



tackling  
homophobic  
bullying

**equality**  
matters

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## 1. WHAT IS HOMOPHOBIA?

The NASUWT believes that the harassment, bullying and persecution of Lesbian, Gay, Bisexual and Trans (LGBT) people are issues for teachers. Homophobic bullying is, sadly, commonplace within society and in this context schools are not immune from homophobia and the problems it creates.\*

The NASUWT is committed to securing equality, respect and dignity for all, including LGBT teachers.

### **Defining the problem**

Schools, like the rest of Scottish society, are made up of individuals holding a spectrum of values, beliefs and opinions. Some of these may be based on prejudice and be discriminatory. Homophobia, biphobia and transphobia are examples of such prejudice and can be defined as an irrational dislike, hatred or fear of individuals who are lesbian, gay, bisexual or trans.

Examples of homophobic behaviour can include:

- offensive jokes;
- offensive language;
- innuendo and mockery;
- insulting or abusive behaviour and gestures;
- graffiti;
- damage and threat to property;
- refusal to co-operate because of a person's sexual orientation;
- deliberate exclusion from conversation and professional and social activity;
- HIV/AIDS-related discrimination;
- physical threats; and
- assault.

Homophobic bullying may be directed against and perpetrated by any member of the school community, including staff, pupils and parents/carers. Those who suffer homophobic abuse do not necessarily have to be LGBT to experience such bullying.

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\* For the purposes of this document only, homophobia is used as an umbrella term to define homophobic, biphobic and transphobic behaviour.

Circumstances in which homophobic bullying can occur include:

- staff against staff;
- pupils against staff;
- staff against pupils;
- pupils against pupils;
- another person (e.g. parent/visitor) against staff or pupils;
- staff or pupils against another (e.g. parent/visitor).

### **Transphobic bullying**

Transphobic bullying occurs when people are bullied due to their gender identity, their perceived gender identity or because they do not conform to culturally conventional gender roles. 'Trans' is an umbrella term that describes people whose sense of their gender or gender identity is seen as being different to typical gender norms.

Children of school age may experience gender variance, which could make them a target for bullying. According to figures provided by the Gender Identity Research and Education Society (GIRES), one in 1,000 school children suffer from gender dysphoria – roughly one pupil for every high school – though not all of them will seek gender reassignment surgery. There has been a sharp rise in the number of primary aged children (or younger) referred for help with coping with transgender feelings. According to research by GIRES and lobby group Press for Change, most children who experience gender variance fail to complete their school education. Around half of all trans teenagers will make a suicide attempt before they turn 20. Trans teachers are also at risk of transphobic bullying.

Gender variance is different to sexual orientation. Gender identity is different to sexual attraction. Trans people, just like everyone else, can be straight, lesbian, gay or bisexual. Therefore, transphobic bullying is different from homophobic bullying.

### **The problem of homophobia in schools**

Research consistently demonstrates that homophobic abuse is a serious issue for schools and society. Given the nature of the bullying, it is unlikely that many people who experience homophobic abuse are willing to report it to parents, teachers or colleagues since they may fear further stigmatisation and isolation.

A 2012 Scottish survey of 300 lesbian, gay or bisexual young people between the ages of 13 and 25, asking about school experiences and carried out by LGBT Scotland, found that 67% of those young people had experienced

homophobic bullying and 41% did not feel confident about reporting an incident to an authority figure in school.

Also in 2012, the University of Cambridge carried out research for Stonewall's *School Report 2012* which found that:

- homophobic bullying is widespread in Britain's schools. Fifty-five per cent of lesbian, gay and bisexual pupils have experienced direct bullying;
- almost all gay young people (99%) hear the phrases 'that's so gay' or 'you're so gay' in school and 96% of gay pupils hear homophobic language such as 'poof' or 'lezza';
- three in five gay pupils who experience homophobic bullying say teachers who witness bullying never intervene;
- only half of gay pupils report that schools say homophobic bullying is wrong, and only 37% do so in faith schools.

This was followed by the Teachers' Report (2014): *Homophobic bullying in Scotland's schools*, published by Stonewall, which showed that:

- nine in ten secondary school teachers and two in five primary school teachers said children and young people, regardless of their sexual orientation, currently experience homophobic bullying, name-calling or harassment in their schools;
- in addition to direct bullying, 91% of secondary school teachers and almost two thirds of primary school teachers report hearing the phrases 'you're so gay' or 'that's so gay' in their schools;
- seven in ten secondary school teachers and two in five primary school teachers report hearing other insulting homophobic remarks such as 'poof', 'dyke', 'queer' and 'faggot';
- only 16% of teachers have received any specific training on how to tackle homophobic bullying;
- more than half of secondary school teachers who are aware of homophobic bullying in their schools say the vast majority of incidents go unreported;
- fewer than half of secondary school staff in Scotland (43%) and fewer than one in four (23%) say their school has a policy that specifically addresses homophobic bullying;
- despite almost 15 years having passed since the repeal of Section 28 (2A) of the Local Government Act, a staggering 75% of primary and 44% of secondary school staff in Scotland say they either are not allowed to, or are not sure if they are allowed to, teach about LGBT issues in their schools;

- around a third of primary school staff (32%) and secondary school staff (31%) have heard homophobic language or negative remarks about lesbian, gay and bisexual people from other school staff; and
- fewer than a third (32%) of primary school staff and fewer than half of secondary school staff (43%) in Scotland agree that their headteacher demonstrates clear leadership when it comes to tackling homophobic bullying.

### **The effects of homophobia on teachers and pupils**

LGBT people being bullied are at a higher risk of suicide, self-harm and depression. Two in five have attempted or thought about taking their own life directly because of bullying and the same number say that they self-harm because of bullying.

A 2011 Report for NASUWT by Perpetuity Research, *The experience of prejudice-related bullying amongst teachers and headteachers*, found that:

- around a third of NASUWT members were victims of prejudice-related bullying or harassment in the preceding 12 months;
- around 8% of those teachers suffering prejudice-related bullying or harassment did so on the basis of their sexual orientation;
- a fifth of those reported prejudice-related bullying or harassment as a constant feature of their working lives;
- only 15% of those victimised reported every incident that occurred;
- 48% of prejudice-related bullying or harassment is perpetrated by a teacher's immediate line manager; a third by colleagues; and 25% by pupils.

Homophobic bullying of teachers can lead to:

- low self-esteem;
- a culture of fear;
- pupil indiscipline;
- pupil or staff absenteeism;
- reduced staff effectiveness;
- increased staff turnover;
- poor teaching performance;
- academic underachievement;
- stress;
- poor health;
- self-harm.

## **Cyberbullying**

Advances in the use of information communications technology (ICT) has provided new and sophisticated tools with which bullies are able to carry out their activities. Cyberbullying may involve the abuse of e-mail, internet, social networking sites, virtual learning environments, digital cameras and mobile phones and has emerged as a key challenge for schools, affecting both pupils and staff.

These advances in technology mean that cyberbullying can take place at any time. The bully often remains anonymous and can now conduct their activities from the comfort of their homes while the bullied is no longer able to find any refuge in theirs. This type of bullying is often more damaging, as offensive and hurtful messages or images can be spread quickly and seen by many people.

Cyberbullying is used to perpetrate homophobic bullying. The anonymous nature of this tool makes it far easier for perpetrators to make discriminatory statements and exhibit prejudice without the threat of immediate sanctions from others or disapproval from their peers.

A survey conducted by the NASUWT during 2015 on the abuse of social media against school staff in Scotland showed that 68% of teachers had experienced insulting comments, allegations of inappropriate behaviour with a pupil, comments on their performance or other comments posted about them online or on a social networking site. The vast majority of cyberbullying against teachers had been carried out by pupils aged between 11 and 16 years of age. However, abuse had also been received from pupils as young as five years of age.

Two in five teachers (44%) responding had also received offensive comments or harassment on social networking or other internet sites by parents. NASUWT surveys show that whilst schools are required to have anti-bullying policies and procedures in place to tackle cyberbullying, many schools had failed to include aspects of homophobic and other forms of prejudice-related bullying. Moreover, where schools have such policies, these are often not clearly communicated to pupils, parents and staff.



## **2. CREATING A POSITIVE CULTURE IN SCHOOLS**

### **The benefits to schools of tackling homophobic bullying**

Where the culture and practices of schools and colleges do not promote a safe and healthy environment, all pupils and staff are affected adversely.

In particular, standards of teaching and learning are undermined and staff turnover affected.

Schools and colleges must establish a clear programme of action to tackle bullying and all forms of violent and disruptive behaviour, including homophobia, through a policy of zero tolerance.

### **Why sex and relationship education is important**

Effective sex and relationship education is important in helping young people make responsible and well-informed decisions about their lives. It enables young people to develop self-respect as well as respect for others.

It is clear that a whole-school approach is needed to successfully challenge bullying and create an environment where children and young people feel safe to learn. This requires consistency: a consistent approach to tackling instances of prejudice and bullying; and consistent messages given out about understanding and respecting diversity, promoting equality, social cohesion and reinforcing mutual respect.

Stonewall's advice on tackling homophobia in secondary schools asks schools to:

*'consider how to appropriately integrate sexual orientation into the curriculum in a positive and constructive way, which enables both heterosexual and gay pupils to understand and respect difference and diversity.'*

### **Tackling homophobic bullying**

It is essential that schools develop policies and procedures that address the problem of homophobic bullying.

Education Scotland has produced a toolkit entitled 'Dealing with Homophobia and Homophobic Bullying in Scottish Schools' in partnership with LGBT Youth Scotland. This guidance aims to develop the confidence and skills of school staff in recognising, preventing and dealing with homophobia and homophobic bullying in schools, in the context of the curriculum for excellence.

The toolkit addresses areas including:

- the key issues facing LGBT young people, defining homophobia and homophobic bullying and understanding its impact;
- responses to questions on homophobic bullying, gender stereotypes, trans young people and transphobia, discussing LGBT issues and supporting LGBT young people;
- homophobia and homophobic bullying in school policies, inclusive anti-bullying policies, an anti-bullying policy 'health check' and raising awareness of policy;
- practical guidance in areas such as challenging homophobia, the use of language, recording and monitoring incidents, confidentiality, information sharing and involving parents and carers in anti-homophobia work;
- suggestions of good practice and ways to kickstart anti-homophobia work in schools including ways in which to raise awareness of LGBT issues in the school and wider community;
- a range of adaptable cross-curricular lesson plan suggestions for third, fourth and senior levels, along with guidance on addressing anti-homophobia and LGBT issues with young people.

Opportunities exist for Scottish schools to consider how best to tackle homophobic bullying within anti-bullying policies, equal opportunities policies etc., and these are explored further in Section 4.

### **3. RESPONSIBILITIES OF THE EMPLOYER**

Acts of homophobic bullying may result in a range of actions, including criminal or civil claims being brought against the employer and the bullying individual.

#### **Equality Act 2010**

Schools cannot discriminate against pupils, staff or members of the public on grounds of their sex, race, disability, religion and belief, age or sexual orientation. Protection is extended to those undergoing gender reassignment.

Provisions within the 2010 Act mean that schools must have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity;
- foster good relations.

As employees, teachers and other members of the school workforce are legally protected from discrimination on the basis of:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion and belief;
- sex;
- sexual orientation.

Employees should therefore be protected by their employer from any of the following actions:

- direct discrimination – acts of overt discrimination to a person's detriment, such as denying them promotion on the basis of a protected characteristic;
- indirect discrimination – a discriminatory provision, criterion or characteristic, such as a promotion requirement or working pattern that cannot be objectively justified;
- discrimination arising from disability – for instance, a capability procedure that arises from a person's disability-related absences;
- harassment – acts of unwanted conduct that threaten or violate a person's dignity, such as making unreasonable demands, bullying or 'stalking';

- victimisation – particularly after making a complaint about discrimination or lodging a claim at an employment tribunal;
- failure to make reasonable adjustments in order to accommodate a person's disability.

The concept of associative discrimination contained within the 2010 Act means that a teacher or member of staff is protected from discrimination relating to a family member, colleague or friend; for example, being harassed on the grounds of a relative being gay or lesbian.

The Act makes it unlawful for schools and colleges to discriminate against, harass or victimise a pupil or potential pupil:

- in relation to admissions;
- in the way it provides education;
- in the way it provides pupils access to any benefit, facility or service;
- by excluding a pupil or subjecting them to any other detriment.

It is unlawful to discriminate against a trans pupil, a pupil who is pregnant or one who has recently given birth. The concept of associative discrimination also means that it is unlawful to harass or victimise a pupil for anything relating to or done by their parent or sibling in relation to the areas covered by the Act, e.g. it is unlawful to victimise a pupil because they have a gay parent or a disabled sister.

To view the Equality Act 2010 and Explanatory Notes, go to [www.homeoffice.gov.uk/equalities/equality-act](http://www.homeoffice.gov.uk/equalities/equality-act).

### **Health and Safety at Work etc. Act 1974**

All employers have a duty of care to their employees.

This means that they must work to ensure the physical and mental health and wellbeing of all employees.

Employers are also required to assess the work-related risks to the health and safety of their employees and to take appropriate action in the light of such an assessment.

This duty of care means that employers should have in place a workplace harassment policy and procedure that is properly implemented. Such policies and procedures should include reference to homophobic bullying.

In law, employers are also responsible for the conduct of their employees during the course of employment. This is known as their 'vicarious liability'. The employer is responsible even if the unacceptable conduct is committed without their knowledge or approval.

The employer can be held liable under both criminal and civil law unless it can be shown that all reasonable steps have been taken to eliminate unwarranted behaviour.

## 4. STRATEGIES AND REMEDIES

### School ethos

The NASUWT believes there are a number of strategies and mechanisms that help set out what schools can do to help deliver on their commitment to challenging homophobia, such as:

- the staff handbook;
- school documentation that clearly states that the school does not tolerate homophobia;
- appropriate references in recruitment information and publicity;
- induction programmes for new pupils/parents/staff that explicitly address issues of homophobic and other types of prejudice-driven bullying;
- appropriate whole-staff training and guidance, including continuing professional development (CPD) opportunities;
- effective equal opportunities, dignity at work and behaviour policies.

### Anti-bullying policy

School leaders should satisfy themselves that their policies comply with the Human Rights Act 1998 and that school anti-bullying policies should include specific reference to all bullying on grounds of sexual orientation. The protection available to pupils within the school should also be available to staff. The policy should explicitly address the problem of pupils who bully staff.

### Equal opportunities policy

Schools should have a policy in respect of equal opportunities, which should be reflected in all aspects of school ethos and school life. It should apply to staff, pupils, parents/carers and all others who use school premises.

The policy should include reference to the problems of discrimination, bullying and persecution on grounds of sexuality and gender identity issues. It should be disseminated to all staff, pupils at the school and parents/carers.

All staff should receive training in respect of the policy.

In addition, the policy should be monitored regularly with a view to identifying and dealing with any trends or issues of concern. Schools must also comply with the public sector equality duty, in line with the Equality Act 2010.

### Curriculum

The 'Dealing with Homophobia and Homophobic Bullying in Scottish Schools' toolkit provides useful information on cross-curricular lesson plans, with ideas

and suggestions for third, fourth and senior levels and guidance on addressing anti-homophobia and LGBT issues with pupils.

An effective, coherent and robust school sex and relationship education policy should:

- provide help and support to young people through their physical, emotional and moral development;
- enable young people to understand human sexuality;
- help young people learn respect for themselves and others.

Addressing these issues is an essential prerequisite to tackling the problem of homophobic bullying and an essential form of early intervention.

### **Behaviour management**

All schools should develop policies that provide the conditions for all pupils to learn and for all teachers to teach in a safe environment free from violence and disruption.

Violent and aggressive language and behaviour and all forms of harassment and bullying are unacceptable. Such behaviour must not be tolerated or seen to be tolerated by the failure of school management to take firm action against bullies. The school's behaviour policy and procedures should clearly define what sanctions will be used to deal with such behaviour, including the use of exclusion.

The Union advises that all schools should consult with their staff when drawing up the behaviour management policy and procedures and that parents and carers should also be involved.

Schools can address the problem of bullying related to sexual orientation and gender identity through a range of measures, including:

- encouraging pupils to report incidents of bullying;
- making available gender-neutral toilets;
- monitoring incidents of bullying;
- raising awareness of teaching and non-teaching staff so that they are alert to signs of bullying and clear as to how to respond;
- strategies covering break times;
- appropriate staff training.

## **Pastoral and other support**

Access to support and counselling facilities is important for staff and pupils who experience homophobic abuse. All instances of bullying should be followed up, regardless of the pastoral or other support offered. Confidentiality should be respected. In the case of pupils, however, it may not be appropriate to promise confidentiality.

The NASUWT supports the adoption of a number of strategies for reducing homophobic bullying, including:

- making clear reference to the unacceptability of homophobic bullying in the school's anti-bullying policy;
- in-service training for staff;
- guaranteeing confidentiality and appropriate advice to LGBT pupils;
- challenging homophobic language;
- exploring issues of diversity and difference;
- exploring pupils' understanding of their use of homophobic language.

## **Actions school staff can take about pupil bullying**

Teachers and other staff should keep a written record of any incidents of homophobia that they witness or that are reported to them, including details of:

- times and dates;
- places;
- witnesses;
- pupils involved;
- the nature of the bullying.

Incidents of homophobic bullying should be communicated to the school management so that effective action can be taken. At the same time, any concerns regarding confidentiality should be considered.

Procedures should aim to:

- protect the person experiencing homophobic bullying;
- hold to account the person causing the harm;
- repair, as far as possible, relationships between those involved.



## 5. NASUWT SUPPORT FOR MEMBERS

### Advice

Every teacher has the right to respect and a safe working environment. Any member who has experience of homophobic abuse should keep a written note of the event(s) causing concern, including details of:

- times and dates;
- places;
- witnesses;
- persons involved;
- the nature of the bullying.

Where members experience difficulties in their school, they should contact the NASUWT immediately.

In addition, teachers should obtain a copy of their school's equal opportunities, behaviour and/or dignity at work policy and any policies and associated procedures for dealing with homophobic bullying, harassment and discrimination.

### **NASUWT support for members**

The NASUWT offers a regular programme of training on equality matters for its Workplace Representatives and Local Association Secretaries. Representatives are trained in the handling of all areas of casework involving workplace discrimination, harassment and bullying, including homophobic bullying. The Union also offers courses for members on behaviour management, tackling bullying and assertiveness, as well as a specific development course for LGBT members.

The NASUWT has a national LGBT Members' Advisory Committee which provides advice to the National Executive Committee and informs the policies of the Union in respect of equality for LGBT members. The Union also has an annual Consultation Conference for LGBT teachers.

The NASUWT vigorously campaigns to promote equality for LGBT members and was at the forefront of a joint union legal challenge to the UK Government's implementation of the Employment Equality (Sexual Orientation) Regulations 2003.

The Union also supports international campaigns to stamp out homophobia through its work with Education International (EI) and Amnesty International

and support for organisations such as the Jamaica Forum for Lesbians, All-Sexuals and Gays (J-Flag), the Cuban National Centre for Sex Education (CENESEX) and Sexual Minorities Uganda (SMUG).

Any NASUWT member who is subject to homophobic bullying should contact the NASUWT, where they will receive:

- confidential face-to-face and telephone advice;
- information;
- workplace representation, as appropriate;
- legal advice and assistance, as appropriate.

The NASUWT works in partnership with EI, the European Trade Union Confederation (ETUC) and Amnesty International and supports these international organisations in campaigning against homophobic bullying. The NASUWT was heavily involved in the drawing up of the TUC Charter on International Lesbian, Gay, Bisexual and Transgender Solidarity.

As well as being part of the Anti-Bullying Alliance (ABA), the NASUWT is actively involved in a national campaign with Stonewall and other partners in challenging homophobia and homophobic bullying in schools. The Education For All campaign aims to promote a safe learning environment for all through a number of national strategies. For more information on the Education For All campaign, contact Stonewall via [www.stonewall.org.uk](http://www.stonewall.org.uk).

The NASUWT has led the campaign on combating prejudice-related bullying and campaigned to ensure that this particular type of bullying is included in anti-bullying guidance. The NASUWT continues to make representations and lobby on the need to provide sufficient guidance and facilitate reporting of incidents in order to address the problem of bullying in schools effectively.

## **6. OTHER SOURCES OF SUPPORT AND INFORMATION**

There are a number of organisations supporting individuals who have experienced homophobic bullying.

### **Stonewall Scotland**

Lobbying organisation for lesbian, gay and bisexual equality.

Mansfield Traquair Centre  
15 Mansfield Place  
Edinburgh EH3 6BB

Telephone: 0131 474 8019

**[www.stonewallscotland.org.uk](http://www.stonewallscotland.org.uk)**

### **Teacher Support Network Scotland**

A confidential telephone counselling, support and advice service for teachers.

08000 562 561 (24 hours)

### **Other sources of information or resources**

#### **Anti-Bullying Network**

The Anti-Bullying Network was established in 1999 with funding from the Scottish Executive to provide free anti-bullying support to school communities.

Simpson House  
52 Queen Street  
Edinburgh  
EH2 3NS

0131 339 9232

**[www.antibullying.net](http://www.antibullying.net)**

#### **LGBT Youth Scotland**

The largest youth and community-based organisation for LGBT people in Scotland, it aims to empower lesbian, gay, bisexual and transgender young people and the wider LGBT community so that they are embraced as full members of the Scottish family at home, school and in every community.

Tel Glasgow 0141 552 7425

Edinburgh 0131 555 3940

Dumfries and Galloway 01387 255058

## **Anne Frank Trust Scotland**

The Anne Frank Trust draws on the power of Anne Frank's life and diary to challenge prejudice and reduce hatred, encouraging people to embrace positive attitudes, responsibility and respect for others. The Trust works with Scotland's hardest to reach communities, including young offenders, asylum seekers and refugees and delivers high quality educational exhibitions, lessons and workshops developed in collaboration with the Anne Frank House in Amsterdam and the Anne Frank Trust UK.

Anne Frank Scotland  
Unit 6, The Courtyard  
Callendar Business Park  
Callendar Road FK1 1XR  
Telephone: 01324 692026

**LGBT History Month (formerly Schools Out UK):** a formal and informal support network for people who want to raise the issues of homophobia, transphobia and heterosexism in education.

**[www.lgbthistorymonth.org.uk](http://www.lgbthistorymonth.org.uk)**

**Cutting Edge Consortium:** organisations working for the elimination of any faith-based homophobia/transphobia and institutionalised prejudice towards lesbian, gay, bisexual and trans people.

**[www.cuttingedgeconsortium.co.uk](http://www.cuttingedgeconsortium.co.uk)**

**Families and Friends of Lesbians and Gays (FFLAG):** a charity dedicated to supporting parents and their lesbian, gay and bisexual daughters and sons.

**[www.fflag.org.uk](http://www.fflag.org.uk)**

**Educational Action Challenging Homophobia (EACH):** A charity providing support to individuals affected by homophobia and training to organisations committed to realising an equal and safe environment for all regardless of sexuality, age, ethnicity or ability.

0808 1000 143

**Gendered Intelligence:** a community interest company which looks to engage people in debates about gender, offers support to individuals and trans awareness training to organisations throughout the UK.

**[www.genderedintelligence.co.uk](http://www.genderedintelligence.co.uk)**



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