



# Big Brother is watching you

ATL solicitor Kehinde Adeogun explains all about surveillance in schools.

In recent years employers in schools and colleges have introduced technology as an aid for the monitoring and surveillance of employees. With this rise in the use of technology there has been an increase in the conflict between an employer's need to protect property and ensure standards are met, and the individual's right to maintain privacy in the workplace.

The Code of Practice for the 1998 Data Protection Act provides guidance to safeguard staff against employers exploiting this monitoring through CCTV, examining emails, recording phone calls and logging 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
- ✓ alternatives to monitoring or alternative methods of monitoring
- ✓ an awareness of obligations placed on employers by the Data Protection Act
- ✓ that monitoring is justified.

The Code of Practice recommends that employers make employees continuously aware that monitoring is taking place; a one-off statement is not sufficient. If you work in a school or college in which monitoring is taking place or is going to be introduced, please contact your ATL rep or ATL regional official, who will be able to assist in consulting with your employer to ensure that monitoring is justified and there will be compliance with the provisions of the Code of Practice.

Your employer must inform you who will have access to the monitored and / or recorded information. They should also tell you when information is likely to be obtained, as well as why and how it will be used.

Monitoring that takes place without an employee being aware – covert monitoring – is not unlawful. However, the Code of Practice states that covert monitoring should only take place in very rare circumstances, usually in connection with suspected criminal activity. Contact your ATL rep if you become aware of covert monitoring in your workplace.

If an employer carries out video and audio monitoring via the use of CCTV, the impact assessment should detail that the monitoring is targeted at particular areas of risk. The Code of Practice is clear that continuous video and / or audio monitoring is particularly intrusive for workers and an employer would therefore have to justify it in the impact assessment. It would also be good practice for employees to be made aware of the location of cameras and microphones.

If CCTV monitoring is taking place in the classroom during the school day and covers those other than employees, the Code of Practice states that an employer would need to inform those others, e.g. students and parents. This includes detailing its purpose and the identity of an individual that can be contacted regarding the monitoring.

ATL proposes that there is no 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 and at the end of the school day.

Monitoring of employees' performance should be confined to the recognised performance monitoring methods.

ATL supports the Code of Practice statement that if monitoring is to take place, it should take into account consultation with trade unions and employees themselves to ensure openness about monitoring and the reasons for it. 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, or to breaches of provisions of the Human Rights Act for those employed in the public sector.

*If you have any queries about monitoring at work, please contact your workplace rep or the Sandwell branch office 0845 370 2213 who will be able to offer you advice.*

*Alternatively, contact the ATL London office 020 7930 6441*

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