NASUWT
The Teachers' Union

CONSULTATION RESPONSE

United Nations Special Rapporteur on the Right to Education

Artificial Intelligence in Education: call for contributions

24 May 2024

1. NASUWT welcomes the opportunity to contribute to the call for contributions on Artificial Intelligence in Education. NASUWT is a union based in the United Kingdom (UK) that represents teachers and leaders across the UK. We represent our members in the workplace and collectively including in relation to policies and practices at local and national levels. This includes in relation to issues that relate teachers work and working conditions and to matters relating to teachers' professional practice in the classroom.

2. NASUWT has produced advice and guidance for members on matters relating to the use of digital technologies and artificial intelligence (AI) in education. This includes setting out principles to guide judgements about the effective use of digital technologies and AI, and guidance on negotiating a collective agreement for digital technology and AI. It also includes advice on data protection and privacy, particularly in relation to live streaming and remote education. Our advice and guidance can be found at: https://www.nasuwt.org.uk/advice/in-the-classroom/artificial-intelligence-and-digital-technologies.html.

3. Our advice and guidance reflects our policy positions in relation to education, teachers and teaching and learning, including, critically, the elements needed to secure and maintain high-quality education for all. It also addresses the key issues raised by teachers and leaders in relation to digital technologies and AI in education. Our response focuses on the issues and experiences of teachers and leaders.

Human rights, equality, equity and inclusion – embedded or a 'bolt on'?

4. While AI and digital technologies offer significant opportunities to address inequalities and inequities in education and to increase inclusion, including for learners who have special educational needs and disabilities (SEND) and from marginalised communities such learners from mobile Traveller families, evidence indicates that these opportunities are not being realised in ways that are meaningful and sustainable. For instance, they often form part of initiatives that target particular groups of learners rather than securing reforms that ensure ongoing funding and support for inclusion through mainstream policy making and funding. One example is the Electronic Learning and Mobility Project (ELAMP) which targeted mobile Traveller families. The project provided mobile Traveller families with laptops and technology to enable their children to access distant learning and support. The project ran from 2004 to 2010 and ended when project funding ceased.[1] We believe that action is needed to ensure that matters relating to human rights, equality, equity and inclusion are considered and addressed as part of mainstream education policy decision-making.

5. We have very significant concerns that AI will increase inequities in education. These concerns relate to the divide between learners from advantaged and disadvantaged backgrounds generally as well as risks for learners who share a protected characteristic. Our concerns also relate to the divide between schools that have full access to technology and the internet across all areas of the school and those that don't. Further, we have concerns that there will be growing divide between the opportunities afforded to pupils in independent schools and those in state funded schools. In other words, our concerns are system-level concerns as well as concerns for individual schools and MATs.

6. The pandemic highlighted the divide between children and young people in families that have access to technology at home and those whose families did not have access to technology or the internet or who had to share tech with siblings

[1] Darcy, Kate (2012) *Learning and Digital Inclusion: The ELAMP Project in Research* in Learning Technology, Volume 2020, 2012. Available at: https://journal.alt.ac.uk/index.php/rlt/article/view/1311/pdf_1 (accessed 17 May 2024)

and other family members. Evidence shows that these barriers remain[2] and that the disadvantage continues to impact on education outcomes for those learners.[3]

7. There is a digital divide between schools. Pearson's *School Report 2023* finds that only half of secondary schools have access to reliable wifi across the whole school; and that only 44% of schools have one device per learner in class. The report also finds that just 17% of educators are receiving training on digital learning tools and EdTech advances.[4]

8. Private schools are likely to be better placed to embrace the benefits of generative AI. In most cases, they are better resourced and their parents can provide their child with the technology and environment needed to support their learning. However, these schools also have greater flexibilities in relation to the curriculum and are not bound by the high stakes accountability system which constrains state funded schools. This means that independent schools can innovate and adapt the curriculum quickly. We consider the divide between independent schools and state funded schools to be unacceptable.

Education goals and objectives versus commercial interests

9. We are extremely concerned about the increasing commercialisation of education and believe that AI and EdTech provide a means for commercial companies to gain greater foothold in education. Feedback indicates that some schools become tied into contracts where the technology does not do what is needed but where ending the contract would be too costly and result in the loss of access to data and systems. This highlights the lack of technical expertise that exists in some schools and that some companies are exploiting this lack of knowledge and expertise for their own commercial gain.

[2] Digital Poverty Alliance data available at: https://digitalpovertyalliance.org/ (accessed 24 May 2024)
[3] OECD (2023), *PISA 2022 Results (Volume I): The State of Learning and Equity in Education*, PISA, OECD Publishing, Paris, https://doi.org/10.1787/53f23881-en.
[4] Pearson (July 2023) *School Report 2023* available at: https://www.pearson.com/uk/educators/schools/issues/school-report.html

10. The increased involvement of EdTech companies in education risks distorting the goals of education and may have adverse consequences for teachers and learners.[5] For instance, claims that products provide personalised learning and increased efficiency, are often based on the company's own findings rather than robust independent research.[6]

11. Further, it is notable that EdTech companies are paying greatest attention to developing student-focused tools while there are very few genuinely teacher-focused tools.[7] If tools are to be teacher focused, then teachers need to be listened to and engaged in the development of those tools so that they meet their needs. However, judgements about what is needed are being made in Silicon Valley rather than by education professionals.[8]

Personalisation, or individual pathways and standardisation?

12. We are concerned that AI and EdTech tools could disempower teachers and de-professionalise teaching. This is a particular risk if decisions about the next steps for learning are made by the technology rather than the teacher.[9] This is most likely to occur where AI-based tutoring systems are used, such as tutoring systems for maths and science. It is vital to make a distinction between individual pathways and personalisation. AI-based tools may well support learners to follow individual pathways to a particular learning outcome. However, personalisation is about much more than this and recognises that learners may be working towards different outcomes. We consider the professional judgement of the teacher to be central to decisions about personalisation. Failure to recognise this distinction risks standardising education.

13. Standardising education has huge implications for the curriculum. There is a significant risk that AI will perpetuate cultural biases and reinforce existing power relationships with curricula being based on Western ideals and privileging White

[5] Holmes, Wayne (October 2023) *The Unintended Consequences of Artificial Intelligence and Education.* Brussels, Education International, pages 9 and 10
[6] Holmes, Wayne (October 2023) Ibid
[7] Ibid.
[8] Ibid.
[9] Ibid, page 63

perspectives. Education International identifies this risk as a form of neo-colonialism.[10] We believe that there is a particular risk of this happening where overseas development assistance is provided to support the delivery of education in low income countries or in areas of conflict.

Recruitment and retention of trained and qualified teachers

14. While it is widely recognised that teachers will continue to have a vital role to play in the delivery of education to children in schools, AI poses significant risks to teachers' jobs and working conditions. We believe that there are particular risks for teachers in low income countries, and in areas where there are difficulties recruiting and retaining qualified teachers. In these instances, the use of AI may be justified as the means of providing education. While we accept that AI may provide a short term solution in an emergency, we do not accept the use of AI as a long term strategy which replaces the teacher. We believe that the focus of education policy across all education systems must be on providing high-quality education and that this means that priority must be given to recruiting and retaining trained and qualified teachers.

15. In England, we are extremely concerned about the atomisation of education and the decision-making powers afforded to multi academy trusts (MATs) which run groups of schools. There is evidence which suggests that some MATs are using EdTech and AI to rationalise the workforce, for instance by requiring subject teachers to work across a group of schools and deliver teaching remotely while also teaching students face-to-face.

16. There are also indications that some MATs are using operational models which de-professionalise the role of the class teacher. For instance, teachers are not given time to plan lessons because they are required to simply delivery lessons prepared by other staff within the MAT. Al may be used to facilitate this approach. This also raises questions about the long term sustainability of such an approach as new teachers will not be gaining the skills and experience needed to progress to

[10] Holmes, Wayne (October 2023) *The Unintended Consequences of Artificial Intelligence and Education.* Brussels, Education International

planning and preparation roles in the future. They may also struggle to gain jobs in other schools outside the MAT. Further, there are very significant concerns about the implications of such approaches for equality and the inclusion of learners with special educational needs and disabilities (SEND) as teachers are teaching to a formula rather than being trained to adapt their teaching.

Workload

17. AI and EdTech are often cited as solutions to reduce teachers' workload. For instance, AI and EdTech could be used to remove many of the routine administrative tasks undertaken by teachers. If this were to happen, then teachers might have more time to collaborate and undertake professional development and learning. However, our evidence indicates that EdTech and AI are often implemented in ways that increase teachers' work load. For example, respondents to our annual Big Question survey report that remote teaching is now being used for unplanned closure days (59%) to teach learners who are in seclusion or isolation (49%), who have been suspended (45%), who are experiencing mental health difficulties (34%) or who are school phobic (30%).[11] Ninety-eight percent (98%) of teachers who teach both remotely and face-to-face say that they are not given additional time to prepare for remote teaching and 91% report that they haven't had any old tasks removed.[12]

18. EdTech and AI may also generate new tasks. For instance, AI and EdTech can generate huge amounts of data about a learner or groups of learners. Teachers may be required to analyse and draw on this data in their teaching. In the context of a high stakes system of school accountability, we are concerned that this will create significant workload burdens.

A strategic approach to digital tech and AI in schools

19. Some teachers report that they face workload burdens because their school or MAT requires them to use multiple applications and these applications do not join up. As a result, they may be required to duplicate information on different

[11] Big Question 2023
[12] Big Question 2022.

applications. This highlights the importance of school managers adopting a strategic approach to the use of EdTech and AI and the need for training and support regarding EdTech and AI strategy.

20. The Department for Education's (DfE's) biennial survey of EdTech in schools in England suggests that a significant number of schools still do not have a strategy – almost a fifth of primary schools (19%) and 6% of secondary schools.[13] It is unclear what proportion of those schools that have a digital strategy, have either a separate strategy for AI or specifically include AI within their digital strategy.

Teachers' use of GenAI

21. We support the Government's ambition for teachers to have access to GenAI tools that support lesson planning. Some teachers are using GenAI to help generate ideas and produce draft content for lessons but they still need to adapt the lessons for the learners they teach. Other teachers stress that they find the process of planning a lesson helpful because it enables them to work through the lesson and consider different scenarios. Therefore, it is important to recognise that GenAI planning tools may not work for all teachers.

22. General feedback from teachers suggests that while GenAI may be useful in supporting teachers to plan, it does not replace planning. GenAI may help teachers to save time. However, we question claims that GenAI will cut planning substantially (e.g. by 80%) and believe that this is only likely to happen as part of a de-professionalising agenda where teachers deliver content which has been prepared by others.

23. A significant number of teachers do not use GenAI[14] and are not confident that they can use GenAI tools safely.[15] Critically, they say that they don't have time to learn how to use AI as time pressures prevent them from accessing CPD.[16]

[13] DfE (November 2023) *2022-23 Technology in Schools Survey*.
[14] 41% of respondents to a TeacherTapp survey conducted in April 2024 said that they do not use AI tools for work https://teachertapp.co.uk/articles/the-ups-and-downs-of-behaviour-job-hunting-teachers-and-effective-or-not-line-managers/#AI (accessed 24 May 2024)
[15] DfE The Open Innovation Team (January 2024) *Generative AI in Education: Educator and expert views*. Figure 6, page 22.

Continuing professional development and learning (CPDL)

24. CPDL is vital to building workforce quality and capacity. However, two thirds of teachers report that time is a barrier to them undertaking CPDL.[17] Similarly the OECD finds that over half of teachers (54%) identify work schedule conflicts as a barrier to them undertaking CPD.[18]

25. CPDL also needs to be **effective**. The OECD identifies the characteristics of quality CPDL that have demonstrated benefits for learners' learning as:
    - content focused;
    - incorporating active learning utilising adult learning theory;
    - supporting collaboration, typically in job-embedded contexts;
    - using models and modelling of effective practice;
    - providing coaching and expert support;
    - offering opportunities for feedback and reflection; and
    - being of sustained duration.[19]

26. We are concerned that the focus of CPDL is often on access to training and development rather than on ensuring that the training and development opportunities are effective. Investment is needed to ensure that teachers have the time to undertake CPDL and that CPDL is of high quality.

27. Further, there is a need to ensure that the school culture enables teachers to use AI effectively. For instance, the educators contributing to the DfE's GenAI Report identified institutional culture that is supportive and which provides teachers with

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[16] DfE (2023) Working lives of teachers and leaders – wave 1. Available at https://assets.publishing.service.gov.uk/media/642b519efbe620000c17db94/Working_lives_of_teachers_and_leaders_-_wave_1_-_core_report.pdf. (Accessed 24 May 2024)
[17] DfE The Open Innovation Team (January 2024) *Generative AI in Education: Educator and expert views*, page24.
[18] OECD (2019) *TALIS 2018 Results (Volume 1).* OECD Publishing: Paris. Chapter 5, Providing opportunities for continuing professional development, Figure 5.14. Available at: https://www.oecd.org/education/talis-2018-results-volume-i-1d0bc92a-en.htm.
[19] OECD (2023) Shaping Digital Education: Enabling factors for quality, equity and efficiency. OECD Publishing: Paris. Page 170.

scope to innovate as important factors for supporting and encouraging wider adoption of GenAI in their institution.[20]

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[20] DfE The Open Innovation Team (January 2024) *Generative AI in Education: Educator and expert views*