Lamberhurst St Mary's CEP (VC) School

Policy and Guidance for dealing with Complaints against Schools by Parents or Carers on Social Networking Sites

(Taken from the KCC Guidance, Nov 2018)

3rd Edition

This policy will be reviewed every two years and at any other time if changes are required to comply with changes in legislation, regulation or national or KCC advice. Any amendments will require the approval of the full Governing Body. A copy is stored online in the Teacher Area of the school server.

Date of approval by Governing Body	8 February 2021
Signature of Chair of Governors	Mr P Edgesmith
Signature of Headteacher	Mrs C Bromley
Date Due for review	Spring Term 2023

Disclaimer
Kent County Council (KCC) and the leadership of Lamberhurst St Mary's Primary School make every effort to ensure that the information in this document is accurate and up to date. If errors are brought to our attention, we will correct them as soon as practicable. Nevertheless, KCC and its employees cannot accept responsibility for any loss, damage or inconvenience caused as a result of reliance on any content in this publication.

Part A – Policy on dealing with Complaints against Schools by Parents or Carers on Social Networking Sites

Online Safety is an important part of keeping children safe at Lamberhurst St Mary's School. We can only be successful in keeping all of our children safe online if we work with you to ensure that online safety messages are consistent and that all members of the community behave safely and appropriately online.

We look for your support in ensuring our children have responsible online role models when posting and sharing content on social media sites. Whilst we are all entitled to have our own views and opinions, we ask that all members of our school community consider how our comments may be misunderstood or misinterpreted when shared online and the possible impact and consequences on others of our online actions.

It is important that all members of Lamberhurst St Mary's School community understand that the use of technology (including social networking, mobile phones, games consoles and other websites) to deliberately threaten, upset, harass, intimidate or embarrass someone else could be considered to be cyberbullying or harassment. Cyberbullying is just as harmful as bullying in the real world and is not tolerated at Lamberhurst St Mary's School. We take all instances of cyberbullying or harassment involving any members of our community very seriously as we want members of the community to feel safe and happy both on and offline. Posting threatening, obscene or offensive comments online can also potentially be considered as a criminal offence and can therefore have serious consequences.

If parents/carers have any concerns or complaints regarding the Lamberhurst St Mary's School, then we would like to request that they be made using the correct and official channels so we can work together to help resolve any concerns that parents/carers may have. The complaints procedure and anti-bullying policy and other relevant policies such as behaviour or child protection policies are available online via the school website, http://www.lamberhurst.kent.sch.uk/ or upon request at the office.

All parents/carers are asked to think carefully about the information and comments which they post online. As responsible adults it is important that we all consider the potential impact and implications posting such content may have on us and our families as well as other members of the school community. All parents/carers are reminded about the need for us all to work in partnership together to promote responsible internet use and also to highlight how important your role is in setting a good example of positive and responsible online behaviour for your children.

More information for parents/carers about online safety can be found at the following places:

- www.thinkuknow.co.uk/parents
- www.saferinternet.org.uk
- www.childnet.com
- www.nscpcc.org.uk/onlinesafety
- www.internetmatters.org
- www.getsafeonline.org

This Policy links with a number of other school policies, practices and action plans including the Anti-Bullying, Behaviour, Complaints, Child protection, Online (e-Safety) and Acceptable Use Policies (AUPs) policies.

The named Governor for Online Safety will report on a regular basis to the governing body on incidents of bullying and outcomes. The school will ensure that they regularly monitor and evaluate mechanisms to ensure that the policy is being consistently applied. Any issues identified will be incorporated into the school's action planning.

The named Governor with lead responsibility for this policy is: Mr P Edgesmith

The named member of staff with lead responsibility for this policy is: Mrs C Bromley, Headteacher and Designated Safeguarding Lead

Policy approved by Headteacher: ……Mrs C Bromley……   Date: 8 February 2021

Policy approved by Governing Body: ..Mr P Edgesmith…..   Date: 8 February 2021

The date for the next policy review is: Spring Term 2023………

Part B – Guidance

Introduction

The increasing number of people using social networking sites has had both a positive and adverse effect on the reputation of schools in local communities. Many schools have used social media as an effective tool for parental engagement, e.g. to forward information through Facebook and Twitter, and all parents are encouraged to comment regularly through Parent View. However, in some cases, parents have bypassed the official complaints procedures and taken to social networking sites to criticise and, in some cases, make malicious comments about individual members of staff or the community or regarding decisions that have been taken by the Headteacher.

The use of social networking sites to express opinions is an extension of how people already express their views on the internet. People use sites such as 'Trip Advisor' to review holiday accommodation and are encouraged to give online assessments of products they have purchased. However, remarks made about a school, member of staff or child can be destabilising for a community and for the professional status of staff members who may have had allegations made against them. It can also lead to a 'whispering campaign' which can undermine the school leadership or target a particular child or family and can have a negative emotional impact on the children, young people or adults who may have been identified.

The key question is how schools should respond to complaints made on social networking sites by parents/carers; the vast number of social media profiles and pages means that it can be very hard for a school to proactively monitor issues being discussed by parents and carers. Often schools will only become aware of a concern when they are brought to their attention by a child, member of staff or parents who has access to the comments.

There is no single effective method of dealing with parents and carers who raise issues on social networking sites. However, schools can take a proactive approach to minimise such incidents rather than having to be reactive and put together a quick response to stop the spread of rumours.

This guidance gives several approaches a school can use to deal with any problems as well as preventative approaches to help ensure that parents and carers follow the appropriate complaints procedures in school.

This guide will focus on Facebook and Twitter as they are currently the most common source of concern; additional guidance for reporting concerns on other popular social networking sites can be accessed via the Education Safeguarding Adviser (Online Protection).

Responding to Specific Concerns

It is important to acknowledge that each situation will be different; there may be complicating factors which need to be considered. The following guidance outlines the basic steps leaders and managers of Kent Schools can take when responding to specific concerns. A flowchart is provided within Appendix 1.

1. **Keep Calm**

   Although sometimes difficult, it is essential that leaders ensure that their response to comments posted on social media is proportionate and impartial. Overreactions or emotionally led responses are likely to inflame the situation, which can mean that a successful positive outcome is less likely to occur for all involved.

   Parents and members of the public are entitled to hold opinions about schools, many of which will be positive, some might not be so pleasant. Expressing these views however, is not always illegal and it is important to recognise that it isn't possible to prevent people posting comments online. Unless comments make a credible threat towards someone's safety (such as death threats or specific threats of violence towards staff or children), name a teacher who is subject to an allegation, contain hate content or could be considered as harassment (and therefore a criminal offence has been committed) comments cannot and will not always be removed. Please see appendix 2 for further details on potential legal implications.

   However this does not mean that this behaviour should be tolerated, especially if it is directed at specific members of the school community. The best course of action is for Headteachers to adopt a partnership approach with parents, where possible, and to speak directly with any members of the community involved when concerns are raised.

   In some cases, leaders may decide that the best response will simply be to monitor the situation. In these situations, leaders should still follow the below guidance regarding gathering evidence, in case action is required at a later stage.

2. **Gather evidence**

   When the school becomes aware of any information that is damaging towards an individual member of staff and/or the school community, it is important to gather evidence (such as screen shots and print-outs, includes times, dates and names where possible and ensuring the identity of the person who reported the issue is removed) and establish exactly what has been posted. It is important that evidence be obtained so that the facts can be established.

   When dealing with cases involving Facebook, parents may have set up a page or closed/secret group to discuss or in some cases, criticise the school or members of staff. On a Facebook page comments will always be public. In a closed or secret group, they will only be visible to group members. It is important where possible, to find out who has set up the page or group, as usually this is the parent who has the grievance. It is also essential, at this stage, that members of staff (including non-teaching staff) and governors do not become embroiled in any of the discussion threads as this sometimes can inflame the situation. It can be difficult to trace the owner of a Facebook "page", however a closed group will publicly identify the members and also which members are "administrators".

   It is also essential that members of staff, including non-teaching staff and governors, do not become embroiled in any of the discussion as this can inflame the situation. Headteachers should ensure that members of staff are aware of how to respond to concerns – further information is contained within section 4: 'Preventative Actions'.

   In some cases, parents may post comments on their own personal Facebook profiles. The visibility of these comments will depend on the individual parent's

privacy settings. If a comment is public (this is indicated by the presence of a globe icon next to the post) then it will be visible to anyone who has access to the internet, even if they do not have a Facebook account. Other privacy settings may include "friends only" (only those people who are friends with the original poster can see the comment) or "friends of friends". In cases where comments have been shared with "friends of friends" or "friends only", it is essential that headteachers ensure that the identity of the person who bought the concern to the settings attention is protected as far as possible.

It is important that any evidence is kept to enable schools to collate a record of events; this should include usernames, specific dates and times, as well as actions taken by the school. In many situations this will be a one-off concern which can be resolved quickly, however in some situations this could be part of a bigger or ongoing issue; therefore a clear chronology will be essential if further action is required.

3. Reassuring those affected

a. Supporting Staff

If individual members of staff have been targeted or mentioned, then Headteachers will need to be mindful of their duty of care to those involved as there is a specific duty on employers to protect their staff from third party harassment.

Appropriate support will depend on the nature of the concerns and the reaction of the individual. If the member of staff is already aware of the comments, Headteachers should explain to them how they intend to address the concerns and offer support to them. Leaders should encourage staff to let them know if there is any further support that they feel they need.

If the member of staff is unaware of the comments, Headteachers should consider if it necessary to inform them, and if so, what would be the best approach. Depending on the nature of the comments, then this decision may require additional advice via the AEO, Education Safeguarding Team, LADO (if the comment is an allegation) or other professional body.

Supporting the Headteacher

If the Headteacher has been targeted or mentioned, then the Chair of Governors should explain to the Headteacher how they intend to address the concerns and consider what support could be offered to them. Appropriate support will depend on the nature of the concerns and the reaction of the individual.

Staff may wish to contact their professional/teaching union for additional support and guidance or access support via the Education Support Network: www.educationsupportpartnership.org.uk

Staff and Headteachers can also access help via the Professional Online Safety Helpline: www.saferinternet.org.uk/about/helpline

The school may also want to take further advice on this issue from Schools' Personnel Service (www.the-sps.co.uk).

If any allegations have been made against a member of staff, headteachers will need to discuss those concerns directly with the LADO team: www.kelsi.org.uk/childprotection-and-safeguarding/managing-staff-allegations

Additional links:

- The Professionals online safety helpline has useful guidance for schools and settings: www.saferinternet.org.uk/news/minimising-reputational-risk-advice-for-professionals
- Childnet Teacher Guidance: www.childnet.com/teachers-and-professionals/for-you-as-a-professional
- The Department for Education Preventing and Tackling Bullying (November 2014) www.gov.uk/government/publications/preventing-and-tackling-bullying
- Kent Education Safeguarding Team provides advice and support via the Education Safeguarding adviser (Online Protection) and Area Safeguarding Advisers and provides online templates and guidance at: www.kelsi.org.uk/pupil_support_and_wellbeing/safety,_health_and_wellbeing/child_protection_safeguarding/e-safety.aspx
- If the Headteacher is a member of the NAHT then they also have very useful guidance on their website.

b. Supporting other members of the community

There have been cases where negative or malicious comments posted on social media have not been about a member of staff but have been made against a child or another parent. It is important that Headteachers are aware of the need to promote the wellbeing and safety of the whole school community, however, they should also be aware of some of the limitations and be clear about how achievable this may be in some cases.

When responding to issues where parents are writing negative or unkind comments about other parents, the school needs to consider how best to mediate concerns (if appropriate) and to what extent they can resolve concerns if they are having a detrimental impact on the school. In cases where there is a concern regarding physical violence, Headteachers will need to involve the police.

In some cases, there may be a requirement for Headteachers to consider the potential safeguarding impact (including emotional consequences and a risk to physical safety) on children if comments are made online about them. In many cases children will be unaware of these comments, especially where they are not using social media. However in some situations children may be made aware by their parents. Schools should be aware that 'playground' gossip can cause considerable emotional distress to children and action will be required. A discussion may need to take place with a wider group of parents and schools may need to undertake direct work with a group of children to address concerns. In some cases, it may require involvement of other external agencies (such as the police if credible threats are being made) in line with existing safeguarding procedures.

If Headteachers are unclear about how to proceed, they should seek advice from the Education Safeguarding Team.

4. Meet face to face with parents or carers involved

In most incidents, a face to face meeting with the parents involved can resolve the matter. This allows the Headteacher to identify the parents' concern and will help ensure that a suitable solution is put into place, or to instigate the school complaints process.

In many cases the reason why a parent or carer has made comments about the school or staff members online is due to being oblivious about the implications of

making such comments, or because they are unaware of or disillusioned with the school's complaints procedure. An immediate response in writing can usually inflame situations (and indeed in some cases ends up being shared on social media itself) so a face to face or "offline" discussion is likely to have a more positive outcome. If multiple parents are involved schools should consider how best to respond safely and effectively, whilst maintaining confidentially. This may require multiple meetings with parents on an individual basis.

The Headteacher (or other appropriate member of senior leadership staff), or the Chair of Governors if the comments are about the Headteacher, should meet with the parents to express their disappointment with the current situation and explain that the school would like to work with them to resolve the problem that is obviously causing them distress. Headteachers should address the matter of social networking with the parents concerned and explain how this behaviour can have a detrimental impact on the school and potentially their children's education, while not allowing the school to address their concerns.

It can be helpful at this point to discuss the importance of considering any messages they post online in the future, as these can have a detrimental impact on themselves as well as the wider school community. Parents should be made aware that comments posted online (even if made "privately") can easily be misread or misinterpreted and can also be shared without their knowledge or consent.

At this meeting it is important that printouts of the allegations or comments are available for parents, again schools should take steps to ensure that any content which could identify the individual who bought it to the school's attention is removed.

At this stage, it is important that the Headteacher requests that any offending posts or pages are immediately removed and encourages the parents to work with the school, following the school's complaints procedure if they are unhappy. If parents refuse to remove content, Headteachers can report the concern to the website (see appendix 4 for advice regarding reports to Facebook) or escalate the concern to the Professional Online Safety helpline: www.saferinternet.org.uk/about/helpline.

If the meeting does not have a successful outcome it is important for the Headteacher to stress that the school may have to take further action to resolve the matter. Although it is important not to cause any further problems, the professional status of staff and the school needs to be maintained and it cannot be compromised by any malicious comments or allegations. The school may want to warn the parents that any existing comments or a continuation of posts could lead to civil or criminal action being taken, although the school would prefer to avoid having to take this route.

If Headteachers think that a criminal offence has been committed, or believe that speaking directly to the parents would lead to a confrontation or offence being committed, then they should speak to their Local Kent Police contact to work together to support the school in discussing this with the parent concerned in more detail.

5. Resolving Difficult Situations

If the matter is not resolved through a face to face meeting, the school has several options to try and address the situation. While the school will not want to

escalate the matter unnecessarily, it is crucial that they try to come to a sensible and proportionate conclusion.

a. Arrange a further meeting and invite the chair of governors

To ensure that the parents understand the seriousness of the matter, a further meeting could be arranged with the chair of governors present to convey the damage that these comments are having on the school community. It is essential that the chair of governors is fully briefed before the meeting and that a common approach is taken by the school to address this matter.   Again, it gives an opportunity for the parents to share any grievances and for an action plan to be established to deal with any concerns expressed by them. Parents will be offered a choice of up to three separate dates to meet with the Chair of Governors. If parents are unable to attend a meeting on any of the three dates offered, it will remain at the discretion of the Chair of Governors whether or not to propose further dates dependent on mitigating factors.

If parents refuse to meet with the school, then the Headteacher/Chair of Governors may wish to write to the parents.

b. Report content to the site involved

If the parents do not agree to remove any offending content or pages they have set up, then the school can report content to the website where it has been posted. This raises a 'ticket' with those who monitor content on the site so they assess this in relation to whether any of the terms and conditions has been violated. Schools should be aware that there may be a time delay in the review of this content and that if the content does not breach the terms and conditions, then the site administrators will not remove it. Forced removal of comments will only occur if the comments break the law or break the website's terms and conditions.

Information about how a range of concerns can be reported to Facebook and Twitter can be found in Appendix 3 and 4.

c. Seek further advice

The final step in some cases may be for a school to seek legal advice on comments posted on a social media site. In some cases, this has resulted in a letter from a solicitor being sent out to the parents warning them that malicious allegations could result in legal action. Headteachers should be aware that in some cases this can have a detrimental impact and can inflame situations further; it is recommended to try all other possible routes before proceeding.

In cases where a criminal offence has been committed then police advice should be sought at an early stage. This should usually take place via 101, but if there is an immediate risk of harm to any member of the school community this should be reported via 999.   It is advisable that schools record any crime reference numbers etc., even if police action is not considered to be necessary.

If an allegation has been made against a member of staff then advice must be sought from the LADO service.

If schools are concerned that an issue may receive media attention, they may wish to seek advice from the KCC Press Office. Additionally, advice may be gathered via their own support channels, such as professional unions, personnel providers, legal support services or academy chains etc. For Kent schools, the KCC Press Office can be accessed via: www.kccmediahub.net/about

6. Preventative Actions

Allegations or malicious comments against members of staff or the school can have an unwanted effect on the school's ethos which can result in a detrimental effect on children and young people. It is crucial that a school take steps to try and prevent these types of issues from reoccurring.

It is important for leaders to be realistic about what they hope to achieve when responding to negative comments or complaints on social media. Leaders should remember that it isn't always possible to prevent parents posting comments online, and comments cannot always be removed. The focus should therefore be on achieving the best outcomes for children, especially if they are at the centre of the concern.

a. Build a whole community ethos towards safe use of social networking

Schools may wish to regularly highlight awareness regarding responsible use of social networking such as via school newsletters etc.

If there have been specific issues, schools could consider sending a specific letter to parents to encourage them to be mindful about what they post on social networking sites and to be aware of the impact such comments could have on the school community. The letter could also include the fact that unpleasant or hurtful comments should not be posted online as they may potentially be considered as a criminal offence.

The school may want to remind all parents of the school's official communication and complaints channels which are available to be used should they need them, as this is the most appropriate way of dealing with any concerns. Schools may also wish to remind parents that they can "report" any unpleasant comments or content to Facebook or other social networking sites, who may remove comments and block/ban users who break these rules. Parents should also be aware of the importance of role modelling appropriate behaviour for their children online, much like they should offline.

Leaders should ensure that all members of staff receive safeguarding training that is robust and up-to-date and covers online safety (as identified within 'Keeping Children Safe in Education' 2018). This training should include ensuring that all members of staff know how to respond to concerns they may see online in a way that supports the school and also does not compromise their professional role. Leaders should ensure that all members of staff sign an Acceptable Use Policy (AUP) and are aware of expectations with regards their use of social media.

b. Acceptable Use Policies (AUP)

All schools should have an AUP that is signed by staff and pupils to ensure that they use digital technology and the internet within school safely and understand the sanctions resulting from breaches of this policy. Many schools have included statements that refer to parental support on this matter and these also ask parents to monitor children and young people's use of digital technology and social media while they are out of school. The policy should be reviewed and, where necessary, updated on an annual basis; schools could include a statement on parental use of social networking. Please be aware that this approach can sometimes be difficult to enforce.

Example statement:

'As a parent, I support school safeguarding policies and I will ensure that I monitor my child's use of the internet (including social networking) outside of school. I will act as a positive role model to my child by ensuring that I use social networking site responsibly.'

c. School Policies (including the Complaints Policy)

Whenever there is a dispute between a parent and a school, it is important that the complaints procedure is followed so that grievances are taken seriously and solutions can be quickly found to ensure that the child or young person's education is not disrupted. The complaints policy should be easily accessible via the school's website.

Headteachers may also wish to draw attention to this concern in other related polices including anti-bullying, Safeguarding, online safety, data protection/ security and confidentiality.

In accordance with 'Keeping Children Safe in Education' 2018, schools should have a staff code of conduct, which covers the use of social media. Schools may choose to have a specific social media policy (or integrate this within existing policies such as an online safety policy). A social media policy should cover appropriate use of social media by the school and identify appropriate behaviour on social media for all members of the community. Further advice and guidance regarding social media policies can be found at www.kelsi.org.uk/child-protection-and-safeguarding/e-safety

d. Home-School Agreement

Most schools have a contract between parents and the school to ensure that children and young people are fully supported with their learning and welfare both inside and out of the classroom. Many of the statements refer to parents reinforcing the school's policies on homework, behaviour and conduct. To counter parents discussing sensitive issues about individual teachers or pupils on social networks, many schools have decided to include a statement on the Home-School Agreement to try and stop parents from making derogatory or malicious comments. While it is difficult to monitor parents' use of social networking sites, it does show that the school takes this matter seriously and, the fact that parents have signed the agreement, means that they have a responsibility to act appropriately.

Example statements:

"We will support the school's approach to online safety and will not upload, share or add any pictures, video or text that could upset, offend or threaten the safety of any member of the school community".

"Parents and carers are reminded to use existing structures when making any complaint about the school or a member of staff. They are advised not to discuss any matters on social networking sites'.

'If at any time during your child's time at xxxx school, you wish to make a complaint, then you are advised to follow the school's complaints procedure which can be found on the school website [insert link]. We recommend that all parents and carers refrain from using social networking sites to discuss sensitive issues about the school.'

e. Promote positive use of social media

Some schools are now exploring the proactive use of social media as a positive engagement tool for parents. Many social media complaints arise out of parental frustrations and because parents may feel that they are not listened to or valued by schools; therefore, many parents take the matter out of the school's hands and set up unofficial and unapproved Facebook pages or groups.

In some cases Facebook pages or groups may be set up and run (either officially or unofficially) via parent teacher associations or other similar groups. It is important that in these cases the Headteacher is involved in ensuring that the groups are run in accordance with the school policies and clear boundaries are in place about appropriate online behaviour. The Kent AUP template guidance includes a template policy for official parent run Facebook pages/groups and the "using social media" guidance includes disclaimers and advice for leaders..

If a school has an official and appropriately managed Facebook page or group then this can minimise some of the concerns or ensure that the school has a way to respond appropriately via an official and approved communication channel.

Further guidance (including template policies etc.) can be accessed via the Education Safeguarding Adviser (Online Protection) and via www.e-safety.org.uk
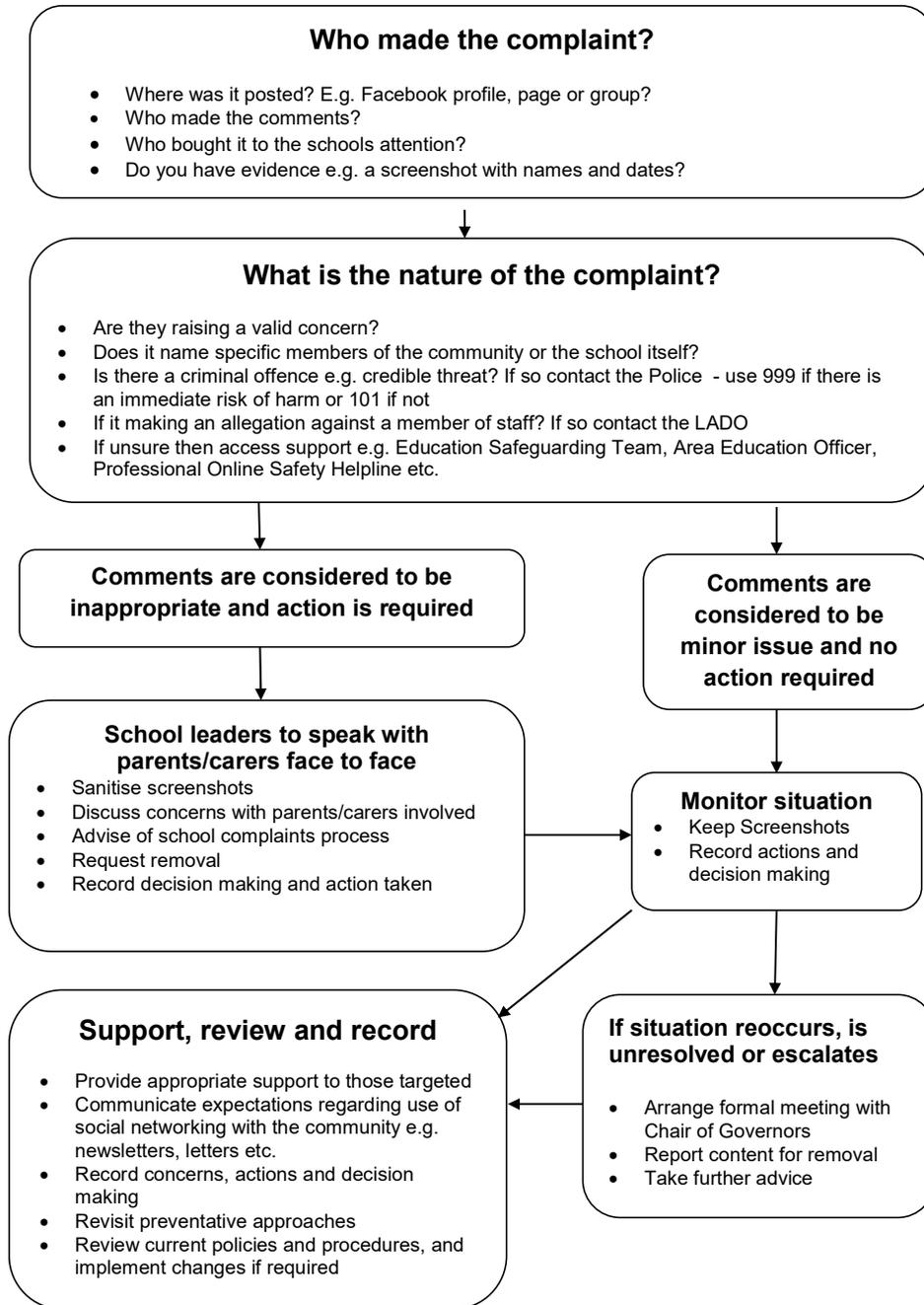
f. Other approaches

Headteachers may want to consider implementing a range of routes to encourage parents to raise concerns directly with the school, for example ensuring a senior member of staff is available on the gate at the start and end of the school day, dedicated email accounts etc.

Conclusion

In the age of social media, all institutions need to be robust against criticisms and opinions. Complaints by parents are nothing new for schools as, in the past; many have made comments on the playground or have gone to local media outlets such as newspapers to highlight decisions or complaints. However, today, these complaints can easily be shared in the public domain and a post on a social networking site can reach thousands of users instantly, damaging reputations and giving a misleading slant to any issue. Schools cannot monitor every comment posted on social networking sites, but they can be proactive in trying to ensure that parents and carers are aware of the appropriate processes in place to raise complaints or concerns, as well as their responsibility to act as a 'positive online role model' to their children.

Appendix 1: What to do if a Complaint is made on Social Networking by a Parent or Carer

Who made the complaint?

- Where was it posted? E.g. Facebook profile, page or group?
- Who made the comments?
- Who bought it to the schools attention?
- Do you have evidence e.g. a screenshot with names and dates?

What is the nature of the complaint?

- Are they raising a valid concern?
- Does it name specific members of the community or the school itself?
- Is there a criminal offence e.g. credible threat? If so contact the Police - use 999 if there is an immediate risk of harm or 101 if not
- If it making an allegation against a member of staff? If so contact the LADO
- If unsure then access support e.g. Education Safeguarding Team, Area Education Officer, Professional Online Safety Helpline etc.

Comments are considered to be inappropriate and action is required

Comments are considered to be minor issue and no action required

School leaders to speak with parents/carers face to face
- Sanitise screenshots
- Discuss concerns with parents/carers involved
- Advise of school complaints process
- Request removal
- Record decision making and action taken

Monitor situation
- Keep Screenshots
- Record actions and decision making

Support, review and record
- Provide appropriate support to those targeted
- Communicate expectations regarding use of social networking with the community e.g. newsletters, letters etc.
- Record concerns, actions and decision making
- Revisit preventative approaches
- Review current policies and procedures, and implement changes if required

If situation reoccurs, is unresolved or escalates
- Arrange formal meeting with Chair of Governors
- Report content for removal
- Take further advice

Appendix 2: Legal Information relating to comments posted on social media about staff/schools

In most circumstances where parents are expressing an opinion, it is not possible to take legal action. However if schools feel it is necessary to pursue a legal course, we would recommend that they contact legal support services and/or Kent Police.

In some situations, comments posted on social media may be a criminal or civil offence; if so, action could be considered under some of the following legislation.

This is not legal guidance; schools are advised to take appropriate legal advice if required. This list is not exhaustive, and, in some cases, other legislation may apply.

Criminal Concerns

- **Protection from Harassment Act 1997**: This Act is relevant for incidents that have happened repeatedly (i.e. on more than two occasions). The Protection from Harassment Act 1997 makes it a criminal and civil offence to pursue a course of conduct which causes alarm and distress, which includes the publication of words. The victim can also bring a civil claim for damages and an injunction against the abuser, although this is a remedy that is only used by individuals with the financial means to litigate. It is only possible if the abuser can be identified.

- **Malicious Communications Act 1988:** Section 1 makes it an offence to send an indecent, grossly offensive or threatening letter, electronic communication or other article to another person with the intention that it should cause them distress or anxiety.

- **Public Order Act 1986 (sections 17 — 29)**: This Act makes it a criminal offence to stir up racial hatred by displaying, publishing or distributing written material which is threatening.

- **Communications Act 2003:** Section 127 covers all forms of public communications, and subsection (1) defines an offence of sending a 'grossly offensive…obscene, indecent or menacing' communication. Subsection (2) defines a separate offence where for the purposes of causing annoyance, inconvenience or needless anxiety, a person sends a message which that person knows to be false (or causes it to be sent) or persistently makes use of a public communications system.

- **Racial and Religious Hatred Act 2006.** This Act makes it a criminal offence to threaten people because of their faith, or to stir up religious hatred by displaying, publishing or distributing written material which is threatening.

- **The Education Act 2011** makes it an offence to publish the name of a teacher who is subject to an allegation until such a time as they are charged with an offence. All members of the community need to be aware of the importance of not publishing named allegations against teachers online as

this can lead to prosecution; schools should contact the LADO for further guidance.

Civil Concerns: Libel and Privacy

Comments made online by parents could possibly be classed as 'Libel' in some cases. Libel is defined as 'defamation by written or printed words, pictures, or in any form other than by spoken words or gestures'. The authors of such comments can be held accountable under Defamation law, which was created to protect individuals or organisations from unwarranted, mistaken or untruthful attacks on their reputation.

Defamation is a civil "common law" tort in respect of which the Defamation Acts of 1952 and 1996 provide certain defences. It applies to any published material that damages the reputation of an individual or an organisation, and it includes material published on the internet. A civil action for defamation can be brought by an individual or a company, but not by a public authority. Libel is a civil and not criminal issue and specific legal advice may be required. Legal advice should be sought if schools or individuals which to consider taking further action.

Where defamatory material is posted on a website, the person affected can inform the host of its contents and ask the host to remove it. Once the host knows that the material is there and that it may be defamatory, it can no longer rely on the defence of innocent dissemination in the Defamation Act 1996. This means that the person affected could (if the material has been published in the jurisdiction, i.e. in England and Wales) obtain a court order (an injunction) to require removal of the material and could sue either the host or the person who posted the material for defamation. Legal advice should be sought if schools or individuals which to consider taking this action.

Other issues

If social media is used to publish private and confidential information (for example breaches of data protection act) about an individual, it could give rise to a potential privacy claim and it is possible to seek an injunction and damages. Legal advice should be sought if schools or individuals which to consider this action.

Appendix 3: How to report and remove content on Facebook

Removal

To remove a Facebook post

To remove a comment of a Facebook profile the user must access their profile and click on ⌄ in the top right of the post and then select the "delete"

To remove a Facebook page

Only Facebook or the page administrator can delete a Facebook page. To remove a page admin should:

1. Click Settings at the top of your Page
2. From General, click Remove Page
3. Click Delete [Page name] and follow the on-screen instructions

To remove a Facebook group

Only Facebook or the page administrator can delete a Facebook group. Groups are deleted when they have no members. If you've created a group, you can delete the group by removing all its members and then yourself.

1. Go to the group you want to delete and click Members below the cover photo
2. Click ⚙ next to each member's name and select Remove from Group
3. Select Leave Group next to your name once you've removed the other members

Note: An administrator can't delete a group they didn't create unless the original creator chooses to leave it.

Reporting

When something gets reported to Facebook, they will review it and remove anything that doesn't follow the Facebook Community Standards. Facebook don't include any information about the person who filed the report when they reach out to the person responsible. Please keep in mind that reporting something to Facebook doesn't guarantee that it will be removed.

Headteachers may wish to encourage the member of the community who bought the concern to the schools attention to report the issue themselves. If the headteacher does not have a Facebook account then a report can be made via this form: https://www.facebook.com/help/contact/27445946261391

To report a Facebook profile:

1. Go to the profile you want to report
2. In the bottom right of the cover photo, click [···] and select **Report**
3. Follow the on-screen instructions

To report a post:

1. Click ⌄ in the top right of the post you want to report and select I **don't want to see this**
2. Click **Why don't you want to see this?**
3. Choose the option that best describes the issue and follow the on-screen instructions

To report a photo or video:

4. Click on the photo or video to expand it
5. Click **Options** in the bottom right
6. Click **Report Photo** for photos or **Report Video** for videos

To report a message:

1. Open the message you'd like to report
2. Click ✳**Actions** in the top right
3. Click **Report Spam or Abuse...** and follow the on-screen instructions

To report an abusive Page:

1. Go to the Page you want to report
2. Click ••• on the Page's cover photo
3. Select **Report Page** and follow the on-screen instructions

Facebook will review the Page and remove anything that doesn't follow the Facebook Community Standards. Facebook may also warn or disable the person responsible.

To report a group:

1. Go to the group you want to report
2. Click ••• at the top right
3. Pick **Report Group** from the dropdown menu

To report a comment:

1. In the top right, click ✖
2. Select **Report**

Appendix 4: How to report/remove content on Twitter

Removal

To delete a Tweet

1. Visit your **Profile** page.

2. Locate the Tweet you want to delete.

3. Click the ⌄ icon

4. Click **Delete Tweet**.

Be aware:

- When a Tweet is deleted, it is removed from the users account, the timeline of any accounts that follow the user, and from Twitter search results.

- Retweets of the deleted Tweet will also be removed.

- If other people have copied and pasted part or all of the text into their own Tweet, their Tweets will not be removed.

- If other people have Retweeted the Tweet with a comment of their own, their Tweets will not be removed.

- Tweets may be cached or cross-posted on third-party websites, applications, or search engines. Twitter cannot remove Tweets that are not on twitter.com, Twitter for iOS, or Twitter for Android.

Reporting

When something gets reported to Twitter, they will review it and remove anything that doesn't follow the Twitter Rules or Terms of Service. Specific policies that may be helpful to access include the Hateful conduct policy and the Trademark policy.

Twitter doesn't include any information about the person who filed the report when they reach out to the person responsible. Please keep in mind that reporting something to Twitter doesn't guarantee that it will be removed or that an account will be suspended.

Anyone can report abusive behaviour directly on Twitter. Headteachers/managers may wish to encourage the member of the community who bought the concern to the settings' attention to report the issue themselves.

It's important to be aware that once you have reported content to Twitter, it will disappear from your timeline or inbox; it's therefore recommended that you obtain screenshots (including usernames, times and dates) before doing this.

Additional information about reporting abusive behaviour to Twitter can be found at:

https://help.twitter.com/en/safety-and-security/report-abusive-behavior

How to find a Tweet's URL

In some cases, it may be helpful to access the URL (web address of a Tweet)

1. Navigate to the Tweet you'd like the URL of.
2. Click the ⌄ icon located within the Tweet.
3. From the pop-up menu, select Copy link to Tweet. The URL should now be copied to your clipboard.

Whenever you view a Tweet's permanent link, you can see:
• The exact time and date the Tweet was posted.
• The number of favourites and retweets the Tweet received.

Reporting without a Twitter account

If the headteacher does not have a twitter account, a report of someone on Twitter engaging in abusive or harassing behaviour can be made via this form: https://help.twitter.com/forms/abusiveuser

To report a concern without an account then you will require the link (URL) to the specific content you're reporting (see above how to do this).

How to report profiles for violations:
1. Open the profile you'd like to report.
2. Select the overflow icon (via twitter.com and Twitter for Android) or tap the gear icon (from Twitter for iOS).
3. Select Report and then select the type of issue you'd like to report.
4. If you select 'They're being abusive or harmful', Twitter will ask you to provide additional information about the issue you're reporting. Twitter may also ask you to select additional Tweets from the account you're reporting so they have a better context to evaluate your report.
5. Twitter will include the text of the Tweets you reported in any follow-up emails and notifications to you. To opt-out of receiving this information, please uncheck the box next to 'Updates about this report can show these Tweets'.
6. Once you've submitted your report, Twitter may provide recommendations for additional actions.

How to report an individual Direct Message:
1. Click into the Direct Message conversation and find the message you'd like to flag.
2. Hover over the message and click the report icon when it appears.
3. Select 'Report @username'.
4. If you select 'It's abusive or harmful', Twitter will ask you to provide additional information about the issue you're reporting. Twitter may also ask you to select additional messages from the account you're reporting so they have better context to evaluate your report.
5. Once you've submitted your report, Twitter provide recommendations for additional actions you can take to improve your Twitter experience.

How to report a Tweet:

1. Navigate to the Tweet you'd like to report on twitter.com or from the Twitter for iOS or Android app.

2. Click the ⌄ icon.

3. Select Report.

4. Select 'It's abusive or harmful'.

5. Twitter will ask you to provide more information about the issue you're reporting. Twitter may also ask you to select additional Tweets from the account you're reporting so they have better context to evaluate your report.

6. Twitter will include the text of the Tweets you reported in follow-up emails and notifications to you. To opt-out of receiving this information, please uncheck the box next to 'Updates about this report can show these Tweets'.

7. Once you've submitted your report, Twitter will provide recommendations for additional actions.

How to report an account that has been blocked:

You can report an account that you have blocked or that has blocked you.

1. Go to that account's profile and click or tap the gear icon or overflow icon and select 'Report'.

2. Twitter will ask you to provide additional information about the issue you're reporting.