Delivery of online and blended teaching in FE post-Covid-19

Branch guidance, July 2020

With the Covid-19 pandemic impacting on all aspects of education, many employers are seeking alternative means of providing teaching to learners.

Some of this teaching will be delivered at a set time, with students able to participate or view live, some will be delivered through recorded materials and available to students over a period of time.

UCU believes that key priorities for online learning delivery should be:

- quality teaching and learning
- safety and wellbeing for staff and students
- workload protection.

UCU's position

UCU is concerned that when staff are asked to deliver online or blended teaching that they are often not given sufficient time and training to prepare for, deliver, and review this new mode of teaching and learning. Sometimes they aren't even provided with the appropriate technology to ensure they can deliver the sessions properly.

When colleges haven't thought through their approach to online sessions this can put the security of the individuals involved at risk. We need to consider where teaching and learning takes place (for example bedrooms would be an inappropriate setting) and how we create environments that are conducive to meaningful learning.

In some settings, it is expected that all or some of these online sessions will be recorded for future use, and UCU believes this could present another level of risk to staff and students. If a session is recorded in advance, then there is risk that staff will lose control over their rights attached to the recording. With live online teaching, the concern is that students or managers could record the sessions, and inappropriately use, edit or disseminate them.

Employers need to give proper thought and consideration to how they will use such resources: How they will ensure staff safety; how they will safeguard students and ensure they are able to access these resources; how they will provide appropriate training,

support, time and technology for staff undertaking this work; and how they will handle the personal data they are holding.

UCU believes that online or mixed media learning delivery can be a useful pedagogical tool if it is set up and used properly, but it is vital that the safety of teachers and learners is ensured.

Risk assessments, safe systems of work and safeguarding

As with any new activity, college employers will need to undertake a suitable and sufficient risk assessment for online delivery, and of the working environment, for those delivering the teaching, but even if the activity has already commenced, colleges must still conduct risk assessments. The risk assessment and control measures must be completed prior to the activity commencing. Additionally, the college will need to establish some ground rules for how students will learn, to protect students, the college, and the staff.

The AoC agreement (covering England) on **Guidance for regulating working hours in further education colleges** acknowledges that periods spent outside of classroom contact time, performing other duties such as marking and preparing lessons etc. should be agreed as part of working time (clause 3.2). It also confirms that colleges are required to conduct risk assessments on health and safety hazards and that includes assessing whether working hours are causing or could cause harm (clause 4.1).

In Wales, a national agreement on workload was signed off between the industry body and local unions in 2013. The national agreement forms the basis for local agreements and bargaining around the terms and conditions of staff. Most importantly, it is contractually binding and includes clauses that regulate working hours, defines professional responsibilities and set limits around teaching and non-teaching duties: **https://www.ucu.org.uk/feagreements_wales**

A similar situation also exists in Northern Ireland. The National Contract for Lecturers (2011) is contractually binding on all colleges and includes hours of work clauses which set limits around the number of annual and weekly hours a lecturer can be required to work. The number of student contact hours are also strictly defined and overtime clauses are also included: **https://www.ucu.org.uk/feagreements_ni**

Employers must undertake risk assessments of this new activity to ensure that Safe Systems of Work and other control measures are implemented to control risk and to ensure the health, safety and welfare of staff.

As part of this process, the following issues will need to be addressed:

The working environment of staff, when and how they can deliver remotely, usually from home, and what adjustments need to be made to facilitate their ability to work properly in line with the Equality Act and guidance on vulnerable, shielding and BAME workers. There

is a clear need to assess the working constraints placed on individual members of staff by the pandemic.

Lone working arrangements for some staff (UCU has produced guidance on lone working which can be read here - **https://www.ucu.org.uk/media/10508/Lone-working-and-mobile-working-in-FE---UCU-guidance/pdf/ucu_lone-mobile-working-guidance_apr19.pdf**).

Mental health and wellbeing of staff (UCU has also produced guidance on this which can be found here - **https://www.ucu.org.uk/media/5922/Supporting-members-with-mental-health-conditions-and-issues-UCU-branch-toolkit/pdf/ucu_supportingmembers-mentalhealthconditions.pdf**).

The learning environment for students, when and how they can access learning, and what adjustments need to be made to support them.

The digital platform(s) used for the delivery of online teaching, including platform functionality and the level of control a lecturer will have over microphones and cameras to ensure good classroom management.

Will sessions be interactive? How will lecturers monitor student behaviour and will they have support from other staff during sessions? Student disciplinary or behaviour policies need to be updated to cover incidents during online learning (eg. disciplinary measures if a student were to upload an offensive image during an online lesson).

A revised approach to classroom management and learning considering the implications of delivering online, including providing support in sessions to allow breakout discussions, etc.

The Health and Safety (Display Screen Equipment) Regulations

Employers must protect workers from the health risks of working with display screen equipment (DSE), such as PCs, laptops, tablets and smartphones. The DSE Regulations apply to workers who use DSE daily, for an hour or more at a time.

The law applies if users are:

- at a fixed workstation
- mobile workers
- home workers
- hot-desking (workers should carry out a basic risk assessment if they change desks regularly).

Employers must:

- do a **DSE workstation assessment**
- reduce risks, including making sure workers **take breaks from DSE work** or do something different
- provide an **eye test** if a worker asks for one
- **provide training and information** for workers.

Incorrect use of DSE or poorly designed workstations or work environments can lead to pain in necks, shoulders, backs, arms, wrists and hands as well as fatigue and eye strain. The causes may not always be obvious.

The law says employers must plan work so there are breaks or changes of activity for employees regularly using Display Screen Equipment.

There is no legal guidance about how long and how often breaks should be, this depends on the kind of work you are doing. More frequent short breaks are better than longer ones taken less often. For example, 5 to 10 minutes every hour is better than 20 minutes every 2 hours. Ideally, workers should be able to choose when to take breaks, but it is important that colleges include proper rest breaks in their workload planning.

Breaks or changes of activity should allow workers to get up from their workstations and move around, or at least stretch and change posture.

Workloads

In response to the Covid-19 pandemic, UCU members have worked above and beyond to try and move student resources, including teaching, onto various IT platforms allowing remote access.

Employers should recognise all the hard work that allowed this to happen so quickly but should also recognise this as a significant cause of stress for many employees who have had limited or no training or support on software packages that they are using for the first time to provide online teaching and digital learning materials.

Employers should not assume that any further changes to how courses etc. are delivered can be undertaken in a similarly short timeframe, particularly if they want to ensure high quality delivery. Additional training and support for using new IT should be factored into workload agreements or the work plans of staff.

Sufficient time needs to be allocated for any changes to course delivery and this should be reflected in workload models or workload allocations. It needs to be recognised that developing materials to be used remotely is not simply a matter of making existing materials available to students online. It is about ensuring that the course content, and how it is delivered, is suitable for online provision.

Given the need to respond quickly, many staff have been willing to provide materials for use online and to provide online teaching. However, a workload model should recognise the significant resources required for staff to learn new skills to allow them to move their teaching online and the real time it takes to practically prepare, record, edit and upload online teaching resources.

It should be recognised that some staff will, for a variety of legitimate reasons, be unable to provide online teaching and no one should be coerced into undertaking this work.

Where staff are required to provide a combination of online and face-to-face delivery (e.g. in a blended learning regime), provision is needed for time to switch between different modes of delivery and, where appropriate, to travel between different locations to deliver them.

UCU has already produced guidance of tackling excessive workloads in FE - **https://www.ucu.org.uk/#workloads** (you will need to login to access this guidance) and accompanying resources which can be found here: **https://www.ucu.org.uk/workloadcampaign.**

Contact time

Many colleges will already have agreements or contracts which specify what duties are included in contact time, and the number of contact hours across the working week and the working year that individuals shouldn't exceed. Branches may need to review the activities included in contact time in light of the new expectations placed on staff, and should consider including the following things:

- timetabled classes (including 'repeat' classes that may be a consequence of caps on student numbers in a classroom as a result of social distancing rules)
- online teaching (both large and small group work)
- cover for absent colleagues
- workshops
- seminars
- tutor group responsibilities
- revision classes
- one to one tutorials
- educational visits (UCU would not expect educational visits to be taking place at the current time)
- exam invigilation
- providing additional support to new and returning students as a result of the Covid-19 crisis.

Generally, the wider the definition the harder it is for the employer to load additional teaching related activities onto staff without breaching the agreed weekly limit on contact time.

Lesson observations

UCU is aware that some colleges have already used online lessons to check on the methods lecturers are using, sometimes without prior agreement. Although we appreciate the need to ensure that online delivery works well, UCU believes it is even more important when staff are undertaking newer modes of delivery that the approach to lesson observations is a supportive, collective, and reflective endeavour, which fully appreciates the difficult situation that staff, students and colleges find themselves in.

UCU believes that the approach outlined in the **lesson observation FE negotiating pack** is the appropriate basis for a discussion with management about how lesson observations will be handled whilst all or some of the delivery has to be conducted online.

For recorded sessions

When recording video or audio there is a need for branches to address and clarify the legal issues around data protection, performance and intellectual property rights.

In the checklist below, we cover these issues, and UCU will provide separate guidance on these matters shortly.

Negotiating a proper agreement with an employer

The best way to approach any online or blended learning delivery, is for the employer to agree a framework for this with the local branch. Local branches should be approaching colleges to initiate these discussions, if they haven't already begun.

The key things for an agreement to cover are:

- the employer will undertake a risk assessment BEFORE commencing this work, and issue clear guidance to staff to ensure their security and the security of the students is safeguarded. The risk assessment should look at the working constraints on the staff member such as broadband access; the privacy of space for delivery; the ability to set aside time from other commitments such as caring responsibilities; that appropriate equipment is available; and that the workstation is ergonomically laid out
- staff will be provided with appropriate training, support and technology to undertake this work BEFORE they start producing it. This includes training on new IT equipment and the platforms for delivery
- an assessment of accessibility is carried out so that cohorts of students are not excluded from participating in online learning

- clear rules for the participation of students in classes and lectures, and clear consequences if students don't stick to them
- agreeing an approach to online lessons considering the appropriate length of sessions; the needs for breaks for staff and students and the timings for delivery attempting to reflect what is manageable for staff and students
- workload implications for online learning are properly considered and integrated into the approach to allocating work. Issues around contact hours and working time are fully considered
- a review of lesson observation policies to ensure that they reflect a supportive and collaborative approach, with realistic standards considering the impacts on the pandemic.

Where lectures are recorded, an agreement should state that:

- no worker will be forced to participate in online/blended media teaching delivery. The agreement should state that their informed consent will be sought BEFORE this work starts and that they can withdraw their consent at any time
- the employer agrees that video and audio recordings are personal data and must be held with reference to the GDPR requirements in the Data Protection Act 2018
- the employer will clearly state what the recordings will be used for, and that they will not be used for any other purposes (i.e. lesson observations or in disciplinary proceedings)
- the employer will make it clear how this data will be stored securely
- it will designate a data controller for these recordings, who can be contacted by educators if they have further questions or queries, and regarding consent
- the employer will state how long this data will be held for and when it will be destroyed, usually this would be when the relevant cohort of learners finishes the course. Make sure the time limit is not excessive
- these resources will only be available to the students on that course, and not more widely available
- if students are to be recorded too, there will be a mechanism put in place to gain their informed consent to the collection of this personal data
- colleges can hold the license for performance rights for the duration of the academic year in which the recording took place, and on the basis that the performance will only be shared with students on the relevant course. It should also require the college to act on behalf of staff to enforce their performance rights should students seek to edit and distribute or just distribute the performance more widely.

If you need any help to secure this agreement, please contact your regional office to access support.

www.ucu.org.uk