

COVID-19 Recovery Committee

**Road to recovery: impact of the pandemic on the Scottish
labour market**

9 September 2022

1. The NASUWT welcomes the COVID-19 Recovery Committee inquiry into the impact of COVID-19 on Scottish labour market inactivity and the prospects for recovery in the short, medium and long term, specifically focusing on the long-term sickness component of economically inactive people, as well as people who have chosen early retirement.
2. The NASUWT is the largest UK-wide teachers' union, representing teachers and school leaders in all sectors of education.

GENERAL COMMENTS

3. The NASUWT has been consistently campaigning for an education and health and safety policy that supports teachers who are suffering from Long COVID, in order to:
 - raise awareness of the experience of teachers who are suffering from Long COVID;
 - call for statutory recognition of the illness within legislation and inclusion in the definition of 'disability' under the Equality Act 2010;
 - challenge education employers to support teachers experiencing Long COVID and ensure they are treated fairly by:

- guaranteeing access to decent sickness absence provision;
 - recognising Long COVID as an illness; and
 - making reasonable adjustments available at work, including the right to time off and access to flexible working.
4. The Union has also been seeking to address the current inadequacy of the Teachers' Pension Scheme (TPS) by responding to cases of teachers who are unable to continue working because of Long COVID and demanding financial compensation for teachers who have contracted COVID as a direct result of their work.

SPECIFIC COMMENTS

What are the key factors driving the increase in labour market inactivity?

5. Before addressing the key factors, we should acknowledge the fact that the coronavirus, and the emergency restrictions introduced to tackle it, have affected specific sections of society differently and disproportionately. There is growing awareness that older people, those with disabilities, Black and minority ethnic (BME) people, as well as those from lower-socio economic groups, are most vulnerable to the transmission of the virus and have also been impacted by the scope and adequacy of the measures implemented to tackle the coronavirus.
6. The Union has been advocating for recovery to be understood as a long-term process, given the pandemic's far-reaching impacts. It should also be viewed as an opportunity to tackle deep-rooted structural issues that have been exposed and exacerbated by the pandemic. Other education systems, including those in the Netherlands and the United States, have developed bold and ambitious plans that reflect this reality. It was welcomed that in February 2022 the Education, Children and Young People Committee recognised and highlighted this comparative international evidence base and the absence of a similar inquiry in the UK within their report.

7. There has been a national failure across the public sector to effectively link data gathering and equality outcomes. This disconnect is in some part attributable to variations in the availability of data and an unwillingness to see the narrative of lived experience as being of equivalent import to a numbers-based dataset. Given that many people do not wish to disclose their protected characteristics, many public bodies view incomplete or limited data as an insurmountable barrier to effective strategic planning and reporting. The views and experiences of those with lived experience should be given far greater primacy within decision-making.
8. The NASUWT has been campaigning to ensure that any equalities impact assessment of the coronavirus must be cognisant of the cumulative intersectional effect of disadvantage experienced by people with protected characteristics.
9. The current absence of a rich, research-informed evidence base does create significant difficulties in accurately assessing the weight and distribution of factors generally and across groups with protected characteristics, which can lead to a persistently high number of economically inactive people; i.e. those 'not in employment who have not been seeking work within the last four weeks and/or are unable to start work within the next two weeks'.
10. The NASUWT is fully committed to tackling inequality, prejudice, discrimination and intolerance not only within education, but also within wider society. The Union has a long and proud history of challenging inequalities and championing equality and social justice throughout all of its policies and practices.
11. The NASUWT hosts an annual programme of Consultation Conferences for teachers who face disadvantage, unfair treatment and discrimination in the workplace. These Conferences are predominantly made up of people with protected characteristics and include women, BME, disabled and LGBTI teachers, and young teachers aged 30 and under.

12. This response reflects the experiences of these representative groups in the workplace as well as casework conducted by the NASUWT on behalf of members since the outbreak of the COVID-19 pandemic.
13. From this engagement with teachers, it is possible to confirm that there are a myriad of factors which have affected teachers and resulted in economic inactivity. These factors include but are not limited to: Long COVID; ill health resulting from or exacerbated by caring responsibilities, which result from a relative's infection with COVID or diagnosis with Long COVID; the interaction between Long COVID and pre-existing conditions; mental ill health caused by or exacerbated by COVID and concerns regarding workplace and societal health and safety; burnout, with teachers' mental health having been damaged by working excessive and unreasonable hours; teachers, having served on the frontline throughout the COVID-19 pandemic and having been placed under immense pressure, finding this level of stress unsustainable; and increased incidents of violent and aggressive behaviour within classrooms during the current recovery period, with teachers increasingly being subject to physical and verbal abuse at work.

Has Long COVID been a factor in current levels of labour market inactivity? If so, is this likely to be a permanent feature of the labour market?

14. The NASUWT Wellbeing at Work Survey 2021 ran from mid-December 2021 to early January 2022.¹ The survey revealed that around two thirds of respondents in Scotland with Long COVID had not declared their condition to their employer, suggesting a lack of trust and support. Only 25% of those who did declare their condition received positive support.
15. The NASUWT understands that many members are reluctant to inform their employer if they are suffering from Long COVID, for fear of punitive action being taken against them.

¹ <https://www.nasuwt.org.uk/news/campaigns/teacher-wellbeing-survey.html>.

16. Given that most people are not willing to disclose Long COVID to their employer, it will be difficult to correlate absence levels with the condition. However, one can infer that it is both highly probable that Long COVID has been a factor in current levels of labour market inactivity and, further, that it is likely to be a permanent feature of the labour market. Indeed, NHS inform notes the inadequacy of current data, stating:

‘As this is a new condition, understanding is developing all the time. Experts are learning more about how long symptoms will last, and it’ll vary from person to person. There can be different symptoms which often overlap. It can’t be said exactly how long coronavirus symptoms will last.’

What has been the labour market impact of the pandemic on people with pre-existing health conditions?

17. The impact of coronavirus on people with underlying health conditions and existing disabilities is stark and has sadly resulted in many deaths. Older people and younger disabled people with serious health conditions, including respiratory conditions and diabetes, are the most vulnerable to severe health impacts if they contract COVID-19.

18. The Union has sought to work with the Scottish Government to provide the necessary support to schools for ensuring the health, safety and wellbeing of all its staff and pupils. However, the Union has expressed concern at the practices of some employers who have not ensured that their staff are adequately protected from the risks of COVID-19 by requiring them to attend work, even if they are deemed vulnerable themselves.

19. Supply teacher members with underlying health conditions and disabilities have also been placed in an increasingly precarious employment position, often finding it difficult to secure work or, when employment is offered, finding insufficient protections are in place to ensure a safe working environment. The NASUWT has challenged those employers who attempted to flout equalities legislation and supported its members through casework and other employment support.

What factors have influenced some people to take early retirement?

20. The Union would advise the Committee to seek statistical data from the Scottish Public Pensions Agency (SPPA) who should, for example, be able to confirm the number of ill-health applications for public service pensions for the reason of Long COVID in the teachers' and other schemes.

21. At the last Scottish Teachers' Pension Scheme Advisory Board (STPSAB) meeting, there had been no such applications in the STPS, but this may have been because applicants were unable to provide suitable medical evidence. The NASUWT had requested a change in policy, which was supported by the other unions, but unfortunately this did not receive the approval of HM Treasury. An extract of the submitted position paper is set out below:

'In April 2021, data provided by the Office for National Statistics indicates that 114,000 teachers are reporting one or more symptoms of Long COVID across the UK. In common with governments across the UK, the NASUWT's priority is to retain teachers suffering from Long COVID in employment, with support from employers being provided and, where appropriate, reasonable adjustments made under relevant equalities legislation. The use of pension provision to support teachers suffering from Long COVID should be reserved for teachers who are unable to teach because of incapacity arising from the condition, and all attempts by employers to retain the teacher in employment have failed.

'Even though the number of cases of teachers' potential ill-health retirement for reasons of Long COVID are currently low, this may well be because teachers who are unable to work because of Long COVID are currently still in employment, receiving sick pay which will run out in due course. In addition, the NASUWT is receiving increased contact from members with Long COVID who wish to explore the viability of the IHR option. There is every reason to believe, therefore, that the number of Long COVID cases being considered by the STPS for ill-health retirement will increase. The NASUWT is therefore

outlining options to enable teachers who are unfit to teach because of Long COVID to receive ill-health benefits, for the consideration of the SAB, at this meeting.

'The definition of permanent incapacity adopted by the STPS is incapacity up to the normal pension age in the scheme. This is identical to the England and Wales TPS and, in the England and Wales TPS, this has posed a challenge for the Teachers' Pensions' Medical Advisor because Long COVID is a new and emerging condition; it is difficult to make a judgment that incapacity will be permanent under the Scheme Regulations. The NASUWT would be interested to know whether this is also the SPPA's experience or general approach.

'This situation is particularly unfair on younger teachers who have to provide medical evidence to support a judgment of incapacity for a longer period of time than older teachers. However, younger teachers do suffer incapacity from Long COVID and the NASUWT believes that it is important that the STPS takes action to avoid scheme provision becoming discriminatory on grounds of age. There is further developing evidence that the prevalence of Long COVID differs across sexes and ethnic groups, and it is also important that the STPS takes action to avoid other discriminatory impacts.

'The NASUWT believes that these issues could be addressed by a policy change in respect of ill-health retirement and that this should be explored by the SPPA. The NASUWT sets out an approach below which could be explored to address the issues it has raised.

'The NASUWT believes that teachers with Long COVID who are currently incapacitated and unable to teach for this reason should not be prevented from receiving ill-health benefits because they cannot demonstrate permanent incapacity under the STPS Regulations. The NASUWT accepts that Long COVID is a new medical condition and that evidence about the longevity of its symptoms is currently emerging, but the Union believes that the SPPA and the STPS need to respond appropriately to this.

‘One solution would be for applicants only to have to provide medical evidence to demonstrate incapacity for a fixed period of time; for example, three years, after which the continued payment of the ill-health pension will be reviewed.

‘Under the ‘fixed-term incapacity’ approach, the STPS would still assess whether the incapacity is total or partial, and either Tier 1 or Tier 2 benefits could be awarded, but the ill-health pension would be awarded for a fixed period of time only. Following review, the SPPA would determine whether to:

- continue with the ill-health pension;*
- change the tier of the pension (either from Tier 1 to Tier 2 or Tier 2 to Tier 1); and*
- withdraw the ill-health pension.*

For reasons of fairness and consistency of scheme provision, teachers with any medical condition, not just Long COVID, would be eligible to receive benefits under the fixed-term incapacity provisions.

The NASUWT asks the SPPA to:

- scope out the fixed-term incapacity approach to STPS ill-health pension benefits and provide a report to the STPSAB; and*
- liaise with HM Treasury over the potential adoption of the fixed-term incapacity approach to STPS ill-health pension provision.’*

22. The current restrictive rules around early retirement on grounds of ill health while suffering from Long COVID should be borne in mind as they will impact on the robustness of the data which the SPPA will be able to share.

23. Equally, the SPPA would not hold data on the number of teachers who have dropped out of the employment market without applying for ill-health pensions because of Long COVID. Individual local authorities may hold this data, or COSLA may be in a position to coordinate this, and the Committee may wish to make an approach to COSLA for further data.

24. As well as the evidential barriers to access ill-health retirement on grounds of Long COVID outlined above, there are other reasons why data sought

from the SPPA may not show the full picture. For example, teachers who were working beyond the normal retirement age, but who were forced to retire due to Long COVID, would not show up in the system as an early retirement as they would already be at an age where they can access their pension. Equally, teachers who were already retired but undertaking some supply work pre-pandemic, and who are now no longer working to supplement their pension, may not be easily captured. Finally, teachers who are either still on long-term sick leave or who are trialling reduced hours will be difficult to capture in the data set as they may end up taking early retirement.

25. The factors listed in paragraph 13 above would apply to early retirement as well as to other instances of economic inactivity.

Thinking about labour market participation, have certain groups of society and parts of the country been impacted more than others?

26. The coronavirus, and the emergency restrictions introduced to tackle it, have affected specific sections of society differently and disproportionately. There is growing awareness that older people, those with disabilities, BME people, as well as those from lower socio-economic groups, are most vulnerable to the transmission of the virus and have also been impacted by the limited scope and adequacy of the measures implemented to tackle the coronavirus.

27. As outlined above, the impact on people with underlying health conditions and existing disabilities is stark and sadly has resulted in many deaths. Older people and younger disabled people with serious health conditions, including respiratory conditions and diabetes, have been the most vulnerable.

28. At the outset of the coronavirus pandemic, the NASUWT received reports from teachers of abuse, prejudice and xenophobia targeted at predominantly Chinese and other East Asian teachers and pupils, and those perceived to be from those communities, in schools. The NASUWT

wrote to all UK ministers urging them to communicate with schools their legal obligations to tackle racial discrimination and all forms of hate crimes.

29. The NASUWT has extensive data from research and casework involving teachers which indicates that:

- few school and college employers considered race equality impacts as part of their plans and arrangements for the reopening of schools in the Autumn of 2020;
- Black teachers faced significant pressures to return to the workplace in the absence of racial equality impact assessments;
- risk assessments in schools had not been equality impact assessed and few employers had published their risk assessments;
- government guidance for schools and colleges included no specific advice on how to mitigate adverse racial equality impacts from COVID-19 in the reopening of schools and colleges;
- Black teachers were around 50% more likely to say they did not feel safe about plans for the reopening of schools compared to their white peers;
- Black teachers were significantly more likely to report being threatened by their employer with disciplinary proceedings or job loss when expressing concerns about returning to the workplace, when compared with their white peers;
- Black teachers reported feeling less supported by their employer overall and were also more likely to report being denied access to personal protective equipment (PPE) when compared with their white peers; and
- Black teachers reported experiencing systemic racism, with nearly two thirds (66%) reporting that levels of racism in the workplace had increased or remained the same.

30. The NASUWT has consistently reported that unjust treatment, harassment and victimisation is a daily reality for Black teachers in schools and colleges. Seventy per cent of Black teachers believe that Black people living in the UK are rarely or never treated fairly.

31. Black teachers are more likely than their white peers to be found at the lower end of the pay structure. They are more likely to be engaged in short-term supply work and employed on temporary contracts.
32. The experiences of teachers during the pandemic reflect deeper concerns about the experiences and treatment of Black workers in general. These include factors such as institutional racism and a public policy framework which is, at best, weak in terms of addressing racial prejudice and discrimination, if not hostile towards those from minority backgrounds. Whilst there is a duty on employers to promote community cohesion, there is no effective mechanism in place to hold schools to account in terms of their work and contribution to racial equality.
33. The NASUWT believes that addressing the issues that prevent Black teachers from both entering the teaching profession and progressing and staying in the profession is essential for a truly equitable education system. Racial inequality exists at different levels within the education system and is stubbornly persistent, affecting Black teachers' morale and long-term career aspirations. For the education system to be able to deliver for all of society, discrimination has to be challenged and rooted out wherever it is found. Feedback from members indicates that there is a long way to go and this is reflected in the following extract, taken from an NASUWT Black teacher roundtable event:

“Unfortunately, Scottish schools are not welcoming for people of BME backgrounds as we are not doing enough to recognise their achievements nor celebrating the diversity we have in Scottish schools. I feel that in the same way we are trying to build an acceptance and tolerance about other issues in society; there isn't enough being done to stamp out racism and Islamophobia; it's not seen as a priority even though it is a very real issue. I know of many Muslim women who have left teaching altogether due to suffering Islamophobic bullying, and of others who have left to work abroad due to better conditions and opportunities too.”

34. As reported by the Women's Budget Group, for a number of factors, women form the majority of workers with the highest exposure to COVID-19. Of the 3,200,000 workers in 'high risk' roles, 77% are women. Whilst men are at a higher risk of COVID-19 fatalities, women form the majority of those providing paid and unpaid care and health work.
35. The National Domestic Abuse Hotline reported an increase of 25% in calls during the coronavirus lockdown. Domestic violence and abuse is predominately experienced by women. Self-isolation confined many women and children in homes with their abusers, threatening their emotional and physical health and putting them in danger of further abuse. Access to specialist support services for women became further limited as a result of social distancing rules and rapidly reduced funding. The NASUWT supported the call of the UK Women's Budget Group for an increase in funding for women's organisations, such as Refugee Women, to respond to this increasing demand for safety from violence and abuse.
36. Women make up 70% of the teaching profession and this percentage is reflected within the NASUWT membership. The NASUWT has embarked on a comprehensive campaign focusing on tackling gender inequalities in the workplace and beyond. This has included a widespread campaign on tackling sexual harassment. A survey conducted by the Union in 2018 showed that a fifth of respondents had been sexually harassed during their time as a school teacher and/or school leader. Of those, more than a third had been harassed by a colleague, almost a third by a manager, 8% by a parent, and 42% said they had been sexually harassed by a pupil. Regrettably, during the pandemic, we witnessed a resurgence of sex discrimination in the workplace, including appalling treatment of pregnant teachers who had faced escalated workplace discrimination.
37. The impact of emergency measures and restrictions also saw women teachers facing a disproportionate burden of unpaid care during the crisis. The majority of teachers are women who have kept children's education going throughout this crisis, often trying to juggle the demands of remote education with the demands of looking after their own children and

families. And, as social care services were brought to the brink or closed, it was often women who were left to provide unpaid care for those who were required to shield at home.

38. The impact of the coronavirus has shone a light on the multiple areas of institutional sexism and the systemic discrimination and disadvantage experienced in the workplace. These barriers, in conjunction with the increased transmissibility of the virus to groups with protected characteristics, has meant that certain groups of society have been disproportionately impacted by COVID-19 and economic inactivity.

Have there been sectoral differences from economic inactivity – for example, have Health and Hospitality sectors been more exposed than, for example, Finance?

39. The NASUWT, in addition to the support we are providing to our members across the UK, is committed to ensuring that Members of the Scottish Parliament remain informed of key challenges and concerns affecting schools and colleges. In a briefing to MSPs on 18 May 2022, the following stark statistics were shared:

- *An estimated 1.3 million people are living with Long COVID as of 6 December 2021.*
- *The teaching and education sector has the second highest rate of prevalence of Long COVID.*
- *40% of Long COVID sufferers first caught the virus at least a year ago.*
- *64% of people with Long COVID describe their symptoms as impacting on their daily life, with 20% saying their ability to undertake day-to-day activities had been limited a lot.*
- *Women aged between 35 and 69 are most likely to experience Long COVID.*

40. The vast majority of those suffering from Long COVID had a mild initial infection that did not require medical intervention. It is of note that the

latest ONS estimates now show that 1.8 million people in the UK are experiencing Long COVID.

41. The ONS has reported teachers and other education professionals as being among those most likely to experience Long COVID, a reflection of the frontline nature of their work in settings where social distancing has often been nigh on impossible and where help from the Government in implementing mitigations such as improved ventilation has been woeful.

42. While there is much that is yet to be understood about the condition, it is apparent that some sufferers have experienced a long-term decline in their health.

43. The ONS figures indicate that nearly one in five of those with self-reported Long COVID symptoms first caught the virus over two years ago, and 43% at least one year previously.

44. We now have millions of people living with a significant and potentially ongoing impairment to their health and we need to rethink how we support those of working age to maintain their employment and do their jobs without further compromising their wellbeing.

45. Even before the pandemic, our casework suggested that employers' attitudes towards sickness and disability were often inflexible, unsupportive and, in some cases, discriminatory. Since the pandemic, our research indicates that little has improved.

46. Of those members who indicated in our wellbeing survey that they were suffering from Long COVID, nearly two thirds said they had not declared this to their employer. When asked why, 63% said they did not see the point in doing so, 36% did not want to be labelled as suffering, 33% were concerned about the impact on their future prospects, and 31% were concerned about punitive action from their employer.

47. Crucially, only 16% said they did not report it to their employer because their symptoms did not impact upon their work. That means that the vast

majority of teachers with Long COVID are suffering in silence at work; feeling the impact of the condition on their health and wellbeing but feeling unable to ask for the help and support they need.

48. Even among those members who had reported experiencing Long COVID to their employer, nearly three in ten said their employer had not been supportive.

49. Less than a quarter of teachers who responded to the wellbeing survey said their school or college offers flexible working opportunities. Given that fatigue is the most common symptom reported by those experiencing Long COVID, the resistance in the majority of schools and colleges to allowing staff to permanently or temporarily change their working hours or working patterns is likely to be a significant barrier to managing and recovering health for those living with Long COVID.

50. Similarly, the failure to address the culture of excessive workload and working hours in education means that teachers experiencing Long COVID symptoms are particularly likely to find it difficult to manage their condition and remain in the profession.

51. There is much that can be done to improve the experiences of those teachers living with Long COVID. We are campaigning for statutory recognition of Long COVID and for it to be included in the definition of 'disability' under the Equality Act 2010, to help unlock greater support for sufferers. In a major step forward, an employment tribunal recently ruled that the symptoms brought about by Long COVID can be classed as a disability. We also want to see employers stepping up to guarantee access to decent sickness absence provision and making reasonable adjustments available at work, including the right to time off and access to flexible working.

52. Schools are already finding it harder to fill teaching vacancies as pay declines and workload increases, and a failure to support teachers with Long COVID is only likely to result in more teachers feeling forced to leave the profession they love for the sake of their health.

What policies might encourage people to re-enter the labour market?

53. In addition to the supports outlined above in relation to Long COVID, the NASUWT has been engaging with the Scottish Government to find out what has been done over the summer and what the Government plans to do to protect teachers and pupils this coming year and, in particular, to reduce the risk of another winter of COVID disruption and illness in schools.

54. With scientists predicting a further significant wave of infection in the coming term, the NASUWT has been urging the Scottish Government to take the following preventative measures:

- Provide additional funding and direction to schools to improve ventilation

National oversight of a programme of maintenance should be provided to assess and improve natural ventilation: all windows should be able to be opened and air vents be cleared. Other forms of ventilation should also be considered, where necessary. A study in Italy overseen by the Hume foundation in March this year found that efficient mechanical ventilation systems can reduce the transmission of COVID-19 in schools by more than 80%. Research also indicates that keeping CO² levels below 1,000 parts per million helps cognitive functioning, which is obviously vital in any learning environment.

- Provide HEPA air filtration devices to all schools

This is an immediate and necessary measure required while schools improve their ventilation. Feedback from our members continues to indicate that the availability of CO² monitors is patchy and there remains considerable variability in terms of their training and use. HEPA filters are a long-used and proven technology removing all types of airborne particles and have been proven to effectively remove aerosols containing COVID-19 particles from the air. For example, a study undertaken at a hospital in Cambridgeshire earlier this year demonstrated that virus levels in the air of a ward treating COVID-19 patients were reduced to undetectable levels when HEPA filters were employed.

- Commit additional funding for schools to cover supply costs for teaching and support staff absences

All measures must be taken to minimise the impact on teaching and learning. Supply cover has been a major additional expense over the last two years and local authorities/schools need to be reassured that they will receive additional funding for this, if needed.

- Make lateral flow tests available for free to all staff and pupils in education settings

Rapid identification of someone having the virus remains a key measure in helping to reduce transmission and wider disruption to learning, so we would like to see the return of free lateral flows tests for staff and pupils.

- Issue clear public health guidance for education settings

While we welcome the continued broad messaging from the Scottish Government around COVID, some specific public health advice targeted at schools/colleges on what they should be doing to minimise the chance of infection would be useful.

- Run a broader public health messaging campaign on vaccination

While there is an understandable focus on booster vaccinations for the clinically vulnerable and older age groups, we feel that this messaging should be widened to include others, particularly given the very low rates of childhood vaccination.

- Re-emphasise the need for COVID risk assessments

In our experience, employers need reminded about the importance of risk assessments so a renewed focus on these, especially for clinically vulnerable workers and pregnant staff, would be welcomed.

- Reinstate SNCT Arrangements for Covid-19 Absences

SNCT Circular 22/89, which outlined that COVID-19 absence would be treated as paid special leave (up to a maximum of ten days), was dropped by

the employers' side of the SNCT on 1 July without the promised review of it. We have been seeking the Scottish Government support for its immediate reinstatement.

- Provide Meaningful Wellbeing Support to Staff

Teacher and school leader wellbeing and mental health have suffered immeasurably as a result of the pandemic. As well as being important concerns in their own right, these have always been central to securing an effective, motivated and resilient workforce, capable of meeting the challenges associated with providing worthwhile and engaging learning opportunities for children and young people. A wide-ranging programme of wellbeing support needs to be developed which has the capacity to reach all staff who require it.

55. Given what has been learnt about the level of educational disruption and illness this virus can still cause, and with education staff having among the highest rates of Long COVID (according to the ONS), in our view there is no reason why the Government cannot enact these helpful measures. The Scottish Government should look to immediately set out its plans to protect learning and health this academic session.

56. The NASUWT would be happy to meet with the Committee to discuss all of these issues in more detail.

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