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This policy is one of a series of school policies that, taken together, are designed to form a comprehensive statement of the school's aspiration to provide an outstanding education for each of its students and of the mechanisms and procedures in place to achieve this. Accordingly, this policy should be read alongside these policies. In particular it should be read in conjunction with the policies covering equality and diversity, Health and Safety, safeguarding and child protection.

All of these policies have been written, not simply to meet statutory and other requirements, but to enable and evidence the work that the whole school is undertaking to ensure the implementation of its core values.

While this current policy document may be referred to elsewhere in Yarrow Heights School documentation, including particulars of employment, it is non-contractual.

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## Legal framework

This policy has due regard to all relevant legislation and statutory and good practice guidance including, but not limited to, the following:

- DfE (2024) 'Mobile phones in schools'
- DfE (2024) 'Behaviour in Schools'
- DfE (2023) 'Keeping children safe in education 2023'
- DfE (2023) 'Searching, screening and confiscation at school'
- Data Protection Act 2018
- The UK General Data Protection Regulation (UK GDPR)
- Voyeurism (Offences) Act 2019
- Protection of Children Act 1978
- Sexual Offences Act 2003
- DfE (2014) 'Cyberbullying: Advice for headteachers and school staff'
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This policy operates in conjunction with the following school policies:

- Anti-bullying Policy
- Online Safety Policy
- Data Protection Policy
- Child Protection and Safeguarding Policy
- Complaints Procedures Policy
- Social Media Policy
- Child-on-child Abuse Policy
- Positive Behaviour Policy
- Staff Code of Conduct
- Records Management Policy

## Roles and responsibilities

The Head Teacher will be responsible for:

- The implementation of the policy and procedures.
- Evaluating the effectiveness of the policy and procedures.
- Ensuring that the policy, as written, does not discriminate on any grounds.
- Reviewing the policy **annually**.

The Head of Education will be responsible for:

- Handling complaints regarding this policy as outlined in the school's Complaints Procedures Policy.
- The day-to-day implementation and management of the policy.
- Informing parents and pupils of the Personal Electronic Devices Agreement.
- Communicating this policy to the relevant staff members and the wider school community.
- Communicating what devices can be brought to school and when they can and cannot be used.

Staff members will be responsible for:

- Negotiating incidents of cyberbullying in conjunction with the headteacher, in line with the Anti-bullying Policy and the Behaviour Policy.

The DSL will be responsible for:

- Initiating and managing responses to incidents of upskirting with relevant staff members and in line with the Child Protection and Safeguarding Policy.
- Liaising with and reporting the relevant information to children's social care and/or the police, when it is necessary to do so.

Pupils are responsible for adhering to the provisions outlined in this policy.

## **1. Introduction**

For young people today the ownership of a personal mobile phone/e-device is considered a vital part of their life. When used creatively and responsibly these have great potential to support a pupil's learning and enhance their life; however, the potential for misuse in School means that clear policy guidelines on use in School is necessary.

These guidelines are intended to help make clear the expectations of the school, for pupil use of mobile phones and e-devices and give clear guidance to staff, pupils and parents about the consequences for misuse.

These guidelines sit alongside the Acceptable Use Policy for ICT, including the use of the school iPads, which all pupils sign. Pupils will receive age-appropriate guidelines and education to help avoid potentially dangerous situations, in Digital Learning and PSHE lessons. All pupils must look after each other and report concerns of misuse or abuse.

The security of the devices is the pupil's responsibility. It is recommended that all devices are password/PIN protected and that pupils change their password regularly and never reveal it to anyone. The naming of devices is also recommended. Lost/found devices should be taken to Reception.

## **2. Rules for Acceptable Use**

### **2.1 Who, When and Where?**

Pupils are permitted to bring a mobile phone to school for use in transport; however, the following regulations apply:

- ✓ Primary pupils (Years 3-6) must hand their phone to their class teacher on arrival at school and may collect them at the end of the school day.
- ✓ Secondary pupils (Yrs. 7-11) should leave their mobile phones in the secure container located in their classroom. Their phones will be returned to them at the end of the school day, or hand their phone to their class teacher on arrival at school and may collect them at the end of the school day.

The school will make reasonable adjustments for pupils to use their mobile phones in specific circumstances, e.g. to monitor a medical condition via an app or if they are a young carer.

### **2.2 What and How?**

- ✓ No pupil should have any age-inappropriate material (e.g., videos, games, movies) or bring it into school on any of their electronic devices without express prior permission from a teacher.
- ✓ No pupil should access age-inappropriate material over the internet e.g., YouTube, Netflix
- ✓ If asked to do so, pupils must show content on the phone (e.g., messages, emails, pictures, videos, sound files) to a teacher.

## **3. Unacceptable use**

The school will consider any of the following to be unacceptable use of the mobile phone/e-device and a serious breach of the school's policy, resulting in sanctions being taken.

- ✓ Taking any photographic images (still or video) or sound recordings of staff or pupils anywhere on the school grounds without their knowledge and explicit permission.
- ✓ Using a mobile phone or e-device for 'sexting' (the deliberate taking and sending of provocative images or text messages).
- ✓ Bullying, harassing, or intimidating staff or pupils using text, e-mail, or multimedia messaging, sending inappropriate messages or posts to social networking, or blogging sites.
- ✓ **The school will not tolerate cyberbullying.**
- ✓ Making disrespectful comments.
- ✓ We expect pupils to treat other pupils and staff online with the same standards of consideration and good manners as they would in a face-to-face situation.
- ✓ Disrupting learning through use of a phone/e-device.
- ✓ Refusing to switch off a mobile phone/e-device or hand it over at the request of a member of staff.
- ✓ Using the mobile phone/e device outside school hours or away from School to intimidate or upset staff or pupils: this will be considered a breach of these guidelines in the same way as unacceptable use which takes place in school time.

#### **4. Dealing with breaches of the Guidelines**

The misuse of the mobile phone/e devices will be dealt with using the same principles set out in the School Positive Behaviour Management Policy, with the response being proportionate to the severity of the misuse. Depending on the nature and severity of the breach, the response may include:

- ✓ Asking a pupil to return the phone to the appropriate place or go to an appropriate place to use it.
- ✓ Confiscating the phone for a specified period. Parents will be notified.
- ✓ Disallowing the privilege of bringing mobile phone or -e-device into school. Parents will be notified.
- ✓ Discussing misuse 1:1 with a senior member of staff to recognise their transgressions and understand the impact of their behaviour on others. Parents will be notified.

The Head of Education, in consultation with the Designated Safeguarding Lead, will deal with serious incidents of misuse, particularly where there has been a victim of cyberbullying.

#### **Searching pupils**

School pupils have a right for their private life to be respected under article 8 of the European Convention on Human Rights (ECHR). This right is not absolute, and the school can interfere with this right as long as it is justified, proportionate, and aligns with the powers to search in the Education Act 1996.

All searches will be conducted in line with the school's Searching, Screening and Confiscation Policy.

The headteacher, and other authorised staff members, will have the power to search a pupil or their possessions where they have reasonable grounds to suspect that a pupil is in possession of a prohibited item. Mobile phones and similar devices will be deemed as prohibited items that may be searched for in line with the Positive Behaviour Management Policy.

In all cases the authorised member of staff will always:

- Seek the co-operation of the pupil before conducting a search.
- Ensure the pupil understands the reason for the search and how it will be conducted.
- Give the pupil the opportunity to ask any questions so that their agreement is informed.
- Have due regard to the DfE's '[Searching, screening and confiscation](#)' guidance.

Staff may search a pupil's outer clothing, pockets, possessions, desks or lockers. Staff conducting a search must not require the pupil to remove any clothing other than outer clothing - outer clothing means any item of clothing that is not worn wholly next to the skin or immediately over a garment that is being worn as underwear and includes hats, shoes, boots or scarves. Possessions means any goods over which the pupil has or appears to have control - this includes desks, lockers and bags.

A staff member may ask a pupil to show them what they are doing on their mobile phone or tablet if they reasonably believe that the pupil is using the device to cause harm. If it is judged reasonable, the staff member may inspect the files or data on a pupil's electronic device and delete them if necessary.

Staff members will ensure they have a good reason to examine and delete data on a pupil's electronic device. When determining a good reason to examine data, staff members will ensure they reasonably suspect that the data has been, or could be, used to cause harm, undermine the safe environment of the school and disrupt teaching, or be used to commit an offence.

When determining a good reason to delete data, staff members will consider whether the material found may constitute evidence relating to a suspected offence and if so, choose not to delete the data. The data may be deleted if it is found likely to cause harm to any person, and the pupil and/or parent refuses to delete the data themselves.

If a search uncovers a device that is being used to cause harm, or which contains prohibited material such as pornography, a staff member can confiscate the device. If a staff member finds child pornography, it must be given to the police as soon as reasonably practicable. Where staff find stolen items like mobile devices, they must be given to the police as soon as reasonably practicable.

The staff member conducting the search must be the same sex as the pupil being searched. A witness to the search must be present; this should also be a staff member of the same sex as the pupil being searched.

Pupils are required to comply with any request to check their electronic device.

Pupils are required to comply with any request to disable the screen lock function of their electronic device and show any staff member what they are doing. Any pupil who refuses to comply with these requests will be disciplined in line with the Positive Behaviour Support Policy.

## **5. Consequences**

Pupils and parents are notified that appropriate action will be taken against those who are in breach of the acceptable use guidelines.

The school is within its rights to confiscate or ban a pupil from having a phone/e-device in School, where the guidelines have been breached.

## **6. Confiscation procedure**

If a mobile phone/e-device is confiscated, the following procedures apply:

- ✓ The pupil will be informed that the device can be collected at the end of the school day from the teacher or a senior member of staff.
- ✓ The confiscation will be recorded for monitoring purposes.
- ✓ The staff member confiscating the device will ensure that confiscated equipment is stored safely, in such a way that it is returned to the correct person at the agreed time.

In the case of repeated misuse, the phone/e device will be returned, and the pupil will lose the right to bring this sort of device into school, with parents informed.

## **7. Serious Misuse or Criminal Activity**

Pupils should be aware that the police will be informed if there is a serious misuse where criminal activity is suspected.

If a pupil commits an act which causes serious harassment, alarm or distress to another pupil or member of staff, the ultimate sanction may be a fixed term or in significant transgressions a managed permanent exclusion.

The school will consider the impact on the victim of the act in deciding the consequences and parents will be involved. The Head of Education or Designated Safeguarding Lead will have the right to view files stored in confiscated equipment and will seek the cooperation of parents in deleting any files which are in clear breach of these guidelines unless these are being preserved as evidence. If required, evidence of the offence will be preserved, preferably by confiscation of the device and keeping it secure or by taking photographs of the screen.

The DSL, Headteacher and Head of Education will consider whether an incident should be reported to the Local Authority Safeguarding Team. The DSL will monitor repeat offences to see if there is any pattern in the perpetrator or the victim which needs further investigation.

Following any such incident support will be offered and efforts made to facilitate effective closure for the victim. We also ensure that the perpetrator and any others are educated about the impact of their actions. The Head of Education and DSL will document the case history.

## **APPENDIX 1: PUPIL MOBILE PHONE USE**

<b>When and where?</b>	<b>Lesson</b>	<b>Break and</b>	<b>Before 08:15</b>
	<b>time</b>	<b>lunch time</b>	<b>After 3:45</b>



In classrooms	No	No	No
Dining Room	No	No	No
Public areas	No	No	Yes

**Never:**

Take photos of pupils.

Take photos of someone without their permission.

Bully people.

View or store age-inappropriate material.

Send indecent images or messages ('sexting').

**Stay safe:**

Use password/PIN to protect your phone.

Name your phone in case it gets lost.

Hand in to Reception any lost phones that you find.

Report any misuse of phones, such as bullying.

**Use and enjoy your phone, but respect others.**

**Review of implementation**

The implementation of this Policy is reviewed annually by the school's Senior Leadership Team in consultation with staff and a report is made to the Governance Body.

The school may submit to Cavendish Education proposals for amendments to this Policy.