**Employee Mobile Phone and Smartwatch Policy**

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# Introduction

## Policy statement

The purpose of this policy is to outline Sheerwater Health Centre rules on acceptable and unacceptable use of mobile phones and smartwatches at work.

The use of mobile phones and smartwatches in the workplace can be disruptive, impeding productivity and concentration levels. Their use could also be dangerous from a health and safety perspective, especially when used whilst driving a vehicle. Mobile phone and smartwatch usage in the workplace could also risk breaches of confidentiality.

Sheerwater Health Centre will provide the necessary information, instructions and training to employees as appropriate.

This policy is to be read in conjunction with the following organisation documents and policies.

* **Communication Policy**
* **Confidentiality protocol**
* **Disciplinary Policy and Procedure**
* **Intranet and Social Media Acceptable Use Policy**
* **Staff Induction Policy**

## Status

The organisation aims to design and implement policies and procedures that meet the diverse needs of our service and workforce, ensuring that none are placed at a disadvantage over others, in accordance with the [Equality Act 2010](https://www.legislation.gov.uk/ukpga/2010/15/contents). Consideration has been given to the impact this policy might have regarding the individual protected characteristics of those to whom it applies.

This document and any procedures contained within it are non-contractual and may be modified or withdrawn at any time. For the avoidance of doubt, it does not form part of your contract of employment. Furthermore, this document applies to all employees of the organisation and other individuals performing functions in relation to the organisation such as agency workers, locums, and contractors.

# Definition of terms

## Internet

A global computer network that provides a variety of information and communication facilities consisting of interconnected networks using standardised communication protocols[[1]](#footnote-1)

## Intranet

A system of connected computers that works like the internet and allows people within an organisation to communicate with each other and share information2

## Social media

Forms of media that allow people to communicate and share information using the internet.2 Examples of social media platforms include Twitter, Instagram, Facebook and LinkedIn.

## Mobile phones

Mobile phones in this policy relate to any personal mobile phone or electronic device capable of remote communication, such as a smart phone or a personal digital assistant.

## Communication

Communication relates to all forms of communication including phone calls, video calls, text or picture messages, emails and instant messages.

The *use* of a mobile phone also refers to accessing the internet for any purpose including social media sites.

## Employer liability

The organisation may be responsible (by law) for employee injury, disease, illness or death caused during the organisation’s employment.

## Vicarious liability

The organisation may be responsible (by law) for their employees’ unlawful actions if they have caused personal injury or other losses through their actions whilst under the organisation’s employment (including at work-related events).

## Duty of fidelity and fiduciary duty

All employees are under a duty of fidelity to their employer. The duty of fidelity is also known as the duty of good faith or of loyalty.[[2]](#footnote-2)

## Smartwatch

A watch that has many of the features of a smartphone or a computer[[3]](#footnote-3)

# Policy guidance

## Mobile phone usage

At Sheerwater Health Centre, personal mobile phone usage is permitted solely for business purposes during the working day. If it is necessary to make or answer a personal call, then this should be done in a private area and any personal calls or texts are to be made during breaks or lunch breaks.

From a customer service perspective, mobile phones should not be visible as this could be seen as *‘their needs are not as important as your social life’* irrespective of need or whether you only use a mobile phone in an emergency or for business purposes. Therefore, phones are to be kept in a safe and private location during the working day, e.g., a locker, bag or desk drawer. This will also reduce any risk of an opportunistic theft.

The phone should be set to silent/vibrate whilst on the premises.

## Camera and video functionality

The majority of mobile phones now have a built-in camera and video functionality which has significant confidentiality ramifications.

At Sheerwater Health Centre, acceptable use for using a camera includes:

* For business use, i.e., in team meetings taking place regularly by video link
* By clinicians in order to provide their patients with the best medical care

## Camera usage and video recordings

Whilst the use of mobile devices for clinical photography can be extremely beneficial, in terms of patient care this will also present risks.

The decision to take clinical videos or photographs must be based on clinical judgement in the interest of patient care.

Whilst this is acceptable as a clinical aid, due to the ease in which images can be captured, staff are to be mindful that this could offer the potential for a breach of confidentiality. To maintain the confidence of our patient group, a careful approach must be taken within the organisation or immediately outside the premises in order that no patient can be identified as having attended.

During the course of employment there will also be work related events such as the organisation’s Christmas party. Under no circumstances should any images be taken and uploaded to social media that could identify the organisation, practice, patients or staff without the express permission of the staff member.

## Use of mobile phones, smartwatches and in-vehicle technology

Only ‘hands free’ telephone calls may be made while driving. Under no circumstances should the driver use their mobile phone or smartwatch by any other means for any other purpose other than in this mode. If the employee’s vehicle does not have this function, then they should find a safe place to park to make calls or to check messages.

Employees should understand that the law requires drivers to have proper control of their vehicle at all times. Individuals can be prosecuted for careless, inconsiderate or dangerous driving.

Rule 149 of the Highway Code states that *“You MUST exercise proper control of your vehicle at all times”.* Rule 150 states, *“There is a danger of driver distraction being caused by in-vehicle systems such as satellite navigation systems, congestion warning systems, PCs, multi-media, etc”.*

Therefore, consideration must be paid when driving and using mobile phones, smartwatches and other in-vehicle systems and at no time must safety be compromised

With the introduction of the [Corporate Manslaughter and Corporate Homicide Act 2007](http://www.legislation.gov.uk/ukpga/2007/19/contents), the organisation also faces greater accountability for its employees including in the case of allowing them to drive unsafe vehicles.

## Smartwatch usage

Whilst Sheerwater Health Centre acknowledges there are numerous health benefits associated with the wearing of a smartwatch, they are to be worn in flight mode and/or Bluetooth is to be disabled. The rationale behind this decision is to ensure that staff do not receive and check notifications whilst working.

All staff, regardless of their role, are not permitted to use their smartwatch to view notifications, messages or to receive calls whilst at work. Furthermore, staff are not permitted to connect any mobile device to the organisation’s IT infrastructure.

Clinical staff at Sheerwater Health Centre may only wear one plain band ring and must not wear a wristwatch (including smartwatches) in the clinical area.

# Confidentiality

## Employee responsibilities

All company employees owe a duty of confidentiality. Employees should not reveal or disclose any confidential information about patients, the organisation and its business or how the organisation operates.

However, an employee may inadvertently risk breaching their duty of confidentiality or fiduciary duty.

Examples may be:

* Sending a photo that reveals patient information
* Forwarding an image that includes that of a patient within the organisation
* Posting derogatory comments on social media regarding their employer

All employees must be mindful of their duty of confidentiality at all times when using mobile phones and smartwatches or accessing the internet within the workplace during the course of their employment.

The BMA offers some advice regarding the do’s and don’ts surrounding the [ethics of social media use](https://www.bma.org.uk/advice-and-support/ethics/personal-ethics/ethics-of-social-media-use).

Further information can be sought within the **Confidentiality and Data Protection Handbook** and the **Intranet and Social Media Acceptable Use Policy**.

## Breaches of the policy

At Sheerwater Health Centre potential breaches of this policy will be treated very seriously. Any employee found to be in breach of this policy may be subject to action under the disciplinary policy and procedure.

# Liability for loss or damage

The company will not accept any responsibility or liability for a mobile phone or smartwatch which is lost, stolen or damaged whilst on the organisation’s premises or during work time.

To reduce the risk of theft, employees are encouraged to keep doors locked (when not in use), use cupboards, drawers or lockers to stow away valuable possessions, including mobile phones and smartwatches.

# Summary

This policy has been raised to support staff at Sheerwater Health Centre and provide clear instructions for the usage of employees’ mobile phones and smartwatches within the workplace or in the course of their employment.

Should there be any uncertainties regarding the content of this policy, then advice should be sought from Nine Taylor, the Practice Manager.

1. [Cambridge Dictionary](https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&ved=0ahUKEwiFoPnUs77aAhVLJMAKHXNgCOMQFghJMAI&url=https%3A%2F%2Fdictionary.cambridge.org%2Fdictionary%2Fenglish%2Fthe-internet&usg=AOvVaw31S4n11frcvwNHaA-Emckq) [↑](#footnote-ref-1)
2. [www.lexisnexis.co.uk](https://www.lexisnexis.co.uk/legal/guidance/the-duty-of-fidelity-fiduciary-duties) [↑](#footnote-ref-2)
3. [Cambridge Dictionary – Smartwatch](https://dictionary.cambridge.org/dictionary/english/smartwatch) [↑](#footnote-ref-3)