

1 .Overview

School closures resulting from the COVID-19 pandemic have moved education from the classroom into the home. In this context, the Department of Education and Skills (the “DES”) has emphasised in its recent guidance that the “continuity of schooling” during this unprecedented period is paramount. Whilst most schools have successfully embraced e-learning and digital technology at extremely short notice, remote learning poses its own risks and challenges, key ones of which are addressed below. St. Fiacc's will need to address these issues going forward, as e-learning and digital technology are likely to have an ongoing role to play in our school.

2. Adopting a “whole-school” approach

While many schools are now equipped with digital technology, teachers and SNAs have been using a wide range of platforms and modes of communication to engage with students. The DES has recommended the adoption of a “whole-school” approach (i.e. an agreed method of communication) between the school/teachers/SNAs and students to ensure consistency and so as not to overburden students or their parent(s)/guardian(s).

Teachers and SNAs shall operate on one or more secure and accessible system(s) which have been approved by school management and parents. Staff have been consulted regarding the platforms used. They understand how the system works and guidance has been offered to all teachers and SNAs regarding equipment, software and security measures. In this regard, PDST has made a variety of information and resources available on its website.

Although SNAs were to be nominated for temporary assignment to the HSE during the pandemic, SNAs at St. Fiacc's are continuing to provide support to their allocated students under the direction of Principals/Deputy/SEN/Class teachers. SNA's at St. Fiacc's are also following the agreed “whole-school” approach. The SNAs' work, at the Principal/Deputy/SEN/Class teachers' direction, is focused on supporting the particular care needs of pupils and is monitored on an ongoing basis by the class/SEN teacher, who maintains primary responsibility for teaching, learning and the social and emotional development of pupils. The agreed platforms used at St. Fiacc's for remote learning are as follows:

Infants – 6th : See Saw.

Whole School real time Communication with Classes/small groups: Zoom

3. Communication with students/parents

To establish an effective “whole-school” approach, protocols have been put in place for communication during the period of distance learning and tailored solutions regarding the use of online platforms are assessed regularly.

[Circular 0038/2018](#) provides that schools should consult “with their school community, including teachers, students and parents regarding the use of smart phones, tablets and video recording devices with a view to developing a whole-school policy for their use or updating an existing one”.

St. Fiacc's has an Acceptable Use Policy (“AUP”) which sets out the parameters of technology usage in all aspects of engagement between teachers/SNAs, students and parents. St Fiacc's will update the AUP to reflect the increased use of online platforms and ensure that the AUP effectively informs and guides remote learning activities. St Fiacc's will refer to <https://www.webwise.ie/trending/distance-learning-safety-advice-and-considerations/> for helpful advice in this regard.

In all cases, consent of a child's parent(s)/guardian(s) is sought in relation to the method of online learning and communication. This is particularly important where personal data is being uploaded to online platforms. In the current situation, consent has been sought using Google Forms by sending out forms via e-mail/Aladdin Connect to parent(s)/guardian(s). St. Fiacc's emphasizes the importance of obtaining consents from parent(s)/guardian(s) to all members of staff.

Importantly, for child protection reasons, it is inadvisable for teachers/SNAs to conduct one-to-one virtual or remote sessions with a pupil unless a parent/guardian is present with the pupil and any child safeguarding measures applicable to in-person contact with pupils apply equally to online communications.

Below are some considerations particular to the specific platforms used by teachers/SNAs to communicate with their students.

Video

It is important that teachers/SNAs maintain safe and ethical use of the internet whilst engaging with students on video platforms such as Zoom. The following Rules apply:

- Pupils must be in a safe and appropriate location and should not have access to mobile phones.
- Teachers/SNAs should log out, mute or turn off the video as appropriate.

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- Teachers/SNAs should disable chat functions and an agreed procedure is in place to deal with any issues that arise where a host (teacher/SNA) loses connection to the online platform. In this situation the host ends the Zoom session.
- Teachers/SNAs should be conscious about what students can see in the background of the video (inappropriate artworks, personal photographs etc.). They should be wary of accidentally sharing screens with students or posting potentially inappropriate pictures. The taking of screenshots is prohibited in the AUP.

E-mail

Staff must follow the AUP protocol for e-mail communication with students.

- Staff shall only use secure work e-mail accounts and not their personal accounts for work related e-mails containing the personal data of students.
- Teachers shall ensure that they are sending e-mails to the correct recipient(s), particularly where the e-mails involve large amounts of personal data, to avoid data breaches. They shall avoid using personal/confidential data in subject lines and ensure they are sending e-mails to the correct recipient(s), including the correct use of the “blind copy” function when e-mailing multiple people so as not to share other peoples’ e-mail addresses.

Text messaging/WhatsApp

Whilst it is acceptable to text parent(s)/guardian(s) regarding their child, teachers/SNAs should not text/engage in texting with primary school students. Any contact via text message should be done via the parent(s)/guardian(s). Whilst WhatsApp or similar platforms can be a useful tool insofar as teachers/SNAs can send group messages and can check whether messages have been received properly and read by the receivers, WhatsApp and text messaging can pose particular risks from both a child protection and data protection perspective, for example where devices are lost or stolen.

4. Child protection

The school's duty of care to students has not changed or been reduced by the current pandemic and teachers should continue to be alert to the possibility that a child protection concern may arise. In such cases, St. Fiacc's shall follow the relevant reporting procedures in the *Child Protection Procedures for Primary and Post-Primary Schools (revised 2023)*.

St. Fiacc's has updated its child safeguarding statements and risk assessments to reflect the risks arising from COVID-19, e.g. youth produced sexual imagery (screenshots etc.), sexual abuse

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through the virtual learning environment and increased barriers to children reporting their concerns. St. Fiacc's shall also consider what additional safeguards should be put in place.

St. Fiacc's is cognisant, as part of its duty of care to students, of the increased risk of harassment/cyberbullying and/or sharing harmful or illegal content. Online harassment/cyberbullying is referenced in our code of behaviour and anti bullying policies.

The DES has indicated that the requirement to provide a Child Protection Oversight Report ("CPOR") will not apply at board meetings held remotely during the current period. However, the Principal shall maintain the relevant data and records for the CPOR which shall be provided at the next in-person meeting of the board. The information and data in that report shall reflect cases arising since the previous CPOR was provided to the board.

5.Data protection

It is vital that personal data is protected during this time and it may be necessary to update St. Fiacc's data protection policy, documents and protocols for the processing of personal data. Teachers/ SNAs and all staff should only use the school's approved devices, networks, cloud sharing sites and other apps/programmes for communicating with students and they may also need to update their operating systems and anti-virus software to ensure all personal data is secure. They should also use effective access controls such as multi-factor authentication and strong passwords and, where available, encryption to restrict access to the device and to reduce risk if a device is stolen or misplaced. The school's trusted platforms are: See Saw; Google Classroom; Zoom; Aladdin and the shared drive on st.fiaccs.com.

As the current measures were introduced at short notice, the Board of St. Fiacc's was unable to carry out sufficient due diligence/data impact risk assessments ("DPIA") on EdTech and it is noted in this regard that St. Fiacc's was offered certain learning platforms and tools free of charge. St. Fiacc's will undertake to now carry out DPIAs on any new service/forms of processing that take place. In this regard, St. Fiacc's will have regard to Step 10 of the 12 steps listed in [Preparing for GDPR](#) on the dataprotectionschools website. St. Fiacc's will review suppliers' privacy notices, any associated policies, T&Cs and any data processing agreements that it may have in place with suppliers. Furthermore, St. Fiacc's shall ensure that it has a lawful basis for processing of personal data. Generally, schools are allowed to collect, process and retain certain personal data about employees and students for a variety of lawful purposes and are entitled to rely on a number of legal grounds to do so.

Finally, any concern that a data breach (i.e. where accidentally, inadvertently or unlawfully personal data is destroyed, lost, altered, disclosed, accessed, transmitted, stored or otherwise processed) has occurred must be reported to the principal/board of management immediately as,

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by law, the breach must be reported to the Data Protection Commission (“DPC”) within 72 hours of having become aware of it. The relevant data subject/parents may also need to be informed. It is worth noting that the DPC has indicated that it will take into account the unprecedented challenges faced by organisations during the COVID-19 pandemic should they receive a complaint. Notwithstanding the above, it is recommended that schools ensure to internally document and proactively communicate with the DPC/a data subject in relation to any delays in dealing with a data protection matter.

6. Conclusion

St. Fiacc's NS strives to set clear online conduct and communication guidelines for both students and staff on a “whole-school” basis. These guidelines will be referenced in the AUP of St. Fiacc's NS. In particular, students and teachers/SNAs must clearly understand the boundaries of acceptable use of the various online platforms as well as the likely ramifications of over-stepping those boundaries. Schools must be vigilant and understand that their obligations under child protection and data protection law are heightened at the present time and that any issues must be dealt with under the appropriate school procedures. Where a student or a teacher/SNA does breach the AUP it may, in certain circumstances, be necessary to pursue the matter under the relevant disciplinary process or code of behaviour.

A checklist for schools engaging in distance learning during the COVID-19 pandemic is included on the following page.

References

Department of Education and Skills, Guidance on Continuity of Schooling for Primary and Post-Primary Schools, 7 April 2020; www.pdst.ie/distancelearning.; Circular 0024/2020; the Education Act 1998 (as amended), Education (Welfare) Act 2000, the Employment Equality Acts 1998 - 2015, the Education for Persons with Special Needs Act 2004, the Health Act 1947, the Children First Act 2015, the Child Protection Procedures for Primary and Post Primary Schools 2017, the Teaching Council Acts 2001 - 2015 and the Safety, Health and Welfare at Work Act 2005.

Checklist for Schools Engaging in Distance Learning during the COVID 19 Pandemic

| No | Action | Yes/NO |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| 1 | Has the school selected appropriate online learning platforms and modes of communication to engage with pupils/parents? | Yes |
| 2 | If so, has the school engaged with parents/guardians and staff in relation to this selection? | Yes |
| 3 | Does the school have up-to-date contact information for parents/guardians? | Yes |
| 4 | Is the school documenting communication with parent(s)/ guardian(s)? | Yes |
| 5 | Has sufficient training/guidance been provided to staff/parents/ pupils regarding the use of online platforms and distance learning? | No |
| 6 | Is the work of SNAs being directed by the class teacher? | Yes |
| 7 | Does the school have an Acceptable Usage Policy (“AUP”)? | Yes |
| 8 | If so, does the AUP need to be updated to reflect the increased use of online learning platforms during the COVID-19 pandemic? | Yes |
| 9 | Are parents/guardians present with pupils during one-to-one interactions with teachers/SNAs? | Yes |
| 10 | Has the school updated its child safeguarding statement and risk assessments to reflect the additional risks arising from distance learning during the COVID-19 pandemic? Are additional safeguards required? | Yes Yes |
| 11 | Is the principal maintaining relevant data/records for the Child Protection Oversight Report to be provided at the next in-person meeting of the board of management? | Yes |

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| 12 | Have accommodations been made for students who do not have access to computers/laptops/smartphones/tablets or internet at home? | Yes |
| 13 | Has the school reviewed its data protection policy/protocols for the processing of personal data in light of COVID-19? | No |
| 14 | Have appropriate security measures been taken by staff to ensure that personal data is secure, e.g. password protecting Laptop? | Don't Know |
| 15 | Have sufficient due diligence/data impact risk assessments been carried out by the school to identify and mitigate risks, e.g. for new online learning platforms used by the school. | Yes |

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