Fifteen Years on: The Legacy of Section 28 for LGBT+ teachers in English Schools

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**Abstract**

This article examines the legacy of Section 28 of the Local Government Act in England for LGBT+ school teachers between 1988 and the repeal of the Section in 2003. Section 28 stated that “A local authority shall not – (a) intentionally promote homosexuality… (b) promote the teaching in any maintained school of the acceptability of homosexuality as a pretended family relationship”. A questionnaire examined the ways in which LGBT+ teachers in England experienced their work environments in 2017-18. The current perceptions of LGBT+ teachers who experienced Section 28 were compared with the perceptions of those LGBT+ teachers entering the profession after the repeal of Section 28 in 2003. Responses suggest that Section 28 continues to adversely affect the LGBT+ teachers who experienced it. These teachers are, in 2017-18, less open about their sexuality, unlikely to engage in the school community with their partner and more likely to see their teacher and sexual identities as incompatible. Whilst a climate of oppression, discrimination and harassment consistent at the time of Section 28 also played contributed to LGBT+ teachers experiences, despite advances in equalities legislation those teaching during the Section 28 era are still deeply affected by their experiences.

**KEYWORDS**: LGBT+; teachers; Section 28; effects; schools; England

**Introduction**

In 1986, a children’s book entitled *Jenny Lives with Eric and Martin*, depicting a child living with two gay fathers, was featured in a number of British newspapers. It was available in the library of a school run by the Labour-controlled Inner London Education Authority (ILEA). The Education Authority had not approved it for younger children, and it was only supposed to be shown to older children in exceptional circumstances and following consultation with parents. The availability of the book was condemned by Kenneth Baker, the then Conservative Secretary of State for Education. The resulting controversy made a major contribution towards the Conservative administration's subsequent passing of Section 28 of the Local Government Act 1988, which stated that:

A local authority shall not – (a) intentionally promote homosexuality or publish material with the intention of promoting homosexuality; (b) promote the teaching in any maintained school of the acceptability of homosexuality as a pretended family relationship.

State schools at that time in England were under local authority jurisdiction and so it was widely assumed that this piece of legislation prohibited LGBT+ teachers from being open about their own sexual identity in the workplace, or discussing non-heterosexual relationships in their classrooms. In the 15 years between the introduction of Section 28 in 1988 and its repeal in England in 2003, many LGBT+ teachers feared the loss of their jobs if their sexuality was revealed. Several researchers recorded the climate of fear and homophobia that LGBT+ teachers endured in their day-to-day lives at school (see, for example, Kelly, 1992; Sullivan, 1993; Clarke, 1996).

This article explores the way in which LGBT+ teachers experience their school communities and in particular, asks whether those teachers working in schools during the period of Section 28, perceive in 2017-18, the intersection of their professional and personal identities differently, to those LGBT+ teachers entering the profession after the repeal of Section 28 in 2003. Implicit within the article is the recognition that a complex network of factors have a bearing on the way in which LGBT+ teachers experience their workplaces. These may vary according to location and type of school, age, status and personal disposition, for example. It is also recognised that the general climate of the time was intolerant of LGBT+ identities and LGBT+ oppression and discrimination prevailed in all areas of society.

**Theoretical Framework**

This article recognises the tension that exists between interpretivist paradigms of gender and sexual identity, and the more rigid binaries of male/female, boy/girl, heterosexual/homosexual engineered from the earliest years of formal education. In her book, *Gender Trouble,* Butler (1990) claims that gender and sexuality identities are the “performative effect of reiterative acts” (33). According to Butler, the formation of sexual identity in which the true or core self is created from the experience of being a subject is an outcome of discursive practices. Schools preserve and perpetuate the norms of masculinity and femininity, equating masculinity with strength, activity and rationality; and recognising in femininity, the inverse but complementary features of weakness, passivity and emotionality (Ferfolja 2010). At school, pupils are coerced into understanding, accepting and engaging in the practices of gender regulation and heteronormativity through practices that endure through all stages of education, from the play corner in reception through to the school leavers’ prom (Robinson 2002).

 According to Gray (2010), heteronormativity and gender regulation drive discourses of power in the school community. Male masculinity dominates, achieving its superior status through misogynistic and homophobic cultural and social representations. Non-heterosexual identities as well as masculine representations of the female gender and feminine representations of the male gender are vulnerable to ridicule or bullying and are, at best, silenced or ignored. According to Butler, the reiterative acts of gender and sexuality “congeal over time to produce the appearance of substance, of a natural sort of being” (*ibid.*). In other words, rather than being expressions of an innate identity, acts and gestures of gender and sexuality are learned and repeated over time to create the illusion of an innate and stable identity core. Butler calls these acts performative because the essence or identity that they appear to express is manufactured and sustained through social and cultural means. Gender and sexual identity has then, according to Butler, “no ontological status apart from the acts which together form its reality” (1990, 136). Butler calls identity categories “instruments of regulatory regimes” (1990, 13-14), arguing that identity categories are discursively maintained in order to regulate sexuality within the framework of heteronormativity.

**Literature Review**

Much early literature about the experiences of LGBT+ teachers in England is concerned with the effects legislation had on the position of LGBT+ teachers in the school community. Several researchers recorded the climate of fear and homophobia that LGBT+ teachers endured in their day-to-day lives at school (see, for example, Griffin, 1992; Sullivan, 1993; Clarke, 1996; . Ellis, (2007) suggests that as the result of Section 28, non-heterosexual sexualities were erased and unspoken about in schools, leaving young people with only heterosexual role models and an entirely heterosexual curriculum.Thompson-Lee (2017) says that the principal fear of LGBT+ teachers during the time of Section 28 was that their heterosexual colleagues, and the parents of students at the school would align their sexual identity with discourses of hypersexuality and paedophilia.

 Clarke (2002) describes the hounding of some LGBT+ teachers by the tabloid press. For example, following the refusal of Hackney Headteacher Jane Brown to allow her pupils to attend a ballet performance of Romeo and Juliet allegedly because it depicted a narrow view of romantic relationships, the UK’s best-selling national newspaper, *The* *Sun,* put the story on its front page with the headline ‘Romeo, Romeo, where art thou homo?’ while their columnist Richard Littlejohn described Brown as a ‘hatchet-faced dyke’ who must be ‘sacked immediately’ (in Clarke, 2002, 209). Since the repeal of Section 28 in England in 2003, several pieces of legislation have helped give LGBT+ teachers a degree of occupational security. The Employment Equality (Sexual Orientation) Regulations 2003, and Part 3 of The Equality Act 2006, gave teachers (and all employees) the right to be protected from homophobic bullying. The legislation made it illegal for any employer to discriminate against or to harass workers on the grounds of their actual or perceived sexual orientation (Rudoe 2010). The Employment Equality (Sexual Orientation) Regulations 2003 and Part 3 of The Equality Act 2006 were replaced more recently by the Equality Act, 2010. Although not related directly to education, the Civil Partnership Act of 2005 and the Equal Marriage Act of 2015 both also raised the status of same-sex relationships and have been part of a cultural shift towards greater acceptance. However, Neary (2013), states that a gap exists between equality policy and its implementation in schools in which teachers’ struggles with normative and cultural practices provide evidence of the continued presence of heteronormativity. When Section 28 was repealed, there was little in the way of positive publicity around its demise, but plenty of sensationalised coverage in the conservative media aimed particularly at parents. Newspaper articles centred in large part on the assumption that the repeal of Section 28 would result in the active promotion of gay sex in schools and included the headlines “Keep this out of Our Schools” (*The Daily Mail* 29 January 2000) and in Scotland “Gay Sex Lessons for Scots Schools” (*The Daily Record* 29 October 1999).

 The tabloid press then, positioned Section 28 as the protector of school children. After the repeal of Section 28 in 2003, sensational media reports and increased parent power sustained moral panic about the protection of children from predatory teachers. When every child is positioned as a potential victim of abuse, every teacher is positioned as their potential abuser. This climate of fear around teachers, schools and sexuality had a powerful adverse effect on the lives of LGBT+ teachers, forcing them to engage in damaging self-censorship and surveillance. Neary (2013), describes how LGBT+ teachers labour over the construction of an acceptable teacher identity in their school contexts and the effects of this on them in the longer term. Years of professional and personal dissonance have caused stress and anxiety for many LGBT+ teachers and this continued long after Section 28 was repealed (Lee 2017).

 Some fifteen years after the repeal of Section 28 in England, literature about LGBT+ teachers continues to document concern about discrimination in schools (Rudoe 2010; Thompson-Lee 2017; Rivers 2018; . Teachers are employed not only on the basis of their professional capabilities but also on their apparent modelling of dominant ideologies. Ferfolja (2010), describes teachers as the ‘purveyors of morality and regulators of social acceptability’ (411) and schools use heterosexist regulation to police teacher sexuality through a variety of means. LGBT+ teachers may be marginalised by institutional practices by, for example, failing to mark and celebrate a teacher’s wedding in the way that heterosexual marriage is acknowledged by the school. Institutionalised heteronormativity is complicit in the silencing of LGBT+ experience in schools (Epstein et al. 2003; DePalma and Atkinson 2006), requiring LGBT+ teachers to actively manage their identity on a day-to-day basis. Although research shows that some LGBT+ teachers do successfully come out at school (see for example, Jennings, 2005; Fahie 2016), the literature demonstrates overwhelmingly that LGBT+ teachers still take great care over how, and to whom they reveal their sexuality in school (Ferfolja 2009; Gray, 2013; Thompson-Lee 2017;)

## Methodology

Mixed methods research is an approach to enquiry which involved collecting both quantitative and qualitative data. The assumption is that the combination of qualitative and quantitative approaches provides a more complete understanding of a research problem than either approach alone (Creswell and Creswell, 2017).

This mixed methods study aimed to reach a wide range of LGBT+ teachers across England, providing a forum in which participants could reveal, should they wish, quite personal details about their sexual identities without the fear of being identified. The aim was to develop a method of data collection that was anonymous, far reaching and accessible, predicated on the assumption that individuals have a subjective understanding of the world in which they live and work. An anonymous online questionnaire was developed consisting of multiple-choice, closed, structured and unstructured questions. Each of the closed or multiple-choice questions offered participants the opportunity to explain their answer with a free text comment.

 The questionnaire was initially piloted with nine LGBT+ teachers at a professional development event and amendments were made in the light of a focus group convened to receive their feedback. The revised questionnaire and accompanying participant information, including the right to withdraw from the study at any time, was then hosted online and the survey link circulated via the researcher’s LGBT+ and teaching social media links. Achieving a high return rate is a persistent problem in educational research involving questionnaires. Due to increasing pressure on schools and teachers, response rates to questionnaires by teachers are often very low. In order to reach as many teachers as possible, the UK’s leading lesbian lifestyle magazine, *Diva*, promoted the survey via their website and magazine. It was not possible to engage an equivalent magazine or online outlet for gay men, however, and this meant that considerably more women than men (39 men and 66 women) completed the survey. Paper copies of the survey were also distributed at London Pride in June 2017.

 The first eight questions sought to elicit demographic data about respondents. This included sexual identity, phase taught (e.g. primary or secondary), length of time as a teacher and current role. The remaining questions were based around the LGBT+ teacher’s engagement with the wider school community. A final question in the survey offered participants the opportunity to provide any additional information about their circumstances and experiences.

In total, 105 respondents completed the questionnaire. Table 1 below summarises the characteristics of respondents. Respondents had spent between 1 and 36 years in teaching with the average time serving as a teacher at 13.5 years. 39% of respondents taught in the primary phase, and 58% taught in secondary schools. Other respondents taught in through schools (schools that take pupils from their reception year until the end of their education at eighteen) or in early years or pre-school education.

Insert Table 1 about here

 The responses of LGBT+ teachers who had experienced teaching during Section 28 of the Local Government Act prohibiting the promotion of homosexuality in schools were compared with those of teachers entering teaching only after Section 28 was repealed in 2003. 46% of the teachers surveyed had worked between 1988 and 2003, during the period of Section 28, and 54% of teachers had commenced their careers after 2003 and so had not experienced teaching under Section 28. For the purpose of comparison, these teachers are referred to as either ‘Section 28’, meaning they taught between 1988 and 2003 and experienced Section 28, or ‘Post 2003’, meaning Section 28 had been repealed before they entered teaching.

## Findings

LGBT+ teachers were initially asked which school stakeholders were aware of their sexual identity. Only 20% of Section 28 teachers indicated being out to all school colleagues. This contrasted with 88% of Post 2003 teachers. 45% of Post 2003 teachers were out to their pupils, compared with only 20%of Section 28 teachers. Some of the Section 28 respondents who were not out to pupils described their frustration at not being a role model to young people.

I know that I have a responsibility to LGBT+ kids in school and it upsets me when I see them struggling like I did … but I worry what parents will think of me if I try to help. Sometimes I feel like I’d be viewed as a predator or something (Section 28 lesbian teacher)

 A small number of Post 2003 teachers, but no Section 28 teachers, described running Pride Clubs and other extra-curricular activities for LGBT+ pupils and allies at school. Post 2003 teachers also seemed less concerned about parental perceptions of their sexual identity than were their Section 28 counterparts.

The eternal fear from schools about LGBT issues is parental complaints. Stuff them – we've a duty to look after all kids at the end of [the] day – the law is on our side! (Post 2003 bisexual secondary school teacher)

 Thompson-Lee (2017) has described the tension she faced as a lesbian teacher wrestling with the paradox of wanting to come out to end dispel the myths surrounding her, yet feeling compelled to remain hidden in her rural school because of the power of the same silence and myths. Section 28 teachers often reported feeling guilt at not being able to come out in the workplace, feeling they are failures as role models for LGBT+ students. Ferfolja (2009) notes that this creates a sense of guilt which places an inordinate burden on individuals who are potentially already marginalised.

 LGBT+ teachers were asked whether they lived inside the school ‘catchment area’. The differences between the Section 28 teachers and Post 2003 teachers were notable. Just 20% of Section 28 teachers lived within their school’s catchment area compared with 43% of Post 2003 teachers. In free text comments, Section 28 teachers told of guarding their privacy aggressively, and fiercely separating their home and workplace identities, taking care that they did not collide.

I keep my home life and school life apart. I don’t want to bump into kids and their parents when I’m out with my girlfriend. I want to be as far away from school as possible when I’m being my gay self. (Section 28 lesbian secondary school teacher)

Privacy is often linked to safety for LGBT+ people (Elwood, 2000). According to Ferfolja (2009), LGBT+ teachers often seek privacy in order to create a safe space and actively protect themselves against public scrutiny or interest in their personal lives. Living outside the school catchment area is one way in which many teachers achieve this.

 Compared to their Post 2003 counterparts, there were notable differences in the extent to which Section 28 teachers engaged socially within their school communities, for example at end-of-year events or celebrations. When asked whether they took their same sex partner to school social functions, 60% of Section 28 teachers reported never taking their partner to school social events and no Section 28 teacher always took their partner. This contrasted sharply with the responses of Post 2003 teachers. Only 12% never took their partner along, and 13% always took their partner to school social events.

[Figure 1 about here]

 Section 28 respondents point to some of the perceived complexities in participating in school social events, describing the professional dilemma involved in when, if and how to be out in the school community. For example, one gay male primary school teacher described how he did not seek promotion into school leadership, fearing that with greater responsibility comes a greater expectation to engage socially with the school community.

I don’t ever want to be a headteacher it’s all the social events that puts me off. Can you imagine, the head turning up to the Christmas play with his boyfriend? But then not having a partner there would look equally weird (Section 28 Gay male primary school teacher)

 When asked to what extent they felt able to be themselves in the school classroom, Section 28 teachers described additional complexities in managing the intersection between their personal and private identities. Only one fifth of Section 28 teachers said they were able to be completely themselves in the classroom. This contrasts with fully half of their Post 2003 counterparts. A similar picture emerged when respondents were asked to what extent they felt able to be themselves in the school staffroom. 88% of Post 2003 teachers said that they were completely themselves in the staffroom, compared with only 60% of Section 28 teachers.

[Figure 2 about here]

 Edwards et al. (2014) state that when self-censorship occurs for LGBT+ teachers, heterosexuality is the only sexual identity represented to young people. Nixon and Givens (2007) argue that Section 28 imposed a narrow view of sexuality on schools which privileged the heterosexual family and heterosexual marriage, failed to recognise sexual and gender diversity, and outlawed discussion of alternative families.

 In response to a question asking LGBT+ teachers whether they thought their sexual and teacher identities were compatible, 40% of Section 28 teachers thought the two identities were very incompatible, compared with only 12% of Post 2003 teachers.

[Figure 3 about here]

This suggests that some fifteen years after the repeal of Section 28, teachers who had experienced Section 28 continue to spend time and energy managing the intersections of their personal and private identities. This legacy of caution and self-checking can mean that LGBT+ teachers lack a sense of belonging in the school community, as the following two Section 28 teachers describe:

Sometimes when I’m teaching, I find myself stopping mid-sentence to check that what I’m planning to say isn’t going to out me to the kids. I must appear very strange to them sometimes. (Section 28 gay male primary school teacher)

Some parents think gay teachers shouldn’t be in the classroom and I’m worried about what might get back to them all the time. It’s easier to keep myself to myself in the classroom and the staffroom. (Section 28 lesbian primary school teacher)

When LGBT+ teachers keep themselves to themselves in their workplace, deliberately or otherwise they enter into a ‘Don’t Ask, Don’t Tell’ contract with the school community. Originating in the US Military in 1993 during the Clinton Administration, and lasting until 2011, Don’t Ask, Don’t Tell was conceived as an act of tolerance, in which LGBT military personnel could continue to serve so long as they did not make a declarative statement about their sexuality. Anderson (2002) states that “the US military’s ‘don’t ask, don’t tell’ policy highlights that what cannot be discussed is just as powerful a weapon of heterosexual hegemony as what can be discussed” (874). Applying the ‘don’t ask, don’t tell’ policy to schools, DePalma and Atkinson (2009) show how, through its silencing, it serves as a powerful heteronormative discursive practice. They argue that the pseudo-tolerance of ‘don’t ask, don’t tell’ ‘perpetuates stereotypes and propagates the heterosexist assumption that all teachers and parents are heterosexual, and all girls and boys will grow up and eventually (want to) marry a person of the opposite sex’ (839).

When LGBT+ teachers were asked to share their perceptions of homophobia and the use of homophobic language in their schools, the results proved unexpected and were counter to trends in much of the rest of the data, as Figure 4 shows.

[Figure 4 about here]

 38% of Post 2003 teachers reported experiencing homophobia within the last five years of their careers compared with only 20% of Section 28 teachers. There are a number of possible explanations for this. First, as legislation such as the Equality Act has increased awareness of diverse groups, school communities have become more inclusive (McCormack and Anderson 2010). One consequence of this could be that Post 2003 teachers perceive moderate levels of homophobia more acutely than their Section 28 counterparts who endured teaching in more challenging times. Alternatively, it could simply be that more Post 2003 teachers are open about their sexuality at work and their Section 28 counterparts do not experience homophobia to the same extent as they are less visible and more adept at separating their home and school identities. However, Post 2003 participants were still cautious in what they revealed, particularly when applying for new positions. One participant in this survey commented:

I haven’t faced explicit homophobia in my workplace, but I find that my applications for new jobs go further when I do not include [reference to] my school LGBT inclusion work. (Post 2003 gay male secondary school teacher)

 Such an interpretation is supported by findings from a study Bates (2018) who notes that a person showing links to the LGBT+ community on their CV, for example by mentioning past voluntary work with an LGBT+ organisation, is less likely to be invited to a job interview (Bates 2018).

 Figure 5 reports the extent to which LGBT+ teachers described routinely hearing homophobic language at school.

[Figure 5 about here]

 In contrast to responses to the previous question, the data show that Section 28 teachers report hearing homophobic language much more frequently than their Post 2003 counterparts. Again, this may be because Section 28 teachers are less open about their own sexuality and/or do not feel able to challenge homophobic language. Conversely, Post 2003 teachers may be more open about their sexuality and so comfortable enough to challenge inappropriate language when they hear it. When teachers are open about their sexual identity to their pupils, there appears to be greater regulation of homophobic language by pupils, as suggested in a comment from a Post 2003 teacher who was out to her pupils:

I do hear comments now and again, usually it’s teasing and banter between kids. Since I’ve come out at school, a few of them do stop themselves or apologise if they say something inappropriate in front of me. (Post 2003 lesbian secondary school teacher)

 The responses of Section 28 teachers suggested that they experience the workplace more negatively than their Post 2003 counterparts but have, over time, come to accept homophobia at work, at least to some degree. This was borne out in responses to the question ‘Have you ever left a teaching role because of homophobia or heteronormativity?’ which are shown in Figure 6.

[Figure 6 about here]

 15% of Post 2003 teachers reported leaving a role due to homophobia or heteronormativity, but none of the Section 28 respondents had done so. Although Section 28 teachers reported encountering greater challenges in the workplace, they also displayed greater acceptance of the status quo, and greater resilience in coping when things did not go well. The two responses below demonstrate the differences in expectations of the work environment of Post 2003 and Section 28 teachers:

I should be able to bring my whole self to work. I couldn’t stay at a school if I had to keep details of my private life a secret. If anyone had a problem with me I’d expect my Head to back me 100%. (Post 2003 bisexual secondary school teacher)

I keep myself to myself at school. In the early days, I used to make up girlfriends but now I can’t be bothered to lie so I don’t tell anybody anything about my life outside school. (Section 28 gay male secondary school teacher)

 The steps some LGBT+ teachers take to manage their identity and assimilate to the heteronormative discourse places considerable extra strain on what is already a highly demanding and tiring job. Clarke (1996) notes that at the time of Section 28,’the holding of dual identities i.e. pseudo-heterosexual and lesbian has the potential to create great dissonance and personal turmoil’ (196). LGBT+ teachers can feel under constant surveillance by others who look, they perceive, for inconsistencies in the accounts of their personal lives and monitor transgressions from the heterosexual norm.

Teachers who choose to keep their sexual identity in the private sphere often experience anxiety fearing that their personal life may be thrust into the public domain (See Thompson-Lee, 2017, Neary 2013). Homophobic harassment, in the form of graffiti, name calling or posts on social media provide examples of how LGBT+ teachers may become “visible in circumstances not of [their] choosing” (Mason and Tomsen, 1997, 28). When a homophobic comment about a teacher is made or written, their sexuality is made explicit in space and time. Their LGBT+ presence in the public domain forces a reaction from others. It is no surprise then that the threat of being thrust into the public domain impacts considerably on how LGBT+ teachers interact with colleagues and pupils, and more generally on how they interact with their work environment.

 In this study, teachers were asked whether they had ever accessed help for anxiety or depression linked to their sexuality and role as a teacher (Figure 7.), and whether this had resulted in them being absent from school (Figure 8).

[Figures 7 & 8 about here]

 48% of Section 28 teachers reported having suffered from anxiety or depression linked to their sexuality and role as a teacher, but none had been absent from work as a consequence of this. Half as many Post 2003 teachers (24%) reported suffering from anxiety or depression but in contrast to Section 28 teachers, 1 in 5 of these said they had been absent from work as a result. One of the Post 2003 teachers described the challenges she had faced:

I seem to burn out much quicker than everyone else but it feels like because I’m gay, I’m trying to manage lots of things on top of my job. I feel guilty half the time for not being a role model for the students that are struggling with their sexuality, but at the same time feel terrified when I think about the parent power at my school. (Post 2003 lesbian through-school teacher)

 Maycock et al. note that minority stress can become a significant feature of the lives of many LGBT people. They found in their study that participants’ concealment of their true identity became “‘routine’ or ‘normalised’ because of the pervasive nature of “heterosexist messages in society” (2010:1). LGBT+ teachers may be prone to poor mental health such as anxiety and depression because their compulsory participation in heteronormative social processes, social institutions and social structures leads to repeated messages of exclusion (Meyer, 2003). Meyer asserts that a “sense of harmony with one’s environment” (676) is the basis for good mental health. He adds that “when the individual is a member of a stigmatised minority group, the disharmony between the individual and the dominant culture can be onerous and the resultant stress significant” (ibid.).

**Discussion and Conclusion**

There has been significant legislative progress in England since the repeal of Section 28 in 2003, aimed at protecting LGBT+ teachers in the workplace. The Equality Act, 2010 identifies sexual orientation as a protected characteristic and prohibits discrimination directly or indirectly based on a person’s actual or perceived sexual orientation. The Equal Marriage Act of 2015 has made a significant contribution to LGBT+ inclusivity by legitimising same sex relationships and raising their status. However, the findings reported here show that many of the LGBT+ teachers who experienced Section 28 remain deeply affected by it. Findings suggest that improvements to equalities legislation do not inevitably result in a more positive day-to-day experience for LGBT+ teachers within their own school communities (Gray, 2010). For those teachers who experienced it, the Section 28 era, left a legacy of caution, self-censorship and complex identity management that lingers on some fifteen years after repeal.

 Those LGBT+ staff who taught in schools during the era of Section 28 are today, less likely than their Post 2003 LGBT+ colleagues to be open about their sexual identity to school stakeholders such as colleagues, pupils and parents, and less likely to participate in school social activities, particularly with their partner. Teachers who taught during the era of Section 28 feel, in 2018, less able to be themselves in both the classroom and the staff room when compared with LGBT+ teachers who entered teaching after Section 28 had been repealed.

When teachers were asked about their experiences of homophobia, the legacy of Section 28 appears to have provided those teachers who experienced it with resilience (or perhaps a degree of resignation) to cope with school environments that are not LGBT+ inclusive. LGBT+ teachers who experienced less tolerant times under Section 28 seem more adept at managing the intersection of their personal and professional identities, usually by splitting professional and personal identities and taking steps to carefully censor information shared with colleagues and pupils.

 For fifteen years, Section 28 was purported to be a protector of school children, creating moral panic that positioned every pupil as a potential victim of abuse, and every LGBT+ teacher as their potential abuser. During the time of Section 28, LGBT+ teachers endured years of professional and personal dissonance leading to stress and anxiety. Those that have remained in teaching experience their work environments quite differently to those LGBT+ teachers entering the profession after the repeal of Section 28. Despite legislative workplace protection against discrimination, Section 28 teachers remain less likely to be out at school, are less likely to live in the school catchment area, are unlikely to attend school social events with their partner and less likely to view their personal and professional identities as compatible.

 The era of Section 28 has however, built resilience in the LGBT+ staff that experienced it. When compared with their Post 2003 counterparts, Section 28 teachers were more likely to remain in a school environment that they perceived to be heterosexist or heteronormative. They were more likely to experience anxiety or depression linked to this but less likely to seek help or have time off work linked to their wellbeing or mental health. Section 28 was only one element of a wider climate of oppression and homophobia between 1988 and 2003 and so this article does not claim that Section 28 alone is responsible for the differences in responses from Section 28 and Post 2003 teachers. However, the circulations of power and heterosexist regulation were never stronger in schools than during the period of Section 28 and some fifteen years after its repeal, there is evidence that schools were particularly hostile environments for LGBT+ teachers and this has left a legacy for those adversely affected during this period.

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**Table 1: Number of respondents by school type**

|  |  |  |
| --- | --- | --- |
| **School Type** | **Number of Section 28 Teachers** | **Number of Post 2003 Teachers** |
| Secondary | 20 | 35 |
| Primary | 18 | 19 |
| Through School | 2 | 4 |
| Early Years | 4 | 3 |

**Table 2: Sexual identity of respondents by school type**

|  |  |
| --- | --- |
|  | **Sexual Identity of Respondents** |
| School Type | Lesbian  | Bisexual Woman | Gay man | Queer | Homoflexible |
| Secondary | 26 | 7 | 16 | 1 | 1 |
| Primary | 18 | 2 | 17 | 0 | 0 |
| Through School | 4 | 2 | 0 | 0 | 0 |
| Early Years | 7 | 0 | 0 | 0 | 0 |
| Total: | 55 | 11 | 23 | 1 | 1 |

Figure 1. Does your partner accompany you to school social functions?

Figure 2. Thinking about your sexual identity, to what extent do you feel you are able to be yourself in the classroom?

Figure 3. To what extent do you feel that your sexual identity and identity as a teacher is compatible?

Figure 4. Have you experienced homophobia within the last five years of your teaching career?

Figure 5 Do you routinely hear homophobic language in your workplace?

Figure 6. Have you ever left a teaching role because of homophobia or heteronormativity (presumed heterosexuality)?

Figure 7. Have you ever accessed help for anxiety or depression linked to your sexual identity?

Figure 8. Has anxiety or depression linked to your sexual identity ever caused you to be absent from your work as a teacher?