

## **ASTI Guidelines**

*on the use of Information Technology  
by teachers in a Covid-19 context*

*The ASTI is acutely aware that members have major concerns regarding the use of information technology in the current climate. These concerns are exacerbated when teachers are asked to engage with parents and students remotely using IT platforms on foot of public health advice.*

*The ASTI sought and considered legal advice on those key concerns and sets out the below advice for reference by members.*

## **Classroom Teaching**

### **Remote engagement is no substitute for classroom teaching**

Education is fundamentally a social practice. COVID-19 has dramatically underlined the importance of school in enabling education to ‘take place’ as a social practice. While the transmission of a society’s knowledge is an important dimension of education, the work of teachers in this process is deeply complex. When teachers teach, they are simultaneously creating a classroom environment which enables students to learn. They do this by observing students’ engagement with topics, their levels of understanding, their response to new concepts and knowledge. The concept of differentiation is useful to describe teachers’ classroom practice. Differentiation refers to the process of varying content, activities, teaching and learning methods and resources to take into account the range of interests, needs and experience of individual students. Students learn best in classrooms because they learn from their peers; they are exposed to different perspectives and understandings; they develop a collective identity as learners; above all, they have relationships with their peers and their teachers. It is this uniquely social dimension of education that sustains students’ motivation, curiosity, openness to learning. This social dimension is, moreover, central to young people’s developmental needs, their need to belong, to be respected and valued members of a community. These complex social interactions cannot take place online. All of the national and international research on the impact of school closure on students’ learning is unanimous on this point. Globally, teachers reported that the longer the school closure, the more marked the decline in engagement. Schools are the best places for the education of young people. Classroom teaching and the face-to-face interaction it entails are irreplaceable.

Equity and combating educational disadvantage are key policy goals for Irish education. Schools have made solid progress in meeting these goals as is underlined in annual OECD Education a Glance reports. High quality teaching delivered by professional practitioners ensures that the needs of individual students are identified and met in the classroom. Marked improvements in supports for students with additional and special educational needs have also been significant. Moreover, in school all students have access to learning resources – libraries, reference books, ICT, etc, – which may not be available in the family home. COVID-19 dramatically exposed the extent of the unequal access of students to learning resources, in particular, digital resources. Another key area of learning from school closure is the huge variation in parents’ experiences or capacities to support students’ learning. Notwithstanding the best will in the world, many parents found it impossible to provide the help which all students need when they are learning out of school. The experience of Covid-19 has established that classroom teaching is infinitely superior to remote teaching and learning.

# The Law

*The ASTI is mindful that there must be appropriate protections in place for teachers and students in the context of online interactions.*

*In looking at the area of remote teaching and learning, the general principles of data protection, child protection and employment law must be applied. Ultimately, the key considerations regarding the conduct of remote learning will be based on what is fair, reasonable and proportionate so as to ensure an appropriate and adequate education for students while protecting the privacy rights of both teachers and students.*

*Schools must develop policies that provide appropriately for this provision and should include the following:*

## 1. RECORDINGS

**The ASTI is advised that School Policies should not permit recording of virtual lessons where students participate or are in attendance.** The School is the data controller of both student and teacher data in such a scenario.

The lawful basis of consent as the basis for processing such recordings.

Consent is a lawful basis under Article 6(1) (a) of the GDPR. However, the GDPR also states that consent should not be relied upon where there is an imbalance of power between the data subject and the data controller, such as the relationship between the School and the teacher as an employee. If a teacher/student/parent feels compelled to give consent then this consent may not be a valid lawful basis for the purpose of GDPR.

Consent must be freely given, informed and unambiguous. The ASTI has been further advised that, having regard to the risks of online abuse to students and teachers and the risks of such recordings being maintained and shared inappropriately, such recordings would not appear to be necessary or proportionate from a data protection perspective especially taking account of the child protection issues that may arise.

## 2. ACCESS TO LIVE LESSONS

The ASTI is aware that there is a concern about who may have access to live streamed classes. In normal circumstances, third parties cannot sit in on lessons and observe interactions between children and the teacher. It is appropriate that the school policies and the guidelines should address this issue by explicitly providing that parents and others may not sit in on live lessons. There are child protection concerns that arise if others are observing interactions between students and the teacher. The School should provide clear guidance for teachers to follow if the teacher becomes aware that a third party is present during a live lesson with students. In this respect teachers should always exercise caution. Should any infringement arise in a school, management should act decisively.

## 3. ACCESS TO SCHOOL SYSTEMS

School policies should state that it is not permitted for parents/guardians/family members to access platform/systems and digital resources using an assigned personal pupil user account. To ensure clarity for parents in relation to their use of the platforms/systems, it would be appropriate for necessary meetings with parents to be processed through an alternative recognised acceptable online platform.

## 4. SCREEN TIME

In the context of remote learning the School (as the employer) will need to take account of its obligations towards employees under the Safety, Health and Welfare at Work Act 2005, the Safety, Health and Welfare at Work (General Application) Regulations 2007 and the guide issued by the Health and Safety Authority in respect of display screen equipment. The Regulations oblige the employer to “plan the activities of the employer’s employees in such a way that daily work on display screen equipment is periodically interrupted by breaks or changes of activity which reduce workload at the display screen”.

## 5. PRIVACY

Remote learning gives rise to an increased risk to privacy of teachers as students have access to images of teachers on a regular basis. School policies should forbid the recording or using of such images. It should also make clear that the school will take action if a student was to post a teacher’s image and/or defamatory content about a teacher on social media.

# Potential Scenarios

## Scenario 1: The school is closed due to public health advice

In this situation, all teachers who are medically fit to work are available to work remotely and may provide remote teaching to their students. This should be done using the school's equipment and digital platform. Teachers should be in a position to exercise their professional autonomy in terms of delivering lessons for students. Teachers should ensure that such provision is delivered within the allocated time for class contact with their students. Teachers must not be compelled to adhere to a virtual timetable. In order to support teacher health and welfare, management should not impose specific time requirements for live lessons. Teachers should be trusted to organise classwork and to use their professional judgement. The professional autonomy for teachers to decide the balance of activities, including screen time, must be respected. The assignment of independent work to students, including homework, is an integral part of the teaching and learning process. In the context of the additional mental strain imposed by remote learning, it is recommended that teachers be conscious of student overload in this regard. Provision should be flexible and appropriate materials may include supports and activities, video materials etc. It is crucial that teacher autonomy and professional judgement be respected and supported.

The flexibility of the above approach will provide the most beneficial learning experience for students given the challenges of online teaching and learning. It also allows the flexibility for teachers to be particularly cognisant of arrangements that support the wellbeing of students.

## Scenario 2: All students in a class/year group are at home and have been advised to self-isolate or restrict their movements

In this scenario, the subject teachers may provide remote teaching to all students in the class/year group, using the school's equipment and digital platform. This may be provided from within the school if the teacher is not required to self-isolate or restrict his/her movements. Teachers should be in a position to exercise their professional autonomy in terms of delivering lessons for students. Teachers should ensure that such provision is delivered within the allocated time for class contact with their students. Teachers must not be compelled to adhere to a virtual timetable. Teachers should be in a position to exercise their professional judgement and autonomy in terms of delivering lessons for students. This may include online teaching, provision of supports and activities, video material etc.

## Scenario 3: A teacher/number of teachers in the school are advised to self-isolate or restrict their movements

Where subject teachers are required to restrict their movements, they will avail of special leave with pay, in line with Circular 0049/2020. The Circular provides advice which teachers should follow. A teacher who is medically fit for work but has been advised to restrict his/her movements is available to work remotely.

A substitute teacher will be arranged to cover this teacher's teaching responsibilities in the school for this period. The work assigned to the teacher restricting his/her movements is set out at Section 12 of Circular 0049/2020.

## Scenario 4: A number of students in a single class group are advised to self-isolate or restrict their movements while their class colleagues continue to attend school

In this scenario, classes will continue as normal. Students at home could, for example, work on project work and other areas of learning using digital technologies. It is open to teachers to consider supporting the affected students in this situation using the school's digital platform. However, teachers should not provide recordings of live lessons for this purpose. See 'Recordings'. Teachers are not obliged to engage in such provision and it is clear that not all teachers are in a position to do so. In particular, no teacher should be asked to engage with students in a manner where they have not received training and/or with which they are uncomfortable and have safety or privacy concerns.

## Scenario 5: Student absent for a few days having been advised to restrict their movements

It is open to teachers to consider supporting the student in this situation using the school's digital platform. However, teachers should not provide recordings of live lessons for this purpose. See 'Recordings'. However, teachers are not obliged to engage in such provision and it is clear that not all teachers are in a position to do so. The issue of live streaming of classes is fraught with potential difficulties. Teachers should exercise caution in this situation.

### NOTES

*Substitute teachers should be arranged to provide remote teaching for students in classes where the teacher is absent owing to illness and is on sick leave. Where a teacher has been diagnosed with Covid-19 and is unfit to work a substitute teacher should be employed to provide remote teaching for students in their classes.*

*The school's digital platform(s) should be utilised by teachers and students. Students should use the school's digital platform(s) to access classes. In that context, the ASTI holds the position that there should be free provision of laptops, procured centrally rather than by means of grants to schools, for students and teachers to ensure that learning can continue as much as possible if classes are required to self-isolate, or schools required to close due to Covid-19.*