

NASUWT

The Teachers' Union

casework code of practice

Status of the Casework Code of Practice

Casework assistance is granted to members in accordance with this Casework Code of Practice under the Rules of the NASUWT. Therefore, it is mandatory that accredited lay officers adhere to this Code.

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INTRODUCTION

The NASUWT is extremely grateful for the dedication and effort of its lay caseworkers in undertaking casework on behalf of members.

The Casework Code of Practice is intended to support caseworkers in ensuring the delivery of a quality casework service to NASUWT members and to minimise the risk of negligence claims or other legal challenges against caseworkers and the Union.

The Code of Practice reflects existing good casework practice and builds on caseworkers' vast knowledge and experience of conducting casework.

Adherence to the Code by all caseworkers is mandatory.

It is essential that the Union's caseworkers are accredited as they are acting in the name, and on behalf, of the NASUWT. The Code is necessary in order for accredited lay officers to be aware, as agents of the NASUWT, of their responsibilities to members and understand their role within the Union's procedures and the wider legal framework within which they operate. The NASUWT will be required to disclose its training records.

The Code gives guidance and is designed to assist accredited lay officers in their work. A copy of this Code is provided to all accredited lay casework officers.

ACCREDITATION

Caseworker accreditation is gained by attending appropriate NASUWT training (see Appendix A for details). Lay officers are required to attend this training before undertaking any form of casework. Lay caseworkers will be provided by Headquarters, normally every three years, with confirmation of their caseworker accreditation status.

OUR COMMITMENTS TO MEMBERS

The NASUWT is committed to equal opportunities and ensuring that all members are treated fairly and equitably at all times. The NASUWT recognises and takes its obligations under the relevant equalities legislation seriously. Caseworkers are required to work in accordance with the NASUWT Code of Conduct (see Appendix E).

To ensure our commitments to equality and member care, all caseworkers are required to:

- act in the best interests of members at all times;
- treat members fairly and equitably whilst not discriminating on the basis of a member's protected characteristics
(www.nasuwt.org.uk/equalities);

- treat members with dignity and respect;
- protect members' privacy and safeguard their confidentiality (www.nasuwat.org.uk/privacypolicy);
- not contact third parties without the member's permission;
- advise members in a manner that enables them to make informed decisions;
- provide members with information and updates on the progress of their case;
- provide members with advice, rather than instruct them on what to do;
- ensure that their accreditation is up-to-date and current before agreeing to undertake member casework.

Failure to comply with the above expectations can lead to de-accreditation.

INDEMNIFICATION

Lay caseworkers will not be indemnified for the following types of casework:

- cases where a serving member is terminally ill;
- ill-health retirement cases;
- cases involving alleged or suspected discrimination of any sort;
- any case where litigation will be necessary and any case involving early conciliation via Acas;
- settlement agreement negotiations;
- referrals to external agencies such as the Teaching Regulation Agency in England; the Education Workforce Council in Wales; the General Teaching Council (GTC) Scotland; GTC Northern Ireland; the Disclosure and Barring Service (DBS) in England, Wales and Northern Ireland; and Disclosure Scotland;
- cases involving potential safeguarding issues;
- cases where a member is subject to a formal hearing that could lead to dismissal;
- cases where a member is suspended for potential gross misconduct;

- personal injury, including stress-related personal injury claims;
- allegations of a criminal nature relating to the member's employment;
- non employment-related criminal issues;
- members wishing to submit a complaint about the conduct of their casework.

These cases must be referred immediately to the Regional or National Centre because of certain statutory deadlines and the associated legal implications of failing to meet them.

If the caseworker is in any doubt about casework indemnification or whether they are accredited to deal with certain types of casework, they should seek clarification from the Regional or National Centre.

ENSURING QUALITY CASEWORK PRACTICE

The NASUWT strives to provide an excellent quality of service to members in all that it does, including the provision of casework support.

In furtherance of this, caseworkers should ensure that they:

- familiarise themselves with the rules on casework eligibility and refer all queries on eligibility for casework assistance to the Regional or National Centre before any casework is undertaken;
- give preliminary advice in emergency situations where it is not possible to check a member's eligibility for casework assistance, but without making promises regarding a member's eligibility for ongoing assistance or representation;
- always accompany and/or represent members at meetings or hearings where they have the right to do so;
- inform the Membership Team of any changes to the member's circumstances;
- do not arrange meetings in a member's home, other than in very exceptional circumstances;
- provide members with their NASUWT contact details (e.g. email address, telephone number) only to ensure safe and confidential correspondence on casework matters;
- update the Regional or National Centre as required on the conduct and completion of member casework assistance.

Caseworkers may not:

- seek to exercise discretion regarding a member's eligibility for casework assistance;
- agree to waive or suspend the requirements pertaining to a member's subscription payment. Discretion to make any exception to the rules on eligibility or to waive or suspend subscriptions lies solely with the General Secretary or nominee;
- provide advice or assistance on an informal basis or represent the member as a 'friend', but act in accordance with the guidance on ethical practice in Appendix D;
- provide the member with financial or pension advice.

MEMBERS' ENTITLEMENTS

Casework shall be granted in relation to any matter arising out of or occurring in the course of the member's teaching employment.

Members requiring casework support must complete a Casework Assistance Form (CAF) at the outset of the case.

DATA PROTECTION

Members have the right under data protection legislation to see their case file.

The NASUWT General Data Protection Regulation (GDPR) policy must be adhered to at all times (see www.nasuwt.org.uk/gdpr). Care should be taken not to share or circulate a member's personal information and case file information with any third party without the member's express consent.

Caseworkers must ensure that any paper case files are kept in a secure place. This means in a locked drawer or filing cabinet in a secure office.

Electronic records/files should, as a minimum, be password protected.

Casework should not normally be conducted through a third party, other than with the express written consent of the member.

Caseworkers should not discuss or make comments about casework, even in an anonymous way, in social settings or via social media.

Caseworkers should not make any comments to the press on behalf of the members and/or the Union, and should refer any such contact to the Regional or National Centre.

Immediately after a member's case has been brought to an end, caseworkers should write to the member notifying them that their files will

be closed. Closed case files should be stored and destroyed securely in accordance with the Union's data protection storage and retention guidance (available at www.nasuwt.org.uk/gdpr).

Members have the right to request their personal data (subject access requests). Caseworkers should refer any such requests immediately to the Union's Data Protection Officer at: dataprotection@mail.nasuwt.org.uk.

In order to comply with subject access requests, caseworkers may be asked to harvest and submit personal data to Headquarters via the dataprotection@mail.nasuwt.org.uk inbox. Such requests need to be treated with the utmost urgency.

In the event that a caseworker is notified or is otherwise made aware of a potential breach of the security of a member's personal data, this must be reported immediately to dataprotection@mail.nasuwt.org.uk.

CASE MANAGEMENT

Caseworkers must create a file to keep a record of any advice given and/or action taken on behalf of the member. Caseworkers should ensure that:

- any paper case files are kept in a secure place, such as in a locked drawer or filing cabinet in a secure office;
- electronic records and files are password protected.

Casework should not be conducted through a third party, other than with the express written consent of the member.

The caseworker should first confirm the initial conversation with the member in writing, summarising the key points of the discussion.

The caseworker will then need to start gathering the information that will allow them to assist and advise the member. They should also request any further documentation/information that is required, which will include:

- a written explanation of the member's issues together with a chronology of events;
- the member's contract of employment and job description;
- any relevant correspondence between the employer and the member;
- any relevant school, local and national policies/procedures;
- the school handbook;
- payslips/salary details;
- any other relevant documentation.

In the case of routine enquiries, caseworkers should make contemporaneous records of all the contact made with the member, the employer or any third party (whether face-to-face, over the phone, or via email), confirming what was said by way of an attendance note. These should be kept in the case file.

In terms of managing members' expectations, caseworkers should never advise members that:

- they have a 'cast iron' case;
- the Union will pursue an Employment Tribunal claim on their behalf;
- the Union may be able to secure large sums of compensation in settlement of their cases; or
- the perceived perpetrator of their employment-related difficulties will be disciplined or dismissed.

Caseworkers should:

- keep in regular contact with the member;
- return calls promptly;
- provide regular updates on the progress of the case.

Caseworkers should confirm, in writing, the outcome of any meetings held with the employer and ensure that this is shared with the member.

If a number of options have been offered for the member's consideration, it is important to obtain the member's decision in writing. This will ensure there are no misunderstandings.

If the caseworker is unable to undertake their Union work or duties due to absence or for any other reason, and there is ongoing casework which cannot wait for their return, arrangements should be made for their casework to be covered in consultation with the local secretary or National Executive Member (NEM) or the Regional or National Centre.

If the caseworker is absent from work, including during school closure, the caseworker must ensure that they have in place an out-of-office contact message in the event of any emergency.

ENGAGEMENT WITH EMPLOYERS

Caseworkers must remember that they are 'front line' representatives of the NASUWT when engaging with employers. Caseworkers should seek to build professional relationships and avoid engaging in any personal conflict

with employers, but communications with employers should not be overfamiliar as this can be misconstrued by members. Additionally, caseworkers should adopt the following practices:

- respond promptly to any correspondence from the employer;
- not advance a position on behalf of a member that they know to be false;
- not forward internal communications to employers - for example, email trails between the caseworker and the Regional Centre;
- not copy employers into communications between themselves and the member without the explicit agreement of the member;
- ensure that any disclosures made to the employer do not breach the GDPR.

CRIMINAL MATTERS

For all employment-related criminal matters, including where contact is made by the police with a member outside office hours or during the weekend, or to request voluntary attendance at interview at very short notice, please see Appendix B.

SUPPORTING VULNERABLE MEMBERS

In circumstances where there is a concern that a member is contemplating suicide, or where a member is experiencing domestic violence, please refer to Appendix C.

COMPLAINTS

Members wishing to complain about the conduct of their case should be made aware of the NASUWT complaints procedure, details of which are available on the Union's website (www.nasuwt.org.uk/complaintsprocedure).

The NASUWT will require the co-operation of caseworkers who are the subject of the complaint, so that a review can be undertaken before a fully informed response can be sent to the complainant in the required time frame.

APPENDIX A

ACCREDITATION OF LAY CASEWORKERS – CASEWORK ELEMENTS OF TRAINING COURSES

NASUWT Workplace Representatives, on completion of appropriate training, can handle preliminary, informal stages of procedures at school level in consultation with Local Association Secretaries. In accordance with the Employment Relations Act 1999, union accreditation is issued to Workplace Representatives at Stage 1. Representatives at this level will usually only undertake formal casework at a very low level and this must be in liaison with Local Association Secretaries and the Regional or National Centre.

Representatives (Stage 1): Working Together is the foundation course for NASUWT Workplace Representatives. This course provides the essential knowledge, skills and confidence needed to carry out the role of a trade union representative. The Representatives (Stage 1) course provides only a grounding for casework, to be built on in subsequent training.

Crucial to the aim of securing a highly skilled and supported workforce is the work of elected NASUWT caseworkers, working hard to make life better for their colleagues and standing up for justice, fairness and equality.

Training focuses on skills essential in successfully handling casework and recognising where to signpost for help for the more complex problems that can arise, such as discrimination.

For full caseworker accreditation, the following training modules are mandatory:

- Representatives (Stage 1): Working Together;
- Representatives (Stage 2): Working Together;
- Discrimination Casework 1;
- Representatives (Stage 3): Casework.

Once full accreditation has been achieved, caseworkers will be issued with an NASUWT caseworkers' card. This indemnifies caseworkers to undertake casework on behalf of the Union and lasts for three years.

Additionally, caseworkers are required to attend one or more of the following modules/training events per year to keep their knowledge and skills updated, in order to maintain their accreditation:

- Legal Briefing;
- Equality Officers course;
- Representatives (Stage 3): Negotiation;
- Representatives (Stage 4): Casework;
- Advocacy;
- Caseworker forums arranged by National or Regional Centres;
- Discrimination Casework 1;
- Mental Health First Aid.

Caseworkers may choose any module/training event which suits their training requirements each year from the 'required additional' list. Caseworkers may attend more than one event or course each year.

EQUALITY

NASUWT activist training courses deal with both the social and employment aspects of discrimination and prejudice, while health and safety courses address equality issues as they relate to the health, safety and welfare of members in the workplace. Equality-related case studies are used to update members' skills and knowledge where appropriate.

The NASUWT Training and Development Equality briefings are open to all accredited caseworkers. These briefings provide updated information on equality issues, discrimination law and other employment-related topics of relevance to casework.

DE-ACCREDITATION

Lay officers may have their accreditation status removed via the Union's de-accreditation process. This can be as a result of not meeting the training requirements for caseworkers, or where the conduct of casework is such that it exposes the Union to legal challenges or reputational damage, or where there is failure to comply with the requirements contained in the Code (see Rule 27 of the NASUWT Rules available at: www.nasuwt.org.uk/rules).

APPENDIX B

CRIMINAL REFERRALS

The NASUWT arranges prompt and effective legal representation, by specialist solicitors, for members across the UK and various other jurisdictions who are facing work-related criminal allegations and investigations which arise whilst they are/were in qualifying membership of the NASUWT. For further information on the Union's Rules on eligibility for casework/legal assistance, see www.nasuwt.org.uk/legalsupport. Examples of the other jurisdictions in which legal representation can be provided include the Isle of Man, the Channel Islands and Gibraltar.

Student members who have a work-related criminal allegation made against them whilst on a placement in an academy, college or school are also entitled to such legal representation from the Union.

The NASUWT advises that in the event of a member being informed of a work-related criminal allegation being made against them, e.g. physical or sexual assault or theft, they should immediately contact the Union's Membership Support Advice Team on 03330 145550, or their relevant National Centre.

In the event that a member is personally approached by the police for an interview, the NASUWT advises that they should reply as follows: *"I am anxious to co-operate in getting this matter cleared up as soon as possible. I have been advised by my trade union not to agree to answer questions or make any statements regarding any potentially criminal matters until a solicitor is present."*

Usually, the police will accept this position and on request will provide their name, rank and contact details for their station, including a telephone number and an email address, to facilitate arrangements for an interview, to be conducted with appropriate legal representation in attendance, at a mutually convenient time.

In the event that members are approached by the police during out-of-office hours, they should contact their NEM, or seek support from Thompsons Solicitors on 0800 587 7530 for advice and assistance at such times.

In some, very rare, circumstances, the police may arrest a member. Should this happen, the Union advises that the member should accompany the officer(s) to the police station and insist on their right to access representation from a solicitor on arrival in custody.

On no account should a member make any statement to the police without a legal representative being present.

N.B.

A duty solicitor may not be aware of the consequences for teacher members that agree to accept a police caution. The regulatory bodies for teachers across a number of jurisdictions will treat a police caution as an admission of guilt and cause for a conviction without trial. Such cases present very serious challenges for members' current and future employment in teaching, in the UK and elsewhere.

APPENDIX C

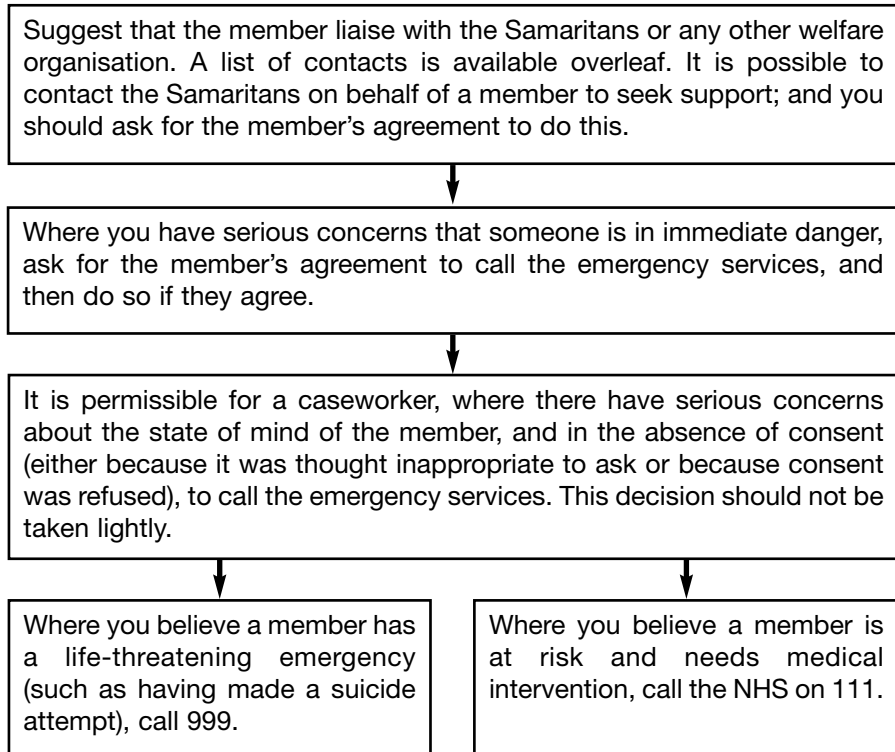
MEMBERS CONTEMPLATING SUICIDE (FLOWCHART)

Whilst members can often exhibit signs of upset and distress when facing problems at work, on some occasions members may also raise suicidal thoughts. This flowchart is intended to offer some advice on how to help members in such situations. There are some indicators that members may be at risk of attempting suicide. These include:

- talking about wanting to hurt or kill themselves;
- focusing on death, dying or suicide;
- disclosing they are self-harming;
- making preparations to end their life, such as putting final affairs in order.

When a member raises suicidal thoughts, it may be a cry for help. The most effective help for such a member is likely to be from those skilled in counselling, or in the medical profession.

If you are concerned that a member is at risk of suicide or threatening suicide:



In assessing whether a member is at serious risk of attempting suicide, ask open questions. There are four indicators that the situation is serious:

- Is the member thinking about suicide?
- Have they thought about the method?
- Have they made preparations to do it?
(such as obtaining medication)
- Have they considered when to do it?

Where the member has indicated yes to three or more of these questions, it may be reasonable to contact the Samaritans or emergency services in the absence of any consent from the member.

Support for you

Caseworkers who find themselves supporting someone who feels suicidal will often find the experience distressing for themselves. Make sure you take care of yourself and consider seeking some support.

It is important to take some time out and ensure that you have a support system in place. This could be talking to a friend or family member or a colleague in the NASUWT. Be mindful of member confidentiality when discussing any situation. You may wish to seek support from a helpline, and the Samaritans can specifically offer support to individuals who have themselves dealt with others in suicidal situations.

Below is a list of agencies to which members can be directed by caseworkers:

England

1. Samaritans
<http://www.samaritans.org/>
Telephone (UK wide): 116 123
Email: jo@samaritans.org
2. Education Support Partnership
<https://www.educationsupportpartnership.org.uk/>
Telephone: 08000 562 561 (UK-wide)
Email: support@edsupport.org.uk
3. Prevention of Young Suicide
<https://www.papyrus-uk.org/>
National Confidential Helpline – HOPELINEUK
Young person at risk of suicide or if you are worried about a young person at risk of suicide: 0800 068 4141

4. Campaign Against Living Miserably (CALM)
<https://www.thecalmzone.net/>
Telephone (if you are in London): 0808 802 5858
If you are outside London: 0800 58 58 58
5. Mind
<http://www.mind.org.uk/>
Telephone: 0300 123 3393 or text 86463
6. Console Suicide and Bereavement Counselling
<http://consolecounselling.co.uk/>
Telephone: 020 7821 8865
7. Maytree
<http://www.maytree.org.uk/>
Telephone: 020 7263 7070

Scotland

1. Scotland Association for Mental Health (SAMH)
<https://www.samh.org.uk/our-work/suicide-prevention.aspx>
Telephone: 0141 530 1000
Email: enquire@samh.org.uk
2. Breathing Space
<http://breathingspace.scot/>
Telephone: 0800 83 85 87
3. Choose Life – Suicide prevention in Scotland
<http://www.chooselife.net/>

Wales

1. Community Advice & Listening Line
<http://www.callhelpline.org.uk/>
Freephone: 0800 132 737 or Text 'help' to: 81066
2. NHD Direct Wales
<http://www.nhsdirect.wales.nhs.uk/>
3. West Wales Action for Mental Health
<http://www.wwamh.org.uk/>

Northern Ireland

1. Lighthouse
<http://www.lighthousecharity.com/>
Telephone: 028 9075 5070
2. The Niamh Louise Foundation
<http://www.niamhlouisefoundation.com/about-us/>
Telephone: 028 8775 3327
3. Aware NI
<https://www.aware-ni.org/>
Telephone: 08451 20 29 61
4. Lifeline
<http://www.lifelinehelpline.info/>
Telephone: 0808 808 8000

APPENDIX D

ETHICAL CODE FOR MEMBER CASEWORK

1. Scope

This code applies to all NASUWT Representatives, including lay officials and staff.

2. Non-discrimination

- (a) Membership of and employment by the NASUWT is incompatible with membership of, or expressed support for, extremist or far-right organisations whose raison d'être is to oppose, often with violence, a diverse, multi-cultural society that welcomes all races, religions, genders and sexualities.
- (b) NASUWT Representatives are required to challenge discrimination appropriately on the basis of protected characteristics such as age, race, sex/gender, disability, sexual orientation and other protected characteristics.

3. Confidentiality

- (a) NASUWT Representatives will inevitably become aware of information relating to individuals that is highly sensitive and confidential. This may relate to information on their particular case or to information about their personal and family circumstances. Such information must be treated with the utmost confidentiality.
- (b) Consequently, NASUWT Representatives must not discuss an individual member's case in a manner where the member may be identified, in any circumstances other than with appropriate NASUWT colleagues. This includes discussing individual member's cases in open offices or where they can be overheard by other persons or third parties.
- (c) The NASUWT guidance on data protection should be adhered to at all times.

4. Professional boundaries and conflicts of interest

- (a) NASUWT Representatives will from time to time have contact with individual members who may be vulnerable and who may be very dependent upon their caseworker.
- (b) In relation to members whom they are assigned to support with casework or other trade union assistance, NASUWT Representatives must ensure that they declare any existing personal relationship. If

necessary or appropriate, a decision will be taken by the General Secretary to assign an alternative representative to assist the member.

- (c) Where an NASUWT Representative is providing casework or other assistance to an individual member, the representative should not:
 - (i) meet with the individual member socially during the period whilst the member's case is active;
 - (ii) embark on an intimate or romantic relationship;
 - (iii) engage in correspondence, including via social media and text messages, that goes beyond that which would be expected in their normal professional relationship;
 - (iv) lend or receive money or gifts from the member;
 - (v) provide or receive accommodation to/from the member.
- (d) In the event that an NASUWT Representative becomes aware that they are at risk of breaching this requirement, then they must, as a matter of urgency, inform the General Secretary immediately.

5. Impartiality

- (a) NASUWT members have the right to make informed choices regarding the support provided to them by the NASUWT union. In order to do this, members must be given accurate and impartial information on which to make an informed decision.
- (b) NASUWT Representatives must ensure that all information relating to discussions or meetings with individual members is recorded and appropriately stored in accordance with the Union's principles and procedures governing the processing of members' personal data.

6. Gifts

- (a) Members may from time to time wish to show their appreciation for the service they have received. NASUWT Representatives should avoid giving the impression that giving/receiving gifts could influence the service or support provided to an individual member.
- (b) Where gifts are given by individual members, they should be declared to the President or General Secretary.

APPENDIX E

NASUWT CODE OF CONDUCT

NASUWT STATEMENT ON SEXUAL HARASSMENT

Introduction

1. The NASUWT opposes all forms of harassment, prejudice and unfair discrimination whether on the grounds of sex, race, ethnic or national origin, religion, class, colour, caring responsibilities, marital status, sexuality, disability, age, or other status or personal characteristic.¹
2. The NASUWT is committed to promoting and advancing equal opportunities through all of its structures, union organisation, campaigning and all other services and activities, including employment practices.²
3. In accordance with the Rules of the Association, it is an offence to harass or discriminate against another member on the grounds of gender and other protected characteristics. The NASUWT affirms its commitment to eliminating all forms of sexual harassment and violence against women, and will take action against any conduct in breach of this Rule.

Scope and terminology

4. Sexual harassment refers to unwanted conduct of a sexual nature which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.
5. Unwanted conduct of a sexual nature may include:
 - sexual comments or jokes;
 - taking and/or displaying sexually graphic pictures, posters or photos, including posts of a sexual nature through contact on social media, downloaded images, electronic device screens or other means;
 - suggestive looks, staring or leering;
 - propositions and sexual advances;
 - making promises in return for sexual favours;
 - sexual gestures;

¹ NASUWT Rules. Objects 3(c).

² NASUWT Rules. Objects 3(e).

- intrusive questions about a person's private or sex life, and discussing your own sex life;
 - spreading sexual rumours about a person;
 - coercion, including pressure for sexual favours;
 - sending sexually explicit emails or text messages;
 - unwelcome touching, hugging, massaging or kissing;
 - criminal behaviour, including sexual assault, stalking, indecent exposure and offensive communications.
6. Unacceptable sexual conduct may refer/relate to a person or persons of the same or different sex. It may be witnessed or overheard by a third party, and does not need to be directed at any individual.
 7. The NASUWT recognises that sexual harassment is overwhelmingly directed at women and predominantly perpetrated by men. Sexual harassment may also intersect with other forms of prejudice and discrimination, including on grounds of age, class, disability, gender identity, race/ethnicity, religion/belief or sexuality.

Acceptable and appropriate conduct

8. The NASUWT is committed to tackling sexual harassment involving members or representatives of the Union, NASUWT employees or any third party.
9. The NASUWT is committed to promoting acceptable and appropriate conduct at all times as a basis for preventing sexual harassment.
10. The NASUWT is committed to ensuring that all members, representatives, staff, visitors, contractors and other third parties behave in a courteous manner at all times when engaged in work for or on behalf of the Union. Aggressive, offensive, intimidatory, disrespectful or other unacceptable behaviour will not be tolerated.
11. The NASUWT will take all complaints seriously and act on them.
12. The NASUWT expects members, representatives, staff, visitors, contractors or other third parties to act appropriately at all times, to challenge sexual harassment and to promote acceptable and appropriate conduct by others.
13. The NASUWT will foster an environment in which individuals can be confident that when reporting incidents of sexual harassment, such complaints will be taken seriously and acted upon.

NASUWT
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