

Briefing note on permission for community and voluntary controlled schools employees to release educational materials under open licence

Briefing Author: Josie Fraser, ICT Strategy Lead (Children's Capital)

Note to: School Head Teachers and Chairs of Governors

This note provides information to all schools in relation to the permission being given by the council to community and voluntary controlled schools to openly license educational materials they produce in the line of their employment. It discusses the implications of this permission and encourages voluntary aided schools, foundation schools and academies in the city to discuss and adopt a similar approach to open licences.

1. What permission is being given?

Leicester City Council is giving permission for staff at community and voluntary controlled schools in the city to openly license the educational resources they produce in the line of their employment.

2. Why is this permission being given?

The council wants to support schools in promoting and sharing the great work that Leicester schools are producing. Openly sharing high quality educational resources helps other educators and learners benefit from, and build upon, the work our staff are doing. It supports collaboration between staff in the city and beyond. Putting agreements in place to openly license work makes sharing and accessing resources simpler for everyone, and provides additional opportunities for schools and school staff.

The council is committed to equality of access to learning for all. The council is also committed to public value – to get the most benefit possible from publicly funded work. We want to support schools and school staff in increasing access, fostering collaboration and ensuring value for money.

Online and digital resources are routinely made use of and created in all our schools. This increased use and creation of digital and web based resources means that understanding the copyright rules and permissions that relate to the use of digital and online teaching and learning materials is very important. Digital resources are protected by copyright in the same way as other resources.

Employers are the legal and beneficial owner of the copyright of materials produced by an employee in the line of their employment. Employers retain these rights unless a specific agreement has been made.

The employer for staff working at community schools (often called maintained schools) and voluntary controlled schools is the Local Education Authority (LEA). The LEA owns the school buildings and land, and employs school staff, with the governing body taking responsibility for running the school. In Leicester, the LEA is Leicester City Council. For other types of school, including voluntary aided schools, foundation schools (sometimes called trusts), and academies, the governing body will usually be the employer.

Legally speaking, unless an agreement is already in place, staff should obtain permission from their employer to apply any additional permissions to their work (including an open licence), or to share work on web based resource sites. Staff don't have an automatic right to take copies of their work from one employer to another.

Open Licences build on the existing legal copyright framework to provide permissions for more flexible uses of work. Providing community and voluntary controlled school employees with permission to openly license learning materials means that staff and schools do not have to contact Leicester City Council to arrange individual permissions each time they wish to share educational resources, or to allow others to use and reuse their work - as long as they openly license these resources.

Leicester City Council's award winning staff development project – [DigiLit Leicester](#) – has been supporting staff in creating and sharing their work through Creative Commons licences. A wide range of resources have already been shared by school staff. We want to extend the success of this approach to other schools across the city.

Who does this permission apply to?

The Local Education Authority (Leicester City Council) is the employer of community school and voluntary controlled school staff in Leicester city. Community schools are also called 'maintained schools'. There are currently 82 community schools in the city, and one voluntary controlled school.

In the case of voluntary aided schools, foundation schools (or trusts), and academies, the school governing body is the employer. The council cannot extend the same permission to employees in these kinds of school. Staff at these schools with questions relating to copyright of the materials they have produced in the line of their work should contact the person in their school responsible for copyright issues. Schools that are not community schools or voluntary controlled schools are encouraged to consider the arrangements they currently have in place.

If staff produce work in their own time for their own purposes, they are the rights holder for that work. For example, the rights to a presentation a staff member creates for an event they are attending in their own time and at their own expense would belong to that staff member.

The council does not make any claim over the ownership of outputs or outcomes of students' work. Regardless of the type of school attended, these belong to the student. However, we do

encourage all learners to find out more about open licencing and to consider openly licencing resources that they share online.

The council encourages staff and students to support free and open access to intellectual property by openly licencing work created in their capacity as an individual.

3. What does the permission mean?

By 'educational resources' we mean any materials (e.g. documents or multimedia) produced to support education (e.g. worksheets, lesson plans, revision guides, presentations, staff development materials, model policies).

By 'openly license' we mean attach an open licence to the work. In line with European and UK central government recommendations, we are recommending that the open licence selected should:

- Place as few restrictions on use and re-use on the materials as possible
- Require acknowledgment of the creator (the staff member and/or school that created the resource)

Intellectual property in relation to work other than educational resources released under open licence continues to be protected by default and can only be waived or altered with the agreement of the council. If a community or voluntary controlled school wants to make commercial use of educational resources, or wants to release educational resources without an open licence, they can contact Josie Fraser, ICT Strategy Lead (Children's Capital) for further information.

4. What does an open licence look like?

Here is an example of an open licence:



[Richard III GCSE Revision Guide](#) (2016) by K. Richard, The Lancaster School/Leicester City Council is shared under a [Creative Commons Attribution 4.0 International](#) licence.

In this example, the title of the work ('Richard III GCSE Revision Guide') has been linked back to the council's Richard III pages for demonstration purposes. In the case of an actual resource, the title would be linked back to the web address (URL) of the web page where it was hosted (for example, on the schools website).

The credit line in this example consists of the author's name ('K. Richard'), the author's school ('The Lancaster School') and the employer ('Leicester City Council'). These names could be linked to the web pages of the school or organisation.

Additionally, the licence includes a link to the terms and conditions under which use and reuse is permitted.

You can find out more about Creative Commons licences here: <http://creativecommons.org/>

Leicester City Council has provided all schools with guidance in finding, using, creating and sharing Open Educational Resources (OER) – educational resources that have been openly licensed. These resources can be downloaded from <http://schools.leicester.gov.uk/openeducation>

5. Why have you chosen to recommend Creative Commons Licencing?

School staff are free to use any open licence which meets the requirements of the permission given. We are using Creative Commons licences because they are well established, standardised, internationally recognised, and there are a significant number of free resources available for school staff to learn more about the licences. The licences are also machine readable, which means that key information can be read by software and search engines, making them easier to find by other educators who are searching for openly licensed resources.

6. What if the school or staff members want to sell or patent work?

Staff who work at community or voluntary controlled schools and want to sell or patent work they have created in the line of their employment, or want to do something with that work that falls outside of the terms of the permission being provided, would still need the agreement of the Council. This hasn't changed. General information about copyright ownership can be found here: <http://copyrightsandwrongs.nen.gov.uk/schools-a-copyright/teacher-the-workforce-the-school-and-copyright>

7. What should school governing bodies be considering in relation to this permission?

Permission to share educational resources through open licence represents an exciting opportunity for schools to take a fresh look at the original materials staff are producing, and how these can best be used to promote the school and build connections to other educators and organisations. Community school and voluntary controlled school governing bodies should consider what steps can be taken to encourage staff to openly license materials that represent the quality of learning and teaching that takes place at the school.

Governing bodies should review the approaches schools will already have in place which relate to sharing work online. Processes to support permission to openly license materials should seek to build on existing checks and support for professional standards - for example, advice and training relating to the creation of accessible resources. Governing bodies should not seek to introduce procedures that are unnecessarily onerous and unwieldy, which would discourage the sharing of educational resources under open licence.

Materials shared externally under open licence should be of the same standard and quality as materials used internally:

- The resource should not include the work of others, unless there is permission to do so, or where the work is in the public domain;
- Any additional work used should be properly credited;
- The work should be accurate and neat.
- An appropriate licence should be attached to the shared work.

The work should also be shared in a file format that enables others to adapt as well as use the work (i.e. not just as a PDF).

Guidance packs providing practical information and activities relating to open educational resources and open licensing available from: <http://schools.leicester.gov.uk/openeducation>

Disclaimer:

This information does not constitute legal advice. Schools seeking legal advice in relation to copyright should seek advice from a suitably legally qualified professional.

Please credit this work as:



OER schools briefing (2016) by Josie Fraser/
Leicester City Council shared under [CC-BY 4.0](https://creativecommons.org/licenses/by/4.0/)