



## MOBILE PHONE POLICY

This policy applies to mobile phones and any other electrical device brought into school

<b>proved by:</b>	SSEI Portfolio	<b>Date:</b> 16 <sup>th</sup> June 2020
<b>Last reviewed on:</b>	June 2020	
<b>Next review due by:</b>	June 2021	

**Dissemination of the Policy: All staff and Governors, School Website**

### History of policy changes

Date	Version	Change	Origin of change e.g. change in legislation, request by TU	Changed by

Mobile phones and, in particular, the new generation of smart phones, such as the iPhone, now include many additional functions such as an integrated camera, video recording capability, instant messaging, mobile office applications and mobile access to the internet. These allow immediate access to email, searching for information on the internet and other functions such as access to social networking sites e.g. Facebook, twitter and blogging sites.

For many young people today the ownership of a mobile phone is considered a necessary and vital part of their social life. When used creatively and responsibly the smart phone has great potential to support a student's learning experiences.

In recent years we have had incidents of poor conduct where mobile phone use has been a feature. This has been particularly difficult to address if there is an element in bullying.

Bullying, intimidation and harassment are not new in society; however bullying using a mobile phone represents a new challenge for schools to manage.

Parents and students should be clear that misuse of mobile phones will not be tolerated.

The following are examples of misuse but are not exclusive. 'Misuse' will be at the discretion of the Headteacher:

- the deliberate engineering of situations where people's reactions are filmed or photographed in order to humiliate, embarrass and intimidate by publishing to a wider audience such as on Facebook or YouTube
- bullying by text, image and email messaging
- the use of a mobile phone for 'sexting' (the deliberate taking and sending of provocative images or text messages)
- students posting material on social network sites with no thought to the risks to their personal reputation and sometimes with the deliberate intention of causing harm to others
- making disrespectful comments, misrepresenting events or making defamatory remarks about teachers or other students
- general disruption to learning caused by students accessing phones in lessons
- students phoning parents immediately following an incident (or for any other reason) so that the ability of staff to deal with an incident is compromised
- publishing photographs of vulnerable students, who may be on a child protection plan, where this may put them at additional risk.
- the use of mobile phones or other devices to engineer situations where individuals or groups of students are encouraged or coerced into taking unauthorised absences from school or break any school rules or policies

## **Dealing with breaches**

Misuse of the mobile phone will be dealt with using the same principles set out in the school behaviour policy, with the response being proportionate to the severity of the misuse.

Students are aware that serious misuse may lead to the confiscation of their mobile phone and the imposition of other sanctions up to and including exclusion from school. If the offence is serious it will be reported to the Police.

The correct procedure to follow where a mobile phone has been confiscated is outlined later in this policy. These procedures will ensure that the confiscation is correctly recorded and that the phone is kept securely.

Where it is deemed necessary to examine the contents of a mobile phone this will be done by a designated member of staff.

The action will be properly recorded in case it later becomes evidence of criminal activity. The record will include the time, who was present and what is found.

### **Rules for the Acceptable Use of a mobile phone in school by students**

Students are allowed to bring mobile phones into school. If they choose to do so it is on the understanding that they agree with the following limitations on its use, namely:

- Mobile phones must be switched off and in the bottom of student bags from the moment they pass through the school gates in the morning to the moment they leave the school gates at the end of the school day.
- Mobile phones must be switched off at all times during the school day whilst students are on the school premises including in lessons and at break and lunchtimes. It is not acceptable for phones merely to be put on silent or pager mode.
- **The only exception to the above is where a member of staff instructs a student to use their mobile phone in a lesson to support the learning in that particular lesson.**
- The phone must be kept out of sight at all times.
- No student may take a mobile phone into a room or other area where examinations are being held.
- The security of phones will remain the student's responsibility in all lessons including PE/gym lessons
- If asked to do so, content on the phone (e.g. messages, emails, pictures, videos, sound files) will be shown to a teacher

### **Unacceptable use**

**The school will consider any of the following to be unacceptable use of the mobile phone and a serious breach of the school's behaviour policy resulting in sanctions being taken.**

- Photographing, filming, recording staff or other pupils without their knowledge or permission
- Photographing or filming in toilets, changing rooms and similar areas
- Bullying, harassing or intimidating staff or students by the use of text, email or multimedia messaging, sending inappropriate messages or posts to social networking or blogging sites
- Refusing to hand over a mobile phone at the request of a member of staff will result in an immediate referral
- Using the mobile phone outside school hours to intimidate or upset staff and students will be considered a breach of these guidelines in the same way as unacceptable use which takes place in school time
- Using a mobile phone outside school hours in such a way that it undermines the stability of the school, brings the school into disrepute and compromises its ability to fulfil the stated aim of providing 'a clear moral and ethical lead', for example, filming a fight on the way home.

## **Sanctions**

Students and parents are notified that appropriate action will be taken against those who are in breach of the acceptable use guidelines, following the school's behaviour policy.

In addition:

- students and their parents should be very clear that the school is within its rights to confiscate the phone where the guidelines have been breached.

Using the mobile phone outside school hours to intimidate or upset staff and pupils or undermine the stability of the school in any way will be considered a breach of these guidelines in the same way as unacceptable use which takes place in school time.

- If a phone is confiscated, school will make it clear for how long this will be and the procedure to be followed for its return.
- Students should be aware that the police will be informed if there is a serious misuse of the mobile phone where criminal activity is suspected
- If a student commits an act which causes serious harassment, alarm or distress to another student or member of staff the ultimate sanction may be permanent exclusion. School will consider the impact on the victim of the act in deciding the sanction.

## **Confiscation procedure**

If a mobile phone is confiscated then:

- the student will be informed that the phone can be collected at the end of school day *from the Headteacher or nominated senior member of staff.*
- the confiscation will be recorded in the school behaviour log for monitoring purposes
- school will ensure that confiscated equipment is stored in such a way that it is returned to the correct person
- in the case of repeated or serious misuse the phone will only be returned to a parent/carer who will be required to visit the school by appointment to collect the phone. This may be at the end of a week, a half term or longer. At the discretion of the Headteacher the phone may be returned to the student at the end of the confiscation period.
- where a student persistently breaches the expectations, following a clear warning, the Headteacher may impose an outright ban from bringing a mobile phone to school. This may be a fixed period or permanent ban.

## **Where the phone has been used for an unacceptable purpose**

- The Headteacher or a designated staff member will have the right to view files stored in confiscated equipment and if necessary seek the cooperation of parents in deleting any files which are in clear breach of these guidelines unless they are being preserved as evidence.
- If required evidence of the offence or suspected offence will be preserved, preferably by confiscation of the device and keeping it secure or by taking photographs of the screen
- School will consider whether an incident should be reported to the safeguarding board.
- The designated staff member should monitor repeat offences to see if there is any pattern in the perpetrator or the victim which needs further investigation.

## **Appendix 1**

### **Guidance on Confiscation**

#### **DfE guide on screening and searching - What the law allows**

**(n.b. this guidance is currently under review)**

*"Schools' general power to discipline, as set out in Section 91 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty, where reasonable to do so."*

**See below for full document**

<http://www.education.gov.uk/schools/pupilsupport/behaviour/f0076897/screening>

#### **DfE Behaviour and discipline guidance for school staff**

<http://media.education.gov.uk/assets/files/pdf/b/behaviour%20and%20discipline%20in%20schools%20%20%20guidance%20for%20teachers%20and%20school%20staff.pdf>

## **Appendix 2 - Legal context**

### **Common Offences Related to the Misuse of Mobile Telephones**

The key to both offences below is that the message/picture/video is actually **SENT** . (If it is only stored on a device the offence is not complete.)

#### **1. Malicious Communications Act 1988**

It is an offence to send an indecent, grossly offensive or threatening letter, electronic communication or other article to another person with the intention that it should cause them distress or anxiety

#### **2. Communications Act 2003**

Section 127 covers all forms of public communications

127(1) a person is guilty of an offence if they-

- a) send by means of a public electronic communications network a message or other matter that is grossly offensive or of an indecent, obscene or menacing character; or
- (b) causes any such message or matter to be so sent.

127(2) A person is guilty of an offence if, for the purpose of causing annoyance, inconvenience or needless anxiety to another, they –

- (a) send by means of a **public** electronic communications network, a message that they know to be false,
- (b) causes such a message to be sent; or
- (c) persistently makes use of a public electronic communications network

### **Appendix 3 - Police response to an incident in school**

Extract from the Home Office guidance on the action police should take if a crime may have occurred in school.

*In order to sustain the disciplinary authority of schools, this guidance clarifies the general principles of NCRS as they apply specifically to incidents on school premises. When police have reported to them an incident which took place on school premises, including those witnessed by, or reported directly to, officers working in the school, which they would normally record as a notifiable offence will, in the first instance, invite the victim or the person acting on their behalf to report the matter to the head teacher to be dealt with under normal school discipline procedures. Such reports should be recorded as an incident only, until or unless:-*

- (a) they judge it to be a serious incident as defined below; [see full document]*
- (b) having brought the matter to the attention of the school in line with good practice (see references to guidance papers below), they receive a formal request from the school to create a crime record; or*
- (c) the child, parent or guardian or the child's representative asks the police to create a crime record.*

For full description see Annex E : Crime Recording by Police Officers working in Schools

<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/counting-rules/count-recstan?view=Binary>

## Appendix 4 – sources of help

### Resources

Resources are available to support teachers, parents and pupils to promote the safe use of mobile phones and other technologies both in school and at home. Below is a note of the resources available and a short description of what each one contains. These resources have been drawn from a variety of sources, including the Mobile Network Organisations.

- The **O2 Nuisance Call Bureau** provide practical help and advice to schools – whether they're having serious problems relating to bullying on mobile phones, nuisance calls or texts, happy slapping, or any other issues. Further information is available from <http://protectourchildren.o2.co.uk/AdviceForSchools.jsp>
- **Mobile phone guide for parents from Orange**  
[http://www1.orange.co.uk/safety/images/guide\\_for\\_parents.pdf](http://www1.orange.co.uk/safety/images/guide_for_parents.pdf)
- **Orange Educational resources** on the safe and secure uses of mobile phones, and access to the "Incoming message" video and support materials  
[http://www1.orange.co.uk/about/corporateresponsibility/quicklinks/educational\\_resources.html](http://www1.orange.co.uk/about/corporateresponsibility/quicklinks/educational_resources.html)
- **Orange**  
<http://www.orange.co.uk/communicate/safety/>
- **Mobile Network Operators and Regulators**  
<http://protectourchildren.o2.co.uk/PreventBullying.jsp>
- **T-Mobile**  
<http://www.t-mobile.co.uk/personal/pages.do/corpinfo/about-tmobile/corporate-responsibility/landing>
- **For pupils**  
Newsround article on happy slapping including advice for pupils on what to do if it happens to them  
[http://news.bbc.co.uk/cbbcnews/hi/newsid\\_4490000/newsid\\_4498700/4498719.stm](http://news.bbc.co.uk/cbbcnews/hi/newsid_4490000/newsid_4498700/4498719.stm)
- *respectme*'s cyberbullying resource page:  
<http://www.respectme.org.uk/What-is-Cyberbullying.html>
- **Cybermentors**  
<http://cybermentors.org.uk/>
- **Childline**  
<http://www.childline.org.uk/>
- **For parents/carers**  
*Mobile phones: What parents need to know* provides help and advice about modern mobile phones for families and carers.  
[http://www1.orange.co.uk/documents/regulatory\\_affairs/guide\\_for\\_parents.pdf](http://www1.orange.co.uk/documents/regulatory_affairs/guide_for_parents.pdf)
- **Child Exploitation and Online Protection Centre**

<http://www.ceop.police.uk/>

## **Appendix 5**

Benefits of using a smart phone in the classroom

<http://www.guardian.co.uk/education/2011/may/10/mobile-phones-teaching-device>

## **Appendix 6**

### **Safeguarding concerns which may be raised by mobile phone use in school**

#### **Looked after pupils**

There may be a safeguarding concern if a LAC, who has limited contact, or supervised- only contact with a parent, suddenly acquires a mobile phone as this could have been provided by the parent to maintain contact. This should be discussed with the designated teacher for LAC in school.

#### **Young carers**

Some young carers only feel able to attend school because their mobile phone enables easy access with the person they care for and may react strongly to a ban on phones or restrictions on their use. This will need to be treated sensitively by the school.

#### **Child sexual exploitation (CSE)**

A feature of some of the recent cases where teenage girls have been groomed for sex has been giving them expensive phones as a gift. The unexpected acquisition of an expensive mobile phone by girls who are unlikely to be able to afford one themselves should trigger a safeguarding concern.

The same approach is often used to draw children into selling drugs.