

# **Lead Employer Trust**

## **Mobile Phone & Tablet Device Policy**

## POLICY INFORMATION SHEET

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## Summary of Changes

<b>Date of Change</b>	<b>Changes made</b>	<b>Location of changes</b>	<b>Changes approved</b>	<b>Version Control</b>
November 2014	Inclusion of tablet	throughout	November 2014	2
February 2015	Update to incorporate GP Practices	Pages: 5,6,7 and 8	May 2015	3
March 2018	Updated General Data Protection Regulations 2018	Page 7		4
October 2020	Document Review	All Pages		4
May 2023	Equality Impact Assessment	Page 9	30 <sup>th</sup> May 2023	4
November 2023	Document Review	Page 9		5

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## 1. INTRODUCTION

This policy has been developed to ensure the safe and effective use of mobile communication equipment within the host training organisations by Lead Employer Trust (LET) employees and will be used in line with the host training organisations own mobile phone & tablet devices policies.

Interference between mobile communications, equipment and medical devices was identified by the Medical Devices Agency (MDA) in their Device Bulletin - DB9702 dated March 1997 and Safety Action Bulletin number 97/06 Electromagnetic Compatibility of Medical Devices with Mobile Communication (which should be read in conjunction with this policy). These documents provide guidance regarding interference with the operations of medical devices whilst operating a variety of radio equipment.

With the introduction of the new third generation of mobile phones and picture sending, there is the added risk for the breach of patient confidentiality. This document has been updated to reflect the best practice guidelines published in *"Using mobiles phones in Hospitals"*, Department of Health, May 2007 and the revised guidance "Using mobile phones in NHS hospitals", Department of Health April 2008.

### **This Policy sets out the main principles that the LET has adopted for the use of mobile communication & tablet devices whilst at work**

The policy applies to all LET employees.

## 2. GENERAL POLICY STATEMENT

- 2.1 This policy is intended to provide guidelines for the issue and safe operation of several types of mobile communication equipment including:
  - Mobile Telephones;
  - Tablet Devices
  - Private Mobile Radios
  - Pagers
  - Emergency Services Radios (Including Tetra radios)
- 2.2 The policy is aimed at all LET employees.
- 2.3 The Lead Employer Trust attaches the greatest importance to effective communications. It is of particular importance that communication links between critical employees are maintained at all times.
- 2.4 The use of mobile phones & tablet devices, particularly those with integrated cameras is restricted by location and purpose to ensure that the rights of individuals (including patients) for privacy and dignity are protected.
- 2.5 Employees should not encourage patients to text confidential information to them and any patient information which is sent by text must be recorded.
- 2.7 The use of Mobile Radio Handsets is only approved for use by host training trust staff (Including those employed by the LET) and contractors working in specific roles.
- 2.8 The appropriate use of 3G/4G/GPRS or other mobile phone based communications device used for the purposes of connecting portable computer equipment to the internet or other network devices is to be sought by the appropriate host training organisations mobile phone and communication policy.
- 2.9 The appropriate use of Dect. Telephones, Cordless Telephones, Pagers (Internal and Long range) and any Low Power Systems below 0.25W are to be sought by the appropriate host

training organisations mobile phone, tablet devices and communication policy.

### **3 WHILST DRIVING**

- 3.1 The LET policy on use of mobile phone & tablet devices whilst driving is guided by the concern for the wellbeing of our staff and others, and by legislation. From the 1<sup>st</sup> December 2003 it is an offence to use a hand held phone, or similar device, when driving.
- 3.2 The Road Traffic Act 1988, the Road Vehicles (Construction & Use) Regulations 1986 and the Highway Code which in summary states that a person must have proper control of the vehicle at all times'.
- 3.3 You cannot be in full control of a vehicle if you are using a hand held mobile phone whilst driving. You are technically driving a vehicle even if you are parked with the handbrake on and the engine is running.

To comply with both the letter and spirit of the Law the decision has been taken by the LET to adopt a **total ban on the use of ALL mobile phones & tablet devices whilst driving.**

### **4 RESTRICTIONS ON THE USE OF MOBILE TELEPHONES & TABLET DEVICES**

The use of mobile telephones & tablet devices is not allowed in certain areas of host training organisations, reference should be made to the appropriate host training organisations Mobile Phone, Tablet Devices and Communication policies to determine these areas. Restrictions are in place to protect all patients from undue noise and disturbance and in order to promote a restful and therapeutic care environment.

All employees should not use mobile phones or tablet devices when in consultation with patients or relatives, regardless of the location. Employees should, where possible use fixed extensions for all calls when on the hospital sites for safety and economy. Mobile phones should be turned to silent when attending meetings.

Cameras, recording and videoing facilities within mobile phones & tablet devices are restricted by location and purpose to ensure that the rights of individuals (including patients) for privacy and dignity are protected. They must only be used with the consent of the person whose picture you are taking and not include anyone else in the background of the picture. This ensures compliance with the General Data Protection Regulations 2018 and Human Rights Act 1998.

#### **4.1 Patients, Visitors and Members of the General Public**

Patients and visitors should be made aware of the host training organisation policies on the restricted use of mobile phones & tablet devices in the context of ensuring that the privacy and dignity of patients is protected. The Department of Health (DH) guidance "Using mobile phones in NHS hospitals", issued in April 2008 states that:

"Permitting the use of mobile phones or tablet devices with cameras in hospitals is unlikely to sufficiently respect medical confidentiality or indeed each patient's right to respect for his/her private life. The European Court and Commission have also ruled that there is a duty to take action to ensure that these rights are protected effectively."

Any individual who takes a photograph, video or audio recording of another individual using the camera on their mobile phone or tablet devices will be processing "personal data" and must comply with the General Data Protection Regulations 2018 (DPA) in relation to the circumstances in which the photograph is taken and the use of that photograph. It will generally be necessary for the individual being photographed to give their explicit consent to the photograph; video or audio being taken and they should also be notified of all of the purposes for which the photograph, video and audio will be used.

The DH guidance gives the following specific advice in respect of Child Protection:

“As NHS trusts should safeguard and promote the welfare of children, they should be well aware that mobile camera phones are a potential risk in that inappropriate photographs could be taken either of them or of their confidential information within a hospital.”

All LET employees should make themselves aware of these issues so that they can advise patients and visitors accordingly on the use of cameras in mobile phones or tablet devices. **All use of cameras (including those in mobile phones or tablet devices) in wards and clinical areas is forbidden** unless the express consent of the individual being photographed is obtained.

## **5 TERMS OF USAGE**

### **5.1 Employees Responsibilities**

- 5.1.1 To be used in a safe and controlled manner at all times.
- 5.1.2 It is the employee's responsibility for Health & Safety reasons to keep the use of their mobile phone to a minimum, to use landlines in preference to the mobile phone and never use a mobile phone when driving.
- 5.1.3 Employees are not expected to take or make any calls or text messaging whilst driving. In the eyes of the Law a person is said to be driving a vehicle even whilst parked so long as the engine is running. The Law states you must have proper control of a vehicle at all times and you can be prosecuted for careless, inconsiderate or dangerous driving, if using a phone causes you to drive in this way.
- 5.1.4 *When driving, phones should be switched off and or messaging facilities used. Drivers should pull over regularly to check their messages and return calls when it is safe to do so. I.e. before leaving one patient and driving to the next patient.*
- 5.1.5 *Employees are expected to make themselves aware that the use of cameras (including those in mobile phones or tablet devices) in wards and clinical areas is forbidden.*

### **5.2 The LET, host training organisation & Managers Responsibilities**

- 5.2.1 *Line managers will promote the safe use of mobile phones to their staff, led by example and monitor staff usage and compliance to the LET and host training organisations mobile phone & tablet devices policy.*
- 5.2.2 *Failure to comply can result in disciplinary action being taken on the individual breaching the LET and/or host training organisations policy in line with the LET Conduct and Capability Policy.*
- 5.2.3 *The LET will investigate any allegations of abuse and that any consideration for disciplinary action is instigated in accordance with the LETs Conduct and Capability Policy.*

## **6 EQUALITY & DIVERSITY STATEMENT**

The LET is committed to providing equality of opportunity, not only in its employment practices but also in all the services for which it is responsible. As such, an Equality Impact Assessment has been carried out on this policy to identify any potential discriminatory impact. The LET also values and respects the diversity of its employees and the wider community it serves. In applying this policy, representatives of the LET will have due regard for the need to:

- Eliminate unlawful discrimination

- Promote equality of opportunity
- Provide for good relations between people of diverse groups

For further information, please refer to the LET's Equality Diversity and Human Rights Policy

## **7 REVIEW AND MONITORING**

The General Manager of the Lead Employer Trust is responsible for monitoring the application of this policy and to ensure that the policy is reviewed no later than three years from the date of issue. The policy may be amended at any time by joint agreement.



The preliminary impact assessment is a quick and easy screening process.

It should:

- Identify those policies, procedures, services, functions and strategies which require a full EIA by looking at:
  - negative, positive or no impact on any of the equality groups
  - opportunity to promote equality for the equality groups
  - data / feedback
- Prioritise if and when a full EIA should be completed
- justify reasons for why a full EIA is not going to be completed

**Division/Department**

LET HR Department

**Title of policy, procedure, function or service**

Mobile Phone Policy & Tablet Devices

**Type of policy, procedure, function or service**

- Existing
- New/proposed
- Changed



**Q1 - What is the aim of your policy, procedure, project or service?**

To set out the procedure adopted by the LET for the use of mobile phones & tablet devices

**Q2 - Who is the policy, procedure, project or service going to benefit?**

All LET Employees

**Q3 - Thinking about each group below, does, or could the policy, procedure, project or service have a negative impact on members of the equality groups below?**

Group	Yes	No	Unclear
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Age		X	
Disability		X	
Race		X	
Gender		X	
Transgender		X	
Sexual Orientation		X	
Religion or belief		X	
Marriage & Civil Partnership		X	
Pregnancy & Maternity		X	
Relationships between groups		X	
Other socially excluded groups		X	

If the answer is “Yes” or “Unclear” you **MUST** complete a full EIA

**Q4 – Does, or could, the policy, procedure, project or service help to promote equality for members of the equality groups?**

Group	Yes	No	Unclear
Age	X		
Disability	X		
Race	X		
Gender	X		
Transgender	X		
Sexual Orientation	X		
Religion or belief	X		
Marriage & Civil Partnership	X		
Pregnancy & Maternity	X		
Relationships between groups	X		
Other socially excluded groups	X		

**Q5 – Do you have any feedback data from equality groups that indicate how this policy, procedure, project or service may impact upon these groups?**

Group	Yes No Impact	Yes Impact	No	Unclear
Age			X	
Disability			X	
Race			X	
Gender			X	
Transgender			X	
Sexual Orientation			X	
Religion or belief			X	
Marriage & Civil Partnership			X	
Pregnancy & Maternity			X	
Relationships between groups			X	

Other socially excluded groups			X	
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**Q6 – Using the assessments in questions 3, 4 and 5 should a full assessment be carried out on this policy, procedure, project or service?**

Yes		No	X
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If you have answered “Yes” now follow the EIA toolkit and complete a full EIA form

**Q7 – How have you come to this decision?**

No indication that equality groups have been adversely affected by this procedure.

**Q8 – What is your priority for doing the full EIA**

High	Medium	Low
		X

**Q9 – Who was involved in the EIA?**

LET HR Department

**This EIA has been approved by:**

LET General Manager

**Date:** 6.11.2023

**Contact number:**

0191 275 4769

**Please ensure that this assessment is attached to the policy document to which it relates.**



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