

Guidance for Dealing With Complaints against Schools and Settings by Parents or Carers on Social Networking Sites

This Guidance should be read in conjunction with key national and local legislation, guidance and policies – see Appendix for full bibliography.

Introduction

This guidance provides schools with a process to use when problems arise with social media complaints.

Schools are regularly using social media as an effective tool for parental engagement. However, in some cases, parents have bypassed the school's 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 staff.

It isn't always possible to prevent parents posting comments online, and unless the comments make a credible threat to safety (death threats or other threats of violence towards staff), 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) then the comments cannot always be removed (please see appendix 1 for further details on the potential legal implications). Parents are entitled to hold opinions about schools, many of which will be positive, some however might not be so pleasant but expressing these views is not always illegal.

However this does not mean that this behaviour should be tolerated, especially if it is directed at specific members of the school community. **Forced removal of comments can only occur if the comments break the law or break the website's terms and conditions.** 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 any concerns are raised.

1. 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.

On occasions a group of parents set up sites or closed groups to comment about or criticise the school or individual members of staff. Sometimes other parents request to join the group or can be invited by another group member. It is important (where possible) to find out who has set up the page or group, as usually this is the parent or carer who has the grievance. **It is also essential that members of staff (including non-teaching staff) and governors**

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do not become involved in any of the discussion threads as this can provoke the situation and can leave staff exposed to professional allegations.

- Staff must not retaliate or become personally engaged with the incident.
- Staff should keep any records of abuse by taking screen shots and logging the time, date and web address (URL)
- Inform the appropriate person (for example, the Headteacher)
- The school will contact the police where it appears that a law has been broken, for example, death or violent threats, any form of hate crime or any racially motivated offence.

Schools should be mindful not to consistently or systematically search an individual's social media page as this could be considered as invasion of privacy.

2. Reassuring those affected

a. Supporting Staff

If individual members of staff have been targeted or mentioned, then Headteachers are 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.

Staff may wish to contact their professional/teaching union for additional support and guidance.

Staff and Headteachers can also access help via the Professional Online Safety Helpline:

Additional links:

- The Professionals online safety helpline has useful guidance for schools and settings:
- Childnet Teacher Guidance:
[Teachers & professionals | Childnet](#)
- Welsh Government Respecting others: anti-bullying guidance .
[Rights, respect, equality: guidance for parents and carers | GOV.WALES](#)
- If the Headteacher is a member of the NAHT then they also have very useful guidance on their website.
 - [Professionals Online Safety Helpline - UK Safer Internet Centre](#)

b. Other members of the community

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There have been cases instances 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.

Sometimes there may be a requirement for Headteachers to consider the potential safeguarding impact (including emotional consequences or the potential risk to physical safety) on children (or adults) if comments are made online about them by parents. If Headteachers are unclear they should seek advice from the Education Safeguarding Team, the Childcare Assessment Team or the police if the threats are deemed to be serious.

Where the concern relates to a child or adult protection matter you must consult with the Child or Adult Care Assessment Team.

When responding to issues where parents are writing negative or unkind comments about other parents, the school may need to consider how best to mediate concerns (if appropriate) and to what extent they are able to resolve concerns. Parents who have threats made against them can also contact the police themselves if they feel threatened.

3. Meet with parents or carers involved

Parents often turn to social media because they are unaware of correct complaints procedures. The best approach to resolving issues is to invite parents into school to try and resolve the problem that is obviously causing them distress. Headteachers should address the matter of social networking with them and explain how this behaviour can have a detrimental impact on the school and potentially their children's education and peer relationships while not allowing the school to actually address their concerns. It may sometimes be useful to include the Chair of Governors in meetings. It is important that printouts of the allegations or comments are available (again ensuring that any content which could identify the individual who brought it to the schools attention is removed).

The Headteacher should request that any offending posts or pages are removed and encourage the parents to work with the school, following the schools complaints procedure if they are still unhappy.

If the meeting does not have a successful outcome then the headteacher should explain that the school may have to take further action to resolve the matter. The school may want to warn the parents that any existing comments or a continuation of posts could lead to criminal action being taken even though the school would prefer to avoid this.

If parents refuse to remove content then headteachers can report the concern, or escalate the concern to the Professional Online Safety helpline:

www.saferinternet.org.uk/about/helpline .

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If headteachers think that an offence has been committed or believe that speaking directly to the parents would lead to a physical altercation then they should contact the Local Dyfed Powys Police or School Police Liaison Officer to discuss a possibility of joint working. 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.

4. Further Action

Report directly to Social Media Site

Most websites or social media platforms such as Youtube, Instagram and Facebook have an option to report offensive and harmful material via a reporting button or reporting link. Schools and individuals can report directly to those sites and request it is removed. The web management team can sometimes help with removal of offensive content.

a. Take legal 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 circumstances 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.

5. Proactive School Action

The school should regularly remind all parents of the schools official communication and complaints channels which are available to 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 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.

For template letters please see appendix 2.

6. Preventative Action - Acceptable Use Policies (AUP)

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All schools should have an AUP that is signed by staff and pupils and reviewed regularly to ensure that they use digital technology and the internet within school safely and understand the sanctions resulting from breaches of this policy. A number of schools have included statements that refer to parental support on this matter and these also advise parents to monitor children and young people's use of digital technology and social media while they are out of school.

Further advice and guidance regarding AUPs can be found at <https://hwb.wales.gov.uk/onlinesafety>

a. Schools Policies (including the Complaints Policy)

Headteachers may also wish to draw attention to the misuse of social media concern in other related policies including anti-bullying, Safeguarding, online safety, data protection/security and confidentiality. Schools should also make parents aware of correct complaints procedures.

Conclusion

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 their responsibility to act as a 'positive digital role model' to their children.

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Appendix 1: 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 you feel that it is necessary to pursue a legal course, we would recommend that you contact the Pembrokeshire County Council Legal Team and/or Dyfed Powys Police.

Issues on social media may become criminal and action may be taken under the following legislation (please note that 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 in reality this is a remedy that is only used by individuals with the financial means to litigate, and only possible if the abuser can be identified, which is not always straightforward.
- **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.

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- **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 that 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. If this is the case then schools should contact the LADO (Local Authority Designated Officer) for further guidance.

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.

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.

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.

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Appendix 2: Template letters for schools to adapt

<https://hwb.wales.gov.uk/onlinesafety>

General Awareness Letter for all parents

The School is aware that social media is a useful tool that parents use to communicate. However the school is concerned about the possibility of negative comments being made by postings which reference individual members of staff. It is also not appropriate for parents to contact staff through private social media (i.e. private messaging) regarding any matters relating to the education of their children or matters concerning the school.

You should be aware that such postings are considered in law to be accessible to the general public and that by posting comments; you are therefore subject to the laws of defamation, malicious communication and improper use of the communications network. Negative statements or comments about individual members of staff or the school made on Facebook and/or other social networking sites, forums or message boards can be offensive, distressing, potentially libellous and may give rise to legal action being taken. Any concerns you may have regarding members of staff or the school should be dealt with by following the school's complaint procedure. Alternatively, If you have concerns with any aspect of your child's education and learning you should contact the Head teacher as first port of call.

Many thanks for your co-operation in this very sensitive matter.

Yours truly,

(Head Teacher)

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

- <https://hwb.wales.gov.uk/onlinesafety>
- www.thinkuknow.co.uk/parents
- www.saferinternet.org.uk
- www.childnet.com
- www.nscpsc.org.uk/onlinesafety
- www.internetmatters.org
- www.getsafeonline.org

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Template Incident Letter (following a specific issue) for all parents

NB – do not send this letter until after parents involved have been spoken with.

Example letter to parents on social media post

Dear xx,

It has been brought to our attention that you have made inappropriate comments on your (Facebook) site against teachers/pupils/staff at this school. (Details of the comment, time date)

The School will not tolerate personal verbal attacks on any of its teaching staff/pupils particularly where they are abusive and offensive. We request that you remove the comments immediately.

You should be aware that any comments made on social media websites are considered to be in the public domain and they are subject to various laws including the Malicious Communications Act 1998, Libel Laws and Protection from Harassment legislation. Should there be any repeat of these unfounded and degrading comments we will seek legal advice.

If you do have concerns with your child's education and learning you should contact the School to arrange to see the class teacher or Headteacher. If you wish to make a formal complaint, this will be dealt with in line with the school's complaints policy. Please find a copy enclosed.

Many thanks for your co-operation in this very sensitive matter.

Yours truly,

(Head Teacher)

The above are generic letters which could change depending on the circumstances. Legal would be happy to check/draft any letter that is required.

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