

The Educational Institute of Scotland

COMMUNICATION TECHNOLOGIES

Background

- 1.1 The following resolution was approved by the 2011 Annual General Meeting:

"This AGM calls upon Council to revise existing guidelines and policy on the appropriate use and potential misuse of communication technologies, including social networking media".

- 1.2 Extant EIS policy was agreed by the 2008 Annual General Meeting. This policy was developed with the support of Learning and Teaching Scotland. This policy has been updated and is appended (Appendix 1).

- 1.3 Since then the matter has become an issue for employers in situations where employees have posted derogatory comments on websites regarding the employer or other employees. ACAS has produced advice for employers (www.acas.org.uk).

- 1.4 This is also an issue for employees who have been subject to derogatory comments on social networks from students or pupils or from work colleagues and parents.

- 1.5 Teachers and lecturers have been dismissed for inappropriate communication with pupils and students. When such dismissals are reported to GTCS the teacher has been removed from the Register.

- 1.6 The EIS has been clear that GTCS should produce further advice on social networking and we are pleased that this has been done (Appendix 2). This GTCS guidance summarises what is covered:

"Reference to outline communications and social media include software, applications (including those running on mobile devices), e-mail and websites, which enable users to interact, create and exchange information online. Examples, include, but are not limited to, sites such as Facebook, Twitter, LinkedIn, YouTube, Wikipedia and My Space. Also included is the use of SMS and instant messaging clients, such as, MSN Messenger and BBM.

Workplace Policies

- 2.1 There is a need for employers to have clear policies to govern employees' use of social media, both in work but also in social settings. Such policies include instances where a teacher or lecturer potentially criticises the employer or other employees or enters relationships through social media with pupils or students. Appended is a summary of key issues to be negotiated in any policy (Appendix 3).

- 2.2 Any policy should be clear on the use of social media in the workplace not only when using equipment which belongs to the employer but also when using personal equipment, such as laptops or mobile phones which the employee may bring to work.
- 2.3 The EIS is opposed to any outright prohibition on the use of social media during working hours. However, the EIS accepts that employers are fully entitled to investigate excessive use during working hours or when teachers or lecturers are working with students and pupils. This position should be set out in the policy.
- 2.4 Any social media policy is likely to refer to using social media in private life if the employee complains about the employer, working conditions and pay or fellow employees through social networking. However, any such policy should be informed by common sense. As Brendan Barber, General Secretary of the TUC, has pointed out, when an employee was sacked for describing her job as boring: "Most employers wouldn't dream of following their staff down the pub to see if they were sounding off about work to their friends. Just because snooping on personal conversations is possible these days, doesn't make it healthy". Nevertheless, any social networking exchange which the employer considers is likely to bring the organisation into disrepute may lead to disciplinary action.
- 2.5 It should be noted that employees who set out complaints against an employer for being disciplined for inappropriate use of social media cannot depend on the Human Rights Act to defend their actions. In Crisp v Apple, Mr Crisp was dismissed for posting derogatory comments regarding the company on Facebook. The company had a clear social media policy but Mr Crisp argued that he had a right to post comments on Facebook under Article 8 of the Human Rights Act (the right to respect for private and family life) and under Article 10 (the right to freedom of expression). As the conduct was construed as having a bearing on Mr Crisp's relationship with his employer, as well as potentially damaging its commercial reputation, his unfair dismissal claim failed.
- 2.6 Where one employee uses social networks to harass or bully another employee, the employer may be vicariously liable, even if such acts are conducted without express consent of the employer. In other words the employer may be open to legal challenge. In this context it would be surprising if an employer chose not to investigate a complaint raised about the conduct of one of its employees on social network sites.
- 2.7 Any policy should have express provision for monitoring the use of the employer's telecommunication system, including use of the internet. The right of employers to reasonable monitoring is set out in the Regulation of Investigatory Powers Act 2000 and in the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000.
- 2.8 If the monitoring of internet use involves the processing of information from which any individual can be identified, the Data Protection Act 1998 will also apply and any policy should refer to the guidance provided by the Information Commissioner's Office, The Employment Practices Data Protection Code.

- 2.9 Where a teacher or lecturer wishes to communicate with students on matters relating to the curriculum then any electronic communication should be through approved means of communication, such as a college or school email system which is subject to monitoring procedures.
- 2.10 Finally, any policy should make reference to those who are authorised to blog, tweet or otherwise use social media to support the employer's business interests.

Policies for Pupils and Students

- 3.1 Scottish Councils, colleges and universities should also have explicit policies for pupils and students.
- 3.2 This policy should make it clear that any derogatory comment about the educational establishment and its employees or any students will be a disciplinary matter or, if considered of such gravity, by reference to the police.
- 3.3 The policy should cover defamatory comment or bullying or intimidatory behaviour and should cover both private use and use of the establishment's technology.

Advice for Members

- 4.1 The EIS should reissue advice to members with GTCS advice appended.

Conclusions

- 5.1 LA secretaries and branch secretaries in higher and further education should seek to negotiate policies on social networking to cover both employees and students.
- 5.2 Extant advice to members which has been updated should be reissued with GTCS advice appended.

SOCIAL NETWORKS

The use of new technologies raises a number of issues for EIS members. New technologies can assist teachers. Many teachers will also use social networks such as Bebo or Facebook in their private lives and may be approached by pupils or students through social networks.

The EIS is aware that this is an evolving area and, while the EIS supports and welcomes developments in media literacy, there are both potential benefits and risks for members in the use of new technologies.

The General Teaching Council for Scotland has issued a Code of Professionalism and Conduct which states:

As a teacher you must:

- not discuss your own private and personal relationships with pupils and be mindful to maintain an appropriate balance between formality and informality when dealing with pupils;
- take care to avoid becoming personally involved in pupils' personal affairs;
- be aware of the potential dangers of being alone with a pupil in a private or isolated situation, avoiding circumstances which are or could be perceived to be of an inappropriate nature. This also is the case in connection with social networking websites, outwith the school/college setting and in subjects such as Music, PE and Drama.

This leaflet is designed to set out a number of questions and answers on social networking for EIS members.

This advice was initially produced with the support of Learning and Teaching Scotland and the EIS is grateful to Ewan McIntosh and Ian Graham for their input.

The GTCS has also issued Professional Guidance on the Use of Electronic Communication and Social Media. This advice should be read in conjunction with that Guidance.

Q. Should I accept students as 'friends' on social network sites?

No. You should not accept current pupils or students in a school as 'Contacts' or 'Friends' on social networks or photo-sharing sites and this would include offering of access to 'limited profiles'. Giving access to personal information on full and limited profiles opens up the risk of inadvertently offering access to

'friends of friends', or contacts you do not know, and increases the risk of identity theft if you give information across a range of sites.

Only accept 'Friends' who are colleagues or personal adult friends, while always being aware that you have no control over the friendships or material they are publishing.

Teachers should not contact students for learning related work through Social Network sites. In the rare occasion where they may wish to do so, eg during student absence, they may use the tools in Glow. On Glow, interactions are recorded for your safety, except for video. Use video discussions in the same way as you would conduct face to face meetings in the school premises (are you in the 'room' alone or with other students and/or staff?)

Q. What do I do if I receive repeated requests from students to become 'Friends'?

Be firm. This type of request is inappropriate. You should reply with a clear rejection, maybe along the lines of: "I use this social network for my personal life and keeping in touch with old friends. If you need to see me about work then contact me at school or when I'm logged into Glow". If the student persists you should raise the issue with a manager. Remember, if you allow an inappropriate friendship that "friend" may allow people you do not know access to your personal details.

Q. I have been contacted by a parent to become a friend. Should I allow this?

There is a difficulty in keeping your personal life and your working life separate. The same risks apply, that your personal details may be passed on without your knowledge.

Q. What about setting up a specific 'school' Social Networking Site account?

If you were to do this, then you must seek approval from your Head Teacher and even your local authority. There's no guarantee that 'students' are who they say they are and, as above, you are providing a focus for potential on line predators looking for a geographical area. Since such sites are not secure the EIS advises against the use of such sites.

Q. What about publishing my learning log?

Everything on a learning log is in the public domain. Some teachers publish learning logs, for example, in a blog and this practice can develop confidence and pedagogy. There are some ways to reduce the potential for damage to your image and that of your school, and some guidance that will help you get the most out of this medium:

(i) Be prepared for others to leave comments on your blog or personal profile. Be prepared for others posting critical comments. Be aware that libellous claims on your personal page may make you and potentially your employer liable. Ensure your contributions are both accurate and measured.

(ii) Be respectful of your colleagues – you have an obligation to your employer and your employer is entitled to expect you not to make public critical comments. If you have a grievance follow the normal routes.

Other guidelines, in more detail, were drawn up by LTS and East Lothian Council for East Lothian Council employees and users of its 'eduBuzz' blogging system. This provides a helpful source of how blogs can be managed responsibly.

Remember you are bound by the GTCS Code of Professionalism and Conduct and GTCS Guidance which is appended.

Q. I am about to enter teaching and have a current personal profile. What should I do?

Many probationer teachers or students in training currently have personal sites. Any new teacher should audit their personal profile and re-evaluate the information and who should have access to the information. It is better to remove the material before entering schools.

If you have "friends" in the community in which you teach you should recognise that you may teach siblings of these friends and that they may get personal information about you. It is better to avoid such risks by either editing your profile or removing it.

Remember you have obligations to GTCS and you should uphold the GTCS Code of Professionalism and Conduct and the Professional Guidance which is appended.

Professional Guidance on the Use of Electronic Communication and Social Media

THE GENERAL
TEACHING COUNCIL
FOR SCOTLAND



Purpose of Professional Guidance

The increasing popularity of social media in recent years has allowed many teachers to enhance their classroom practice, introducing their pupils to new tools and delivering the curriculum in innovative and engaging ways. The majority of teachers using these tools do so without encountering any difficulty. However, registered teachers and those who may be seeking registration in the future, (such as student teachers), should be aware of the many challenges and ramifications associated with the use of electronic communication and social media.

This Professional Guidance will help identify potential dangers, offer some guidance about how to avoid them and provide a context for responsible, professional use of electronic communication and social media.

Reference to online communications and social media include software, applications (including those running on mobile devices), e-mail and websites, which enable users to interact, create and exchange information online. Examples include, but are not limited to, sites such as Facebook, Twitter, LinkedIn, YouTube, Wikipedia and MySpace. Also included is the use of SMS and instant messaging clients, such as, MSN Messenger and BBM.

First Principles

This Guidance should be read with reference to The Code of Professionalism and Conduct (CoPAC) and the Student Teacher Code (STC) of GTC Scotland ('the Codes') which set out the key aspects of teacher professionalism. Maintaining the public's trust in the individual teacher and in teaching as a profession sits at the heart of being fit to teach, and this can be undermined not only by behaviour occurring in a teacher's professional life, but also within their private life, including activity online.

New Contexts for Teaching and Learning

From e-mail to text and from blogging to tweets, technology is becoming an ever-present in our lives and an increasingly essential tool in the classroom. These new technologies open up a whole range of possibilities to help pupils, and others involved in their education; they provide new access to assignments and resources, connect classrooms in other communities and countries in ways unthinkable only a few years ago.

The ability to communicate in real time with others and access networks across the world brings with it great opportunities for teachers. It also offers great challenges as the boundary between teacher and pupil can quickly become blurred.

These days all professions are subject to wide scrutiny and it can be hard to tell the difference between perception and reality. The views of teachers on their own profession are important and are at the centre of a self-regulating profession.

However, the perspective of parents and the understandable fears of the wider public about inappropriate use of the internet also have to be considered; and these views can sometimes be shaped by sources which are unpredictable - including the media. Teachers therefore need to be alert to the risk that actions which might, on the face of it, seem quite innocent can be misunderstood and misconstrued by others.

Private versus Professional

As the GTCS Codes state, teachers are individuals with private lives, however, off-duty conduct matters and may have bearing on their professional life. Therefore sound judgement and due care should be exercised as conduct which may not directly relate to pupils may be relevant to a teacher's fitness to teach.

Professional Vulnerability

A teacher can be vulnerable to unintended misuses for electronic communication. E-mail, texting and social media encourage casual dialogue and very often, very innocent actions can easily be misconstrued or manipulated.

Electronic messages are not anonymous and can be tracked and live forever on the internet. Social Media sites archive content posted, even when deleted from online profiles. Once information is placed on line, the author relinquishes control of it.

Social Media brings with it a new dimension and 'feel' to a relationship and this is particularly important when a student and a teacher become 'friends' in an online environment. A teacher should never share information with students in ANY environment that they would not willingly or appropriately share in a school or school-related setting or in the community.

The Legal Implications

The Codes draw attention to the potential impact of criminal convictions on registered teachers and those wishing to become registered.

Unwise behaviour online can also result in criminal action or in some cases, civil action brought by others and therefore requires caution.

Fitness to Teach Implications

At the heart of GTCS's Fitness to Teach framework is the protection of children and young people and vulnerable adults and the trust the public has in the teaching profession. Therefore all complaints are considered fairly and in the same way regardless of whether or not they are associated with the internet or involve electronic communication.

For example the behaviours listed below have warranted disciplinary measures:

- inappropriate electronic communication with pupils, colleagues and parents/carers, including SMS and instant messaging;
- posting/sending sexually explicit pictures/images to colleagues or pupils;
- grooming - whereby a teacher uses electronic messages with a view to establishing an inappropriate relationship with a pupil;
- possessing, making, viewing or distributing indecent images of children;
- using inappropriate YouTube content in the educational setting.

How can teachers minimise risk when using electronic communication and social networking?

As a teacher you should:

- always maintain a formal and courteous and professional tone in communicating with pupils and ensure that professional boundaries are maintained;
- only use official channels of communication e.g. GLOW and work e-mail addresses and be aware of and comply with employer's policies and guidance;
- not exchange private text, phone numbers, personal e-mail addresses or photos of a personal nature with pupils;
- firmly decline student-initiated 'friend' requests from pupils and do not instigate any yourself. Use your own discretion when dealing with friend requests from parents. It is acceptable to decline these invitations and remind parents of more formal channels which they can discuss their child's education;
- operate online in a way in which would not call into question your position as a professional;
- realise that pupils will be naturally curious about your personal life outside school and may try to find out more about you.
- Manage your privacy setting and keep them under review. These are particularly important in regard to photos, and remember that no privacy mechanism is 100% guaranteed;
- ensure your settings prohibit others from tagging you in any photos or updates without your permission and you can ask others to remove any undesirable content related to you;
- audit and re-evaluate the information about you and who has access to it if you are entering a programme of teacher education, or your Teacher Induction Period;
- be aware that potential employers may try and view your online social media profiles;
- consider that conversations held online may not be private. Be aware of who may have access to what you post;
- assume that information you post can be accessed and altered;
- not discuss pupils, colleagues, parents or carers online or criticise your employer or others within the school community;
- respect pupil privacy and confidentiality at all times;
- use strong passwords and change them regularly. Protect your mobile phone/smart phone/tablet computer with a PIN, especially when in school to protect access to its content and potential misuse;
- bring the matter to the attention of your employer using the proper procedures, if you are the victim of cyber bullying or uncomfortable with comments, photos or posts made by pupils of or about you.

How can teachers minimise risk for their pupils when using electronic communication and social networking?

As a teacher you should:

- report the matter to your manager using the appropriate procedures if you come across or are made aware of inappropriate use of electronic communication or social networking by a pupil or concerning a pupil;
- alert your pupils to and encourage them to use appropriate and safe online behavior;
- be aware of and comply with your employer's rules and policy in regard to taking and sharing photos of children.

In Conclusion

Before posting materials online stop and ask yourself:

1. Might it reflect poorly on you, your school, employer or the teaching profession?
2. Is your intention to post this material driven by personal reasons or professional reasons?
3. Are you confident that the comment or other media in question, if accessed by others, (colleagues, parents etc) would be considered reasonable and appropriate?

Social Media Policy for Employees

Outline of Policy Issues to be negotiated by LA Secretaries and Branch Officials.

General

1. The policy should supplement extant policies on internet and e-mail use. The policy should be communicated to all staff.
2. The policy should cover social networking on equipment which belongs to the employer and on equipment which is personal property but which is used inappropriately.
3. The policy should refer to the GTCS professional guidance and should refer to what is expected of employees who use social media.

Personal Use of Social Media in the Employer's Premises

1. Personal use should be limited to before or after work or during designated breaks.
2. Internet use will be monitored in accordance with internet policy.
3. Excessive use will be investigated.
4. Bullying or victimisation of any employee will be investigated.
5. Inappropriate relationships with students or pupils will be investigated.

6. The creation or onward transmission of inappropriate or unacceptable matter will be investigated.

Private Use of Social Media Outwith the Employer's Premises

1. Employees should refrain from discussing work issues or colleagues through social media.
2. An employer is entitled to investigate situations which may potentially bring the employer into disrepute, defame, bully, harass or victimise colleagues.
3. Teachers and lecturers should refrain from networking with students or pupils.

Work Use

1. Any use of social networks for education purposes should be through employer approved portals.