

1 Purpose

The purpose of this policy is to provide information for schools and other educational establishments on the use of mobile phones and digital devices. Schools and other educational establishments can use the policy guidance (Annex 1) to develop their own policy which can be implemented with confidence. It will also ensure that staff have the necessary advice and support to work firmly and fairly within the law

2 Scope

The Minister for Education and Young People stated in February 2007 that:

'Any kind of violence or the filming of such violence in schools is totally unacceptable. We back schools in taking tough action against all forms of bad behaviour, including misuse of mobile phones. Irresponsible use of mobile phones cannot and will not be tolerated. Staff and parents need to know that action will be taken against those who misuse mobile phones in schools. Pupils need to know the consequences of misuse.'

'Every school should have a clear policy on the use of mobile phones on its premises, and make it clear that any abuse – such as using these phones to bully and humiliate – will be dealt with severely.'

'I will back head teachers who take action against those who use mobile phones irresponsibly. I expect head teachers to use the full range of powers available to them, including temporary confiscation, exclusion and – in extreme cases – the involvement of the police.'

This request follows a number of recent reports of mobile phone misuse, including 'happy slapping', text bullying, images and films appearing on the internet, cyber bullying, mobile phone raps, recording and downloading material of a sexual nature, and harassment. There is broad concern that these developments represent misuse of the technology and a broad consensus that this needs to be tackled in schools, with Scottish Government and local authority support.

The Safe and Well Handbook 2005¹ contains advice and guidance under A–Z headings *Bullying*, *Cameras*, and *Mobile phones*

Under *Bullying and Young Abusers*, the guidance covers:

- recording incidents and the school response
- preparing for the return to school of an excluded pupil
- investigating the cause of bullying or aggressive behaviour and planning intervention

Under *Cameras, Filming and Image Messaging*, the guidance covers issues of consent and permission for parental and pupils filming.

Under *Mobile Phones*, the guidance acknowledges that some parents feel there is a personal safety aspect to carrying a mobile phone and covers some of the problems which can arise from their misuse such as discipline, bullying, and photography/filming. The guidance notes some of the benefits of a mobile phone policy.

The UK mobile phone operators Orange, O2, T-Mobile, Virgin Mobile, Vodafone and 3 have developed a UK Code of Practice (2004)² for the self regulation of new forms of content on mobiles. There is a Mobile Broadband Users Group which represents the current five UK mobile operators on this issue.

This code of practice was developed in anticipation of the use of enhanced mobile phone features by consumers under the age of 18. The code covers measures being put in place with the intention that parents and carers should have access to information so that they can show their children how to use new mobile phone devices responsibly. This includes classifying commercial content as unsuitable for customers under 18 years; filters for internet access; notification and take-down provisions for illegal content; action against unsolicited bulk communications; adapting procedures to counter malicious communications; and information and advice and media literacy activities.

In support of self-regulation, parental advice and control, and media literacy, the mobile phone operators have developed a number of educational resources, aimed at schools, teachers, pupils and parents, which are outlined in Annex 2.

The Discipline Stakeholder Group (DSG), comprising the Scottish Executive, teaching unions (EIS, SSTA, HAS, AHDS, PAT, NASUWT), ADES, COSLA, GTCS, and advised by HME, has developed guidance for local authorities in partnership with the mobile phone industry and Ofcom Scotland.

3 Definitions

1 Throughout the policy guidance the following terms apply:

- * *schools* describes all establishments
- ** *teachers* describes all staff working with children and young people
- *** *pupils* describes all participants and users of the services for which the policy guidance have relevance
- **** *parents* describes all those with direct responsibility for the care and welfare of children and young people

2 Explanation of acronyms:

Discipline Stakeholder Group	DSG
Educational Institute for Scotland	EIS
Scottish Secondary Teachers' Association	SSTA
Headteachers' Association of Scotland	HAS
Association of Head Teachers and Deputies in Scotland	AHDS
Professional Association of Teachers	PAT
National Association of Schoolmasters Union of Women Teachers	NASUWT
Association of Directors of Education in Scotland	ADES
Convention of Scottish Local Authorities	COSLA
General Teaching Council for Scotland	GTCS
Her Majesty's Inspectorate of Education	HME
The City of Edinburgh Council	CEC

4 Policy Statement

There is a great deal of consensus and good practice linked to mobile phone policies and protocols, in local authorities and schools. There are many benefits and learning opportunities to be gained from the use of technology such as mobile phones and other digital devices. Schools and other educational establishments, while fully recognising and embracing these technologies as important learning tools, must be alert to, aware of and prepared to deal with the challenges to personal safety that they can pose.

The majority of indiscipline and negative behaviour in schools is low level, and this will also be the case for misuse of mobile phones and digital devices. Bullying, harassment and general misbehaviour, including more serious and occasional incidents of assault, are not new. However, mobile phones and digital devices are emerging as a tool in those forms of misbehaviour and it is timely to introduce a culture of appropriate and responsible use, as in other areas including public places and buildings.

5 Responsibilities

The Minister for Education and Young People called on every school to develop and implement a policy on mobile phone use, and called on local authorities to provide the necessary support, advice and guidance to enable this to happen. This policy and related policy guidance extend advice to include the use of all digital devices by pupils in schools and participants in other establishments.

6 Legislative Context

There are a number of aspects of the law that may apply to the misuse of mobile phones and other digital devices, and the responses to that misuse. This will depend on the circumstances of the case. In the most serious cases there may be a crime involved – an incident that is being filmed might be an assault or breach of the peace. The misuse of mobile phones and other digital devices might be an offence under the Communications Act 2003, if it involves a call or message that is grossly offensive or is of an indecent, obscene or menacing character. The distribution of certain pornography might be an offence under the Civic Government (Scotland) Act 1982.

7 Associated Documents

The policy guidance for schools and other educational establishments attached to this policy complements the CEC ICT Policy³, the CEC policy 'Positively Challenging Bullying and Discrimination'⁴, the CEC guidelines on Photographing and Videoing of Children and Young People in Educational Establishments⁵, and the Edinburgh and Lothians Inter-Agency Child Protection Procedures⁶.

1 <http://www.scotland.gov.uk/Resource/Doc/57346/0016229.pdf>

2 http://www.mobilebroadbandgroup.com/documents/LS_CoP_LocationServices_outline_240904.pdf

3 CEC ICT Policy – *Publishing on the School Website* – August 2000

4 CEC *Guidance on Positively Challenging Bullying and Discrimination* – 2006

5 CEC *Guidelines on Photographing and Videoing of Children and Young People in Educational Establishments* – 2004

6 *Edinburgh and Lothians Inter-Agency Child Protection Procedures* – April 2007

Policy Guidance on the Use of Mobile Phones and Digital Devices in Schools and Other Educational Establishments

1 Introduction

- 1.1 On the basis of current practice, and further consideration of the issues by the DSG, mobile phone operators, and Ofcom Scotland, this policy guidance is based on the basic principle that any breach of the protocol will fall within schools' Better Behaviour Better Learning policies and sanctions. It should enable schools to develop policies which are robust and consistent in their coverage of the following key areas, such as rewards and sanctions, restorative practices, staged intervention and solution-orientated interventions.

2 Key Elements

Outright Ban

- 2.1 National consensus and the view of this Local Authority is that imposing an outright ban on bringing mobile phones and digital devices into schools would not be appropriate. Mobile phones and digital devices may have a part to play in securing pupils' personal safety before and after school and on journeys to and from school. Moreover, a ban would be difficult to enforce and would not be consistent with the aim of developing a culture of responsible use of mobile phone and other digital devices by pupils.

Restricted Use and Sanctions

- 2.2 Every member of staff working with children and young people has a duty of care. It is therefore imperative that appropriate action is taken to protect and safeguard their health, development and welfare.
- 2.3 There should be specific information on whether, when and where mobile phones and other digital devices should be switched off, out of sight, including outside classrooms such as corridors, dining areas, toilets, changing rooms, establishment grounds/campus and transport, as well as possible designated zones and times where mobile phones and digital devices might be used.
- 2.4 Specific information should include advice on appropriate staff use of mobile phones and digital devices, eg the storage of private information and images.
- 2.5 Schools and other educational establishments can decide that mobile phones and other digital devices must not be switched on or used during prescribed times, and on school premises. The use of mobile phones and other devices on trips or activities should be determined by the Head Teacher as part of the risk assessment.
- 2.6 Misuse includes the transfer or circulation of material which may undermine order and discipline, and may also be an offence, eg the indecent image of another person.
- 2.7 The use of camera and filming functions should be in line with current CEC Guidelines.

- 2.8 There should be clear sanctions, agreed as part of the overall establishment rules and disciplinary procedures, to deal with the inappropriate use of mobile phones and other digital devices. Necessary advice on how to implement them should also be provided.
- 2.9 Sanctions for misuse can include an initial warning, temporary confiscation and return of the device to pupils and parents. The confiscation and return of devices should be logged and arrangements for this should be managed effectively. In some instances, establishments can exclude pupils, using agreed protocols. Consideration should be given as to whether there are any child protection issues.
- 2.10 Schools' policies should also include actions which must be taken if illegal acts, such as filming criminal activity, downloading or forwarding indecent images is suspected or established.
- a) A senior member of staff should be involved from the outset.
 - b) Wherever possible, the phone or digital device should be confiscated, retained in a secure place and logged by an appropriate member of staff, taking care not to delete any images or recordings which could be used as evidence, eg in cases of harassment and bullying.
 - c) Accurate records of any relevant complaints or incidents should be kept and signed, where appropriate, by teachers/witnesses.
 - d) If a child protection issue is suspected, the Edinburgh and Lothian Inter-agency Child Protection Procedures must be followed. The specific recording form must also be used.
 - e) If criminal activity is suspected, advice should be sought from the police as to who should contact the parents.
 - f) The appropriate line manager linked to the school involved must be informed.
 - g) Schools must continue to work with the police and other appropriate agencies until the matter is resolved.
- 2.11 In addition, there could be implications for potential liability of the Council in the civil courts.

Personal safety/emergencies during school day/on school campus

- 2.12 It is recommended that if mobile phones and digital devices are restricted outwith classroom and teaching times, there are arrangements to use the school office phones for emergency contact; and, that these arrangements are known to teachers, pupils and parents, including identifying the teachers who can authorise office phone access by name or position.

Development and Consultation

- 2.13 It is recommended that schools should use this policy guidance to develop or revise an establishment policy, in consultation with teachers, parents and pupils; and it should be widely communicated throughout the whole school community, as well as through Parent and Pupil Councils, and included in the school handbook. The school policy should also be regularly updated, as technologies change. Schools should also ensure that appropriate and regular teacher and pupil training and dissemination of information take place regarding the use of mobile phones and other digital devices. In particular, it is vital that teachers reflect on the appropriate, as well as the inappropriate, use of these devices between their pupils and themselves.
- 2.14 Development and awareness raising of school policies will benefit from integration with positive behaviour and anti-bullying initiatives, such as the CEC guidelines, 'Positively Challenging Bullying and Discrimination' and other citizenship and pupil participation activities.

Educational Resources

2.15 There is a wide range of educational resources for teachers, parents, children and young people which provides them with the knowledge and skills to promote safe and responsible use of mobile phone and other digital devices and which are outlined in more detail in Annex 2.

Teacher and Pupil Support

2.16 It is essential that teachers and pupils who have been the subject of any mobile phone misuse are provided with appropriate support and follow up.

2.17 For teachers who have been the subject of mobile phone misuse, schools should consider seeking advice from legal services or the police, in cases that give cause for concern. Further support should be offered, as appropriate, such as from professional organisations.

2.18 For pupils, this support may include referral to guidance teachers, and other appropriate resources used by the school as part of their approach to positive behaviour.

2.19 It is recommended that it may be useful for policies to provide practical examples on 'what to do if' situations, as detailed in the prompt questions in Annex 3. These could be used as the basis for discussion, as part of the process of constructing the school policy.

Annex 2

Misuse of Mobile Phones and Digital Devices in Schools Policy Guidance

Resources

There are a number of resources available to support teachers, parents and pupils to promote the safe use of mobile phones, digital devices and other technologies both in school and at home. Below is a note of resources currently available and a short description of what each one contains. These resources have been drawn from a variety of sources, including Scottish Executive and Scottish Government information, voluntary organisations and Mobile Network Organisations. The Scottish Government is not responsible for the content of external guidance or internet sites. The resources below are grouped by their audience for ease of reference. This does not mean that they are suitable for that audience only. Links to Mobile Network Provider information, including resources, are contained at the end of the document.

For Teachers and Schools

The Safe and Well handbook for staff, schools and education authorities provides a range of guidance on the wellbeing and safety of pupils whilst at school. The handbook contains information on image messaging and mobile phones and digital devices within the A-Z section.

<http://www.scotland.gov.uk/Publications/2005/08/0191408/14093>

Let's Stop Bullying Pack contains a number of informative and useful classroom resources to help in tackling the issue of bullying.

http://www.betterbehaviourscotland.gov.uk/knowledge/teacher_to_pupil/research/_718/default.aspx

<http://www.stoptextbully.com/help/15/advice-for-parents-and-teachers> provides information on available resources for schools.

<http://www.ceop.gov.uk> provides a range of educational materials for younger pupils on the safe use of mobile phones, digital devices and the internet.

The Nuisance Call Bureau provide practical help and advice to schools – whether they're having serious problems relating to bullying on mobile phones and digital devices, nuisance calls or texts, happy slapping, or any other issues. Further information is available from

<http://protectourchildren.o2.co.uk/AdviceForSchools.jsp>

You, your phone and staying safe is a resource for English, PSE/PSD and Citizenship prepared by Orange. The resource and further additional materials are available from

<http://www1.orange.co.uk/about/community/stayingsafe.html>

A range of teaching resources are also available which encourage pupils to think about responsible phone use and safety through a range of activities, for example developing a magazine article or radio interview on mobile phone safety. Supporting resource materials are available to support teaching resources. These are available to download from

<http://www1.orange.co.uk/about/community/teachingdownloads.html>

<http://www.respectme.org.uk/>

A fact sheet called *Cyberbullying Are you Switched On?* is available on request and online.

For Pupils

<http://www.stoptextbully.com/> – provides advice to young people on dealing with text bullying, malicious calls, picture messages, e-mails, web chat and instant messaging.

Newsround article on 'happy slapping' including advice for pupils on what to do if it happens to them http://news.bbc.co.uk/1/hi/newsid_4490000/newsid_4498700/4498719.stm

Fresh gives advice and information for primary aged children on dealing with bullying <http://www.scotland.gov.uk/Publications/2005/06/17154728/47294>

Fresher gives advice and information for teenagers on dealing with bullying <http://www.scotland.gov.uk/Publications/2005/06/17154818/48209>

Hi-Tech Bullying & Internet Safety information, including 'happy slapping' and 'internet safety' are available from [bullying.co.uk](http://www.bullying.co.uk) at <http://www.bullying.co.uk/pupils/videomugging.php>

The Thinkuknow website aims to get pupils to share what they do know about the use of mobile phones and the internet, and to find out if there's information that they don't already know <http://www.thinkuknow.co.uk>

For Parents

<http://www.stoptextbully.com/help/15/advice-for-parents-and-teachers> provides advice for parents/carers on cyber and text bullying and online safety of young people.

Bullying on mobile phones and digital devices offers practical advice on how to deal with bullying, who to contact and an explanation of the law

Mobile phones and digital devices: What parents need to know provides help and advice about modern mobile phones and digital devices for families and carers. http://www1.orange.co.uk/documents/regulatory_affairs/guide_for_parents.pdf

What your child's mobile can do aims to give parents and guardians an understanding of the breadth and benefits of mobile services, how they can help make life easier, safer and more fun. It also explores issues of how mobile services can be exploited disreputably and in harmful ways by some people, as well as what to look out for. http://www.o2.com/media_files/What_your_mobile_can_do.pdf

Sensible use of camera phones sets out a few tips to get you started and to help sensible and careful use. It is available from http://www.o2.com/media_files/o2_camera_use.pdf

Safe use of mobile chatrooms explains the risks associated with children accessing chat facilities (chatrooms) where they might meet and talk with 'friends' that they do not know in the real world. In particular, it sets out advice on what to do when children make contacts who may behave negatively towards them. http://www.o2.com/media_files/safeuse1.pdf

Helping children deal with nuisance calls provides safety tips for children on how to deal with calls or text messages that annoy, offend or threaten, either from people they know or from complete strangers http://www.o2.com/media_files/nuisancecalls.pdf

Protecting your child against crime provides advice about being alert to dangers and more careful about what they do, children can help prevent themselves and their phones being targeted.
http://www.o2.com/media_files/Againstcrime.pdf

Confident Happy Children provides anti-bullying advice for parents and carers of primary age children.
<http://www.scotland.gov.uk/Publications/2005/06/17154630/46330>

Good to know provides anti-bullying advice for parents and carers of teenagers
<http://www.scotland.gov.uk/Publications/2005/06/17154456/45012>

Mobile Network Operators and Regulators

Mobile Network Operators have information on mobile phone safety and bullying available from their websites for parents, schools and young people, some of the network's resources may be highlighted above. Below are links to the information provided by each of the networks

Hutchison 3G (3)
http://www.three.co.uk/personal/contact_us_/advice_/index.omp

O2
<http://protectourchildren.o2.co.uk/PreventBullying.jsp>

Orange
<http://www1.orange.co.uk/about/community/stayingsafe.html>

T-Mobile
<http://www.t-mobile.co.uk/personal/pages.do/corpinfo/about-tmobile/corporate-responsibility/landing>

Virgin Mobile
http://about.virginmobile.com/aboutus/corp_resp/consumers/

Vodafone
http://online.vodafone.co.uk/dispatch/Portal/appmanager/vodafone/wrp?_nfpb=true&_pageLabel=template12&pageID=PAV_0080

Ofcom is the independent regulator and competition authority for the UK communications industries, with responsibilities across television, radio, telecommunications and wireless communications services. Its website contains research on media literacy in all the Nations of the UK:
www.ofcom.org.uk

It has not been possible to provide information on every resource and source of advice and information available on this topic. This annex is designed to signpost to some of the material which is available.

Annex 3

Prompt Questions to Support the Construction of the School Policy

- 1 A pupil's phone rings during a lesson. What should the teacher do?
- 2 A pupil is texting in assembly. What should the teacher do?
- 3 An S2 pupil takes a picture of his/her teacher. What should the teacher do?
- 4 An S3 pupil reports to his/her guidance teacher that another pupil has taken pictures of a fight between pupils, out of school. What should the guidance teacher do?
- 5 A pupil refuses to hand over his/her mobile phone. What should the teacher do?
- 6 A pupil reports being bullied by text. What should the teacher do?
- 7 A teacher becomes aware that pornographic images are being circulated by mobile phone around the school. What should the teacher do?
- 8 A teacher receives an inappropriate text from a pupil. What should the teacher do?
- 9 A pupil is found using his/her camera phone in the Physical Education changing room. What should the teacher do?
- 10 A pupil tells her teacher that she is being bullied by text and asks how she can block her phone number. What should the teacher do?