



**Review into the non-
educational use of mobile
devices in NSW schools**

**Submission to the NSW
Department of Education**

October 2018

Prepared by: Federation of Parents and Citizens Associations
of New South Wales

FEDERATION OF PARENTS AND CITIZENS ASSOCIATIONS OF NEW SOUTH WALES

Locked Bag 5114, PARRAMATTA NSW 2124

Telephone: 1300 885 982

Fax: 1800 655 866

Website: www.pandc.org.au

ABN: 37 439 975 796

Introduction

Federation of Parents and Citizens Associations of New South Wales (P&C Federation) is thankful to the NSW Department of Education (the Department) for this opportunity to contribute feedback into this review into the non-educational use of mobile devices in NSW schools. P&C Federation supports the position of individual educational and developmental needs met by a range of differential services expressed through appropriate and well-planned curricula, programs and environments conducted by sensitive and well-trained personnel in conjunction with parents¹ and families.

The core belief of P&C Federation is that the education of our children and youth is the most fundamental means of ensuring individual and collective success and, as a result, our greatest national resource.

Terms of Reference

- **The extent to which having mobile digital devices in schools may contribute to or exacerbate identified risks, including cyber-bullying, image-based abuse, and access to online harm in schools.**

In our view, the presence or absence of mobile digital devices in schools has only a limited impact on the risks of such devices to students. This is because if students' parents allow them mobile digital devices in the first place, the students are likely to use the devices outside school hours and may therefore be exposed to the risks regardless of actions their school takes. For this reason, primary responsibility for protecting children from the risks of mobile devices lies with parents, while the primary role of the Department in these matters is threefold:

1. to provide parents the resources to best protect their children from online risks;
2. to provide students themselves with guidance on safe use of online technology; and
3. where possible, craft or amend legislation and policies to further bolster the safety of children.

Some of the most prominent potential online risks for school-age young people include, though are not necessarily limited to, exposure to:

- Cyberbullying
- Predators on online platforms
- Online pornography
- Gambling apps, leading to a risk of early gambling addiction

Banning or restricting the use of mobile digital devices in schools may or may not have benefits, however we question whether mitigating such risks are among those possible

¹ "Parent" refers to anyone with legal care of a child, such as a parent, carer or legal guardian

benefits. At best, curtailing these devices in schools would protect students from these risks only during school hours.

- **How children and young people can best be prepared to mitigate identified risks**
- **Best-practice approaches and practices for schools and parents to support students' use of mobile digital devices in safe, responsible, and informed ways to promote learning and respectful relationships.**

If the Department was to mitigate such risks, there are a range of actions it could consider separate from clamping down on mobile device usage in schools. One core challenge is a simple lack of knowledge among parents of what the perceived risks are and/or how to best address them. For instance, in November 2017, P&C Federation representatives attended a Facebook Parent & Educator Roundtable where Facebook representatives stated that among the most frequent problems they encountered was parents being simply unaware of the resources available to help parents to protect and guide their children in their social media use.

Schools are well-placed as a hub of information for parents in their communities, specifically by including comprehensive information and resources on their websites. We suggest the Department create comprehensive information and resources on cyber safety for parents and students, such as resources from the Office of the eSafety Commissioner, and require schools to include this information on their websites. Additionally, there are potential legislative changes that the Department could pursue to tighten protections for young people. Below we list some of the largest online dangers for young people, and steps the Department might take to mitigate them.

Cyberbullying

This form of bullying is highly insidious, as the nature of cyberbullying is such that the bullying is not restricted to times when students are at school. There is considerable evidence showing that experiencing any bullying can have dramatically adverse effects on mental health, including leading to suicidal or self-harming behaviour. These risks can be particularly acute with cyberbullying, as students who are targets of bullying effectively cannot escape it even when they are outside school. Cyberbullying can be particularly difficult to address by the fact that people on the Internet are easily able to hide their identity. Among the most alarming trends is students being encouraged to commit suicide by schoolmates via social media platforms, and P&C Federation has come across cases of this occurring in numerous schools.²

We commend the Department's current *Bullying of Students – Prevention and Response Policy* for making clear that it includes cyberbullying and "*applies outside of school hours and off school premises where students have been involved and there is a clear and close connection to the school.*" We also commend the Department's anti-bullying website for

² P&C Federation aware of verbal reports of cases, however these cases are confidential.

providing resources to staff, parents and students on handling bullying, including a factsheet on cyberbullying. In addition, the Department could enact the following items to address cyberbullying:

- Organise seminars and workshops for students on responsible use of social media, covering areas such as what students can do to handle online bullying (e.g. blocking or reporting to social media platform for violations of its terms of use), and what the implications are of cyberbullying. Such seminars and workshops should take place on school grounds.
- Social media platforms often include resources for users and parents of users on how to address harassing and bullying behaviour. The Department may include links to such resources on all school websites.
- Recognise that individual schools may be capable of innovative solutions that serve their own communities needs. One school in Ireland, Blenneville National School, this year came to an agreement with parents that sixth class pupils would not access social media outside school hours due to incidents of cyberbullying. This consultative approach reportedly has widespread support in the community.³
- Push for legislative changes to tighten the laws around cyberbullying. Currently in New South Wales, there is no specific crime of cyberbullying, and the lack of a clear legislative definition makes it difficult to target cyberbullying in a consistent and effective way. We strongly urge New South Wales legislation to be amended to better incorporate bullying online behaviour, starting with the following:
 - Section 60E of the *Crimes Act 1900* prohibits assaults, stalking, harassing or intimidating school students or staff while attending school, however it does not address bullying behaviour online. The only part of the *Crimes Act* clearly relevant to cyberbullying is Division 15C, which prohibits distributing or threatening to distribute intimate images without consent. We consider the restriction to behaviour on school premises to be archaic, and urge this legislation to be amended to also apply to online stalking, harassment and intimidation.
 - To the best of our knowledge, the only other New South Wales legislation that clearly touches on cyberbullying is the *Crimes (Domestic and Personal Violence) Act 2007* which defines the crime of ‘intimidation’ to include approaches made by “telephone, telephone text messaging, e-mailing and other technologically assisted means.. that causes the person to fear for his or her safety.” Elsewhere, this legislation emphasises “fear of physical or mental harm” in its definitions of stalking and intimidation. We suggest this emphasis is too narrow, and recommend that the

³ Anne Lucey. Kerry primary school bans smartphone use at home. *The Irish Times*. 21 June 2018

scope of these crimes be broadened to explicitly include behaviour that could reasonably be expected to cause self-harm or suicidal thoughts.

- This same legislation defines stalking as including *“the following of a person about or the watching or frequenting of the vicinity of, or an approach to, a person’s place of residence, business or work or any place that a person frequents for the purposes of any social or leisure activity”* – there is nothing in this definition that explicitly addresses online stalking. The definition of stalking should explicitly incorporate online behaviour.

A potential model for reforms is the *Crimes Act 1958* in Victoria which defines stalking to include *“contacting the victim or any other person by post, telephone, fax, text message, e-mail or other electronic communication or by any other means whatsoever”* and *“publishing on the Internet or by an e-mail or other electronic communication to any person a statement or other material... relating to the victim or any other person.”* The Victorian definition of stalking echoes New South Wales legislation in that it includes acting in any way that *“could reasonably be expected... to arouse apprehension or fear in the victim for his or her own safety.”* However, it differs from New South Wales legislation by also explicitly covering behaviour that could reasonably be expected to cause self-harm, psychological harm and suicidal thoughts. We consider this a commendably more robust framework to address cyberbullying than what currently exists in New South Wales, and we urge the Department to work with the Department of Attorney General and Justice to implement such changes. This would also be an opportunity for a public discussion.

Exposure to predators on online platforms

The Internet unfortunately allows child predators to contact and groom children online in ways that easily escape detection. Virtually all social media platforms offer private chat and live streaming functions, as do many other apps, which can be easily exploited by predators. There are a host of other online dangers to the well-being of children that are less well-known. This was shown by the so-called “Elsagate” controversy, referring to the plethora of videos geared towards young children on YouTube and the YouTube Kids app which encourage violent and sexual behaviour in children.⁴

The difficulty of addressing these dangers is twofold: one is that the platform administrators themselves struggle to prevent predators from exploiting their platforms, the other is that parents are often unaware of these dangers and/or how to protect their children from them. The Department should provide on school websites a set of tips for parents to help their children navigate online platforms. Such tips may include the following:

⁴ An overview of this is provided by Sapna Maheshwari. On YouTube Kids, Startling Videos Slip Past Filters. *New York Times*. 4 November 2017

- Use parental control tools and setting safe search settings
- Set limits on what times of the day to be online.
- Ensure that parents monitor their children's use of the Internet. For instance, what websites and apps they are using, who their online friends are, etc.
- Emphasise that most social media platforms have an age limit of 13.

The eSafety Commissioner has also published the following behaviour indicating that a child may be being groomed online:⁵

- Being very secretive, especially when it comes to their online activity.
- Engaging with older friends, including boyfriends or girlfriends.
- Appearing withdrawn, anxious or depressed.
- Sleeping problems, including nightmares and bed wetting.
- Missing school.
- A change in eating habits or the development of an eating disorder.

There is no reason why such information could not be made available to parents on school websites. There could also be a public campaign highlighting such indicators to the wider community and allow for some form of assessment tool.

Exposure to online pornography

With the advent of the Internet, children are far more easily exposed to pornographic content at younger ages than in previous decades. The ease of access to online pornography means children may easily come across it. There is a variety of evidence that viewing the behaviours and practices in online pornography can raise the likelihood of adolescent boys being sexually aggressive or coercive towards adolescent girls.⁶ It was also noted by the Australian Human Rights Commission that "*children and young people who provide information online (including on pornography sites) are at risk of people with malicious intent using that information and sending it to others without their knowledge.*"⁷

The Department can provide numerous suggestions for parents on addressing this, including the use of Internet filters in homes that can block pornographic websites. However, given that young people can often circumvent such measures with little difficulty, this should be accompanied by open discussions of pornography and healthy sexuality. The Department can provide information to parents on how to approach this, and schools can engage students in discussions that are informative of the risks and responsibility.

⁵ Julie Inman Grant. How to protect your children from predators in the apps they use online. ABC News. 12 September 2017

⁶ Much of this is covered in Quadara et al. 2017. *The Effects of Pornography on Children and Young People: An Evidence Scan*. Australian Institute of Family Studies

⁷ Australian Human Rights Commission. 2016. *Inquiry into harm being done to Australian children through access to pornography on the Internet: Submission to the Senate Standing Environment and Communications References Committee*. Page 5

*

We suggest that pursuing the above recommendations would have a better impact on the identified risks than simply curtailing mobile device use in schools, as this is shifting the concerns away from education to a less formal environment. Underlying these recommendations is that solutions to these risks requires the involvement of all parties – there must be engagement in a discussion, which the Department can help facilitate, that informs everyone of what the potential risks are, and what their responsibilities are in mitigating those risks.

Whether a restriction or other limits should be placed on smartphone use for children in primary schools or children in certain age brackets. The practices of other jurisdictions will be informative in this regard.

P&C Federation acknowledges that there are serious concerns about the educational effects of mobile digital devices in classrooms, although we note that the use of these devices in schools is something the Department has historically encouraged through its Bring Your Own Devices (BYOD) policy. The precise approach the Department takes to address the prolific use of these devices in schools is not a question on which P&C Federation has a definitive position, however we note the following:

- The Department’s Student BYOD Policy allows for digital mobile devices for purposes of learning, under policies developed in consultation with the school community. The Department also states that it *“has been at the forefront in supporting schools to teach students what it means to be a safe and responsible digital citizen.”*⁸ We support this aim, and believe any future action the Department takes in regards to mobile digital devices in schools should be consistent with this. It is worth noting that polling done by P&C Federation indicated that up to 78% of parents thought their child was not adequately informed about the use of electronic digital devices.
- The Curriculum Review currently underway by the NSW Education Standards Authority (NESA) will *“examine the role of new technologies and teaching methods in delivering the curriculum.”*⁹ Efforts should be made to avoid a clash between the outcomes of NESA’s Curriculum Review and any future action the Department takes in regards to mobile digital devices in schools.
- To our knowledge, all jurisdictions in the world believe that mobile digital devices can have educational utility and allow schools the possibility of incorporating them in classrooms. This includes France, where restrictions on mobile devices in schools this year garnered global media attention and prompted this inquiry to be established. The French

⁸ Department of Education 2012. Digital citizenship support for schools. *Scan*. Vol. 31.

⁹ NSW Education Standards Authority. NSW Launches School Curriculum Review. 14 May 2018.

legislation passed this year bans mobile phones in schools with students under 16 years of age, however it makes exceptions for instances where the devices are used for educational purposes. It also allows schools some autonomy in setting their own rules specifying where and when mobile phones can be used on school grounds.¹⁰ A guide to this legislation published by the French Ministry of National Education elaborates on this by stating that mobile phones can be used for educational purposes when supervised by an educator, and that in these circumstances students should be guided in how to use these devices responsibly.¹¹

This is also the case in Ireland, where as of writing the Oireachtas is considering the *Education (Digital Devices in Schools) Bill 2018*. This proposed legislation goes further than the French legislation, in that it requires students in primary schools to surrender their mobile phones to the school at the start of each school day to be picked up at the end of each school day, and if a student breaches this three times, the school is required to confiscate the student's mobile phone for the duration of the school term. However, section 9(a) of this bill does allow digital devices to be used on school grounds if it serves an educational purpose sanctioned by a teacher.

- There are numerous ways that mobile digital devices can assist students with a disability or a health problem, and if restrictions on mobile devices in schools do not adequately consider this, they risk hindering the education of such students and even endanger their health. The French legislation explicitly exempts students who rely on mobile phones for assistance with a disability or health problem, and the French guide to this legislation cites as an example students with diabetes who use mobile digital devices to measure their glucose levels. Likewise, section 9(b) of the proposed Irish legislation mentioned above allows parents to apply for an exemption "*owing to either the health, safety or well-being of the child.*"
- Both the French and proposed Irish legislation differentiate between primary and high school students in terms of what restrictions on mobile digital device usage is appropriate. The French legislation effectively applies only to students aged 15 and younger, while high schools catering to students aged over 15 each have full autonomy in setting their own mobile phone policies. The proposed Irish legislation does not require post-primary students to surrender their devices each day, as it does primary students, although section 7 does require post-primary students to switch their mobile devices off while on school premises and prohibits them from using or displaying their phones during school hours. However, unlike the case for primary schools, there is no requirement on schools to confiscate a post-primary student's phone if the student breaches these rules.

¹⁰ Article 511-5 of *Code de l'éducation, issue de la loi n° 2018-698 en date du 3 août 2018* (in French).

¹¹ Ministère de l'Éducation nationale. 2018. *Vademecum: Interdiction de l'utilisation du téléphone portable à l'école et au collège*. Page 5 (in French).

*

We would caution that the Department not rush toward legislative changes to address matters that may be rectified by fostering self-responsibility in parents and students.

We also note that while the Department publicly invited teachers to participate in phone interviews on its website, there was no such public invitation issued to parents or students, which is particularly disappointing given parents' role as a child's first educator.

