**Derbyshire County Council & Derby City Council Briefing note**

**Music Partnership & Online Music teaching**

There are over 200 Self Employed Music teachers engaged by the Derby and Derbyshire Music Partnership who support instrumental teaching for children and young people in Derbyshire and Derby City.

Whilst Derbyshire is in a period of lockdown and schools are not open to their usual capacity, these individuals have not been able to carry out that instrumental teaching in schools and on advice from the Music Partnership have not been able to undertake online music tuition on our behalf. This advice originates from a safeguarding concern that these individuals are not our direct employees and that there is therefore greater risk about allowing online access to our children and young people.

However, we now know that it will take some time to return to standard operations and meanwhile our children and young people will be deprived of another outlet for creativity, a distraction from living a constrained life and a further opportunity to engage with an adult outside of their immediate family, which may provide a vital link for some.

We are also aware that some Music Teachers are continuing to provide teaching online in an attempt to retain some income and maintain contact with their pupils. Whilst this is something they are able to do as a registered self-employed Music Teacher, we are currently unable to determine what checks are in place and what consent has been sought to ensure that the teacher is protected from any allegations and the pupils remain safe.

As a result, the Safeguarding procedures for our own staff undertaking online service provision have been adapted to include self-employed Music Teachers. A copy of the proposed guidance as attached as an appendix.

The Head of Service for the Music Partnership is fully supportive of this approach and keen for music provision to continue in this way. Both Councils have been approached to confirm their agreement.

If approved by both Derbyshire County Council and Derby City Council it is intended that Music Partnership staff will administer the initiative to ensure the following:

* All Music teachers are contacted to establish their understanding of the procedures and agreement to adhere to them.
* Agreement is confirmed in writing or by email.
* A copy of the contract between the parent or responsible adult and the teacher is held by the teacher and available to view at any time.
* The contract between the parent or responsible adult includes the contact details for the Music Partnership to be used in the event of any queries or concerns.
* Schools are made aware that the teaching is taking place remotely and understand the guidance around that provision.
* Music Partnership staff are the first point of contact for queries about the procedures.
* Music Partnership staff provide technical support in undertaking online tuition.
* A Risk Assessment is carried out to ensure all potential risks are planned for and mitigated against. This is completed by the Music Partnership, and signed off by both Derbyshire County Council and Derby City Council.
* A Risk is logged on the Commissioning and Transformation Risk register for scrutiny in line with Council Risk procedures.
* Online provision is monitored and reviewed to ensure it remains a viable route to achieve our ambition for standards in music teaching within Derbyshire. Monitoring would be undertaken continuously through capturing feedback from schools, Music Teachers, parents etc. Online provision would be formally reviewed at the end of the formal lockdown period, at the point that schools are fully reopened.
* As a result of these proposals during the COVID-19 pandemic, if deemed to be successful, they may be established as a valuable and permanent component of Music Partnership provision subject to partnership agreement.

Subject to approval from Derbyshire County Council and Derby City Council, work will commence asap in line with above.

**Angela Beighton**

**Assistant Director – Traded Services**

**Appendix**

**Guidance for Music Tuition, regards the use of remote and agile learning platforms**

Following the recent closures, full and partial, to schools, many technology companies are now offering the resources necessary to support remote working and learning. One of the most popular, with settings, parents, pupils and third-party agencies is the video conferencing platform Zoom. This protocol provides music tutors with the guidance and procedural framework they will need, regards safeguarding and data protection, whilst using Zoom, Skype and other remote learning platforms.

Providers have a variety of options available to them to enable communication with pupils or school staff. As a provider, you must make the decision to ensure the needs of your service is communicated in the most effective way. It is important to note that no app is ‘wrong’ and, likewise, no particular app is ‘approved’ or ‘recommended’ as each provider is unique in what it can offer.

This document has been prepared by the GDPR for Schools Teams, IT Support and Safeguarding Teams in Derbyshire County Council on behalf of all Derbyshire Schools as a guide only. You are responsible for ensuring that Safeguarding and Data Protection measures are in place to mitigate risk, to put appropriate procedures, safeguards and codes of conducts in place and communicate these to all users of video conferencing where appropriate and applicable.

**Safeguarding**

Music Teachers should also refer to the safeguarding and child protection policy and procedures of the Derby & Derbyshire Music Partnership.

Safeguarding of individuals, particularly pupils, remains the utmost priority for schools and providers. Firstly, you should distinguish between the considerations for the use of Zoom, Skype or other video-conferencing service for use between yourself and a school *or to contact pupils and their families*. Considerations of the risks and benefits of these two different uses will be considerably different.

Video conferencing platforms can be an invaluable tool. However, providers should be aware that a heightened sense of urgency can also lead to an increased risk regarding safeguarding and data protection.

Safeguarding and child protection remains as important in this environment as anywhere else, and providers should apply their school’s safeguarding guidance to online learning, just as they would to classroom working – providers who become aware of any child protection concerns should continue to follow The Music Partnership’s established safeguarding procedures and report to the Designated Safeguarding Lead.

When working remotely, providers should consider the following safeguarding issues:

* Under no circumstances should you ever work solely one to one with a pupil. The pupil must take lessons in a room with an open door and parents/guardians should ensure that they, or a trusted adult (with prior notice given) shall be at home, whilst the lesson takes place.

* Speak with the parents/guardians of pupils first, if they are under the age of 18, to establish consent. Explain how the tuition will be carried out, the nature of the app used, whether the lesson will be recorded and, if so, whether the recording will be shared (e.g. with teaching staff), where it will be stored and how long you intend to keep it.
	+ Set out a clear policy in writing: tell people that your Zoom, Skype (or equivalent) account will be used exclusively for the purpose of lessons and only during music lessons. *(See Appendix for example policy)*
	+ Get the agreement of the parents or guardians for teaching online in writing or by email. Let them know that you have a DBS Enhanced Disclosure Certificate (formerly CRB check).
* Providers should separate their remote learning account from their personal online profiles. Set up a professional account for any online platforms used for teaching for example, MarkWrightTutor@hotmail.co.uk, and undertake some due diligence by checking the privacy settings and terms and conditions of use e.g. how the app stores and shares, to ensure data protection compliance.
* Never share any personal information e.g. personal telephone number, email accounts, Facebook and other social media links with the child or young person. Providers should never use personal email or social media accounts as a ‘short cut’ to communicate with parents and pupils.
* Use the parents’ or guardians’ own account, where possible, rather than a child’s, to deliver lessons. Use parents’ or carers’ email addresses or phone numbers to communicate with children, unless this poses a safeguarding risk**.**
* Make sure where you access any personal information relating to families at home, that you comply with the Data Protection Act 2018 which determines how personal data should be processed.
* Ensure you work against a neutral background and present yourself as you would if they were giving a face-to-face lesson, in dress and in manner. Please ensure that no other people in your home are in view or can be heard when delivering lessons.

Providers should be aware of the safeguarding and child protection policy and procedures of the Derby & Derbyshire Music Partnership. You can contact the Designated Safeguarding Lead (DSL – Vicki Brown) or, in the event of the DSL being unavailable, deputy DSL (Rebecca Maiden or Kathryn Taylour), should you have any concerns about a child. Contact details are shown at the bottom of this guidance. Examples of potential concerns may include:

* seeing, or hearing, a concern during an online lesson
* a disclosure, made by a pupil, during a phone call, via email or in the course of a lesson.

Although you should not record online lessons – these are defined as protected data under current legislation and cannot be collected, stored or retrieved without parental permission or in any other way that does not comply fully with the requirements of the Date Protection Act (2018) - it may be necessary for you to make recordings however, as a means of working with the pupil. Please be aware; there are safeguarding and data protection implications to using Skype, Zoom and other software, to record lessons;

* Firstly, always discuss the need to record with your pupils and parents/guardians. You must never record a lesson without the knowledge and written consent of your pupil, or the pupil’s parents/guardians.

If possible, ask parents/guardians to make the recording themselves. It is recommended that you confirm with them, that they will not share, or post to social media any recordings made during the lesson, and that they will securely delete and dispose of any of recordings of your teaching, as soon as possible, at an agreed time, once they have served their purpose. However, if it is necessary for you to record lessons, and as stated above;

* + Ask for consent in writing before you make any recording.
	+ Have a written policy available to your clients which outlines;
* What you will do with the recordings and that you will only ever use them for the purpose of tuition for the individual pupils.
	+ - How long you will keep them and why.
* That you will only ever share the recording with the pupil, school and the parents/guardians.

* + - How you will securely destroy the recordings once they are no longer needed.
* How you will securely destroy the recordings immediately, should consent to record be withdrawn.

It may be necessary to update your Privacy Statement and record of processing to reflect this. If you have any queries, please initially contact the Designated Safeguarding Lead (DSL – Vicki Brown) or, in the event of the DSL being unavailable, deputy DSL (Rebecca Maiden or Kathryn Taylour).

Further information can be found at:

[*https://learning.nspcc.org.uk/news/2020/march/undertaking-remote-teaching-safely/*](https://learning.nspcc.org.uk/news/2020/march/undertaking-remote-teaching-safely/)[*https://swgfl.org.uk/resources/safe-remote-learning/*](https://swgfl.org.uk/resources/safe-remote-learning/)

**Data Protection**

The requirements of the Data Protection Act (2018) to assess the lawful basis for Data Sharing and the suitability of providers of services still applies, even in this current period of limited access to schools. Whilst you may have been using established platforms, like Skype, as a means of video conferencing and to deliver agile learning, you may be considering, or have been approached, to use Zoom. Providers should be aware of the potential risks before using any app as a means of working with children and families.

The popularity of Zoom has rapidly increased during the Covid-19 outbreak, becoming one of the most popular apps for remote working, education and socialising. It has attracted some negative press attention, with regards to its Cyber-security and privacy settings. The most widely reported risk being its potential for uninvited guests to access a meeting (referred to as ‘Zoom Bombing’).

Many schools, pupils and families have engaged with Zoom – its popularity has been reinforced due its use by government. Zoom have acknowledged the concerns that have arisen from recent security breaches, and have outlined the steps they are taking to address them; <https://blog.zoom.us/wordpress/2020/04/01/a-message-to-our-users/>

with additional guidance for administrators on how to set up and maintain a virtual learning environment; <https://zoom.us/docs/doc/School%20Administrators%20Guide%20to%20Rolling%20Out%20Zoom.pdf>.

Please be aware; several, high profile security breaches on Zoom have been the result of data being wrongfully shared by users (<https://www.tes.com/news/coronavirus-head-warns-pupils-after-zoom-porn-attack>) – ‘*The (details, date and time of the) meeting was shared freely over Twitter and wasn't password protected’*. Providers should always maintain the same high standards of data protection, when sharing events and lessons via video conferencing, as they would sharing any other sensitive, personal or confidential data.

**Music Partnership contact details**

Designated Safeguarding lead:

Vicki Brown

Email: vicki.brown@derbyshire.gov.uk

Tel No: 07766 442859

Deputy Safeguarding Leads:

Email: rebecca.maiden@derbyshire.gov.uk

Tel No: 07979 214827

Kathryn Taylour

Email: kathryn.taylour@derbyshire.gov.uk

Tel No: 07827 977662

**Appendix**

**Specimen Contract Conditions for online Music Tuition**

I hold a current DBS clearance check and have completed Safeguarding in Music Education training through (usually the Child Protection Company for DDMP teachers) on (date).

I am an accredited teacher with the Derby & Derbyshire Music Partnership and our contract for tuition is an arrangement between myself, and you as parents/guardians of the pupil, and not the school they attend, nor Derby & Derbyshire Music Partnership, and only for the duration of the school closures.

With regards to the safeguarding of pupils, it is recommended that;

1. A mutually convenient time for both myself and the pupil and their family is agreed within 48 hours prior to the lesson commencing.
2. The video call (using Skype or Zoom) must take place at the agreed time.
3. The video call must be started with/by the parent/guardian or a designated responsible adult (of whom I have been made aware prior to commencing the lesson) and should be ended by them (as an acknowledgment of the video call taking place). I will not initiate the call - it must be made by pupil’s family, at the mutually agreed time, via text or email.
4. The responsible adult is present throughout to supervise the child or young person; if not in the room, then able to view the room through an open door. I must be able to call the responsible adult over at any point, to discuss any aspects of the lesson, as required.
5. Lessons must take place in a suitable area of the home in a shared space (e.g. kitchen, sitting room) and not in a private space (i.e. a bedroom) with the door open throughout, and appropriate clothing must be worn (i.e. as would be worn at school, or equivalent) . The teacher may choose to wear headphones, for clarification, but the pupil cannot wear headphones as the video stream must be audible to the responsible adult.
6. Video calls must not be recorded by the parent/pupils and will not recorded by teacher, unless both parties agree to recordings being made within 48 hours prior to the lesson commencing.
7. I will only give my contact details (email address, app log ons) to the parents/guardians, and not to the pupil.
8. Any breach of the above or pupils not behaving in an orderly fashion will result in immediate cessation of all future lessons.

By arranging a lesson, by video call, you must agree to the points above, and consent for your child to engage in remote learning.

If you have any queries, please contact me at (insert your email address).

If you have any queries or concerns that you need to raise with the Derby & Derbyshire Music Partnership please contact the Head of Service, Jayne Briggs, John Hadfield House, Centre for School Improvement, Dale Road, MATLOCK DE4 3RD

Tel: 01629 532871

Email: jayne.briggs@derbyshire.gov.uk