



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

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1. 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 now encouraged to comment regularly through Parent View. However, in some cases, parents have bypassed the school's Home-School Agreement or 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.

In many ways the use of social networking sites to express these opinions is an extension of how people can already express their views on the internet. However, remarks made about a school, member of staff or pupil can be destabilising for a community and, in particular, for the professional status of staff members who may have had allegations made against them and the emotional well-being of children and young people who may have been identified. It can also lead to a 'whispering campaign' which can undermine the school leadership or target a particular child or family.

A 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 educational settings to proactively monitor issues that are being discussed by parents and carers and often, will only become aware of a concern when they are brought to the school's attention by members of staff or parents who may have 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 a number of approaches educational settings 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.

For simplicity we have used terms such as 'school' within this document, but stress that its use within other educational settings is relevant and appropriate. This guide will focus on Facebook as it is currently the most common source of concern; however additional guidance for reporting and responding to concerns on other popular social networking sites can be accessed via the Education Safeguarding Adviser (Online Protection).

2. Responding to Specific Concerns

It is important to acknowledge that each situation will be different and there may be various complicating factors which need to be taken into account; however the following guidance outlines the steps that the Kent Area Education Officers and Education Safeguarding Team would encourage leaders and managers of Kent Schools and Settings to take when responding to specific concerns. A simple flowchart is provided within Appendix 1.

A. 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 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. It is important to recognise that it isn't always possible to prevent parents posting comments online, and unless the comments make a credible threat towards someone's safety (such as death threats or other specific 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 2 for further details on the 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 any 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.

B. 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. This may have to be done through various methods as the information may have only been shared through the connections of specific people. However, it is important that evidence be submitted so that the facts can be established.

When dealing with cases involving Facebook, a group of parents may have set up a site or closed/secret group to comment about or in some cases, criticise the school or individual members of staff. This is

usually done through a Facebook page which is then 'liked' by those with an account or via closed or secret group whereby members have to request to join or be invited by another group member. On a Facebook page the comments will always be public; however in a closed or secret group they will only be visible to other group members. 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 can sometimes be difficult to trace the owner of a Facebook "page" however a closed group will publically identify the members any members and also which members are "administrators".

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. Headteachers/managers 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". It is important for all Facebook users to be aware that even if a comment has been shared with "friends only" it is still possible for other users to "share" their friend's comments with their own Facebook friends or take screenshots. In cases where comments have been shared with "friends only", it is essential that headteachers ensure that the identity of the person who brought the concern to the schools 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.

C. Reassuring those affected

i. 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, then Headteachers should explain to them how they intend to address the concerns and offered support to them. Headteachers should encourage staff to let them know if there is any further support that they feel they need.

- 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 an allegation has been made then Headteachers will need to speak with the LADO: www.kelsi.org.uk/child-protection-and-safeguarding/managing-staff-allegations

If the member of staff is unaware of the comments, then 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.

Additional links and support:

- 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/child-protection-and-safeguarding/e-safety
- If the Headteacher is a member of the NAHT then they also have very useful guidance on their website. www.naht.org.uk

ii. 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 may need to consider how best to mediate concerns (if appropriate) and to what extent they are able to resolve concerns if they are having a detrimental impact on the school. In cases where there is a concern regarding physical violence, Headteachers may need to involve other agencies.

In some cases there may be a requirement for Headteachers to consider the potential safeguarding impact (including emotional consequences or the potential risk to physical safety) of children if comments are made online about them by parents. This may require involvement of other external agencies in line with existing safeguarding procedures. If Headteachers are unclear about how to respond then they should seek advice from the Education Safeguarding Team.

D. Meet face to face with parents or carers involved

In the majority of incidents, a face to face meeting with the parents involved can resolve the matter. This allows the Headteacher to identify the parents' particular concern and will help ensure that a suitable solution is put into place.

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 the school's complaints procedure. An immediate response in writing can occasionally 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 then schools should consider how best to respond safely and effectively, whilst maintaining confidentiality. This may require multiple meetings with parents on an individual basis.

The Headteacher (or other appropriate member of senior leadership staff) 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 actually 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 posed 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 brought it to the schools 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 schools complaints procedure if they are unhappy. If parents refuse to remove content which then Headteachers can report the concern to website 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 then it is important for the Headteacher to stress that the school may have to take further action to resolve the matter. Although it is essential 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 contact their Local Kent Police contact to work together to support the school in discussing this with the parent concerned in more detail.

3. Resolving Difficult Situations

If the matter is not resolved through a face to face meeting, the school has a number of 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.

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. Usually this raises a 'ticket' with those who monitor content on the site so they can assess this in relation to whether any of the terms and conditions have been violated. Schools have to be aware that there will 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 may only occur if the comments break the law or break the website's terms and conditions.

C. Take 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, so 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 Kent Schools and Settings are concerned that an issue may receive media attention, then they may also wish to seek advice from the KCC Press Office www.kccmediahub.net/about

4. 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 schools 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 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 responding use of social networking such as via school newsletters etc. Example text and letters can be found in appendix 3.

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 schools 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' 2016). 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 them. 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. Home-School Agreements

Borden has an agreement 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. In addition it does include a statement setting out Borden's expectations regarding use of social media by parents. While it is difficult to monitor all parents' use of social networking sites, it does show that the school takes this matter seriously and, the fact that parents sign the agreement, means that they have a responsibility to act appropriately.

C. 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. A number of 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; and schools could include a statement on parental use of social networking. Please be aware that this approach can sometimes be difficult to enforce. Further advice and guidance regarding AUPs can be found at www.kelsi.org.uk/child-protection-and-safeguarding/e-safety

D. Schools 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 policies including anti-bullying, Safeguarding, online safety, data protection/security and confidentiality. In accordance with 'Keeping Children Safe in Education' 2016, schools will need to have a staff code of conduct, which includes the use of social media. Schools and settings 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 also 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

E. Promote positive use of social media

Borden uses social media as a positive engagement tool for parents and currently uses twitter and facebook to support communication with parents. The school does not endorse unofficial and/or unapproved social media pages or groups.

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

5. 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 at the school gate or have gone to local media outlets such as newspapers to highlight decisions or issues in schools. The main issue is that in today's society, 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.

Borden Grammar School



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 brought 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

- Consider whether the child is at immediate risk of harm e.g. unsafe to go home

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

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

Comments are considered to be minor issue and no action required

- ### Monitor situation
- Keep Screenshots
 - Record actions and decision making

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 you feel that it is necessary to pursue a legal course, we would recommend that you contact the KCC Legal Team and/or Kent Police.

Issues on social media may become criminal and action may be considered under the following legislation

This is not legal guidance and schools and settings are advised to take appropriate legal advice if required. 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.
- **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 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.

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.