

Leicester City Council Model School Open Educational Resources (OER) Policy Voluntary Aided Schools, Foundation Schools (Trusts), and Academies

Contents

[Introduction](#)

1. [Model School OER Policy](#)
2. [Title](#)
3. [Policy](#)
4. [Definitions](#)
5. [Clarity of licensing](#)
6. [Disputes](#)

Introduction

This model policy is provided by Leicester City Council to support city voluntary aided and foundation schools, and academies. It can be used by schools in discussing, developing and adopting a local Open Educational Resources (OER) Policy.

Any OER policy school communities put in place will be determined by their status as employer. In England, the employer for staff working at community schools and voluntary controlled schools is the Local Education Authority (LEA). 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 school governing body will usually be the employer.

Leicester City Council has provided permission for city community and voluntary controlled school staff to share the educational resources they create under an open licence. In the UK, school staff should be aware of the [recent amendments to Copyright laws, which impact on school use of materials](#). These amendments don't affect the law as it relates to ownership of copyright. The permission provided by Leicester City Council addresses the position of the Council as the copyright owner of resources made by employees in the course of their employment. This model policy is provided for governing bodies of voluntary aided, foundation and academy schools, who are considering providing school staff with an equivalent permission to openly license the educational resources they produce in the line of their employment.

This permission can recognise the value of school staff sharing resources and encourage and increase sharing through open licensing, making sure that school staff and schools get recognition for their work. Schools can help raise awareness about copyright and embed a culture of sharing through the process of discussion and adoption of a local Open Licensing Policy.

Model School OER Policy

Title: [Name of School] Open Educational Resources (OER) Policy

1. Openly Licensing Educational Resources

[Name of school] wishes to encourage the open and free exchange of educational information, knowledge and resources, and support the use, development and production of intellectual property that is freely available to all.

- 1.1 As employer, [name of school governing body] asserts its ownership of copyright arising from resources staff create in their line of employment.
- 1.2 [Name of school governing body] provides permission for employees of the school to openly license educational resources produced in the line of employment.
- 1.3 [Name of school] applies by default a [Creative Commons Attribution (CC-BY) licence¹] to all externally shared educational resources created by staff in their line of employment.
- 1.4 Where educational resources incorporate or build upon existing openly licensed works which require adaptive works to be wholly or partially released under a specific open licence (for example, a Creative Commons Attribution-Share Alike Licence - CC-BY-SA), a licence appropriate to the permission given will be applied, along with proper attribution.
- 1.5 Intellectual property in relation to work other than educational resources created in the line of employment is protected by default, and may only be waived or altered with the express agreement of [name of school governing body].
- 1.6 [Name of school] encourages all staff and students to support free and open access to intellectual property and to openly license work created in their capacity as an individual.
- 1.7 [Name of school] does not make any claim over the ownership of outputs or outcomes of students' work. These belong to the creator.

¹ Leicester City Council recommends the use of the CC-BY licence, and asks schools to consider the benefits of applying the least restrictions possible to the Creative Commons licence they decide to adopt.

2. Definitions

- 1.1 “Externally shared’ means made available to people other than employees or students of [name of school].
- 1.2 “Educational resources” as referred to in this policy includes all resources created in the line of employment by employees to support, or as a result of, learning, teaching, and learning community development and management. This includes (but is not limited to) course materials, lesson plans, presentations, multimedia resources, study and revision materials, as well as staff development materials and model school policy documents.

3. Clarity of Licensing

- 1.3 All published works should be clearly labelled using the appropriate symbol from the Creative Commons licence set, or labelled as appropriate in instances where it is not practical to include the icon symbol (for example, the licence name could be spoken on an audio file, and/or included in the file name).
- 1.4 Staff who have created resources will be credited by name, except in cases where the author declines to have work attributed to them.
- 1.5 Example [name of school] default licence²:



[Name of resource] (2016) by [name of author/s], [name of school]
shared under a [CC-BY 4.0](#) licence

² This example is provided for illustrative purposes only. The school should determine and provide an example of a default licence, in line with the permission provided by the school governing body. In the example above the name of resource field is left blank. The name should be provided, and preferably hyperlinked to the webpage address that the resource is accessible from. The school may wish to hyperlink its name to the school website.

4. Disputes

Intellectual property in relation to work other than educational resources released under open licence is protected by default and may only be waived or altered with the express agreement of [name of school governing body].

Where there is a dispute over ownership, including ownership or co-ownership of intellectual property relating to resources, and/or requests relating to the selling or patenting of any intellectual property relating to works produced in the line of employment, the following process will apply:

1. In the first instance the dispute should be documented and presented to the school head teacher.
2. If the dispute is still not resolved then the documentation should be presented to the chair of governors.
3. Mediation will be undertaken if the dispute cannot be resolved by the head teacher and /or the chair of governors
4. In the case requests to commercial release or exploit educational resources created in the line of work, permission will still need to be sought from [name of school governing body].

Approved:

_____ Chair of Governors

Date:

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Acknowledgement:

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Disclaimer:

This information and model policy does not constitute legal advice. Schools seeking legal advice in relation to the implementation of policies and permissions relating to copyright and work produced by school employees in the line of their employment should seek advice from a suitably legally qualified professional.