

Eastry Church of England Primary School

School Complaints Procedures

Policy Agreed: February 2018

Policy Review: February 2019

Introduction

All schools have a duty to have a complaints procedure and to publicise it to parents and pupils.

This document sets out Eastry's complaints procedures which has been agreed by our Governing Body.

Complaints procedures cannot be used for appeals and referrals that fall under other procedures and legislation and which are covered by other guidance, including:

- Admissions
- Exclusions
- Special Educational Needs
- Staff Grievances
- Child Protection
- Whistleblowing

Extended Services

It is recommended that the governing body ensures that any third party providers offering community services or facilities on the school premises or using school facilities for any purpose have their own complaints procedures in place.

Complaints Procedure

In order to investigate your complaint as fully as possible the governing body has staged process. Most issues are sorted out informally and we would recommend that you try this approach first. However, if you feel that there is nothing to be gained and you wish to make a formal complaint you have the right to go straight to stage 1 of the complaints procedure.

Resolving concerns informally

- 1.1. Parents are always welcome to discuss any concerns with the appropriate member of staff, who will clarify with the parent the nature of the concern and reassure them that the school wants to hear about it. Parents should be advised from the outset that there is a complaints procedure that they can use if the matter cannot be resolved. The member of staff may explain to the parent how the situation happened. It can be helpful at this point to identify what sort of outcome the parent is looking for.
- 1.2. If the member of staff first contacted cannot immediately deal with the matter, s/he will make a clear note of the date, name and if necessary contact details if they are not already held on file.
- 1.3. All members of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent. S/he will check later to make sure the referral has been dealt with.
- 1.4. If the matter is brought to the attention of the Headteacher s/he may decide to deal with the complaint. If the complaint is against the Headteacher the parent will be advised to contact the Chair of the Governing Body.
- 1.5. The member of staff dealing with the concern will make sure the parent is clear what action (if any) or monitoring of the situation has been agreed, putting it in writing if appropriate.
- 1.6. While it is often a helpful way to resolve problems more quickly, a parent or pupil is not required to pursue informal ways to address complaints but has the right to make a formal complaint at any time.

Complaints Procedure Stage 1: investigation by the Headteacher

- 2.1 Complaints at this stage need to be recorded in writing. A complainant may wish to write in themselves. Complainants may also make their complaint verbally and can expect help to put their complaint in writing.
- 2.2 The Headteacher (or designated person) will acknowledge the complaint in writing within 3 working school days of receiving the written complaint. The acknowledgement will give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This should normally be within 10 working school days. If this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target date. This will be within a maximum of 20 working school days unless it is a particularly complex issue.
- 2.2 The Headteacher will provide an opportunity for the complainant to meet them to supplement any information provided previously or to record the complaint in writing if it has been made verbally. It will be made clear to the complainant that if s/he wishes s/he might be accompanied to any meeting by a friend, relative, representative or advocate who can speak on his/her behalf or to provide support.
- 2.3 If necessary the Headteacher will interview other parties and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed unless this is judged not to be in the interests of the pupil's welfare. Pupils should normally be interviewed with parents/guardians present, but if this would seriously delay the investigation of a serious/urgent complaint or if the pupil has specifically said that s/he would prefer that parents/guardians were not involved, another member of staff with whom the pupil feels comfortable should be present. If a member of staff is complained against, they must have the opportunity to present their case.
- 2.4 The Headteacher will keep written records of meetings, telephone conversations and other documentation.
- 2.5 Once all the relevant facts have been established as far as possible, the Headteacher will then produce a written response to the complainant, including a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. The complainant will be advised that should s/he wish to take the complaint further s/he should notify the Chair of Governors within 20 working school days of receiving the letter.
- 2.6 If the complaint is against the Headteacher, or if the Headteacher has been closely involved in the issue, the Chair of the Governing Body will carry out all the Stage 1 procedures.

Stage 2: Review by the Governing Body

- 3.1 The Chair of the Governing Body will write to the complainant to acknowledge receipt of the written request for the governing body to review the complaint. The acknowledgement will inform the complainant that three members of the school's governing body will hear the complaint within 20 working school days of receiving the complaint. The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the three members.
- 3.2 A meeting of the Governors' Complaints Panel will be convened. No governors with prior involvement in the issues complained about will be included on the panel and it may be necessary to use reserves (previously agreed by the Governing Body) to ensure the Panel can meet within the set time. Governors should bear in mind the advantages of having a parent governor on the panel, and will also be sensitive to issues of race and gender. The Headteacher will not sit on the Panel. An experienced governor will chair the panel meeting.
- 3.3 The Chair of the panel will ensure the Panel hears the complaint within 20 working school days of receiving the letter. All relevant correspondence relating to the complaint will be given to each Panel member as soon as the composition of the panel is confirmed. If the correspondence is extensive, the Chair may prepare a thorough summary for sending to Panel members.
- 3.4 The Chair or clerk will write and inform the complainant, Headteacher, any relevant witnesses and members of the Panel at least 5 working school days in advance of the date, time and place of the meeting. The notification will also inform the complainant of his/her right to be accompanied to the meeting by a friend/advocate/interpreter and explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel.
- 3.5 The Headteacher will be invited to attend the Panel meeting and will be asked to prepare a written report for the Panel in response to the complaint. All attendees including the complainant should receive a set of the relevant documents including the Headteacher's report and the agenda, at least 5 working school days prior to the meeting.
- 3.6 Submission of additional documents or requests for additional attendees will be at the discretion of the Chair of the panel.
- 3.7 At the panel hearing:
 - The complainant will have the opportunity to present their complaint.
 - The Headteacher will explain the school's position.

- Those present will have the opportunity to ask questions.
- Panel members will have the opportunity to ask questions of the complainant and the Headteacher.
- The Headteacher will be given the opportunity to make a final statement to the panel.
- The complainant will be given the opportunity to make a final statement to the panel.
- The chair will ask the complainant if he or she feels they have had a fair hearing.

The Chair of the Panel has responsibility to ensure that the meeting is properly minuted.

3.8 The Chair of the Panel will explain to the complainant and Headteacher that the Panel will consider its decision and that a written decision will be sent to both parties within 15 working school days. The complainant, Headteacher, other members of staff and witnesses will then leave.

3.9 The Panel will then consider the complaint and all the evidence presented and

- Agree a decision on the complaint;
- Decide upon the appropriate action to be taken to resolve the complaint; and
- Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

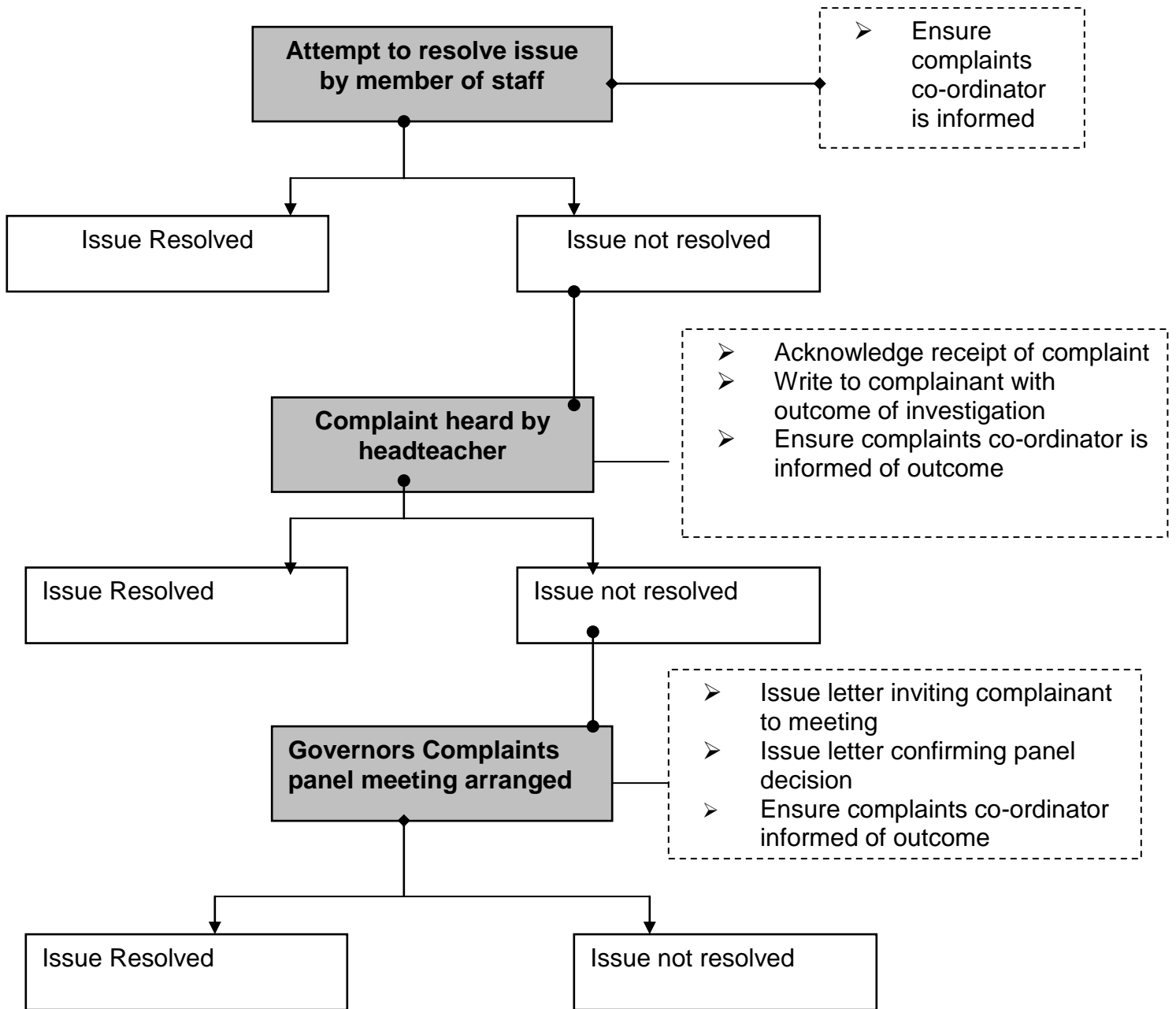
3.10 A written statement clearly setting out the decision of the Panel must be sent to the complainant and Headteacher. The letter to the complainant should also advise how to take the complaint further.

3.11 The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.

Stage 3 The Secretary of State

4.1 If a complainant wishes to go beyond the governors' complaints panel, they should be advised to contact the Secretary of State for Education. More information is available at www.education.gov.uk/schoolcomplaints.

Flowchart of complaints



Secretary of State for Education

Appendix 1

How to raise concerns or to make a complaint about the school

If you have a concern or complaint

We would like you to tell us about it. We welcome suggestions for improving our work in school. Be assured that no matter what the problem is, our support and respect for you and your child in school will not be affected in any way. Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem that happened some time ago.

What to do first

Most concerns and complaints can be sorted out quickly by speaking with your child's class teacher.

If you have a complaint that you feel should be looked at by the Headteacher in the first instance you can contact him/her straightaway if you prefer. It is usually best to discuss the problem face to face. You may need an appointment to do this, and can make one by ringing or calling into the school office. You can take a friend or relation to the appointment with you if you would like to.

All staff will make every effort to resolve your problem informally. They will make sure that they understand what you feel went wrong, and they will explain their own actions to you. They will ask what you would like the school to do to put things right. Of course, this does not mean that in every case they will come round to your point of view but it will help both you and the school to understand both sides of the question. It may also help to prevent a similar problem arising again.

What to do next

If you are dissatisfied with the initial response, or if you do not want to discuss the matter informally, you can make a complaint to the Headteacher. This will need to be in writing. Contact the school office if you would like some help putting your complaint in writing.

If your complaint is about an action of the Headteacher personally, then you should refer it to the Chair of Governors now. Contact details can be obtained from the school office.

You will be offered a meeting to discuss the problem. You may bring a friend or someone else for support. The Headteacher will conduct a full investigation of the complaint and may interview any members of staff or pupils involved. You will receive a written response to your complaint.

If you are still unhappy

The problem will normally be solved at this stage. However, if you are still not satisfied you may wish to contact the Chair of the Governing Body to ask for a referral of your complaint to a Governors' Complaints Panel. It will then be heard by a group of three governors who have no previous knowledge of the problem and so will be given a fresh assessment. You will be invited to attend and speak to the panel at a meeting that the Headteacher will also attend. The Complaints Procedure sets out in more detail how these meetings operate.

Further Action

Complaints about school problems are almost always settled within schools but if they remain unresolved they can be referred to the Secretary of State for Education. The Department for Education will expect the complaint to have been considered by the school governors first. There is more detail in the full Complaints Procedure, on the school's website or on the Department for Education website (www.education.gov.uk/schoolcomplaints).

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

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. 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 verbal or written 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 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 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".

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.

2.

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.

Headteachers should explain to the member of staff how they intend to address the concerns and consider what support could be offered to them and encourage them to let school leadership know if there is any further support that they feel they need. 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)

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. 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.

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 they should seek advice from the Education Safeguarding 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 if they are having a detrimental impact on the school. In some cases such as where there is a concern regarding physical violence Headteachers may need to involve other agencies.

4. Meet with parents or carers involved

In many cases the reason why a parent or carer has made comments about the school or staff members on a social networking is due to ignorance about the implications of making such comments or because they are unaware of or disillusioned with the school's complaints procedure.

The best approach to resolving this issue is to invite the parents involved into school and to 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 them 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.

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.

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.

In the majority of incidents a meeting with the parents can resolve the matter and the headteacher can identify the particular concern and ensure that a suitable solution is put into place, or instigate the school complaints process. At this meeting 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).

Advice on how to delete or report a Facebook comment, page or group can be found in appendix 3.

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 criminal action being taken, although the school would prefer to avoid having to take this route.

If parents refuse to remove content which breaks Facebooks terms and conditions then headteachers can report the concern to Facebook (see appendix 3) or escalate the concern to the Professional Online Safety helpline:

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

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

5. Further Action

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 offending material

If the parents do not agree to remove any offending content or pages they have set up, then the school can report offending material to Facebook etc. Usually this raises a 'ticket' with those who monitor content on the site and they assess this in relation to whether any of the terms and conditions has 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.

Information about how a range of concerns can be reported to Facebook can be found in appendix 3.

c. 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 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.

6. Head off further similar issues by addressing the issue with all parents

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 ensures that these types of issues do not reoccur. The school could consider sending out a 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.

For template letters please see appendix 2.

7. Preventative Action

a. 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 schools' policies on homework, behaviour and conduct. In order to counter any parent discussing sensitive issues about individual teachers or pupils on social networks, a number of 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 all 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 e-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".

OR

"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".

OR

'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.'

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. 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

Sample statement:

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

Further advice and guidance regarding AUPs can be found at www.e-safety.org.uk

c. 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.

d. 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. This is why many parents take the matter out of the schools hands and set up unofficial and unapproved Facebook pages or groups.

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.

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.

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

e. Other approaches

The school could regularly publish positive information in the school newsletter about how concerns can be raised informally. 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 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 Facebook 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 their responsibility to act as a 'positive digital role model' to their children.

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 KCC Legal Team and/or Kent 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.
- **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.

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.

Appendix 2: Template letters for schools to adapt

Please be aware that schools must not share any information which could compromise a live police investigation. Please seek advice from the Education Safeguarding Team if this is a concern.

General Awareness Letter for all parents

Dear Parent/Carers

Online Safety is an important part of keeping children safe at [school/setting]. 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 are writing to you to request 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 would like to 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 school/setting 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 [school/setting]. 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 school/setting, 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 [link] or upon request at the office.

I would like to ask all parents/carers to think carefully about the information and comments which we post online. As responsible adults it's 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. I would also like to remind all parents/carers 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 child(ren).

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.nscpsc.org.uk/online-safety
- www.internetmatters.org
- www.getsafeonline.org

If parents/carers wish to discuss this matter further or have any other online safety concerns the please contact [Name] Designated Safeguarding Lead, or myself (if different).

Many thanks in advance for your support in this matter,
[Name]

Headteacher/Manager/Chair of Governors Etc.

Template Incident Letter (following a specific issue) for all parents
NB – do not send this letter until after parents involved have been spoken with.

Dear Parent/Carers

Online Safety is an important part of keeping children safe at [school/setting]. 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.

Unfortunately it has been brought to our attention that some parents/carers have been using xxxx as a forum to complain and/or be abusive about the school/setting and/or members of staff/parents/children in the school/setting community. Whilst we are all entitled to have our own views and opinions, we would like to ask that all members of our community consider how this may be misunderstood or misinterpreted when shared online and the possible impact and consequences of these actions.

We have spoken to those parents concerned and whilst we can continue to raise the profile of online safety within school, we need the help of the whole community to support us in keeping our wider community safe online.

It is important that all members of school/setting 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 [school/setting]. 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. Any complaints regarding the school/setting should 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 (link) or upon request at the office.

I would like to ask all parents/carers to think carefully about the information and comments they post online. As responsible adults it's important that we all consider the potential impact and implications posting such content may have on you and your family as well as other members of the community. I would also like to remind all parents/carers about the need for us all to work in partnership 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 child(ren).

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.nscppcc.org.uk/online-safety
- www.internetmatters.org
- www.getsafeonline.org

If parents/carers wish to discuss this matter further or have any other online safety concerns the please contact [Name] Designated Safeguarding Lead, or myself (if different).

Many thanks in advance for your support in this matter,
[Name]

Headteacher/Manager/Chair of Governors Etc.

Letter to parents specifically involved in concerns

NB - Use with care and only send if you are unable to meet with parents involved face to face

Dear Parent/carer

It has been drawn to my attention that you have recently made comments online on [site] relating to [event]. I enclose a screenshot of the material in question, which you will note has been signed and dated.

I am disappointed that you have chosen to use this medium to express these views and I am greatly concerned about the tone of the comments made and their abusive and threatening nature [substitute this for more appropriate adjectives if necessary] relating to another member of the school community.

It is important that all members of the school/setting 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 (name, setting). (School name) 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.

I would really appreciate a meeting with you to discuss this matter in an open and constructive manner. Please contact me at your earliest convenience to arrange an appointment. I must emphasise, that the conversation will remain confidential between you and me. My colleague [insert name and role e.g. chair of governors] will be present to act as note-taker and you may also wish to be accompanied by a family member or friend (if needed).

I am sure that we will be able to resolve this situation and achieve a positive outcome.

I look forward to meeting with you.


Yours sincerely,

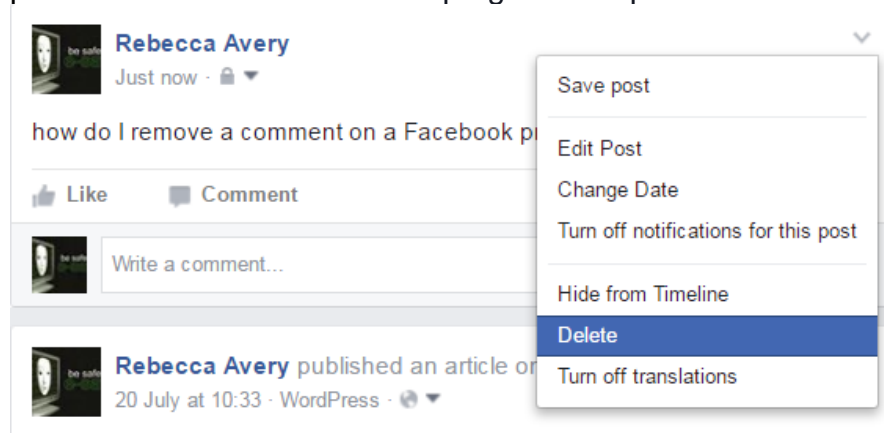
[Name]

Headteacher

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 admin 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 brought 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:

1. Click on the photo or video to expand it
2. Click **Options** in the bottom right
3. 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 **x**
2. Select **Report**

Complaints form

Appendix 2

Please complete and return to	
who will acknowledge receipt and explain what action will be taken	
Your Name	
Pupil's Name	
Your relationship to the Pupil	
Address	
Postcode	
Daytime Tel Number	
Evening Tel Number	
Please give details of your complaint here	
What actions, if any have you taken to try and resolve your complaint	
What actions do you feel might resolve the problem?	
Are you attaching any paperwork?	
Signature	
Date	
For Office Use only	
Date acknowledgement sent	By Whom
Complaint referred to:	Date: