

Developing a mobile phones in schools policy

'...empowering headteachers to take the steps they see fit to limit the use of mobile phones in our schools, up to and including a full ban on the school estate during the school day...'

<https://www.gov.scot/publications/mobile-phone-guidance-scotlands-schools/>

Background

The recently published national guidance, negotiated with NASUWT, recognises the duality of mobile devices, such as phones and tablets, in schools. These can:

- i. *'be powerful tools to enhance learning and teaching, communication and social experiences, and may remove barriers to learning for some pupils';*
- ii. *'also create challenges... causing disruption to pupils' learning and that of their peers'.*

The Scottish Government in this guidance acknowledges that serious misbehaviours, including the abusive use of mobile phones in schools to bully or harass pupils and staff, is an increasing problem.

Impact on staff and pupils

Policies on mobile phones in school should 'reflect the need to support pupils' learning, while protecting staff and pupils from bullying, harassment and abuse'. All local policies should 'recognise and respect all such rights, equally':

- i. *'any decisions relating to the use of such devices in schools should be made acting in the best interests of the child and taking their views into consideration';*
- ii. *'[t]here is also legislation which protects the rights of school staff in relation to their employment, health and safety etc'.*

Local variations

There is no prescribed national approach; rather, individual school policies, developed in partnership with the whole school community (pupils, staff, parents & carers), will determine the extent of the restrictions and limitations in place.

For example, schools may choose to ask pupils to hand mobile phones over to a member of staff during class, restrict the use of mobile phones during the school day, or request mobile devices are switched off and out of sight during class, unless the teacher has requested otherwise. Policies may also include instructions that camera and filming functions only be used with the prior consent of the data subjects (pupils or staff) and special permission of school management.

Addressing the use of mobile phones must form part of joined-up whole-school strategies on managing pupil behaviour. Any school policy on mobile phones should align with the wider relationships and behaviour policy, relevant legislation (e.g. health and safety legislation for staff and pupils) and existing IT codes of conduct.

All school policies on mobile devices should:

- target pupils' behaviours when interacting with a range of mobile technology, which can include functionalities of technology, e.g. sending/receiving messages, notifications, playing videos/music, and recording videos/audios in class;
- set out clear and specific expectations of what standards of behaviour are expected and what action will be taken when such expectations are not met;
- be clearly communicated with pupils, staff, parents and carers;
- be applied consistently;
- be regularly reviewed.

'PISA 2022 suggested that when a school's written statements or rules were too generally designed, imprecise or lenient, they were unlikely to support effective teaching and learning with mobile technology.'

School-based negotiations

School representatives can use the following prompt questions to support local policy reviews or negotiations.

(1) Digital etiquette (standards of conduct when using mobile phones)

- Are there clear guidelines on the appropriate use of mobile technology for learning and teaching purposes (including consideration of formal assessment conditions)?
- Where the policy is introducing restrictions on the use of mobile phones within school grounds/within school days, is the procedure clear and does it include expectations, procedures for restriction, safe storage and return of mobile phones?
 - It is recommended that any policy on restrictions focus on school days, rather than weeks/terms, to prevent excessive restriction.
 - Where restrictions are considered, arrangements for emergency contact with pupils/families should be restated.
- Has there been consideration of situations where mobile phones may be used by pupils with particular needs?
 - Some examples are: young carers; pupils with medical conditions who require monitoring using mobile technology; pupils with anxiety including whilst on school trips; pupils with ASN where use of a mobile is part of a planned approach to manage learning needs and pupils with disabilities who use their mobile as part of a reasonable adjustment, such as augmentative and alternative communication.
- Has an expectation been set that the policy will be applied consistently across the school (albeit with variations across use in school grounds in the school day, at social school events and on school outings)?
- Does the policy clearly state responsibility/liability for personal mobile phones in terms of loss, theft or breakage?
- Are there clear guidelines on privacy policies, and rules prohibiting the uploading of images or recordings obtained by use of mobile phones to social networking or other websites without the express permission of data subjects?
 - Should images or recordings be uploaded onto social networks without permission from the data subject, the individual should be asked to remove this as part of the normal behaviour policy of the school. (*Please also note the section on Legal Aspects below.)

(2) Digital rights and responsibilities (what individuals can and cannot do)

- Unacceptable behaviour remains unacceptable whether it occurs in an online environment, the playground, the classroom or anywhere else – has this been explicitly set out?
- Are there agreed consequences for the misuse of mobile phones that are integrated with the school's existing policies and approaches to promoting relationships and behaviour, including a school's anti-bullying policy?
- Are there clear procedures for removal and return of mobile phones in the circumstances of inappropriate use, in alignment with the wider relationships and behaviour policy?
- Are there clear protocols on reporting of misuse within the school, and the support available in school for staff and for pupils who are the subject of harassment using mobile phones?
- Has it been stated that staff will respond consistently to any irresponsible use of mobile phones and has the vehicle for communicating, and thereafter reaffirming, to pupils which behaviours are unacceptable, alongside the potential impact of such behaviours, been explained?

(3) Safe and secure use of technology (precautions which can be taken to ensure digital safety)

Supporting pupils' awareness of safe and secure use of mobile technology is an important means for a school to support development of responsible and global citizens, recognising and respecting children's rights, and creating an anti-bullying culture. Therefore a school policy may also:

- emphasise the need for safe and responsible use of mobile phones by pupils and staff outwith formal learning and teaching purposes;
- set out how a school will support the development of safe and secure use of mobile technology through the curriculum.

Legal aspects

Teachers in Scotland do not have the same statutory foundations for a right to search as teachers in England. School staff cannot access content on a pupil's mobile phone without the pupil's consent, or the consent of their parent or carer where the pupil does not have capacity to consent. NASUWT advice is that teachers should not search pupils or access their phones as it risks physical and mental safety, harms staff-student relationships, and could lead to accusations of assault. Instead the teacher should inform their headteacher or SMT, who will then handle the situation with parents or Police Scotland.

There are a number of online behaviours that could constitute a criminal offence. Where potentially criminal events have been recorded using mobile technology, these should be drawn to the attention of the police: the school should hand the device over to the police without trying to access content. Taking photographs, videos or audio recordings of an individual without their permission may be regarded as a breach of that person's rights, and may, in some instances, be regarded as an offence by the police.

In some circumstances, confiscating phones may also have legal ramifications under equality legislation, where a mobile phone may be required during the school day as a reasonable adjustment for a student with underlying medical condition. Confiscating a device in those circumstances might leave teachers exposed to allegation of breaching equality legislation and potentially be co-joined in any litigation against the school or local authority.

Any policy where teachers are compelled by their employer to 'police' the employer's policy on the prohibition of mobile phones in schools can present a risk to the individual teacher: teachers should certainly not be expected to use force to gain possession of any phone.

Additional information

Legislation relevant to aspects of online safety, including the safe and responsible use of mobile phones, can be found in appendix C5 of the Scottish version of the online safety policy tool for schools, 360 Degree Safe Scotland. The 360 Degree Safe Scotland self-review tool is free to use and is intended to help schools review their online safety policy and practice.

<https://360safescotland.org.uk/overview/policy-templates/>

Professionals Online Safety Helpline is a free helpline supporting professionals working with children and young people with any online safety issues they face.

<https://swgfl.org.uk/helplines/professionals-online-safety-helpline/>

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