

HOLYWELL CHURCH OF ENGLAND ACADEMY



STUDENT MOBILE PHONE POLICY

Author	RS/CS/LB/LF/PB/JU/MGS
Responsibility	Staff / Governors
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N.B. This policy applies to mobile phones and any other electrical communication devices (including smart watches).

Introduction

Technology has become embedded throughout society and has transformed the way we expect to engage with services and consume content. This is especially true for young people, where, according to an Ofcom survey in 2017, 46% of 5-15-year olds have their own smartphone, and 49% have their own tablet. At Holywell School, we embrace the use of Educational Technology (EdTech) and we will help and support our students to navigate and make sense of the digital world around them.

At Holywell, we believe our number one priority is the safety and happiness of every child. We have a legal obligation to keep children safe from harm and ensure we exercise our duty of care to teach students how to keep themselves safe. In September 2018 the updated statutory guidance for schools, Keeping Children Safe in Education, puts legal responsibility on schools to ensure we are actively supervising and monitoring what students are accessing online. This legal duty upon schools does not just relate to what students access in lessons on school computers, but also includes any content they might access on the way to school when wearing school uniform, on the school bus or at breaks and lunchtimes on their phones via 3G and 4G. Mobile phones and, in particular, the new generation of smartphones, 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. There has been an increase in the number of issues to do with online abuse via mobile phone technology and social media. As a result, students' wellbeing and mental health is being affected by this abuse of mobile phone technology.

We appreciate that there is a positive side to mobile phone technology and students often carry mobile phones so that they can contact parents before and after school. Beyond this, there is no need for students to use their mobile phones in school. In the past we have provided storage facilities, however, the increasing number of devices being brought into school, means that this service is no longer practical or viable.

Online safety, social media and the safe use of mobile phones will be addressed with students in ICT and PSHCE lessons.

Policy Outline

SMART Mobile Phones are not to be used or brought into school.

Exceptional circumstances

Parents can request permission for students to carry a non-smart phone for use before and/or after school (Appendix 1). For safeguarding and safety purposes, we recommend models without cameras, without apps, and without internet connection. i.e. Nokia 105 (available to buy from £13.95 – £19.99 at retailers such as Amazon, Argos, AO or Carphone Warehouse). Where permission is given, students are responsible for the safe-keeping of the non-smart mobile phone. The non-smart mobile phone must be turned off and out of sight at all times. The school accepts no responsibility for the safekeeping of any mobile phone.

If students are entrusted to carry their non-smart mobile phones with them for use before and after school, the following should be noted:

- Mobile phones must be switched off at all times during the school day, including break and lunchtimes, and remain off whilst students are on the school premises. It is not acceptable for phones merely to be put on silent or pager mode.
- The phone must be kept out of sight during lessons.
- No student may take a mobile phone into a room or other area where examinations are being held.
- The security of the phone will remain the student's responsibility in all lessons including PE/gym lessons.

Breaches

- Any form of misuse of a mobile phone will be dealt with as a serious breach of the student commitment and will be dealt with in line with the Behaviour for Learning Policy N.B. This applies to the misuse of both non-smart phones for which written permission has been given and/or non-permissible smartphones which are brought into school without permission. The following are examples of misuse (the list is not exhaustive). 'Misuse' will be at the discretion of the Headteacher:
 - sending inappropriate messages
 - sending inappropriate messages or posts to social networking or blogging sites
 - taking photographs and/or videos in school
 - photographing or filming staff or other students without their knowledge or permission
 - photographing or filming in toilets, changing rooms and similar areas
 - bullying, harassing, humiliating or intimidating staff or students by the use of text, email or multimedia messaging
 - refusing to switch a phone off or hand over the phone at the request of a member of staff
 - 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 and compromises its ability to fulfil the stated aim of providing 'a clear moral and ethical lead'
 - 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)
 - 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

- o making disrespectful comments, misrepresenting events or making defamatory remarks about teachers or other students
- o general disruption to learning caused by students accessing phones in lessons
- o students phoning parents
- o students phoning parents immediately following an incident so that the ability of staff to deal with an incident is compromised
- o publishing photographs of vulnerable students, who may be on a child protection plan, where this may put them at additional risk.

Dealing with breaches

Misuse of the mobile phone will be dealt with using the same principles set out in the school's Behaviour for Learning Policy, with the response being proportionate to the severity of the misuse. Students are aware that serious misuse may lead not only to the confiscation of their mobile phone, but may include the student being internally or externally excluded from school. If the offence is serious it will be reported to the Police.

If the mobile phone is found to be switched on during the day, the phone will be confiscated and only be returned to a parent/carer in person.

Where it is deemed necessary to examine the contents of a mobile phone this will be done by a member of staff. N.B. Parental permission is not required for this. 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 was found. This includes messages, emails, pictures, videos, sound files.

Where a mobile phone is confiscated, it will be stored in the safe in the main office and it will be recorded and kept securely.

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 for Learning 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.
- if a phone is confiscated, it will require a parent/carer to collect the phone from school.
- 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 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:

- it will be held until a parent/carer collects the phone in person from the school.
- 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.
- 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 local 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 – Application for permission to carry a non-smart phone in school

Student Name: _____

Tutor Group: _____

I hereby request permission for _____ to carry a non-smart mobile phone in school. I am aware that the school cannot be held responsible for any damage to the phone and/ or for the phone if it is lost, mislaid or stolen.

We have read the Holywell Mobile Phone Policy and agree to abide by the contents of the Policy.

Signed: _____

Date: _____

Relationship to the student: _____

Counter-signature by member of Holywell Staff to confirm permission has been granted for the non-smart mobile phone to be carried in school: _____

Name: _____

Date: _____

Appendix 2 - 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 student’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-

- 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 –

- send by means of a **public** electronic communications network, a message that they know to be false,
- causes such a message to be sent; or
- 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.*

Appendix 4

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

Looked after students

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.