



Dunston Hill

Community Primary School



Social Media Abusive Comments (LA)

September 2020

DUNSTON HILL COMMUNITY PRIMARY SCHOOL

SOCIAL MEDIA ABUSIVE COMMENTS GUIDANCE

Introduction

Social Media is defined as any kind of tool that is used for sharing information, including blogs, photo sharing, video sharing, face book, twitter, mobile phone applications, texting, digital TV services, and other such internet based programmes that allows an individual to post their views and opinions for others to read.

A school should be a safe place where relationships between staff, parents and visitors demonstrates a mutual respect and recognition of shared responsibility for pupils' welfare and educational progress. However there are increasing examples of incidents whereby parents/carers and other individuals are posting content/comment on social media sites regarding the school, its staff and sometimes other parents and pupils which extends beyond the normal expressions of opinion, are often unwarranted and may be offensive, defamatory and in some cases threatening.

Inappropriate content

For the avoidance of doubt personal opinion, including criticism of schools or individuals and which may not always be constructive, does not necessarily constitute inappropriate content; likewise frustrated or angry comments. Such content may be hurtful to the individual and uncomplimentary about the school. There is little which can be done save to request the author of the opinion or the medium on which it is published to remove the content.

Inappropriate content can cover a broad spectrum including abusive, defamatory and offensive comments. Such content may include use of derogatory names, profane, threatening or intimidating language, coercion and blaming others for mistakes they did not make. It may also include offensive content such as racist or homophobic remarks (and other discriminatory comments) and harassment.

Sometimes more extreme inappropriate content should be reported to the Police. This may include:

- Threats of violence or assault
- Harassment and intimidation over a period of time including persistent personal insults or threats, abusive emails or text messages (one incident is not normally enough to for prosecution)
- Anything involving "hate crimes" or inciting others to target individuals of a specific social group.

A defamatory statement is one that tends to lower the offended party in the estimation of right-thinking members of society generally. Usually a person making a defamation claim is primarily concerned with the injury to his/her reputation. Mere insults or "vulgar abuse" are not defamatory. To be actionable, the statement must actually injure the offended party's reputation.

Responding to Inappropriate Content/Comments

Inappropriate content/comments can fall broadly in to one of the categories set out above and the appropriate response should be used.

As indicated, opinion based content could be responded to by inviting the author to discuss the content and the causative issues in a constructive manner. It should be emphasised that this approach is more likely to resolve any issues between the author and the offended party. A request may be made to the author for the content/comment to be removed from the site using the letter attached at Appendix 1. It may also be possible to contact the relevant website seeking removal of the offending content.

Should content/comment be considered by the offended party to be defamatory, it is open to that party to respond appropriately. This may in the first instance include communication confirming the defamatory nature of the comment and requesting that the offending content be removed from the host site. In the absence of compliance and in more extreme cases the offended party may take legal advice on the merits of a legal claim. Whilst it may have the desired effect in some cases, Schools and individuals should exercise caution in threatening such action where there is no intention to enforce the threat. (See letter attached at Appendix 2).

It should be noted that legal authority dictates a local authority/public body is not empowered under common law bring defamation proceedings. This is to avoid the stifling of public opinion which would be contrary to the public interest. The local authority cannot therefore commence defamation proceedings on behalf of an employee. The offended employee may, however, seek independent legal advice and if appropriate commence legal action.

Threatening content/comment is that which is intimidating and/or abusive causing the recipient to believe that he/she is at risk of actual harm. This may arise for example from an inflammatory meeting or exchange. Where relevant content induces a genuine belief in the recipient that they are likely to suffer violence or harm such matters should be reported to the police.

The School should also contact the offending party to confirm that such content/conduct will not be tolerated, that the police will be informed of the offending content/comment and, where a genuine threat of harm exists, that the offending party may be excluded from the school site. The latter may be subject to special arrangements with the Headteacher and will be reviewed on a regular basis (letter attached at Appendix 3). Obviously any communication should request that the offending content be deleted and request. The School should also contact the host medium setting out the situation and requesting that the content be removed if not voluntarily removed by the offending party.

Instances of bullying, harassment or verbal abuse motivated due to the employee's racial group, religion, sexual orientation, ethnicity or gender identity may on consideration of the circumstances be reportable to the police.

Employees and Governors use of Social Media

Employees and Governors need to ensure that they exercise caution when using social media sites to ensure their personal use of social media cannot be deemed to be inappropriate. If they are already personal friends with some parents they should not enter into communication with parents/carers regarding pupils at the school. They should be mindful about how they respond to comments and other online content. In fast-moving social media spaces, it's easy to say something that may be regretted later – either because of a simple mistake (such as typing the wrong word in haste), or because of lack of judgement.

Employees and Governors are advised not to respond to new requests from parents of pupils or pupils to be “friends” on social media sites and should they become aware of comments made on any sites that may be deemed to be inappropriate comments about the school or issues within the school to report those comments on to the Headteacher.

Support

Employees may be able to seek legal redress in respect of content/ comment that is considered to be defamatory; however, they will need to take independent legal advice on the merits of any action and other considerations such as benefits and cost of such action. . The law as currently interpreted prevents either the Council or the school, as public bodies, commencing proceedings.

In relation to the other types of inappropriate content/comment referred to earlier in this note, further guidance is available from HR and Legal Services where required. In the first instance, however, schools should adopt a common sense approach to dealing with social media issues.

Attached at appendix 4 is a letter that should be included in the school prospectus or sent to all parents to inform them of how the school views social media use and setting out its expectations on how concerns should be raised with the school in the first instance before resorting to social media.

Dear

Re: Your comments on Facebook

In the **(autumn/spring/summer) term** I sent all parents a letter outlining the school's expectation with regard to the use of social media sites to comment on or about the school, its staff and its activities. Comments made by you [and others] on Facebook on ***concerning the [school], [myself] [and school staff generally] have been brought to my attention. The school considers these to be inappropriate and offensive.

(set out the comments or extracts from)

The comments are unnecessarily critical/ derogatory to the person concerned/unfounded/ contain foul language/ (delete as appropriate) and are generally unpleasant.

The school considers the comments to be an inappropriate and unhelpful way of communicating any concerns or criticisms that you may have. If you feel that you would like to discuss the matter with me personally you can contact the school office to arrange an appointment. This more constructive approach is beneficial to all parties and is more likely to resolve the underlying concerns which have resulted in the criticism or comment.

You may not wish to discuss this with me personally; nonetheless, I would request that you remove the comments from your Facebook page. If the comments are not removed I will contact the Facebook website owners and request that they remove any inappropriate comments regarding the school and its staff.

I am sure that you will agree, a school should be a safe place where relationships between staff, parents and visitors demonstrates a mutual respect and recognition of shared responsibility for pupils' welfare and educational progress. Your comments [and those of other parents] serve only to undermine this ethos. In addition the school and the governors have a duty of care to both the children who attend and the staff who work there and no one should feel undervalued by personal comments made about their place of work.

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(set out extracts)

These comments are inaccurate/untrue/groundless/ and are potentially damaging to the reputation of the person concerned who is **(delete as appropriate)** is taking legal advice on a possible legal claim for damages under the Defamation Act 1996.

The school considers the comments to be an inappropriate and unhelpful way of communicating any concerns or criticisms that you may have. If you feel that you would like to discuss the matter with me personally you can contact the school office to arrange an appointment. This more constructive approach is beneficial to all parties and is more likely to resolve the underlying concerns which have resulted in the criticism or comment.

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(set out extracts)

These comments are threatening, aggressive and taken in conjunction with your recent aggressive conduct towards (name of teacher) are intimidating. We are considering passing the comments on to Northumbria Police for further investigation.

I am also taking advice from the local authority as to whether your conduct and comments are of such a serious nature that you should be banned from the school site. If the School decides that you should be banned from the school site and you fail to comply with this ban you may be guilty of causing a nuisance or disturbance on educational premises which is a criminal offence under Section 547 of the Education Act 1996 leading to a fine or criminal conviction.

If you feel that you would like to discuss the matter with me personally I am available on **(date)** when we can discuss your concerns. You can arrange an appointment by contacting the school office.

You may not wish to discuss this with me personally nonetheless I would request that you remove the comments from your Facebook page/ Twitter account. If the comments are not removed I will report the matter to the Facebook/Twitter support team and request that they remove any inappropriate comments regarding the school and its staff. This may also result in your Face Book page/Twitter account being disabled.

I am sure you will agree that a school should be a safe place where relationships between staff, parents and visitors demonstrate a mutual respect and recognition of shared responsibility for pupils' welfare and educational progress. Your comments [and those of other parents] serve only to undermine this ethos. In addition the school and the governors have a duty of care to both the children who attend and the staff who work there and no one should feel undervalued by personal comments made about their place of work.

Dear

Social Media and the School

Social Media is defined as any kind of tool that is used for sharing information, including blogs, photo sharing, video sharing, face book, twitter, mobile phone applications, texting, digital TV services, and other such internet based programmes that give others access to your views and opinions.

As parents of pupils at this school if you are thinking of sharing views on the school, its staff or its operational activities we expect you to make your comments in a respectful way. Please do not make personal, aggressive or hateful comments about staff or pupils and their parents. If your comments are found offensive by the reader, we will ask you to remove your comments. We want to avoid being in this situation as it stops you from sharing your views.

We would request that you set the tone for online conversations about the school, its employees and the pupils by being polite and the use of familiar language should not include swear words or abusive slang. Should you feel the need to criticise an individual at the school we would expect you to contact the person directly to meet and discuss the reason for criticism in the first instance in order to resolve any issues. Should you feel the need to take the matter further then you can arrange to speak to the Headteacher or Chair of Governors or follow the school's complaints procedure.

However should you feel the need to express yourself on a social media site we ask that any criticism is made in as constructive a manner as possible as different things are acceptable to different people. If you think there's a possibility that someone may be offended by your comments, please re-write your comments in a more sensitive way.

If any comments are deemed to be defamatory i.e. which are untrue, inaccurate and may damage the reputation of the person, the individual may be advised to take legal proceedings against the author of those comments which may result not only in the comments being taken off the social media sites but also a financial cost to the author to reimburse the individual for any injury to feelings.

Any comments which include racist, sexist, homophobic remarks, harassment or intimidation and threats of violence will be reported to the police for their investigation. Authors of such comments may find that criminal proceedings are then commenced against them.

I would like to remind you that you are legally responsible for what you do or say online and what you say openly can be accessed around the world in minutes and can be republished elsewhere. You must be willing to take personal responsibility for anything that you say online.

A school should be a safe place where relationships between staff, parents and visitors demonstrates a mutual respect and recognition of shared responsibility for pupils' welfare and educational progress.

We want to work with our parents to ensure that the school is a safe place for all and if you do feel strongly enough about an incident at the school involving a member of staff then we encourage you to resolve it. But the best way to resolve issues is by meeting the individual member of staff at the school or the Headteacher or an open and constructive discussion to ensure the best resolution for all concerned.