

# DfE Guidance On Ban Of Mobile Phones In Schools

The DfE's new guidance is explored by Ane Vernon, leader of the Payne Hicks education and public law team.

**In February 2024, the Department of Education (DfE) released new non-statutory guidance encouraging schools to prohibit the use of mobile phones throughout the school day. It professes to achieve clarity and consistency in practice, backing headteachers and staff and giving them confidence to act.**

Mobile phones can cause disruption to pupils' learning and where the use of mobile phones is not appropriately restricted or monitored, they may pose safeguarding risks, cause or contribute to mental health issues, bullying and proliferation of inappropriate crazes. These risks cannot exclusively be attributed to mobile phones, but given that 97% of 12-year-olds have a mobile phone, their ubiquitous use makes them a prime focus to address safeguarding issues.

The new guidance should be read alongside other DfE guidance, including *'Behaviour in Schools'* (which was also recently updated), guidance on searching screening and confiscation, guidance on teaching online safety and *'Keeping Children Safe in Education'* (KCSIE).

The new guidance is issued on the back of studies and reports concerning the use of phones and social media by children and a concern that mobile phones in schools are a distraction and cause disruption to a positive learning environment. The DfE is 'determined' that all schools should prohibit the use of mobile phones during the school day, including breaktimes and lunchtimes.

That said, the guidance leaves it to each individual school to implement a policy which best reflects the school's contexts and needs and sets out a non-exhaustive list of examples of possible approaches to adopt. These range from a total ban on mobile phones to a 'no-phone culture' where pupils may keep possession of their phones on the condition that they are never used, seen or heard.

Once a policy for the use of mobile phones has been decided upon, usually as part of a school's behaviour policy, the rules should be published and communicated to everyone in the school community. Alongside the guidance, the DfE has provided two toolkit-style documents that may assist with the process.

Schools have a duty under the Equality Act 2010 to take reasonable steps to avoid disadvantaging children with protected characteristics, including in its policies. In developing and applying a policy schools need to be careful to consider the needs of SEND children, children with a disability or children who need access to their phones for medical requirements (e.g. diabetes monitoring), religious reasons or because of their situation at home (e.g. young carers).

Also, policies should determine how to manage the use of mobile phones away from school premises, including on residential trips. Schools should also consider the impact on children travelling to and from school and consult with parents in considering how to mitigate risks or perceived risks. Boarding schools will have considerations that are specific to their community, including making allowance for children to contact their families.



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Staff, parents and pupils all have a role to play in enforcing any given policy. Consistency is key, as is imposing appropriate sanctions, but it is also crucial to educate pupils on the benefit of a phone-free environment so that the value of the policy is understood.

A range of sanctions are at schools' disposal — as always, disciplinary measures must be applied reasonably and proportionately. Confiscation of a mobile device is an obvious measure where pupils have breached the school's policy. In considering whether confiscation is an appropriate penalty schools should consider what the intended outcome is and whether there are other ways to achieve it. Also, misuse of a mobile phone may be indicative of a safeguarding issue and schools should follow good safeguarding practice; consult KCSIE guidance and consider contacting the designated safeguarding lead.

Provided it is done reasonably, confiscation will be a lawful disciplinary penalty. In those circumstances, staff members will be protected from liability for loss or damage of the item. Confiscation of electronic devices may also become relevant not as a disciplinary measure but as a result of a search, e.g. as part of an investigation into bullying or [abuse](#); specific considerations will apply which are outside the scope of this article. The updated DfE guidance '*Behaviour in Schools*' is a helpful reference document.

Incidents and allegations of abuse, harassment or bullying often involve mobile phones, but the alleged events can also occur outside of school premises. Any policy banning or restricting the use of mobile phones needs to go hand in hand with effective, comprehensive and consistent education on the appropriate use of any electronic device providing access to social media and the internet. Without it, no policy can achieve what is needed: a calm and safe learning environment, protecting children from the risks posed by access to online content and educating them to use devices responsibly and be respectful in communication, whether on or off school premises.

The new DfE guidance may serve to prompt schools to re-think their existing policies, update them where necessary, and implement strategies that are suitable for the particular school community.

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