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National Report on e-Learning in the UK

CIVIC Computing

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1	[PARTNER ORGANIZATION]	[TITLE OF THE REFERENCED DOCUMENT]

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2 Introduction

Like most countries in Europe, the COVID pandemic has a dramatic impact on the way education is undertaken in Scotland and the wider UK. Perhaps the greatest example of this impact is the implementation early in the pandemic of remote learning as a result of school buildings being closed. From Friday 20th March 2020, schools in Scotland were closed with no specific date for re-opening in mind – they ended doing so not until after the end of the summer holidays on 11th August, with online learning then returning irregularly as deemed necessary during the rest of the pandemic.

That being said, although the pandemic has doubtless accelerated the e-learning trend, it was a trend that certainly already existed. As technology continues to not just develop, but also become generally more commonplace, it is likely that such e-learning will become more and more a part of education in the secondary sphere in particular. Indeed, in recognition of this, one of the major election promises at the Scottish Parliament election in May of 2021 by the winning party was to provide free laptops in order to ensure that every school child had access to the internet and digital resources for their education (Ferguson 2021). As such, the boom in e-learning that began with the COVID pandemic seems unlikely to end there, and concerns about digital privacy and security will likely therefore also continue.

It should be stated at this early point in this report that although the UK is the named country here for the purposes of ERASMUS+ projects, the four nations of the UK each have their own separate education policy. As such, this report is electing to focus on Scottish education, given that Scotland is where CIVIC itself is based. Where regulations or guidance is UK-wide, these will of course be covered, but education-specific information will generally be particular to Scotland.

3 Current state-of-play of e-Learning in the UK

This section will describe the current state-of-play of distance learning in secondary education in the UK, and specifically Scotland during the COVID-19 pandemic in regard to methods, tools and their technical characteristics. In particular, this section will explore mandatory technical characteristics that are connected to aspects of data protection. This section will try to answer the following sub-sections:

3.1 COVID-19 and distance learning

It is somewhat difficult to summarise a whole-country approach to distance learning during the COVID pandemic in Scotland, even in secondary schools alone, as approaches differed between each of Scotland's 32 local authorities, and of course to varying degrees between the schools within them. Early pandemic guidance documents indicate that arrangements for remote learning had to a large degree been localised, but nevertheless, plenty of national-level directives and guidance do exist. Significant among such directives, for example, was in August 2020 when local authorities were advised to put in place arrangements for remote learning (Education Scotland, 2020).

Another such national directive stated that in-person exams, which in Scotland are the normal means of assessment for courses in secondary school between the ages of roughly 16 and 18, were scrapped entirely in 2020 as they were considered unworkable in the circumstances. Grading and assessment instead relied on student coursework and teacher estimates.

Beyond this, it is worth noting the existence of Glow, Scotland's national education intranet, which was launched officially in 2009. A project coordinated by the Scottish Government and the 32 local authorities and delivered by the company RM Education, Glow contains a significant array of tools and applications that students and teachers can use to facilitate learning through digital platforms. It was natural, therefore, that Glow made up a significant part of e-learning efforts, including use of its chat, live video, and recorded video.

Government guidance did however continue to suggest provision of physical resources such as textbooks or laptops to learners where necessary, and continued to cite written work as one possible exercise when teaching remotely. Reports suggest that particularly those teaching practical subjects use a mixed approach, delivering materials to learners for practical activities coupled with digital tools (Education Scotland, 2021).

Naturally, there were issues and problems that arose from such a drastic and unusual situation, with some reports suggesting that access to online learning – whether that is due to a lack of devices or a lack of internet connection – is an issue. Particularly unfortunate is that this issue tends to impact on the most impoverished children most. Schools have been taking a variety of approaches to this, including use of school or government funds as well as providing more physical hard-copy materials (Education Scotland, 2021). In a similar vein, at the beginning of the COVID lockdown, some people reported issues using Microsoft Teams on the Glow network as technical issues arose. These were dealt with in due course.

A further issue reported was the difficulty for teachers in judging the levels of support that their students both need and receive. Learning from home makes it considerably harder for teachers to judge how well a student is coping with given material, how much support they might be getting at home, and therefore how much work they might be able to do independently as opposed to any support they might need from the teacher (Education Scotland, 2021).

3.2 Methods and tools for distance learning

As mentioned, Scottish secondary schools had the advantage of an intranet with a range of digital learning resources and tools that had already been previously built, namely Glow. This as such was one of, if not the, main platforms used by educators in distance learning. As a platform providing a gateway to a number of distance learning tools, educators could use glow to access video chat functions or chat messaging, as well as Google and Microsoft applications that could be used in various ways to create and share resources.

As Glow was launched in 2009, many teachers had already had experience using it, though understandably the number of teachers using it regularly increased significantly at the onset of the first COVID lockdown and those thereafter. As such, the Scottish Government provided enhanced professional development and training to teachers on digital learning.

This is corroborated to some degree by reports from Education Scotland on practices in remote learning throughout the country. The report states:

"*Some schools have trained all staff, including support staff, in the use of digital technologies. This has led to staff in almost all schools being more confident and skillful in using an increasing range of digital tools to deliver more effective remote learning*." (Education Scotland, 2021)

That being said, the qualification of only "some" schools suggests that the rollout of this training has not been completely uniform across the country.

The report goes on to assert that, "There are examples of staff accessing and participating in a wide range of professional learning opportunities", although it does not specify what these learning opportunities covered or what proportion of staff took up these opportunities (Education Scotland, 2021).

In line with laws and regulations around data protection, guidance has been issued by the Scottish Government and other relevant authorities on data protection when using digital tools for teaching. All authorities, of course, have a duty to comply with data protection laws, which despite Brexit remain largely governed by the EU's GDPR and other relevant legislation. More specifically, Glow, for example, provides guidance and documents to help teachers and others understand the data privacy issues around using such a network in this way. This guidance includes information around letting others use your account or giving them your login information, making unauthorised contact with others, storing information (including of a sensitive or personal nature), and more general information management on the Glow network (Glow).

The Glow guidance also notes, however, that some organisations may have added security dimensions or procedures that enable them to store or use certain types of more sensitive data on the Glow network (Glow). It therefore suggests to the user that they also consult their own organisation's policies and procedures on data protection. This suggests that here again there at least some degree of decentralisation to data privacy and protection policies in Scottish Education.

3.3 Technical characteristics and data protection

As mentioned above, Glow is one of the main platforms provided for teachers and schools in Scotland, given that it is a public sector product. Although it proved difficult to identify data indicating the precise proportion of teachers and students using this platform, the proportions in question could be roughly estimated from the data that is available. A freedom of information request confirmed that as of October 2020, there were 77,985 active users who were teaching staff on Glow and 499,658 who were students (Scottish Government, 2020). This suggests that most teachers and students

are on Glow, as statistics from December 2020 suggest that there are 53,400 teachers in Scotland overall and 702,197 students (Scottish Government, 2021).

As also mentioned previously, Glow itself has guidelines on what should and should not be shared or stored on the platform (Glow), as do major educational trades union, albeit more generally (Educational Institute of Scotland, 2020). Overall, the advice seems to be that Glow and any other "officially agreed" platforms are to be used for any communication or live lesson, but that caution should be exercised so that all guidelines for a given school or local authority are followed as regards sensitive or private data. Although Glow does seem to be considered a secure platform, it is not universally recommended as a place to store or share sensitive information. The exception here is if specific organisations have put in place security and procedures allowing or requiring this (Glow).

More specifically, Glow comprises a number of applications that teachers can use, many of which are created by outside sources and which will therefore have their own approaches to security and privacy of information. These include services and applications such as Microsoft Office 365, Google Workspace for Education, Glow Blogs, and Glow RM Unify Launch Pad.

Glow offers further documentation, though, for its own platform to support users in maintaining privacy and security. Such support includes guidance on passwords, statements on Glow's compliance with GDPR, Glow's privacy and cookie policies, its data privacy impact assessment, and the platform's community rules (Glow Connect, 2020).

4 National Data Protection Laws in the UK

This section will describe the most important aspects of National Data Protection (NDP) Laws in each partner country in regard to the education of underage students via distance learning. This section will try to answer the following sub-sections:

4.1 Specific data protection laws

The most prominent data protection law in Scotland and the UK more broadly remains GDPR. Although the UK has left the European Union, GDPR has not yet been fully superseded or repealed and so the GDPR approach remains practically in effect. GDPR was fully implemented in UK law in 2018 as the Data Protection Act. Despite being a UK Law, it retains the key characteristic of it's EU-wide counterpart, namely that individuals have the right to learn how their data is used; to have data about them updated, corrected, or deleted; and to stop their data being processed altogether. Consequent duties are therefore imposed on those bodies that process personal data to do so in a way that is, for example, accurate and up-to-date, secure, specific and explicit in its purpose, and proportionate to its necessity. It is important also to note that certain types of information – for example on race, religion, political belief, or health – have further legal protections under this law. (Government Digital Service, 2015)

The other main regulation that applies in terms of data protection in the UK is Privacy and Electronic Communications Regulations (PECR). This is also a piece of EU legislation, albeit from earlier than GDPR, with the original law having come into effect in 2003. PECR has been updated several times since then, though, with the most recent changes having come into effect in 2019. It covers somewhat different areas than GDPR, which include marketing communications made my electronic means, such as by phone, email, or text; use of cookies; and the compilation of phone or other electronic directories. (ICO, 2021)

The implementation of both of these laws are overseen in large part by the Information Commissioners Office (ICO). The ICO has the power to issue steep fines and penalties for non-compliance with these and other relevant laws, as well as being able to conduct voluntary or compulsory audits of relevant service providers. (ICO, 2021)

4.2 Legal implications for online tools for education

There are a number of legal implications in terms of digital learning among underage students, most of which fall within the parameters of the relevant legislation outlined above. For example, one significant consequence is that all schools must register with the ICO as “data controllers” and inform the ICO of what data they process, how they process it, where it comes from, why they hold this data, with whom it will be shared, and whether they intend to transfer any of the data abroad (and if so, to which countries). Following this registration, the school must then resubmit this information every year. The information that accompanies these submissions is made available to the public by the ICO. (Petty, L, 2021)

Other parts of the Data Protection Act and GDPR also apply here. It is also legally incumbent on schools collecting data to explain clearly and transparently how they process personal data through a document called a privacy notice. This privacy notice essentially covers topics very similar to those submitted to the ICO: it must inform people what information the school needs, why it needs it, and any others with whom this information may be shared. Even once a privacy notice is in place and available for people to read, it is still necessary for any given individual’s permission to be obtained before collecting and using their data. (Petty, L, 2021)

But beyond the legal implications on the collection of data, schools are also under certain legal obligations in terms of the security of this data. The ICO expects data to be properly secured based on its level of sensibility, and can levy huge fines if they discover that any data is not properly secured or at risk of being leaked or lost. As such, schools should both properly secure data, paper-based as well as digital, and establish procedures for use in the case of the failure of security measures. Such security measures might include strong passwords, firewalls and anti-virus software, encryptions, restricting access to sensitive data, and restricting access to relevant electronic devices that hold information themselves. (Petty, L, 2021)

On the other hand, legal implications also exist for schools in terms of the rights of children to access data being held about them. Students are entitled to know about any data being held about them and why it is being held. Parents of the students in question may also

make such data requests, but only if either the child is unable to act for themselves or they have the child in question's permission to do so as the information in question remains their information, regardless of their age. The exception here is that parents can make requests to see their child's educational record. In Scotland, these requests are governed in large part by Pupils' Educational Records (Scotland) Regulations 2003, under which parents or those with parental authority must contact their local authority to access these records (ICO, 2021).

4.3 Components of GDPR

As mentioned, the GDPR has been implemented into UK law and has been effective in this way since 2018. As such, all relevant aspects of GDPR apply, albeit with the exceptions foreseen within the law itself, such as to avoid duplication with PECR. Although the UK has left the EU, Brexit does not automatically change this law, and it remains in effect until such time as the UK parliament chooses to legislate otherwise (ICO, 2021).

These laws are enforced and monitored in their practical implementation by the ICO, as noted above.

4.4 Common ground between GDPR and NDP Laws

As reference in previous responses, there is considerable overlap between the GDPR framework and national data protection laws, given that GDPR remains central to the UK's data protection regime. Even where GDPR is not the applicable law, many of the other laws relevant to data protection are also derived, directly or otherwise, from EU directives and regulations, such as the PECR (ICO, 2021).

That being said, inherent in the GDPR is the assumption that enforcement and other such functions will be carried out by national agencies, in this case the ICO. The ICO will have its own approach to enforcement and ensuring compliance where other GDPR countries will all have their respective approaches too.

As also mentioned before, the UK, having left the EU, can theoretically move away from the GDPR framework, but has as yet not chosen to do so. This means that the UK's data protection regime remains aligned with that of the EU (ICO, 2021).

5 Conclusion

In conclusion, despite having left the EU and despite the implications for education and learning of the pandemic, digital privacy in education remains relatively well-governed and organised. GDPR still applies, along with other relevant EU privacy regulations covering digital learning, and the pre-existing educational intranet Glow means that the approach to digital learning has been perhaps more consistent than it otherwise might have.

These laws create both rights and obligations for students, school staff, schools themselves, and local authorities. As such, there are security and digital privacy policies in place at multiple levels, with plenty of advice and guidance available from various sources including the government, trades union, and digital platforms such as Glow.

That being said, vigilance in the field of data privacy is always important. Complacency is often the greatest weakness in a secure system, and so regular trainings and up-to-date information on how to maintain this security is a must.

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Please include all the refences you used. Use APA style and do not forget to cite them in the text.

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