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Embedding information rights in the primary and secondary education systems of the United Kingdom.

For the Information Commissioner

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Acknowledgements

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Summary

This project explores how to embed children and young people's information rights in the primary and secondary education systems of the United Kingdom (UK). The project looks across the four separate educational jurisdictions of England, Northern Ireland, Scotland, and Wales.

The ICO already has a number of initiatives to reach children and young people. This includes: a youth area on its website, a data protection DVD for secondary schools, a presence on online community games website Habbo Hotel, and an annual Student Brand Ambassador Campaign. However, 'mainstreaming' information rights within schools will help ensure children and young people recognise their information rights.

For this project, information rights are the right to make a freedom of information request, the data protection right to access your files, and the right to privacy. Children and young people's information rights sit within the human rights framework generally and the United Nations Convention on the Rights of the Child specifically.

Each part of the UK has a separate education system. But a common trend is a 'loosening' of central control on the curriculum, with less prescription of what should be studied and more flexibility for teachers on how to deliver it. Topics are more likely to be adopted if they resonate with teachers' lives and potentially make their job easier. Information rights could meet both criteria. One trade unionist described the project as "both exciting and potentially very useful".

Following desk-top research, interviews with people involved in education provision and curriculum design, and reference groups with children and young people, the findings are:

- There is enthusiasm for embedding children and young people's information rights in the curriculum across the UK. This is a view shared by children, young people and adults.

- There is a gap in information rights knowledge in current resources for teachers and in materials for children and young people.

- Teaching staff need a good knowledge base about information rights, to teach them effectively. They need credible and tested resources to make the topic engaging and interesting.

- At a time when greater control is being devolved to schools and teachers, and diminishing financial resources, the ICO needs to consider barriers to, and incentives for, schools and teachers incorporating information rights.

- Parents and carers need to be informed about the children and young people's information rights, to support their children and young people in realising them.

To address the above, the most effective and feasible options identified are:

1. An explicit programme between the ICO and teaching unions, to inform teaching staff of their own and children and young people's information rights. This could include specific guidance and contributions to union-organised conferences.

2. More generally, ICO guidance for education providers could debunk some myths around data protection in particular, provide rights information relevant to the sector, and publicise where education providers can go to for advice and assistance.

3. Linking with other organisations that inform schools, children and young people on related activities. Connections range from:

   - website links;

   - incorporating information rights within out-reach activities (eg Child Exploitation and OnLine Protection Centre, ChildLine, Commissioners for Children & Young People, Parliamentary education services); and

   - school teaching resources (eg Amnesty International, UNICEF's Rights Respecting Schools Award).

4. Dedicated school resources to teach children and young people about their information rights, with complementary information for parents and carers.

The next project phase could develop options 3 (links with other organisations) and 4 (dedicated school resources). The results would detail what each option could involve, likely partners, feasibility and quality considerations.

1. Introduction

This project explores how to embed children and young people's information rights in the primary and secondary education systems of the United Kingdom (UK). The research project looks across the four separate educational jurisdictions of England, Northern Ireland, Scotland, and Wales. The project asks whether a strategy can be developed by the Information Commissioner's Office (ICO) to include children and young people's information rights within schools.

For this project, information rights are the right to make a freedom of information request, the data protection right to access your files, and the right to privacy. We also explore what skills children and young people need to exercise these rights and the value of knowing about these rights (eg recognising these rights have community benefits).

The project has three tasks:

1. To assess opportunities within the primary and secondary curricula, across the four nations.
2. To learn from experiences of, and to assess opportunities through, other cross-curricular activities, on related topics.
3. Assess what is known about children and young people's knowledge of information rights and what particular questions/ issues they have.

To address these, the project undertook: desk-top research; interviews with relevant adult experts (eg teacher union representatives, those developing curricula and resources, school inspectors); and held reference groups with children and young people, in primary and in secondary schools.

Following the UN Convention on the Rights of the Child (UNCRC), children and young people are defined up to the age of 18.

2. Public policy environment

Information rights for children, young people and adults have a dense legal framework, from Scottish-specific legislation, to UK-wide legislation, to the European Convention on Human Rights.[1] *The Data Protection Act* applies to personal information and ensures that it is handled properly, according to eight principles: eg "personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for

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[1] Eg European Court of Human Rights judgement in *Kenedi v. Hungary* Appl. no. 31475/05

which they are processed".[2] *The Freedom of Information Act 2000* introduced an enforceable right to access information from UK bodies defined in the legislation. *The Freedom of Information Scotland Act 2002* introduced an enforceable right to access information on devolved matters held by bodies defined in the Act. There are also Privacy and Electronic Communications Regulations and Environmental Information Regulations.

The UNCRC provides a child-oriented approach to information rights. Article 13 is the right to freedom of expression. Article 17 places a duty on States to

> "… ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health."

The UK has ratified the UNCRC – although it is not fully incorporated into domestic law. By ratifying the UNCRC, the UK Government has a duty to promote and raise awareness of the rights contained within it. The UK Minister of State for the Department of Education, Sarah Teather, has also committed the Government to giving "due consideration" to the UNCRC when making new policy and legislation. Each part of the UK has a Commissioner for Children & Young People. While their remits vary, these offices are all established by legislation. They all seek to promote children and young people's views and their interests, as outlined by the UNCRC.

At the UNCRC hearing in 2008, the UK was 'requested' to take action on promoting UNCRC in schools:

> "The Committee recommends that the State party further strengthen its efforts, to ensure that all of the provisions of the Convention are widely known and understood by adults and children alike, inter alia by including the Convention in the statutory national curriculum, and that it ensure that its principles and values are integrated into the structures and practice of all schools."[3]

The ICO can assist in this task by embedding information rights within primary and secondary schooling.

In addition, government action has been specified in each part of the UK. The ICO can tap into these activities, to ensure information rights are within the action plans. For example:

- English, Welsh and Scottish Governments have action plans to address the 2008 UN Committee's Observations.

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[2] Schedule 1
[3] Concluding Observations of the UN Committee on the Rights of the Child, Para 21, CRC/C/GBR/CO/4, 20 October 2008

- The Northern Ireland Executive has used the Observations to inform its *Children and Young People's Strategy Action Plan*. A 2011-14 plan is currently being produced.

- The Scottish Government, Scotland's Commissioner for Children and Young People (SCCYP) and Together (the Scottish Alliance for Children's Rights) established a Scottish Child Rights' Implementation Monitoring Group.

Further opportunities are offered by legislation:

- *The Rights of Children and Young Persons (Wales) Measure 2011* places a duty on Welsh Ministers to have due regard to the rights and obligations in the UNCRC and its Optional Protocols when making any decisions relating to policy or legislation from 1st May 2012 and, from 1st May 2014, when exercising any of their functions.

- In September 2011, the Scottish Government published its *Consultation on the Rights of Children and Young People (Scotland) Bill*. It proposes to place a duty on Scottish Government Ministers to have 'due regard' to the UNCRC in performing its functions.

The Scottish Government has announced a Children's Service Bill for 2013. Issues of sharing information are likely to be in the Bill. Section 69 of *The Freedom of Information (Scotland) Act 2002* specifically recognises the rights of children to access information.

This project coincides with complementary policy developments:

1. International Human Rights Day on 10th December 2011 had a theme of 'social media and human rights'.[4]

2. A further Optional Protocol to the UN Convention on the Rights of the Child (UNCRC) focusing on communications is expected to be opened for signature in 2012.[5]

3. Continuing global discussion on the emerging *Charter of Human Rights and Principles for the Internet*. This includes Principle 5:

   "Everyone has the right to privacy online. This includes freedom from surveillance, the right to use encryption, and the right to online anonymity. Everyone also has the right to data protection, including control over personal data collection, retention, processing, disposal and disclosure."[6]

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[4] http://www.ohchr.org/EN/NewsEvents/Day2011/Pages/HRD2011.aspx
[5] This is a complaints procedure.
[6] http://irpcharter.org/wpcharter/

4. The UN's *Business and Human Rights* initiative[7] offers the ICO an opportunity to engage with the private sector at the highest level. The UN Global Compact, UNICEF and Save the Children will launch the *Principles on Business and Children's Rights Initiative* in the first quarter of 2012.

The ICO thus has UK-wide, nation-specific and international opportunities to influence children and young people's information rights. The policy environment generally suggests some parts of the UK may be more willing to embed children and young people's information rights than others.

3. Awareness of information rights

The ICO wants to ensure that children and young people are aware of threats to their privacy and know how to protect themselves. The ICO also wants to encourage children and young people to access public information, to their advantage.

A survey of over 4000 young people was undertaken in 2011.[8] Nearly 9 out of 10 (88%) secondary school respondents had a social networking site profile. Four out of ten (39%) primary school respondents had a profile. Despite this, 60% of respondents had not read the privacy policies of the networking sites they used, 32% did not know what a privacy policy was, and 23% said they did not know where to find it.

The ICO seeks to raise individuals' awareness of rights and the ICO. The *Report on the Findings of the Information Commissioner's Office Annual Track 2011 - Individuals*[9] showed continued concerns amongst adults about protecting people's information and how data is handled. Young adults (18 to 24 year olds) had less awareness of freedom of information rights, than those aged 55 to 64. This suggests that schooling currently does not ensure such rights are known.

Freedom of information requests are increasing. For example a major study[10] reports on the impact of Freedom of Information on English local

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[7] http://www.business-humanrights.org/Documents/Policies

[8] *Information Rights Should Be Embedded in Schools says ICO* News release: 30 August 2011 http://www.ico.gov.uk/news/latest_news/2011/information-rights-should-be-embedded-in-schools-says-ICO.aspx

[9] Undertaken by Social and Market Strategic Research 'Report VO5' published October 2011. See http://www.ico.gov.uk/news/latest_news/2011/information-rights-should-be-embedded-in-schools-says-ICO.aspx

[10] Worthy, B., Amos, J., Hazell, R. and Bourke, G. (2011) *Town Hall Transparency? The Impact of the Freedom of Information Act on English Local Government* is here: http://www.ucl.ac.uk/constitution-unit/publications

councils. Freedom of information requests to local and central government have increased from 85,000 in 2005 to nearly 200,000 in 2009. Alongside media and businesses, requests are being used by individuals to find out about things that matter to them, such as allotments, parking and speed bumps.

In Scotland, Freedom of Information officers complain that some information requests are very poorly drafted. The request can then be delayed, as clarification is needed. By embedding information rights in schools, children and young people will grow up with the knowledge and capacity to exercise their rights and to frame better their freedom of information requests.

4. Opportunities within primary and secondary curricula

Each part of the UK has a separate education system. But a common trend is central government devolving power down to schools. This includes a 'loosening' of central control on the curriculum, with less prescription of what should be studied and more flexibility for teachers on how to deliver it. These trends lessen the strategic power to direct and determine what is taught in the formal curriculum.

Below opportunities are considered for each part of the UK, in light of their organisational structure and curriculum.

A. England

England has several different types of state schooling, alongside an independent sector. There are four types of 'maintained schools',[11] which receive funding from their local education authority. These schools follow the National Curriculum but differ in other ways, like the relative control of the local authority and admissions criteria. Further, specialist schools follow the National Curriculum but focus on a particular subject. Other types of school, such as Academies, Free Schools and City Technology Colleges, have considerable freedom in their governance and from following the National Curriculum.

England has 152 local education authorities. Ofsted inspects schools in England.

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[11] Community schools; foundation and trust schools; voluntary-aided schools; voluntary-controlled schools.

Curriculum Change

England currently has a statutory National Curriculum. In January 2011 the Secretary of State for Education announced a review for both primary and secondary levels:

> "The new National Curriculum will set out only the essential knowledge that all children should acquire, and give schools and teachers more freedom to decide how to teach this most effectively and to design a wider school curriculum that best meets the needs of their pupils." [12]

The Department for Education is leading the review, with an advisory committee and an expert panel.

A revised timetable for the new National Curriculum has been announced. It will be introduced in 2014 and cover all subjects. The Secretary of State for Education said:

> "The longer timescale will allow for further debate with everyone interested in creating a genuinely world-class education system; teachers, governors, academics, business leaders and parents, as well as giving schools more time to prepare for a radically different and more rigorous approach." [13]

The Qualifications and Curriculum Development Authority is ending. Its work will be subsumed into the Department for Education. Ofqual oversees examination syllabuses and criteria, and is continuing.

Current National Curriculum

The National Curriculum applies to pupils of compulsory school age in maintained schools. It has four key stages:

- Key Stage 1: Ages 5-7 (Years 1-2) The statutory subjects that all pupils must be taught include design and technology, and information and communication technology (ICT).

- Key Stage 2: Ages 7-11 (Years 3-6) The statutory subjects that all pupils must be taught include design and technology, and ICT.

- Key Stage 3: Ages 11-14 (Years 7-9) The statutory subjects that all pupils must be taught include citizenship, design and technology, and ICT.

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[12] http://www.education.gov.uk/inthenews/inthenews/a0073152/michael-gove-announces-major-review-of-national-curriculum

[13] http://www.education.gov.uk/a00201092/written-ministerial-statement-on-the-national-curriculum-review As the statement and accompanying documents were issued on 19 December, it has not been possible to incorporate any further detail in this report.

- Key Stage 4: Ages 14-16 (Years 10-11) Students study a mix of compulsory subjects, which include citizenship and ICT.

For each subject and for each key stage, study programmes set out what pupils should be taught. Attainment targets set out the expected standards of pupils' performance.[14]

Certain non-statutory study programmes are relevant to this project: at primary level, a framework for *Personal, Social, Health and Economic Education* (PSHE) and citizenship education; at secondary level, 'personal wellbeing', which includes the requirements for sex, relationships and drugs education. These programmes are under review as part of the National Curriculum and PSHE reviews. The latter examines the content and teaching quality of PSHE. Submissions have been invited from headteachers, teachers, parents, pupils and other interested parties. Thereafter the Secretary of State will publish proposals for public consultation.[15]

The Department of Education website has archived or deleted a number of PSHE resources, such as the *PSHE in Practice* packs for primary and secondary schools. It has done so because such resources no longer "reflect current policy and guidance".[16]

Conclusion

The Government intends to 'slim down' the National Curriculum and give schools greater freedom in what they teach. Subjects that could relate to information rights – citizenship, design and technology, and ICT – are all under review by the Expert Panel. The Panel has been asked to consider whether such subjects should be part of the National Curriculum.

Four reports were issued on 19 December 2011.[17] Two are of particular interest to Phase 2 of this project: the Expert Panel's recommendations and the research report comparing educational jurisdictions. The ICO may also wish to make direct contact with the Expert Panel, to articulate the importance of embedding children and young people's information rights.

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http://www.education.gov.uk/schools/teachingandlearning/curriculum/b00200366/about-the-school-curriculum

[15] http://www.education.gov.uk/inthenews/inthenews/a00192561/review-of-pshe-education

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https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DfES%200886%202004

17

http://www.education.gov.uk/schools/teachingandlearning/curriculum/nationalcurriculum/b0075667/national-curriculum-update-recent-review-activity

The review's conclusions will impact on the opportunities to teach children and young people about their information rights, whether in the statutory National Curriculum or non-statutory programmes like PSHE. The apparent lack of PSHE resources may create opportunities to work in partnership with others or to develop a freestanding resource on children and young people's information rights. Schools' and teachers' increasing curricular autonomy presents opportunities to offer teaching toolkits and pupil resources directly to schools.

B. Northern Ireland

Northern Ireland's Department of Education is responsible for the central administration of all aspects of education and related services – except higher and further education. In pre-school settings, schools and through the Youth Service, the Department also promotes personal well-being and social development. Functions include, through the Education and Training Inspectorate, evaluating and reporting on the teaching quality and learning and teacher education.[18]

There are five local Education and Library Boards (ELBs). These are non-departmental public bodies. While independent, they work closely with the Department of Education and are the ultimate responsibility of the Minister of Education. The Northern Ireland Council for the Curriculum, Examinations and Assessments (CCEA) sets curriculum and exams. The Council for Catholic Maintained Schools (CCMS), a statutory body, carries some of the functions of the ELBs in the large Catholic education sector. The main types of school all follow the statutory curriculum. Beyond the state sector, there are 15 independent schools.[19]

Curriculum

The Northern Ireland Curriculum was introduced in the 2007/08 school year and now applies to all 12 years of compulsory education. *The Education (Curriculum Minimum Content) Order (Northern Ireland) 2007* sets out minimum content, for each learning area at each Key Stage. The Curriculum is broadly-based; it -

> "(a) promotes the spiritual, emotional, moral, cultural, intellectual and physical development of pupils at the school and thereby of society; and

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[18] http://www.deni.gov.uk/index/85-about-the-dept.htm
[19] http://www.deni.gov.uk/index/85-schools/10-types_of_school-nischools_pg/schools_-_types_of_school-independent-schools.htm

(b) prepares such pupils for the opportunities, responsibilities and experiences of life by equipping them with appropriate knowledge, understanding and skills."[20]

Statutory subject areas for information rights are:

- *Personal Learning and Mutual Understanding*. Foundation Stage (Ages 4-5, Years 1 and 2), Key Stages 1 (Ages 6-8, Years 3 and 4) and 2 (Ages 8-11, Years 5-7).

- *The World around Us* with contributory elements including science and technology. Foundation Stage, Key Stages 1 and 2.

- *Learning for Life and Work* with contributory elements of local and global citizenship and personal development. Key Stages 3 (Ages 11-14, Years 8-10) and 4 (Ages 14-16, Years 11-12).

ICT is a cross-cutting skill, with specified skills objectives.

According to Amnesty International:

"In Northern Ireland, the revised curriculum makes a number of explicit references to human rights both in whole curriculum objectives and in statutory areas of learning. At primary level, teachers are required to enable pupils to develop knowledge, understanding and skills in 'human rights and social responsibility' as part of the 'Personal Development and Mutual Understanding' Area of Learning, while at secondary level, 'Human Rights and Social Responsibility' are incorporated as a key theme into the statutory area of learning 'Local and Global Citizenship' and the optional GCSE 'Learning for Life and Work', at KS3 [Key Stage 3]. At KS4 [Key Stage 4], only non-statutory curriculum guidance is available on human rights."[21]

Amnesty International concludes that:

"There remains a piecemeal approach to rights education within the curriculum in Northern Ireland and there is a need for more support for effective curriculum resources, for improved provision of both initial teacher training and continuing professional development in Local and Global Citizenship, for the adoption of HRE indicators in Inspection."[22]

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[20] Schedule 2, Part 1.
[21] Written evidence to Justice Committee of the Scottish Parliament in advance of evidence session on 6 December 2011
http://www.scottish.parliament.uk/S4_JusticeCommittee/Meeting%20Papers/Papers2011206.pdf
[22] Ibid

Conclusion

Opportunities exist to embed children and young people's information rights within schools, in Northern Ireland, such as:

- The Department of Education could issue guidance to schools and their boards of governors.
- The CCEA could develop a specific tool, which fits with the revised curriculum.
- The five ELBs and the CCMS could raise the issue locally and develop pilot projects and teaching materials.

C. Scotland

Alongside an independent sector, state schools are built and operated by the education departments within 32 local authorities in Scotland. The Scottish Government launched the Curriculum for Excellence in 2009. The curriculum is non-statutory; the Scottish Government provides the framework.[23]

Schools inspectors have merged with Learning Teaching Scotland, to create Education Scotland. This new organisation is responsible for quality and improvement in Scottish education. Education Scotland provides substantial resources to schools and teachers, on its website. It currently has a webpage titled 'Internet safety and responsible use' with resources for practitioners, parents and for young people.

Curriculum

Curriculum for Excellence[24] covers the ages of three to 18. The curriculum is organised to promote four capacities: to enable each child or young person to be a successful learner, a confident individual, a responsible citizen and an effective contributor. Teaching children and young people about their information rights, and giving them the skills to exercise their rights, sit well within the four capacities. Children and young people's participation in learning, in school life, and in the wider community, are important parts of the new curriculum.

Interviews repeatedly suggest that the best routes into the formal curriculum are through *Modern Studies* and *Personal and Social Education* (PSE). These map onto the new Curriculum for Excellence, in at least two areas. *Social Studies* includes understandings of democracy and citizenship, and exploring and evaluating different types of sources and evidence. *Personal Wellbeing* addresses relationships, choices and risk-

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[23] http://www.scotland.gov.uk/Topics/Education/Schools/curriculum
[24] http://www.ltscotland.org.uk/understandingthecurriculum/

behaviour. *Technologies* is another area, which includes being an informed consumer and producer. Qualifications are being developed to match the Curriculum for Excellence, by the Scottish Qualifications Authority.[25]

Conclusion

Scottish education is experiencing change nationally and locally. Local and school-specific practices present difficulties for crafting a national model. For example, Moray Council has closed the computing departments in schools and moved the subject into the more generic 'business department'. The information rights agenda may have a different focus. In Stirling Council, the IT department will teach technical computing skills but not information rights.

On the other hand, the Curriculum for Excellence has only recently been introduced. It gives increased flexibility to schools and teachers. Resources thus may be welcomed, should they fit within the new requirements. Qualifications are currently being developed, which could incorporate attention to information rights.

D. Wales

The Welsh Government's Department for Education and Skills works to ensure that children and young people have access to a 'broad and balanced curriculum' and that practitioners deliver high-quality teaching, training and leadership. The *School Effectiveness Framework* seeks to improve educational attainment and provision in Wales. It involves schools, local authorities and the Welsh Government working collaboratively.[26] Estyn inspects quality and standards in education and training providers in Wales.

There are 22 local authorities in Wales. *The Education Act 1996* requires local authorities to "contribute to the spiritual, moral, mental and physical development of the community by securing efficient . . . education" and to provide "sufficient schools" in "number, character and equipment" to offer education appropriate to age, ability and aptitude of pupils. Local authorities have a duty to promote improved standards in schools. Local authorities' education improvement services are increasingly working in partnership and a number are providing services via regional

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[25] The SQA report they will publish final specifications for most new qualifications in April 2012 and Advanced Highers (the highest level) in April 2013.
http://www.sqa.org.uk/sqa/files_ccc/150211%20CfE%20Teacher%20Leaflet%20-%20FINAL%20-%20SIGNED%20OFF.pdf
[26] Letter from Chris Tweedale, Director of Schools and Young People Group, to all Headteachers 18 July 2011

arrangements. All local authorities should be working jointly through regional consortia by the end of 2012. Alongside the state sector, there are 66 independent schools.[27]

Curriculum

The statutory school curriculum for three to 19 year olds was implemented in September 2008. It focuses on the learner, emphasises skills development, reduced subject content and supports Government policy including global citizenship.[28]

Interviews suggested several curriculum opportunities:

* Statutory areas of study in the Foundation Phase (for three to seven year olds). Out of the seven areas, three are relevant: 'Personal and Social Development, Well-Being and Cultural Diversity', 'Language, Literacy and Communication Skills', and 'Knowledge and Understanding of the World'.

* The non-statutory *Personal and Social Education* (PSE). One of the five themes is 'Active Citizenship'. Information rights could be a skill within this theme. Or information rights could be included within the teaching of human rights and specifically the UNCRC.

A non-statutory *Skills framework for 3 to 19-year-olds in Wales* provides guidance on developing thinking, communication and ICT as well as numbers.

The Welsh Government recognises its duty under Article 42 of the UNCRC to make the Convention known to all parents and children. It has thus produced Toolkits and information[29] and funded training. Further, the *Rights of Children and Young Persons (Wales) Measure 2011* will apply to the Welsh Government's education functions.

Websites could carry links to UK ICO materials. For example, the *schoolbeat* website[30] provides information and resources for police officers, teachers, children and young people, and parents. It currently contains educational crime prevention information, and this includes areas like cyber safety and mobile bullying.

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[27] http://wales.gov.uk/docs/statistics/2011/110920sb862011en.pdf

[28] http://wales.gov.uk/topics/educationandskills/schoolshome/curriculuminwales/arevisedcurriculumforwales/?lang=en

[29] http://wales.gov.uk/topics/childrenyoungpeople/rights/uncrc/awareness/?lang=en

[30] http://www.schoolbeat.org/teachers/home.html

Conclusion

The Welsh Government aims for a balanced school curriculum, which is flexible, reduces prescription, and focuses less on content and more on skill development. Information rights can fit in this agenda in a variety of ways.

Children and young people's information rights can be taught through PSE. 'Progression' through the curriculum was emphasised: eg recognising what would benefit primary pupils, in comparison to secondary pupils. Various interests are lobbying for topics to be included within PSE. The Welsh Government believes it important to offer resources and toolkits that can be picked up easily by individual teachers, by schools or by local authorities. According to Amnesty International:

> "In developing the Personal and Social Education (PSE) curriculum in Wales, the Welsh government made explicit the requirement for children of all ages to learn about their rights, and for older children to learn about human rights specifically. However, the PSE curriculum is flexible and each school determines which elements are taught and in what way, so it is not mandatory for children in Wales to learn about human rights. Amnesty International is in dialogue with the Welsh government about ensuring more binding commitments."[31]

There is also scope to teach the subject in ICT.

Teachers of PSE, schools and increasingly local authority regional consortia are particular targets to encourage take up.

5. Opportunities through other curricular/educational activities

Going beyond the formal curriculum, three types of opportunities show the most potential: first, enhancing teachers' knowledge and skills; second, teaching resources produced and promoted by external organisations, to schools; and third, linking with other organisations that promote rights.

Enhancing Teachers' Knowledge and Skills

Teachers who are confident about their own information rights, and how to protect and enact them, are more likely to promote information rights to their pupils. Interviews suggest current concerns amongst the teaching

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[31] Written evidence to Justice Committee of the Scottish Parliament in advance of evidence session on 6 December 2011
http://www.scottish.parliament.uk/S4_JusticeCommittee/Meeting%20Papers/Papers201 11206.pdf

profession, particularly in terms of social media and marking exam papers. Several teaching unions expressed interest in working with the ICO; this provides an opportunity to address teachers' fears but also highlight the positive aspects of information rights.

The drive to improve teachers' skills, knowledge and qualifications could create opportunities. Northern Ireland, Scotland and Wales have a General Teaching Council, which is the independent professional regulatory body for teachers. The Councils oversee professional development requirements, including continuing professional development and further qualifications (eg headship). By March 2012, the General Teaching Council for England will close. In England, advanced teaching qualifications are changing: the Masters Teacher Standard has been recommended,[32] while a new headteacher qualification begins in 2012.[33] The National Scholarship Fund for teachers was set up in 2011. It helps existing teachers in England to develop their skills and help them deepen their subject knowledge. Awards have been made in the priority subjects or specialisms of maths, English, science and Special Educational Needs.[34] Information rights could be part of continued professional development.

Teaching Resources

Amnesty International operates a schools' programme across the UK and disseminates high quality materials on human rights. Trained volunteers visit schools for a planned programme either as a general speaker (eg around International Human Rights Day) or to complement teaching on a particular topic. Most of its educational resources are free online. Other resources can be bought at www.amnesty.org.uk/books. Most teacher training events are free.

UNICEF's *Rights Respecting School Award* (RRSA) seeks to embed the UNCRC into schools' values and vision. It has four standards: leadership; management and knowledge about UNCRC; developing the changing ethos of the school so that it is 'rights respecting'; and empowering children and young people. Over 2,500 schools are participating. The RRSA has two stages, although schools may sign up before they reach Stage 1. Scotland has a substantial proportion of

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[32] http://www.education.gov.uk/a00200711/great-teachers-could-become-master-teachers
[33] http://www.education.gov.uk/a00200533/overhaul-of-head-teachers-qualification-to-help-train-the-next-generation-of-great-school-leaders
[34] http://www.education.gov.uk/a00200774/hundreds-of-teachers-awarded-national-scholarships

schools 'signed up' (about 20%), partly because RRSA fits with the Curriculum for Excellence.

The RRSA does not focus on particular rights. Information rights could be perceived as an 'add on' to the existing format. However, the right to privacy is crucial to children and young people's safety, and information rights are a tool to enjoy all UNCRC rights.

Charging for RRSA registration is new. Its impact is not yet clear. Costs to access materials and assessment may now be a barrier to schools' participation. In Scotland, children and young people can act as assessors and thus reduce the cost.

UNICEF's virtual learning environment has lessons, tools, information and links to internal and external sources of information, toolkits and more. It advertises training courses generally and offers specific school support for an extra charge. ICO training or resources could be included. UNICEF delivers training to local authorities and school staff in Northern Ireland and Scotland. There may be opportunities to link in with this established system.

The Prince's Trust has a 12-week personal development course, *Team Programme*. This includes team-working and communication skills, gaining awareness of the local community, and how participants can contribute to their community. The target group is young people aged 16 to25 especially people leaving care, young offenders, educational underachievers and the longterm unemployed. The programme is available at over 300 UK locations. The ICO may want to include such training providers within its target group for this project.

Child Protection and Internet Safety. This issue has gained increasing educational and government attention. The resulting investment ranges from numerous website resources for children, young people, parents and teachers, to training, to government action plans.[35] These initiatives promote the protective aspect of information rights but frequently do not emphasise the positive ones.

Linking with other organisations that promote rights

The ICO could link with other organisations, who have ongoing engagement with children, young people and schools. For example:

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[35] For example, see *Think U Know* offered by the Child Exploitation and OnLine Protection Centre http://ceop.police.uk/About-Us/ and ICO's own initiatives.

- Commissioners for Children & Young People. Each office has its own website, with links for children and young people as well as adults, and outreach activities to engage children and young people.

- Parliamentary Education Services. Education services in each of the Parliaments and Welsh Assembly could offer opportunities to encourage schools to think about information rights, eg topics to study, issues to debate.

- Relevant NGOs. Each part of the UK have active coalitions of organisations that promote children and young people's rights.

ChildLine has a developed interest in confidentiality for children and young people, based on its experience of offering a free helpline. It is concerned about how children and young people's information rights are being addressed by the public sector, where there is an explicit commitment to share information.

6. Children and young people's knowledge of information rights – challenges and opportunities

Two reference groups were conducted, one within a primary school and the other within a secondary school. The groups helped the project to 'test out' issues and ideas emerging from other methods. The findings fit well with existing research, while providing pertinent details for this project. Of particular note are:

- Children and young people had varied and considerable involvement in digital media, from social media profiles to online gaming.

- Children and young people were well able to discuss 'rules' for information, and particularly internet, safety. The implementation of rules could be more difficult. For example, you should not share information with someone 'you don't know', but when do you 'know' someone sufficiently? Or you know not to reveal personal identifying information online, but you put information on Facebook and Twitter about plans and activities.

- Both groups had experience of credit card abuse in the use of social media.

- Trust was important when a person or place had information about you. Such trust was difficult if you did not know what information was held about you.

- In discussing parental controls on PC/games consoles, children and young people thought that parents did not understand how these work.

- Whilst all the children and young people knew about ChildLine many thought you should only call "if you were being abused" and not for other matters.

- Teachers use information about children and young people. This could be embarrassing.

- School inputs about online safety were sporadic and not connected to opportunities to explore more deeply. Short messages might be given in assembly, or mouse mats might appear with an online safety message, but these seemed quite "random". One participant said: "No-one understands it and everyone ignores it."

- Young people at the secondary school thought school was a good setting for learning about information rights. Such learning should start from around age nine or ten when children began to use mobiles and the internet, with more autonomy and progress through secondary school.

- Numerous ideas were put forward about how to make teaching in schools effective, from ensuring learning was fun, hands-on, part of a project, and located generally in children and young people's rights.

- Children and young people should learn where information was held about them, what this was and why it was held.

- While learning should happen at school, parents should also be involved so that they understood what children and young people were doing and learning. Children and young people could take information home and teach their parents. Young people at the secondary school suggested that children in primary school could make presentations to their parents about what they had learned.

Further information from the reference groups is contained within Appendix 1.

7. Conclusions and recommendations

There is enthusiasm for embedding children and young people's information rights in the curriculum across the UK. This is a view shared by children, young people and adults.

There is a gap in information rights knowledge in current resources for teachers and in materials for children and young people.

Teaching staff need a good knowledge base about information rights, to teach them effectively. They need credible and tested resources to make the topic engaging and interesting.

At a time when greater control is being devolved to schools and teachers, and diminishing financial resources, the ICO needs to consider barriers to, and incentives for, schools and teachers incorporating information rights.

Parents and carers need to be informed about the children and young people's information rights, to support their children and young people in realising them.

To address the above, the most effective and feasible options identified are:

1. An explicit programme between the ICO and teaching unions, to inform teaching staff of their own and children and young people's information rights. This could include specific guidance and contributions to union-organised conferences.

2. More generally, ICO guidance for education providers could debunk some myths around data protection in particular, provide rights information relevant to the sector, and publicise where education providers can go to for advice and assistance.

3. Linking with other organisations that inform schools, children and young people on related activities. Connections range from:
   - website links;
   - incorporating information rights within out-reach activities (eg Child Exploitation and OnLine Protection Centre, ChildLine, Commissioners for Children & Young People, Parliamentary education services); and
   - school teaching resources (eg Amnesty International, UNICEF's Rights Respecting Schools Award).

4. Dedicated school resources to teach children and young people about their information rights, with complementary information for parents and carers.

Potential for the next phase

The next project phase can develop options 3 (links with other organisations) and 4 (dedicated school resources). The results would detail what each option could involve, likely partners, feasibility and quality considerations.

Learning from Phase 1, considerations are:

- Differences across the four parts of the UK. Curricula change is at different stages across the UK, with the English curriculum currently under review. Government commitments have been made to teaching human rights and the UNCRC in Northern Ireland, Wales and Scotland.

- Teaching tools must be of good quality and credible, to be attractive to schools and teachers.

- Many potentially relevant organisations connect with schools: strategic co-ordination could maximise ICO impact.

Methods proposed are:

- Further interviews with children's law centres and Offices for Children's Commissioners, on how the ICO may interface with their activities.

- Exploring further with ChildLine about children and young people's concerns about confidentiality. ChildLine is prepared to consider gathering statistical information in calls to their Glasgow call centre from January – March 2012 for the ICO to evidence their opinions. They are willing to discuss the practicalities of this, such as suitable categorisation criteria.

- Investigate effective teaching resources in other countries. Alongside desk-top research, the Freedom of Information Advocates network will be used. This is an established network of professionals, academics and organisations working on information access rights, transparency and accountability.

- Consultation with headteachers and teachers, specifically in regard to the teaching resource (option 4). This includes exploring online opportunities for consultation[36] and offers from teaching unions to set up meetings.

- To provide more in-depth and targeted knowledge, two primary and two secondary schools across the four nations (16 schools in total) will be identified, through the advice of personnel developing curricula, inspectorates of education and trades unions. The primary and secondary schools would be identified on the basis of undertaking related information rights activities. The school would be asked to identify a relevant teacher, for further information on what is being done, an evaluation of its strengths and weaknesses and ideas of what would make a successful teaching resource integrated into the curriculum.

- A cross-nation adult stakeholder group for 5th or 7th March 2012 at Edinburgh University, to test out ideas from the above.

- Reference groups with children and young people would continue, to test out ideas from the above.

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[36] For example, GLOW is the national online community for pupils, parents and teachers, organised by Education Scotland to provide a safe and secure intranet. It has 'communities of practice', including ones for pupil councils and for teachers with particular interests.

Appendix 1: Children and young people's reference groups

The Children's Parliament
December 2011
www.childrensparliament.org.uk

About the participants

Two schools – one semi-rural village primary school (Fife) and one large urban secondary school (North Lanarkshire) – were approached to be sites for reference groups.

Eight children aged 10-11 years old participated in the primary school group and met on one occasion. Twelve young people aged 12-13 took part in two meetings at the secondary school. Boys and girls were represented equally.

Due account was given to ethical considerations, such as consent, safety and well-being.

Core messages from participants about children and young people's rights

The workshops located discussion in a broader awareness of, and interest in, children and young people's human rights. Children and young people said they had heard of the term 'children's rights' but knowledge of the UNCRC was low. Discussion points included:

- Being healthy included consideration of both physical wellbeing (keeping fit, eating well) as well as (particularly for the older group) mental wellbeing (including connectedness to others, feelings of acceptance and being part of a caring family).

- Being safe included freedom from some things (violence or bullying at home, at school or in the community) and freedom to do some things (meet others, have friendships, feel involved in things, have your say). Being safe also required a child to have a family who protected and cared for them.

- Being happy meant having family and friends, having fun and feeling safe and cared for in all settings, being kind and having a growing independence and freedom to be your own person.

- Family was important.

Where children and young people go for information ('to find out stuff')

- Children in the primary school identified parents or carers as the main source of information. They would approach a chosen adult with an

initial question. The only exception to this would be if there was a worry about the family itself; ChildLine was seen as a source of help in terms of abuse or violence.

- Young people in the secondary school identified the internet as their main source of information. They also listened to the radio but primarily for music. Seven of the 12 also read a newspaper at some point in the week; newspapers were bought by a parent or carer.

- In both groups, friends were seen as an important source of information (and support).

- When seeking information online, a search engine was the first step.

- Across the groups, information from an online source should be checked for veracity against another source if it were something important (particularly Wikipedia).

- Children and young people reported that internet access at school or in the library had controls but that this was not the case at home. Whilst some participants reported that warning messages can appear on the screen before they were directed to a particular site, their PCs or games consuls at home had no restrictive or parental controls. Children and young people were generally not supervised by parents when they were online.

- Children in the primary school talked about going to the library but several children had stopped because of overdue/lost books and they now felt they could not return. In the secondary school, young people saw the library as a good source of 'factual information'. Children and young people now accessed ebooks.

- For the young people in the secondary school, information sources were differentiated by particular expertise: teachers for homework information, Guidance teachers for 'emotional advice', parents for information about 'personal changes', banks for money advice, doctors for medical advice.

- TV was a good source of information, but not a place you could go to with a question as such. Additionally TV and magazines (or dedicated websites) were good sources for information about celebrity gossip.

Children and young people sharing information about themselves

- Social network sites, particularly Facebook were used by all the young people in the secondary school and by four out of eight in the primary school group.

- Facebook was viewed as central to many children and young people's social lives; it was used as a social space in its own right and as a place to organise meeting friends elsewhere. It was also used to share thoughts and feelings.

- Facebook was a place where a lot of disagreement, fights or bullying can occur between children and young people.
- All of the secondary school group had a mobile phone, mostly with internet access although this was intermittent. Seven of the eight primary school children had a mobile, four with internet access.
- Across both groups boys played on games consoles with internet access or live gaming.
- Several young people mentioned use of twitter – both following others and tweeting themselves.

Sharing information: the 'rules' that children and young people followed

- Across both groups personal information – name, address, email – should not be shared, if in contact with someone they did not know.
- Some of the children and young people with Facebook accounts had some degree of privacy setting; some had none.
- The under 13s had all lied about their age in order to open a Facebook account; this was known by parents.
- Some boys in both the primary and secondary schools also used parental accounts with parental knowledge to access games that had a certificate above their own age.
- Generally children and young people would not add a 'friend' on Facebook unless they knew them – the general view being 'don't add randoms'.
- Children and young people were aware of the risk of adults posing as a child or young person and approaching them online.
- Some of the children and young people had used a parent's email address, when asked by an online environment for an email address.
- One young person in the secondary school recorded detailed understanding of guidance around shopping online.
- Only one girl in the primary school and two boys in the secondary school recorded any views about positive behaviour online in terms of 'don't swear, be kind, don't put any nasty things about friends on their page or mine'.

Sharing information: what adults said 'the rules' should be

- Be safe.
- Use your phone to keep in touch with me.
- Don't add people to Facebook if you don't know them.
- Don't answer an incoming call to your mobile if it's a number you don't recognise.

- Be careful what you say online.
- Don't share information like your address or date of birth online.
- Tell someone if something happens that is upsetting.
- Don't buy stuff on the phone or online without asking.

For the girls in the secondary school, additional rules or boundaries from adults were:

- Don't get addicted and take it too seriously.
- Inappropriate pictures are a no-no.
- Try not to pick arguments with people.
- Don't draw attention to yourself.
- Stay away from boys!
- Have the confidence to say 'no'.
- Don't be harassed or get harassed.

The secondary school group also recorded some 'rules' which gave a sense that parents or carers wanted young people to understand that being online was also like being 'in a place' with messages like:

'Don't socialise with people that you are not comfortable hanging around with'.

Children and young people's knowledge about information held about them

Discussion led to children and young people considering different people or settings.

School. All participants understood that a file was kept about them in school; only one in the secondary school had seen this file on a PC screen and only then by accident on entering a room. Notes in a school file might be unfair or inaccurate, particularly notes/views about behaviour.

GP or medical settings. All participants understood that a file is kept about them in the GP practice; only young person in the secondary school had seen this file.

One of the primary school group referred to the Pharmacist having personal and medical information.

Banks. The secondary school group was aware that a Bank held a wide range of information about income and expenditure across the accounts an individual might have. They also recognised that this information might go back many years and so provide a history of income/expenditure.

Informal or leisure settings. In terms of sports groups, young people reported that different kinds of information were sought in different places. No explanation was given about why detailed information about family members contact details or medical information was needed.

Participants had examples of and fears about 'having your identity stolen' when online, particularly playing games. They reported that other players in live gaming could ask for personal information including credit card or password details; sometimes this was done in the guise of offers to be helpful with improving skills and points.

The secondary school group was aware that a shop would know information about you via store or points cards.

Facebook. The children and young people commented that Facebook only shared personal information with their friends.

Awareness according to age. Beyond school and GP, children in the primary school had little awareness of other places or people that might have information about them. The older group had greater awareness.

What questions or issues arose for the children and young people?

Questions or an interest in having more information arose across the people or settings the groups had discussed:

School. Young people in the secondary school wanted to know what information school had the right to keep about them, how they could find out or see what is held, whether they had the right to amend what was held if it were inaccurate and indeed what system there was to ensure information was updated. They were also concerned about security and who ensured it. Further questions also arose about what 'confidential' means. Confidential to whom? They asked where does the information held about them go (beyond a file in the school)?

Young people in the secondary school asked what information was shared amongst staff members and what the nature of the discussions staff had about pupils. One young person asked whether a record was kept of who accessed information about them and whether they could find out who had accessed it and why.

Children and young people wanted to understand why letters about them could be sent by school to their home without them knowing about the content or purpose of the letter.

Children in the primary school asked about what medical information was held about them by school and how school got this information.

GP or medical settings. Children and young people in both groups asked whether school staff could access medical information held by the GP or hospital.

Government. Young people in the secondary school wanted to know what information 'the government' held about an individual person and how secure that information was.

In all these settings the secondary school group posed the question: what would happen (to me or to them) if any of these people or places decided to tell others about the information they have? One young person summed up their questions by asking: How protected is my privacy?

Banks or shops. Young people in the secondary school wanted to know whether an individual staff employee could access all their information and whether the Government could access this too without your knowledge?

Mobiles. Children and young people received calls from companies (some live calls, some pre-recorded) about a range of issues and wanted to know how their numbers had been accessed.

Children and young people wanted to know how phone hacking or hacking into someone's internet accounts could happen.

Considerations for future learning

Following the group sessions, the Children's Parliament facilitators identified the following matters for further consideration:

- A common rule or boundary to ensure safety online was repeated as never sharing information with 'someone you don't know'. However in terms of social network sites do you 'know someone' who is a friend of someone else? In terms of gaming do you 'know someone' when you play online with them?

- For the secondary school group the issue of 'trust' was raised – that when a person/place has information about you, you should be able to trust them. But with little awareness or communication about what was held, they had difficulty having trust.

- Whilst privacy controls varied amongst the children and young people in terms of their use of social networking, and they generally accepted rules about not sharing information with strangers, they also reported that they post information on Facebook and Twitter about plans and activities.

- In discussing parental controls on PC/games consoles children and young people thought that parents probably did not understand how these worked.

- Whilst all the children and young people knew about ChildLine, many thought you should only call "if you were being abused" rather than if you had a worry, concern or a question that you found it difficult to ask or find an adult to discuss it with. Knowledge of ChildLine could be refreshed for all participants.

- Boys in the primary school would not necessarily use privacy settings on social network sites, even if they knew about them.

- Children in the primary school reported that teachers could use information about you which can be embarrassing: the example was commenting on who your girlfriend was.

- Children and young people identified that inputs about safety online were sporadic and not connected to opportunities to explore deeper in the classroom – so that short messages might be given in assembly, or mouse mats might appear with some online safety message, but that these seemed quite 'random'. There was a view, expressed by one participant as: "No-one understands it and everyone ignores it."

A second workshop was facilitated with the secondary school pupils to consider how learning about information rights might be undertaken in school. Participants worked in small groups and designed an approach to school based learning. Key points emerging from the young people were:

- The young people agreed that school is a good setting for learning about information rights and that this should start from around age nine to 10 when children began to use mobiles and the internet, with more autonomy and progress through secondary school.

- They liked that this project had located learning about information rights in the broader context of children's rights because otherwise children might not understand what a 'right' was.

- Learning should be part of a project or programme of learning rather than a one-off lesson.

- Learning should be fun – children and young people learned best when they were engaged in games, research, investigations and challenges. They needed to have some core information given to them but then they needed to explore what this might mean to them.

- They felt that teachers would not know enough to facilitate learning and so the use of outside 'experts' might be necessary. If teachers were facilitating learning, they needed to like children and young people and be (and be seen to be) interested, relaxed, informed and enthusiastic.

- It would be useful if an adult or peer educator worked with children and young people individually to explain how the internet works and, in the course of this, talked about information rights.

- The person acting as a tutor or guide could tell the learner about where to go for information (as they might not know this and think the internet was just for games or unimportant stuff).

- Children and young people should learn where information was held about them, what this was and why it was held.

- While learning should happen at school, parents should also be involved so that they understand what children and young people were doing and learning. Children and young people could take information home and teach their parents. Children in primary school would make presentations to their parents about what they had learned.

- Learning about information rights should include using technology – not just given a leaflet or a worksheet. Apps should be available for young people to download and learn from.

- An important part of learning should be how to be safe, what information to share, how to look after your privacy, how to treat others online.