

Not quite a blanket ban on mobile phones in schools: DfE guidance insights

 11 March 2024

The Department for Education (DfE) recently released new [guidance](#) in relation to mobile devices in schools and prohibiting the use of them through the school day.

It had long been anticipated that the DfE's guidance would advise a ban on mobile devices from schools and it does appear that this is the direction that the DfE wants schools to go in, with mobile phones' use in schools limited.

“The guidance falls short...”

However, the guidance falls short of imposing a blanket ban on mobiles. Instead, the non-statutory guidance provides advice and examples as to how schools can ban mobile phones if they wish to do so.

As non-statutory guidance, schools and academy trusts are not legally obligated to follow this, but they should consider it when drawing up or amending any policy.

What are the key takeaways from the guidance?

This guidance is to be read in conjunction with an array of other pieces of guidance, such as [Keeping Children Safe in Education](#), and [Behaviour in Schools Advice](#). Therefore, whilst most schools will have made reference to the use of mobile phones in their behaviour policy, this guidance can be used to fine tune and update current policies that are in place.

The guidance suggests several options for schools and trusts that do want to ban mobile devices. These include some stricter examples, such as not allowing mobiles to be present on the premises or for them to be handed in on arrival, but schools would need to consider the practical implication of such arrangements.

For example, if they are to be handed in on arrival, where will the devices be stored, and is the school willing to take responsibility for what are likely to be a large number of potentially expensive devices?

Potential safeguarding or child protection concerns

If a total ban from the site is implemented, then the school and academy trust also need to consider whether there are any potential safeguarding or child protection concerns with the policy, given that in secondary provision it is common for pupils to be travelling without parents.

The guidance suggests other options too, including mobile devices being banned in lesson time, or whether certain age groups can use them (e.g., sixth formers).

As with all policies, there is a need for consistency in approach to the policy by members of staff. If it is decided that mobile phones cannot be used and will be confiscated if they are seen, this needs to be the approach of all staff, and the behaviour policy updated to reflect any sanctions.

The importance of clear policies

Schools have the power with which to confiscate mobile phones and, therefore, it should be clear in the school's policy when it is reasonable and proportionate for staff to do this. Equally, the school needs to consider the SEND needs of a pupil, as reasonable adjustments must be considered and the policy flexible to amendments where required.

Whilst the new guidance touches upon the school's and academy trust's rights in relation to searching, the statutory guidance should still remain the key guidance on this matter as to when this is appropriate.

Conclusion

Overall, the guidance provides some considerations regarding the use of mobile phones, but does not provide a blanket ban, and it remains a decision for schools and trusts based on their own circumstances to set out their policy.

Key contact



Alexandra Myers

Associate

Alexandra.Myers@brownejacobson.com

+44 (0)330 045 2645

Related expertise

Child protection and safeguarding in schools

Data protection and privacy

Education law

Pupil behaviour and school exclusions