AI Guidance for Schools

Data Protection Officer Guidance from The Education Data Hub

Version 1.2

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Contents

AI in Schools

In recent years, we have experienced a significant growth of the use of Artificial Intelligence (AI) technologies. In a profession where time and budgets are tight, AI can be seen as a potential cure-all, reducing time spent preparing lessons, marking work, assessing pupil progress, or making key decisions. A desire to reduce workload is often the driving force behind adoption of AI tools.

The Education Data Hub Data Protection Officer Service works closely with our client schools and has already received some initial enquiries from clients around the data protection implications of AI and have carried out further research and investigation. Our research found that the potential impact of AI use is far broader than balancing the benefits of workload reduction against data protection risks. The use of AI has a potential to fundamentally change the traditional ways of working in schools across all areas, regardless of whether personal data is input into AI systems.

This guidance note is a summary of our research and introduces our recommendation that that AI governance is addressed by schools and that schools begin to consider the place of an AI policy as part of effective governance and oversight. It is aimed at both individual schools and multi-academy trusts (referred to as schools throughout this document for ease of reading).

In Spring 2023 the Department for Education (DfE) published a document setting out their position on the use of Generative AI and in the summer of 2023 launched a call for evidence from the education sector on its use. The position document was updated in October 2023 and should be read by school leaders. It contains important key messages for the sector, identifying that whilst Generative AI has the potential to reduce workload and free up teachers' time, it also carries risks.

In September 2023, joint guidance from 5 major organisations (including the Teacher Development Trust, the Association of School and College Leaders and the International Society for Technology in Education) was released: Understanding AI for School: tips for school leaders. This guidance is aimed at equipping leaders to be prepared for the new AI era.

Both documents make it clear that school leaders will need to ensure that AI is adopted thoughtfully and carefully. Leaders will need to become skilled in not only the use and the education of users (both staff and pupils) to develop their own skills, but also, to ensure that critical evaluation and effective governance forms part of their leadership work.

The Joint Council for Qualifications has also provided guidance to schools relating to the use of AI in Assessments, stating that teachers and assessors in schools and colleges play a key role in ensuring that only work which is the student's own is accepted for assessment and that any concerns regarding authenticity are carefully looked into. A school that is open and transparent about the use of AI, with good governance arrangements will find it easier to comply with JCQ standards. The JCQ offer a suite of information and resources to support staff and pupils to understand the implications of using AI in assessed work.

This introduction supplements the suggested AI policy template provided by Education Data Hub (available on a Creative Commons Licence (CC BY-NC SA 4.0). It is not compulsory to have an AI policy, but this document explains why it is advisable.

All wording within the separate AI policy template is suggested only- schools can change the wording to suit how they wish to use and govern AI. This guidance document, the DfE Position Statement and Tips for School Leaders will support school leaders with considerations and decision-making on what an AI policy should cover and how it will be overseen in **your** school.

AI Explained

Artificial intelligence in a nutshell is a machine's ability to perform thinking and reasoning which mimic the human mind. We are promised that machines will become increasingly creative and perceptive, interact with their environment, reach rational decisions, learn new skills, and solve problems. AI may be used to respond to specific cues (for example, to mark quiz questions, and where responses identify that a response is incorrect, provide further information and questioning, to predict outcomes (for example, to predict a pupil's GCSE grade based on comparison to other similar pupils in previous years) or to generate new content based on information that has been input into the AI tool.

Generative AI refers to technology that can be used to create new content based on large volumes of data that models have been trained on. This can include audio, code, images, text, simulations, and videos. Generative AI is already used in everyday life, examples include Apple's Siri, Amazon Alexa, Microsoft's Cortana and chat bots such as Chat GPT and Google Gemini. AI is already used in education, and the range of abilities are advancing fast. It is the rapid rise in Generative AI that has been the subject of much media discussion and interest. The Tips for School Leaders document explains how Generative AI works in a clear and accessible way- we encourage you to read that document.

The Dangers of AI

Generative AI tools are good at quickly analysing, structuring, and writing text or turning text prompts into audio, video and images. However, the content they produce is not always accurate or appropriate as it has limited regard for truth and can output biased or harmful information. Individual harms may be a result of a decision to allocate opportunities among a particular group, which excludes others, and representational harms/bias may occur when systems reinforce membership of groups along identity lines, for example through racial or gender stereotyping.

There is also the risk of deskilling teaching professionals and pupils who may, over time, lose the skills to critically evaluate AI-generated output- this is known as automation bias, or automation-induced complacency. The DfE Position Statement explains this well:

> *"Having access to generative AI is not a substitute for having knowledge in our long-term memory. To make the most of generative AI, we need to have the knowledge to draw on.*
> *We can only:*
> - *learn how to write good prompts if we can write clearly and understand the domain we are asking about*
> - *sense-check the results if we have a schema against which to compare them*
>
> *Generative AI tools can make certain written tasks quicker and easier but cannot replace the judgement and deep subject knowledge of a human expert. It is more important than ever that our education system ensures pupils acquire knowledge, expertise and intellectual capability."*

Therefore, the education sector needs to prepare staff and pupils for changing workplaces, including teaching them how to use emerging technologies, such as generative AI safely and appropriately. For both staff and pupils this may include understanding the limitations, reliability, and potential bias of generative AI- to an extent, staff will be learning lessons at the same time as pupils during this time of rapid development.

Schools are also required to ensure that their pupils are safeguarded adequately, including ensuring that they are protected from potentially harmful and inappropriate online material. As schools have little control over the building of generative AI, they may not be aware of its potential to generate harmful content. Therefore, careful supervision and control is essential.

Understanding risk in relation to the use of AI is an important consideration; it may be that risk can only be reduced rather than removed entirely, but, nevertheless, scoping and monitoring risk is required for its safe use. Schools can't govern AI unless they understand the risk.

The Governance of AI

Like many areas of school leadership, good governance will help to ensure AI usage is acknowledged, developed and overseen with strategic vision. School AI governance should aim to:

1. Balance necessity and the excitement of involvement in an exciting new way of working against risk – ensuring that legal, commercial, security and ethical requirements are set out.
2. Establish clear roles and responsibilities –with key understanding of responsibility and wider team expertise and input. One of the key differences brought about by AI decision making is that if can be less clear about who is accountable for decisions that affect individuals. It is important that there is no loss of accountability when a decision is made using AI.
3. Establish processes to identify necessity, risk and risk management and monitor this over time.
4. Establish process to identify and report fraud or cyber risk – use of AI is an incoming as well as outgoing risk.

To ensure effective governance, the Education Data Hub recommends that AI should only be used in schools with clear policy, processes, procedures, training and guidelines in place.

Data Protection Considerations

Whilst many uses of AI do not trigger data protection concerns, entering any personal data (where an individual can be either directly or indirectly identified) into AI tools, or using AI to make decisions about individuals, presents data protection challenges. The data protection principles of lawfulness, transparency and fairness, purpose limitation, data minimisation, accuracy, storage limitation and security and accountability are highly relevant, and schools must be satisfied that those principles are adhered to, as well as ensuring that data subjects are able to exercise their rights in relation to any data processing (particularly where decisions are made about them using automated processing or their data becomes part of the AI model for future decision making). Transparency not only plays an important role in engendering trust and confidence in the increasing role of AI in society but is a legal requirement when personal data is processed, as are the other data protection principles.

The Information Commissioners Office has produced Guidance on AI and Data Protection and is essential reading for Data Protection Officers supporting the deployment of AI in schools. Your Data Protection Officer should be aware of the relevant legislation and the ICO guidance and should advise the school accordingly.

Under the GDPR / UK GDPR, controllers are required to carry out Data Protection Impact Assessments (DPIAs) for 'high risk processing'. The use of AI technologies is likely to trigger the requirement to carry out a DPIA in many contexts and are a key part of the accountability principle. Schools should already have existing policies and processes for identifying and carrying out DPIAs. However, it can be difficult for staff to identify that there is a need for a DPIA for AI usage and the gradual experimentation of the use of AI may mean that staff go further than intended with the technology before stopping to assess any privacy risks. Schools are therefore likely to benefit from including explicit reference to the DPIA process in an AI policy, and AI in the DPIA procedure. It is important to note that even if personal data is not entered into AI, but an AI/automated process is used to make significant decisions about people, then the requirement for a DPIA is triggered. Additionally, children are considered to be vulnerable data subjects, and any process involving their personal data is likely to be 'high risk'. Vendor due diligence is an essential part of procurement and data protection preparation work before introducing AI technology. Even if AI use has already begun, it is not too late to carry out data protection checks.

Cyber Security

The introduction of AI into organisations introduces new kinds of technological complexity that is not found in more traditional IT systems. This complexity may make it more difficult to identify and manage security risks. If confidential information or personal data is entered into AI models, it may be used to contribute to a bigger picture that could be used to commit cyber-crime, for example a voice recording could be used to create a voice model which could impersonate someone, or knowledge of confidential financial information could be used to commit cyber-fraud.

Introducing our Template AI Policy

In conclusion, to harness the potential of generative AI, all staff in schools and their pupils will need to be knowledgeable and skilled in using AI. This means that it is important for all parties to work together to be open and honest about the use of AI and ensure that its use remains under critical evaluation. There are also risks that could go undetected without good governance.

In the absence of a clear direction from school leadership, it is likely that AI tools will still be used by staff, who may develop their own strategic direction about its use, which may not align to the school overall vision and strategic aims. This splintering of approach could have a profound effect on the development of AI in the school. Therefore, a rigorous and honest approach to the use of AI is crucial.

Each school should therefore consider setting out their approach and principles for use of AI in an appropriate policy. This will help to set baselines around consistency in approach and adoption and expectations around safe use. Fairness, transparency and accountability are also key to the trust we place in, and the growth of, AI. An AI policy helps to demonstrate that the school understand the implications and how it will be overseen; transparency and trust can be more readily demonstrated.

Public and media interest in AI is increasing, and the spotlight will fall on organisations that get things wrong. In the absence of a clear policy, it is more likely that the lack of strategy and oversight will lead to increased risk. Your AI policy should identify who is accountable for the use of AI in the school. As stated in the introduction, the Education Data Hub has drafted a template policy as a suggestion only- it is not a compulsory policy, nor is any of the wording. We would welcome feedback and suggestions for improvement from template users.

AI Policy

[Insert School Name]

[Version X.X]

Last Reviewed	
Reviewed By (Name)	
Job Role	
Next Review Date	

Guidance note:

This is a template designed to assist school leaders with the completion of their own AI policy. It requires personalisation and adaptation to tailor to your own school's approach to AI. Any of the text in this template can be amended, but areas that require your particular personalisation are highlighted in [yellow text and brackets].

This document is a first version and feedback from schools is welcome

Contents

1. Introducing our Artificial Intelligence Policy

1.1. Artificial Intelligence (AI) technology is already widely used in both commercial and everyday applications, and its influence is anticipated to grow exponentially, impacting almost all industries and job sectors including education. Generative AI refers to technology that can be used to create new content based on large volumes of date that models have been trained on from a variety of works and other sources. Generative AI is a rapidly evolving and increasingly freely available technology generating writing, audio, codes, images and video simulations. Whilst this offers opportunities for schools and their pupils, it also increases risk.

1.2. AI is an integral part of the modern world and offers numerous opportunities for enhancing teaching, learning, and administrative processes. This policy establishes guidelines for the responsible and effective use of AI within our School. By embracing AI technology, we aim to:

- Enhance academic outcomes and educational experiences for pupils
- Support teachers in managing their workload more efficiently and effectively
- Educate staff and pupils about safe, responsible and ethical AI use
- Incorporate AI as a teaching and learning tool to develop staff and pupils' AI literacy and skills
- Prepare staff and pupils for a future in which AI technology will be an integral part
- Promote equity in education by using AI to address learning gaps and provide personalised support
- Improve and streamline school operations to minimise cost and maximise efficiency.

1.3. All users of AI will comply with applicable laws, regulations, policies and guidelines governing Keeping Children Safe in Education, intellectual property, copyright, data protection and other relevant areas. There will be no unauthorised use of copyrighted material or creation of content that infringes on the intellectual property of others. We will prioritise the safeguarding of our pupils and their online safety and will not knowingly use any AI technology that puts their safety or privacy at risk. Staff will not allow or cause intellectual property, including pupils' work, to be used to train Generative AI models without appropriate consent or exemption to copyright.

1.4. We recognise that the technology is rapidly evolving and are committed to remaining at the forefront of developments, adapting our ways of working as necessary. We recognise the leadership in the education sector provided by the Department of Education and the guidance set out in their Statement on Generative Artificial Intelligence in Education. This AI policy has been informed by that guidance. As guidance and technology changes the policy therefore will need to remain under regular review. This policy will therefore be reviewed annually.

1.5. We will be transparent and accountable about the use of AI technology so that stakeholders, including staff, pupils, parents and other partners understand where and how AI is used and who is responsible. Any stakeholder feedback or questions about the use of AI will be considered and responded to appropriately.

1.6 By adhering to this policy, we aim to foster a responsible and inclusive environment for the use of AI in education upholding privacy, fairness, and transparency for the benefit of all involved.

2. Scope and Responsibilities

2.1. This Policy applies to all staff, including temporary staff, consultants, governors, volunteers, and contractors, and anyone else working on our behalf. It is also applicable to pupils, but this group will require support and guidance from staff as part of their learning.

2.2. All staff are responsible for reading and understanding this policy before using any AI technology.

2.3. All leaders are responsible for ensuring their staff team read and understand this policy before using AI technology and that they follow this policy, including reporting any suspected breaches of it.

2.4. There are a number of staff in the school who are key contributors to AI policy and development:

- [name of staff member or role] acts as a lead for our school regarding the use of AI technology, monitors compliance with this policy and works with other staff to communicate, promote and regulate AI use, providing or arranging for training to be given where necessary.
- Our Data Protection Officer is responsible for advising us about our data protection obligations in relation to AI use.
- Our IT lead [name or role] provides technical support and guidance on the operation of AI.
- [state governance role e.g. our Risk and Audit Committee will be responsible for the Governance of AI].
- [list other key staff/roles here e.g. AI champions, teaching leads, HR professional, departmental leaders, legal advisors, pupil stakeholder groups].

2.5. Training will emphasise how AI can augment staff roles, providing them with more time and resources to focus on tasks such as personalised instruction, pupil engagement, and critical thinking.

2.6. By combining the benefits of AI technology with professionals' expertise, experience, and professional judgment, we can create a collaborative and effective educational environment that maximises the benefits of both human and AI capabilities.

2.7 This policy also links to other school policies, including the [list relevant policies here- e.g. Child Protection and Safeguarding, Data Protection, IT Security and Acceptable Usage, IT Disaster Recovery, Curriculum, Homework, Feedback and Marking Policies] and should be read in conjunction with them.

3. Use of AI by Staff

3.1. Staff are permitted to explore and utilise AI-based tools and technologies to assist in managing their work. Examples of such tasks may include marking and feedback, report writing, lesson planning, professional development and facilities management. AI can provide valuable support while still incorporating professional judgment and expertise.

3.2. AI tools will be used responsibly, ensuring they complement staff professional judgment and expertise, without replacing them.

3.3. Staff remain professionally responsible and accountable for the quality and content of any output generated by AI, however generated or used.

3.4. Staff will receive appropriate training and support to effectively integrate AI into their work including professional development opportunities focused on AI tools and their effective integration into school administrative and teaching practices. Training and support will be planned as part of staff personal development reviews and appraisals or on an as-needed basis. Staff have a responsibility to identify any training and development needs to ensure they adhere to this policy and should discuss these with their line manager.

3.5. AI tools can assist staff in gathering and creating relevant educational resources, creating whole group or personalised lesson plans, generating extension tasks or scaffolded work, and identifying potential knowledge gaps. For instance, AI-based platforms can suggest specific topics or learning activities. Teaching staff are permitted to use these suggestions as a starting point, incorporating their professional expertise to customise the lesson plans and make necessary adjustments to ensure pupil learning objectives are met.

3.6. AI tools can be utilised to automate certain aspects of marking of pupil work, such as multiple-choice or fill-in-the-blank assessments. Teaching staff can use AI-powered marking software to speed up scoring fact-based responses to objective questions, providing more time to support pupils individually.

3.7. Teaching staff can also use AI to identify areas for improvement in more subjective written answers. Teaching staff will review and verify AI-generated marks or feedback to ensure accuracy, and add their professional judgment, especially when evaluating subjective or open-ended responses that require deeper analysis and interpretation.

3.8. Teaching staff can also support pupils to gain feedback on their work themselves using AI, replicating peer assessment processes. This will allow pupils to receive instant personalised and valuable feedback and improvement strategies on their work, helping to identify misconceptions and gaps in knowledge, as well helping them develop more structured or creative writing. It is important that teaching staff play an integral role in this process and continue to monitor the feedback provided, as with peer assessment.

3.9. Teaching staff can use AI to assist in writing pupil reports, ensuring accuracy and efficiency while maintaining their professional judgment. Where AI has been used to support with report writing, the staff member will always review and modify the AI-generated reports to ensure they reflect their own observations, assessments, and personalised feedback.

3.10. Staff can use AI as a starting point to gather relevant information and identify patterns in pupil attainment, but they should rely on their expertise to provide a comprehensive and holistic evaluation of each pupil's progress. By using AI responsibly in pupil progress analysis, staff can streamline the process, save time, and ensure consistency. However, they remain the key decision-makers in evaluating and providing feedback on pupils' academic achievements and overall development.

3.11. Where staff use AI as part of their work, they will be clear where it has been used and what additional professional review or revision has been carried out. Staff will not use school AI tools or data for personal gain or for any means in contravention of applicable laws.

4. Use of AI by Pupils

4.1. As part of child protection and safeguarding policies and processes, the school will ensure that its pupils will continue to be protected from harmful content online, including that which may be produced by AI technology and that any AI tools used are assessed for appropriateness for individual pupils' age and educational needs. We will ensure that staff are aware of the risks of AI which may be used to generate harmful content including deepfake and impersonation materials.

4.2. Pupils will be [encouraged/permitted] to explore and experiment with age-appropriate AI-based projects, allowing them to learn how to use AI for knowledge building, problem-solving, data analysis, and creative expression.

4.3 A culture of responsible AI use will be fostered through engaging pupils in conversations about data privacy, bias, safeguarding, and the social impact of AI applications.

4.4. Pupils will be taught not to enter personal, sensitive or confidential data into Generative AI tools [including their email addresses].

4.5. AI education will be incorporated into the curriculum to provide pupils with an understanding of AI's capabilities, limitations, and ethical implications. Guidance will be provided on identifying reliable and trustworthy AI sources and evaluating the credibility and accuracy of AI-generated information.

4.6. AI tools and technologies [may/will] be integrated into teaching and learning activities across various subjects and year groups, providing pupils with hands-on experience and opportunities to develop AI literacy and skills.

5. Potential Misuse of AI

5.1. Pupils will receive education on responsible and ethical AI use, including the potential risks and consequences of relying solely on AI tools to complete assignments, coursework, or homework. Pupils will be encouraged by staff to be clear and transparent about where their work has been created with the assistance of AI.

5.2. Teaching staff will emphasise the importance of critical thinking, creativity, and originality in pupil work, discouraging the misuse of AI as a means of plagiarism or academic dishonesty. Clear guidelines and expectations will be communicated to pupils regarding the appropriate use of AI tools during assessments, ensuring that their work reflects their own efforts and understanding.

5.3. Key messages are delivered [state where/when e.g. as part of the Form Time Programme] and re-emphasised in all subjects where pupils are completing work for external grading.

5.4 The school will follow and adhere to any rules or guidance on the use of AI in assessments given by the Joint Council for Qualifications or individual Exam Board requirements [set these out here- see https://www.jcq.org.uk/exams-office/malpractice/artificial-intelligence/ and https://www.jcq.org.uk/exams-office/blogs/updating-the-jcq-guidance-on-ai-use-in-assessments/ for further information]

5.5. Teaching staff will employ various assessment methods to evaluate pupil understanding and ensure that they have genuinely grasped the subject matter. This may include class discussions, oral presentations, practical demonstrations, written reflections, and project-based assessments. By utilizing diverse assessment strategies, teaching staff can verify pupils' comprehension beyond what AI tools can assess, promoting deep learning and authentic pupil engagement.

5.6 Teaching staff will educate pupils on the potential misuse of AI by those seeking to deceive or trick pupils into actions that they would otherwise not contemplate, for example interaction with others who are not who they claim to be but who can imitate who they claim to be using AI technology.

6. Ethical Use of AI

6.1. The use of AI systems, in particular Generative AI, will be carried out with caution and an awareness of their limitations. Whether staff are using AI for teaching or school administrative purposes, or with pupils who will

make use of this technology, they should be mindful of, and instruct pupils about, the following considerations:

6.1.2. Bias - data and information generated by AI will reflect any inherent biases in the data set accessed to produce it. This could include content which may be discriminatory based on factors such as race, gender, or socioeconomic background.

6.1.3. Accuracy – information may be inaccurate when generated so any content should be fact-checked.

6.1.4. Currency – some AI models only collate data prior to a certain date so content generated may not reflect the most recent information.

7. Data Protection implications of using AI

7.1. Staff and pupils should be aware that any information entered into a Generative AI model is no longer private or secure. Staff and pupils must not enter any personal information (personal data, intellectual property or private information (including commercially sensitive information, such as contracts) into any Generative AI model. Staff should make themselves aware of and inform pupils about the data collection, storage, and usage practices associated with AI technologies, particularly Generative AI.

7.2 Staff who wish to utilise AI tools must ensure that the potential new use is assessed to consider if a Data Protection Impact Assessment is required and follow the school Data Protection Policy and [Data Protection Impact Assessment Process/Procedure].

7.3. When signing up to use certain Generative AI models, names and email addresses may be required; this data sharing may require a Data Protection Impact Assessment to be carried out.

7.4. Any DPIA or assessment of the data protection aspects of the use of AI will include:

- The nature, scope, context and purposes of any processing of personal data and whether individuals are likely to expect such processing activities.
- What alternatives (both AI and non-AI) are there to the planned processing and what justification is there in choosing this method and how it is fair.
- A clear indication where AI processing and automated decisions may produce effects on individuals.
- Consideration of both individual and allocative harms (for example, where the harm results from a decision to not permit a pupil to take a certain subject at GCSE or A Level) and representational harms (for example, selecting groups of pupils for different interventions results in gender or racial bias).
- How the use of the AI tool is proportionate and fair by assessing the benefits against the risks to the rights and freedoms to individuals and/or whether it is possible to put safeguards in place.
- An analysis of any bias or inaccuracy of algorithms which may result in detriment to individuals.
- If the use of AI replaces human intervention, a comparison of the human and algorithmic accuracy in order to justify the use of the AI tool in the DPIA.
- If automated decisions are made, how individuals will be informed about this and how they can challenge those decisions.
- Relevant variation or margins of error in the performance of the system, which may affect the fairness of the processing (including statistical accuracy) and describe if/when there is human involvement in the decision-making process.
- The potential impact of any security threats.

- A summary of completed or planned consultations with stakeholders. These are recommended unless there is a good reason not to undertake them. It may be appropriate to consult with individuals whose data you process as they are important stakeholders.
- Whether processing is intentionally or inadvertently processing special category data- there are many contexts in which non-special category data is processed, but infers special category data (for example, where a postcode infers a particular race).
- A consideration of the rights and freedoms of individuals generally, not just in a data protection context, such as rights under the Equality Act 2010.

8. Cyber security

8.1. Our school will take appropriate measures to guarantee the technical robustness and safe functioning of AI technologies, including:

- Implementing rigorous cybersecurity protocols and access controls through measures such as encryption, security patches and updates, access controls and secure storage.
- Establishing oversight procedures and controls around data practices, system changes, and incident response to maintain integrity.
- Ensuring that any suspected or confirmed security incidents are reported to [insert details] and the Data Protection Officer.
- Carrying out an evaluation of the security of any AI tool before using it. This includes reviewing the tool's security features, terms of service and data protection policies. This work will form part of the DPIA process.
- Maintaining vigilance against material that may be a deepfake (a synthetic media which can be used to create realistic and convincing videos or audio of people saying or doing things they haven't. These can be used to spread misinformation or impersonate someone to commit cyber fraud).
- Training staff and pupils to be aware of the importance of Cyber Security and the potential involvement of AI to carry out cyber-crime.