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News and advice

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Cameras are becoming more prevalent in schools but is this really a good thing? Naturally, every person within the view of the camera will be under surveillance, not only students, but also staff. At least one London school has over 100 CCTV cameras on its site. Do we want our every move captured on film?

ATL members at a leading independent school in the north of England felt distinctly uncomfortable about the prospect. Their employer proposed to install CCTV cameras in every classroom. Was this for security reasons, performance management, or to monitor the staff, ATL members wanted to know?

While there are benefits to be gained through the use of this new technology, employers must give very careful consideration to the drawbacks involved. A balance needs to be struck between the general gain and the rights of the individual.

ATL does not believe that there is a need for an employer to continuously monitor classrooms during the school day via CCTV. To protect property, such monitoring can take place when classrooms are unoccupied. Monitoring of employees' performance should be confined to the recognised performance monitoring methods.

Excessive, or covert, monitoring may lead to breaches of the Data Protection Act and the implied term of mutual trust and confidence for all employees.

Is someone watching you?

Britain is one of the most watched societies in the world. The charity, Liberty, estimates that there are approximately **4.2 million surveillance cameras in the United Kingdom; about 20% of the world's total, making us one of the most watched nations in the world.**



The **Code of Practice** for the 1998 Data Protection Act provides guidance to safeguard staff against employers exploiting this monitoring through CCTV and also safeguards against the examination of their emails, the recording of phone calls or the logging of keyboard strokes.

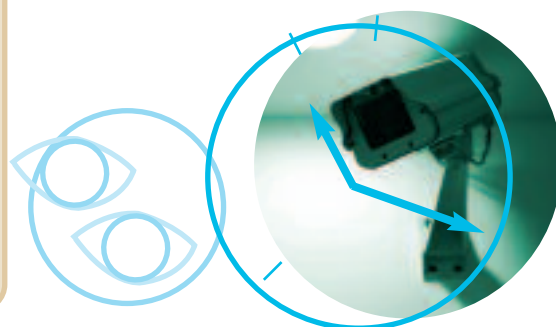
If monitoring and recording is taking place in your school or college, make sure that an impact assessment has been carried out by your employer. The assessment must consider the following:

- the purpose behind the monitoring;
- whether or not monitoring will have an adverse impact on employees or others, such as pupils or parents who visit the school;
- alternative methods of monitoring;
- an awareness of obligations placed on employers by the Data Protection Act;
- that monitoring is justified.

Members at another independent school were greatly alarmed to discover a hidden camera behind the clock in the staffroom. The employer sought to justify this decision on the basis that thefts had taken place in the staffroom and they wished to catch the perpetrator.

However, staff were rightly concerned at the invasion of their privacy. ATL successfully argued that the use of a covert camera undermines the concept of the staffroom as a sanctum for teachers. ATL argued that the means were disproportionate to the ends and that the employer's goal could have been achieved in other ways, such as having a camera in the hallway outside the staffroom.

Continued overleaf >





Is someone watching you?

...continued

The use of covert cameras in cases of criminal activity may be appropriate but a reasonable balance must be struck between their use and the invasion of privacy; it must be proportionate.

Covert monitoring, i.e. where monitoring takes place without an employee being aware, is not unlawful. However, the Code of Practice for the 1998 Data Protection Act states that covert monitoring should only take place in very rare circumstances, usually in connection with suspected criminal activity.

Although, of course, this is an issue that affects all members, a number of cases in the independent sector prompted ATL's Independent and Private Sector Advisory Group to look at the wide-ranging ramifications of the greater use of such technology in schools.

The group moved a resolution at this year's annual Conference calling for the development of policy on the issue to advise and protect members. The motion was passed unanimously and a Special Task Group (STG) has been set up to address the issues. If you would like to raise any issues with the STG, contact Monique Lowe at: mlowe@at.org.uk.

If you have any concerns about monitoring at your place of work, speak to your ATL school rep, or for advice contact ATL's London office.

Are you fit to run an independent school?

THAT Conference, noting the closure of St Elphin's independent school and the continued concerns over academies, calls upon the Executive Committee to lobby the Government to institute a rigorous and standard 'fit and proper person' test for any individual or company seeking to run a school.

In the light of the closure of St Elphin's school, ATL is calling on the Government to strengthen the current regulations relating to the ownership of independent educational establishments.

Currently, the vetting powers of the independent school proprietors are contained in the Education [Provision of Information by Independent Schools] [England] Regulations 2003 and the Education [Independent School Standards] [England] Regulations 2003. However, the powers are simply not robust enough, as our members at St Elphin's know from bitter experience.

St Elphin's was closed in the middle of term, without prior notice, by a director of its limited liability owning company, who arrived by helicopter, landing on the school's lawn.

Independent schools are run as businesses and not all have charitable purposes. Unfortunately, there are rare occasions when schools are closed and their assets, whether investments, property or land, are cashed in for profit. ATL believes that our children's education is too important to be left to such mercies.

At ATL's annual Conference at Torquay, members unanimously backed the above motion urging the Government to establish 'a fit and proper persons' test to run an educational establishment. The motion was moved by two members of ATL's Independent and Private Sector Advisory Group, Peter Walker, and Malcolm St John Smith.

Malcolm has developed a name for himself as the singing delegate and to the tune of "I am the very model of a modern major general," sang:

"I used to be the owner of a private school not far away,
It had a fancy name and so I thought that I could make it pay,
I bought a helicopter and some other things which cost a lot,
But as for education, well I really didn't know a lot.

I landed at the school one day in my new shiny whirlybird,
To give the staff a message they wished that they had never heard,
I closed the school right there and then, it didn't half go quieter,
I'm really not a fit and proper private school proprietor!"



Of course, this is a serious issue and independent schools are run as businesses, but they are not any old business and they should not be governed by any old business rules.

St Elphin's was a 150-year old independent boarding school in Derbyshire. The sudden decision to shut came when pupils were in the middle of GCSE and 'A' level preparations. Its closure resulted in some boarders being potentially made homeless, and staff unpaid and jobless. It was left to ATL members and their colleagues to continue to coach pupils so that they passed their exams and also to find temporary homes for those boarders left without accommodation. And it was ATL that looked after its members when at a hearing in September 2007, the employment tribunal ordered that employees should receive the maximum protective award possible. The company which owned the school was declared insolvent and the site was sold for housing.

Dr Mary Bousted, ATL general secretary, said:

"Children's education is too important to be left in the hands of cowboys. The rules on owning a school need to be tightened to prevent anyone who isn't interested in children's education long-term buying up a school to get their hands on its assets. We should not allow anyone to own a school before they have passed a rigorous test of fitness to do so. Running a school and being responsible for educating children is not the same as running a corner shop, and should be subject to far more stringent tests."

ATL believes that a 'fit and proper persons' test would help to prevent such abuses and that school inspectorates would be well-placed to implement such a test. ATL believes that such a test should, amongst other things, require owners to have proven financial solvency in the long-term, have a sustainable business model to maintain commercial viability; a track record of providing education; and a requirement to make a long-term commitment to running the educational establishment.

Further, the fact that St Elphin's was not a registered charity made it easier to dispose of its assets, including the valuable land on which the school stood. Without any requirement to give a long-term undertaking to provide education, or to give reasonable notice, the owners were able to close the school in

the middle of term. ATL believes that Ofsted should ensure additional robust inspection provisions are put in place in respect of all independent schools which are not registered charities.

The requirement for a 'fit and proper persons' test to own and/or run an independent educational establishment has to be tested not only before those persons are granted a licence to be in such a position, but must also be tested periodically whilst they maintain that position. Additionally, there must be a proper mechanism to bar or remove persons who prove to be unsuitable at any stage. A process of removal would have to be properly managed to minimise any disadvantage that may be caused to interested parties, such as pupils or staff.

While ATL's biggest concerns relate to independent schools there are also worries regarding the lack of rigor in the vetting process for academies and Trust schools.

PETER WALKER
SPEAKING TO HIS
MOTION AT ATL'S
ANNUAL CONFERENCE.



MALCOLM IN FULL VOICE AT
ATL'S ANNUAL CONFERENCE.



Training and professional development

Independent school reps' training

To get the most out of your role as either a school rep, health and safety rep, union learning rep or point of contact ATL recommends that you attend one of our courses. ATL's courses have been designed to help you get the most out of your role; the skills that you will develop as an ATL rep are transferable and will aid your own career progression, as well as benefitting your members.

The next **Being our independent school rep** course is in Edinburgh on Friday 21–Saturday 22 June 2008. This course will also be running in the South East (location to be confirmed) on Friday 30 – Saturday 31 January 2009.

**June
21st-22nd**

Edinburgh

**January
30th-31st**
South East



Professional development

Our courses aim to cater for the wide ranging needs of our membership and provide avenues for professional and personal development. Our courses cover a whole host of topics such as shaping your career, using your voice, effective learning and leadership, as well as specialised courses for support staff. ATL also has an innovative partnership with Edge Hill University, which enables members to build up credits towards a Masters degree.

For full details of all our member courses and ATL's partnership with Edge Hill University, see ATL's *Education and training programme*, sent to all members with this issue of *Report* magazine. For full details of all reps' courses visit ATL's website at: www.atl.org.uk or contact the Training department by email at: training@atl.org.uk or on **020 7782 1582**.

Government consultation on independent schools inspectorates



The Department for Children, Schools and Families has recently sought the opinion of interested parties on their proposals regarding independent school inspectorates and is currently considering ATL's response to the consultation.

Ofsted has devolved powers for the inspection of some independent schools to other inspectorates and is looking at the possibility of extending this facility by authorising further independent school inspectorates.

Amongst others, Ofsted does not inspect those independent schools whose headteachers are in membership of one of the associations which make up the Independent Schools Council (ISC). The ISC accounts for approximately half of all independent schools.

Ofsted also does not inspect those schools which are owned by the Focus Learning Trust. These schools are inspected by the Independent Schools Inspectorate and the School Inspection Services respectively.

ATL has commented on the technical proficiency, independence and objectivity, and public confidence, of independent school inspectorates.

Amongst other things, ATL has called for a robust test of fitness to be applied to anyone who owns, or wants to own, an independent school and for this test to be carried out by the Independent Schools Inspectorate.



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