents that victims may be afraid to report.
- Support each other and to seek help to ensure that everyone feels safe, and nobody feels excluded or afraid in school.
- Speak to their Head of House or Assistant Head Teacher when there is no resolution or concerns remain.

What *isn't* bullying?

- It's common for disagreements to arise and for friendships to change throughout the time you are at school. This is normal – you're entering DHSG as a child and leaving as a young adult! Our school's policy states:
- *Bullying is NOT when young people of similar age find themselves in conflict. Examples of this could include:*
 - *Disagreeing*
 - *Name calling between two friends*
 - *Play fighting*
 - *Having an argument or even fighting, without imbalance of power or use of intimidation*
 - *Not being "friends" anymore*

What can young people do to stand up against LGBT+ discrimination? What would you add to this list?

Report hate crime to the police – even if you're a passer by

Report bullying based on sexual orientation and gender identity to your tutor, Head of House, or Mrs Morgan who is responsible for ensuring all our students are safe

Stand up against low-level discrimination – don't tolerate "banter" or "jokes"

Support friends and family that identify as LGBT+. Raise any concerns that you have about their treatment.

Think about the language you use every day – phrases like "that's gay" are offensive!

Summary

- Discrimination against an individual because of their sexual orientation or gender identity is illegal.
- Hate crimes or hate incidents are negative behaviours towards an individual because they are, or are perceived to be, LGBT+ or have an association with an LGBT+ individual or family (such as a young person with same sex parents).
- Hate crimes are taken very seriously in UK law – more severe penalties can be imposed if the crime is linked to prejudice and discrimination
- Young people can play a significant and positive role in shaping society so that fewer LGBT+ people experience discrimination

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