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Smartphones in Schools and Legal Risk

Screens and Scars: Navigating Smartphones in Schools

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Opening Reflection

Smartphones are no longer accessories, they are extensions of identity, access and agency. In South African classrooms, they offer both promise and peril. They connect learners to knowledge, but also expose them to risk. When a device becomes a tool for cyberbullying, sexting or academic dishonesty, the question is no longer technological, it is ethical. How do we protect learners without policing them? And how do we guide schools to respond with clarity, not confusion?

What Happened

A recent legal analysis highlighted the growing risks associated with smartphone misuse in South African schools. Learners have used devices to record teachers without consent, share intimate images, and engage in cyberbullying. These actions may constitute criminal offences under the Cybercrimes Act (2020), the Films and Publications Amendment Act (2019), and POPIA (2013). Schools are legally obligated to regulate smartphone use, but many lack enforceable policies, leaving them vulnerable to litigation, reputational damage and ethical dilemmas.

What It Reveals

This issue reveals a tension between digital freedom and institutional responsibility. Schools must balance learners' constitutional rights with their duty to maintain safe, respectful learning environments. It also exposes a gap in digital literacy, where learners use powerful tools without understanding the consequences.

From a systems-thinking lens, this is not just a behavioural issue, it is a governance challenge. It requires clear policies, consistent enforcement and a culture of digital ethics.

Why It Matters

Without proactive regulation, smartphones can undermine trust, safety and learning. But blanket bans may alienate learners and ignore the educational potential of mobile technology. The solution lies in thoughtful policy, educator support, and learner empowerment.

Philosophically, this touches on digital citizenship, relational ethics, and child-centred pedagogy. Technology must be integrated with care, not imposed or ignored.

Reflective Responses

What does a responsible smartphone policy look like?

It includes clear rules on usage, disciplinary procedures, and educational components. It must be enforceable, fair and context-sensitive.

How do we teach learners to use smartphones wisely?

By embedding digital literacy into the curriculum, modelling ethical behaviour, and creating safe spaces for dialogue about online risks.

What support do schools need to manage legal risk?

- Legal guidance on policy drafting
- Staff training in digital ethics and cyber law
- Parental engagement and consent frameworks
- Access to counselling and restorative practices

Sidebar: Facts and Philosophy

Legal Framework Highlights (2025):

- The Cybercrimes Act criminalises unlawful data sharing and cyberbullying
- The Films and Publications Amendment Act prohibits creation or distribution of sexual images involving minors
- POPIA requires consent for recording or sharing personal information
- The South African Schools Act empowers SGBs to regulate learner behaviour through codes of conduct

“Technology is not the problem, it is the way we use it. Schools must lead with clarity, compassion and courage.” - *Anthea Cereseto, CEO of the Governing Body Foundation*