



1. AIMS

Our aim is to;

- Provide a safe and secure online environment for our pupils, staff and Stakeholders.
- Ensure that the reputation of the school is not undermined
- Ensure that the school doesn't host any material that is defamatory on any of its online presences
- Recognise the benefits and importance of Social Media in the world today and to actively encourage pupils, staff and stakeholders to participate, whilst reminding all concerned of their social media responsibilities.

Our Social Media Policy ensures that we have in place effective procedures to enable us to achieve this aim.

2. WHY DO WE USE SOCIAL MEDIA

The school uses social media and its school website for the following purposes;

- As a positive means of 2-Way communications
- To share and celebrate the learning of our pupils through text, video and photographs
- To inform parents / carers about school, local and national changes
- To act as an evidence base for HMI, Local Authority, Ofsted and SIAMS inspections
- To gather opinions about proposed changes
- To gather opinions about what we already do as a school
- To market the school

3. WHAT IS SOCIAL MEDIA

For the purposes of this policy Social Media is any online medium that allows a two way conversation.

This includes;

- collaborative projects (*for example, Wikipedia*)
- blogs and microblogs (*for example, Twitter, Moblog and Tumblr*)
- content communities (*for example, YouTube and DailyMotion*)
- social networking sites (*for example, Facebook, LinkedIn and Instagram*)
- virtual game-worlds (e.g., *World of Warcraft, club penguin, moshi monsters, minecraft*)

- virtual social worlds (e.g. *Second Life*)
- The School's website
- Instant Messaging Services (e.g. *Snapchat, IM, Skype, Kik, Yik Yak*)

4. ROLES AND RESPONSIBILITIES

2.1 Management Responsibility

The management responsibility is shared between the LEA, Governing Body, the Headteacher and the unions.

2.2 Role of the LEA

The main role of the LEA is to support the School in implementing this policy via the procedures set out in the Defamatory Material Posted on Websites guidance.

2.3 Role of the Governing Body

The Governing Body is responsible for formulating the Social Media Policy and monitoring its implementation.

At Leven CE (VC) Primary the full Governing Body monitor the policy on a regular basis.

2.4 Role of the Headteacher

The Headteacher will be responsible for implementing the Social Media Policy agreed by the Governing Body.

The Headteacher will ensure:

- all staff are encouraged to use social media as a method of improving communication with stakeholders
- all staff appreciate the importance of Social Media and understand the school's policy and their responsibilities;
- staff training needs are kept under review and training as necessary;
- parents are informed of the Social Media policy and that it is understood by the parents;
- formal risk assessments are conducted internally as appropriate and updated on an annual basis.
- in addition routine Social Media checks are carried out on an on-going basis by the School staff, Headteacher and Chair of Governors and that any concerns are reported;
- all crimes are reported to the Police.
- the school's social media sites are kept up to date and monitored, or designate that duty to a named person. The member of staff with this responsibility will be named on the school's website.
- That school staff are not subjected to online defamation, bullying or harassment from third parties.

5. GUIDELINES FOR USE OF SOCIAL MEDIA

Pupils

- Please check the age limits for the use of Social Media.
 - Facebook, Twitter, Myspace, Pinterest, Instagram all currently have a lower age limit of 13.
 - The school will not block children under 13 from looking at the school's social Media sites, but they will write to the parents of any child that attends Leven CE (VC) Primary School who comments or likes on any of the school's social media sites (Appendix 4). This will only be done on the first occasion that a child likes or comments on a school post in order that parents are aware that their child has a social media account.
- Children can safely comment on the School's Blog sites, following the rules for commenting that are on the Blog sites.
- Pupils must not use social media in any way that could be interpreted as bullying, harassment or defamation.
- If a pupil uses social media in a way that could be interpreted as bullying, harassment or defamation, the incident will be dealt with through the school's internal behaviour procedures, unless it is an incident that needs to be passed to the police.
- Pupils will be taught about online safety and how to use Social Media safely, through the school's eSafety and internet use policy.

Staff

- Staff are allowed to make reasonable and appropriate use of social media websites from the School's computers or devices or from their own computers or devices, such as laptops and palm-top and hand-held devices, provided that this does not interfere with their duties. Staff must limit their use of social media on their own equipment to their official rest breaks (such as their lunch break) and must still ensure that they continue to follow the requirements set out in this Policy.
- If it is believed an employee / member of staff has engaged in any unlawful activity on a social media site or undertaken an activity in breach of this Policy and the Guidance for Safer Working Practice for Adults who work with Children and Young People in Education Settings, Section 12, communication with pupils; an investigation will be instigated which may result in disciplinary action and potentially dismissal. The School's disciplinary policy will be followed.
- **Use of social media and the internet for work purposes;**
- The school sees responsible use of Social Media platforms as a positive means of two-way communication and when used correctly a useful tool in a pupil's development in modern society; therefore staff are encouraged to actively participate in Social Media platforms operated by the school.
- Therefore in specific circumstances it may be appropriate for a member of staff to use social media as part of their work. In such circumstances while contributing to the School's social media activities the same safeguards must be adhered to as would be with any other form of communication about the School in the public domain. Any communications made in a professional capacity through social media must not either knowingly or recklessly:
 - place a child or young person at risk of harm;

- bring the School into disrepute;
- breach confidentiality;
- breach copyright;
- breach data protection legislation; or do anything that could be considered discriminatory against, or bullying or harassment of, any individual, for example by:
- making offensive or derogatory comments relating to sex, gender reassignment, race (including nationality), disability, sexual orientation, religion or belief or age;
- using social media to bully another individual; or posting images that are discriminatory or offensive or links to such content.
- **Excessive use of social media/internet at work;**
- Staff must not spend an excessive amount of time while at the School on personal use of social media or internet sites. They must ensure that use of social media/internet does not interfere with their duties.
- **Monitoring use of social media/internet on school equipment during work time;**
- The School reserves the right to monitor staff internet usage. The School considers that valid reasons for checking internet usage include concerns that social media/internet sites have been accessed in breach of this Policy.
- **Inappropriate use of social media/internet;**
- The following list gives examples of the use of social media/internet sites that the school may consider to be inappropriate:
 - Publishing defamatory; discriminatory; illegal; sexual; racist or other offensive material;
 - Publishing any material which is confidential or would breach copyright or data protection principles;
 - Promoting personal financial interests, commercial ventures or personal campaigns in school time;
 - Publishing anything of an abusive or harassing nature;
 - Using social media/internet sites in a manner that would put staff/governors in breach of school codes of conduct or existing policies;
 - Discussing matters relating to school, staff, pupils or parents/carers for which the social media is not considered to be an appropriate forum;
 - Inappropriately holding yourself out as, or implying that you are, a representative of the school when using social media/internet sites in a private context;
 - Interacting with pupils via social media/internet sites [unless properly authorised as part of school duties];
 - Interacting with parents/carers of pupils via social media/internet sites;
 - Interacting with any ex-student who is under the age of 18 (staff should exercise extreme caution in interacting with any ex-pupils regardless of age);
 - Actively providing false or misleading information about the school, its staff or pupils;
 - Cyber-bullying;
 - Inappropriately referencing other staff members, governors, students, parents or school activities/events - unless it is a legitimate part of the staff member's role;
 - Using social media/internet sites to raise complaints/grievances – any issues should be raised via the appropriate channels (e.g. school complaints procedure).
- The above is a non-exhaustive list. It is intended to provide some examples of what the school considers to be inappropriate. Each matter will be dealt with based on its own facts. School policies will be followed where relevant (e.g. the School's

disciplinary/bullying /complaints policy etc). The School will contact the Police where it is necessary to do so.

- **Social media in your personal life;**

- The School recognises that many people make use of social media in a personal capacity. While they are not acting on behalf of the School, staff must be aware of the potential damage that could be caused to the School if they are recognised as being a member of staff.
- Staff should exercise caution when considering inviting parents / carers to be ‘friends’ on social networking sites, as this may create a conflict/difficult situation in the future.
- Staff may say that they work for the School but their online profile (for example, the name of a blog or a Twitter name) must not contain the School's name.
- If staff do discuss their work on social media (for example, giving opinions on their specialism or the sector in which the School operates), where appropriate they should include on their profile a statement along the following lines: "The views I express here are mine alone and do not necessarily reflect the views of the School."
- Any communications that staff make in a personal capacity through social media must not bring the School into disrepute.
- Staff should regularly check the privacy settings on any Social Media that they use and note that these are changed regularly and often leave profile pages open that were thought to be private.
- **Staff should follow the Yorkshire and Humberside Grid for Learning guidance - Using Facebook Safely: A Guide for Professionals Working With Young People** <http://www.eiha.co.uk/LinkClick.aspx?fileticket=EUZFMjir1a0%3D&tabid=57>
- Staff have a duty to report abuses of this policy in accordance with the schools whistleblowing policy.

- **Disciplinary action over social media use;**

- All staff are required to adhere to this policy. Staff should note that any breaches of this policy may lead to disciplinary action. Serious breaches of this policy, for example incidents of bullying of colleagues or social media activity causing serious damage to the School, may constitute gross misconduct and lead to summary dismissal.
- Similarly, where there is a serious breach of this policy, action may be taken in respect of other members of staff who are not employees which may result in the termination of their appointment.

Governors

- **Staff/governors interacting with each other online;**

- Governors are advised not to be “friends” with members of staff online, however the school fully understands that Governors will hold genuine friendships with members of staff on Social Media sites, but advises Governors to take extreme care should the school be mentioned online and have a duty to act responsibly and adhere to any confidentiality agreements. Should Governors be “friends” with members of staff online they would need to declare this to ensure that conflicts of interest do not occur.
- **Reasons for this include:**
- Potential for a conflict of interest where a governor is on a selection panel/disciplinary panel where a “friend” is involved;

- Due to the role of the governing body and its general responsibility for the conduct of the school, it is sensible to maintain a certain level of separation between governors and staff.
- **Application of this Policy to school governors;**
- many of the above points have equal application to governors. All governors should ensure that they comply with the spirit of this Policy.
- Though governors would not be subject to the same disciplinary process as staff, there are still forms of redress available where a governor behaves in an inappropriate manner. The appropriate procedures would be followed in such cases.

Parents / Carers / PTFA / Others

- We encourage parents to take photos and videos at school events for their own family use. However, we ask that the photos and videos are not shared in any online forum, unless they only include your child and no other children.
- We love to get feedback from parents, but please keep comments on our social media sites positive. If you have a complaint or are unhappy about something, then these need to be dealt with either by phoning the school and talking to the appropriate member of staff or through the school's complaints procedure.
- The school will never knowingly use language that is intended to upset parents, carers, pupils, staff or other users of our Social Media sites, however, it is possible for posts to be misinterpreted, as nuances of spoken language are often missing in written language. If a misunderstanding has taken place the original post will either; be removed, be edited or a further explanation added as a comment by way of clarification. We would ask that parents / carers take the same care when commenting on posts.
- When children start Leven CE (VC) Primary school we ask for parents' / carers' permission to use photos and videos of their child / children on our online sites. The permission slips are in the admissions section of our prospectus. The permission slips will be regularly reviewed and updated to ensure they are still relevant in a changing digital world.
- The school keeps a register of children for whom parents have not given permission for their images to be shared on the Internet.
- The school Facebook page has the facility to use Instant Messaging. The Headteacher monitors this facility and will respond to messages.
- Users of the schools' Social Media sites are currently unable to post directly to the sites. However, they are able to add comments on both the Facebook page and the school's blog sites. These comments are monitored.
- For parents who don't use Social Media sites we try to share some of the photos that we post in the school newsletter. It is not possible to share all of the photos in this way. Parents / carers are able to access all of our Social Media sites, even if they are not users of those sites.
- We would ask that parents / carers do not post directly to staff timelines or Instant Message them about issues relating to school. Any issues relating to school should be raised through the more traditional routes of a phone call to school or a meeting with a member of staff.

6. CONSEQUENCES OF USING SOCIAL MEDIA INAPPROPRIATELY

The school follows the East Riding guidance on Defamatory Material (Appendix 1)

This means that the school has a duty to ensure that no defamatory material is posted on any of its websites, including any Social Media sites that it operates.

The guidance lays out the procedures that must be taken if defamatory material is posted on any of the school's websites or Social Media sites.

The guidance also lays out the procedures that must be taken if defamatory or threatening statements are made to or about school staff.

In addition the school may block a user's access to any of the School's Social Media sites if they are used by that user in an inappropriate way. This will be followed up with a letter to the user explaining why they have been blocked from using part of the School's online presence (Appendix 2)

7. REQUESTS TO MOVE MATERIAL FROM ANY SITES RUN BY THE SCHOOL

All requests for removal of material from any sites run by the school must include a URL so that the school can find the material easily and quickly.

Reason for request	Will material be removed	Additional information	Time scale for removal of material if a URL is provided.
Safeguarding issues	Yes		Immediately
Parent / Carer rescinds permission for existing material involving their children to be online (<i>without a safeguarding reason</i>)	No, however no new material will be added.	<ul style="list-style-type: none"> This is due to the amount of time that is needed to achieve this task. It is also possible that the request could be made at a point at which no current members of staff recognise that particular child. 	
Parent / Carer requests that a photo of their child is removed, because they feel that the photo / video / comment is, in some way, inappropriate.	Yes	<i>if the school agrees that the photo / video / comment is inappropriate</i>	Immediately

Parent / Carer requests that a photo / video of their child is removed because it has inadvertently been put on to one of the School's Social Media sites when permission didn't exist for the photos or videos to be used in this way.	Yes	<i>If the child is in the background and it is possible to either crop the child from the photo or pixellate the child's face, then the photo may be re-posted.</i>	Immediately
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8. POLICIES & GUIDANCE TO BE READ IN CONJUNCTION WITH THIS POLICY

- **East Riding Guidance - Defamatory Material Posted on Websites**
- **Ministry of Justice - Complaints about defamatory material posted on websites: Guidance on Section 5 of the Defamation Act 2013 and Regulations**
- **eSafety Policy**
- **Child Protection and Safeguarding**
- **Initial Allegation Management**
- **The School's Complaints Policy**
- **The Criminal Justice and Courts Bill 2014**
- **NAHT Guidance - Management of social networking and online safety in schools**
- **ACAS Guidance - Defining an employer's duty of care (Appendix 3)**
- **The school's eSafety and internet use policy.**

8. MONITORING OF STRATEGIES

- Informally through verbal reports from staff and stakeholders;
- Formally through weekly SMT and Business meetings, and Full Governing Body meetings.

All staff to take shared responsibility to ensure this policy is implemented.

This policy will be reviewed annually, as part of our policy review cycle.
 Date Ratified: November 2014
 Signed: Andrew Dolman (Headteacher)
 Review Date: October 2015

EAST RIDING OF YORKSHIRE COUNCIL

Report to: Corporate Management Team
27 October, 2014

Wards:

Defamatory material posted on websites

Report of the Director of Planning and Economic Regeneration

A. Executive Summary

The Government's Defamation Act 2013 seeks to provide effective protection for freedom of speech while protecting people from being defamed. They have published guidance to help respective parties in incidents whereby alleged defamatory comments have been posted on a website.

Whilst this has particular relevance to Planning because of the volume and nature of comments that are made about individuals in connection with contentious development proposals, it does also affect many other Council services.

B. Corporate Priorities 2011-2015

Reducing Costs, Raising Performance

C. Portfolio

Environment, Housing and Planning
Council Support Services

D. Recommendation and Reason for Recommendation

It is recommended that:

- (a) a form, with an online version, be provided for the purposes of submitting 'Notices of Complaint' in alleged instances of defamation by persons posting statements on the Council's web site,
- (b) a dedicated email address be created for such Notices to be submitted to, and this be monitored by the Council's Feedback Monitoring Team,
- (c) Heads of Service ensure that their Feedback Monitoring officers are aware of the 'Section 5 defence' provisions and the tight deadlines to be met to maintain them, and
- (d) an article be prepared for Grapevine that highlights the implications for employees.

I. Background

- 1.1 The Defamation Act 2013 aims to provide effective protection for freedom of speech while ensuring people who have been defamed are able to protect their reputation. Section 5 of the Act creates a new defence to an action for defamation brought against the operator of a website hosting user-generated content where the action is brought in respect of a statement posted on the website.
- 1.2 The Government's Ministry of Justice has published guidance¹ on what has to be included in a Notice of Complaint and the process to be followed by website operators receiving a Notice who wish to use the 'Section 5 defence'. This guidance can be viewed at:
www.gov.uk/government/uploads/system/uploads/attachment_data/file/269138/defamation-guidance.pdf
- 1.3 Whilst this advice has particular relevance to the Council's Planning service (where many thousands of comments made by interested parties about development proposals are posted annually on the Council's website), it also has relevance for other Council services that publish user-generated material.

2. Operation of the 'Section 5 defence'

- 2.1 When a person ('the claimant') brings an action for defamation against the operator ('the operator') of a website where an alleged defamatory statement has been posted by a person ('the poster'), the operator can apply the 'section 5 defence' if they can show that they did not post the statement on the website.
- 2.2 However, the operator cannot use that defence if the claimant can show that:
 - i) it was not possible for the claimant to identify the poster (that is, the claimant did not have sufficient information to bring legal proceedings against the person);
 - ii) the claimant gave the operator a notice of complaint in relation to the statement; and;
 - iii) the operator failed to respond to that notice in accordance with the procedure set out in the Defamation (Operators of Websites) Regulations 2013.
- 2.3 The guidance note helpfully provides information on what the claimant has to include in a Notice of Complaint (see Appendix A) and the process to be followed by the operator receiving such a Notice who wish to use the Section 5 defence.

3. Government advice for web site operators

¹ Complaints about defamatory material posted on websites: Guidance on Section 5 of the Defamation Act 2013 and Regulations, Ministry of Justice, January 2014.

- 3.1 As the first step for any claimant in a defamation claim is to submit a 'Notice of Complaint', the Government recommends that operators should:
- i) provide an outline of the form (with an online version) to be used for any such Notice, and;
 - ii) publicise a dedicated email address for such Notices to be submitted to.
- 3.2 In order for the operator to maintain the Section 5 defence, it has to inform the complainant in writing within 48 hours (not including non-business days) if the Notice does not contain the necessary information (such as where the statement was published and why it is defamatory). Whilst the operator can inform the complainant why it considers the Notice to be defective, it is not required to do so. However, it must tell the complainant what the requirements are for a valid Notice of Complaint so that the complainant can reconsider the contents of the Notice and submit it again.
- 3.3 If a valid Notice is received, the operator must contact the poster of the statement within 48 hours. If the operator is unable to contact the poster (for example because it does not have their e-mail address), then to keep the Section 5 defence the operator must remove the statement complained of from the locations on the website specified in the Notice and inform the complainant that the statement has been removed within 48 hours of receipt of the Notice.
- 3.4 If the operator is able to contact the poster, the guidance sets out the information that must be sent in writing to them. The operator must also inform the complainant in writing within 48 hours they have received the Notice and they have notified the poster.
- 3.5 The guidance then sets out the action the operator should follow in each of the circumstances that:
- i) the poster fails to reply to the operator within the specified time period,
 - ii) the poster replies to the operator within the specified time period but fails to provide the required information,
 - iii) the poster replies to the operator within the specified time period indicating that the poster does not wish the statement complained of to be removed, and consenting to the operator sending the poster's contact details to the complainant, and;
 - iv) the poster replies to the operator within the specified time period indicating that the poster does not wish the statement complained of to be removed, and refusing to consent to the operator sending the poster's contact details to the complainant.
- 3.6 In view of the potentially serious implications, it is also important that the Council's employees must not post defamatory material on the Council's website or associated websites which may either:

- a) give rise to action by the named individual, or
- b) breach the Council's Code of Conduct for employees.

3.7 If an employee becomes aware that material has been posted by a third party on to a Council website that makes defamatory comments regarding themselves, this matter must be raised directly with the Council's HR Department who will investigate matters whilst consulting the Head of Legal and Democratic Services and the Head of Resource Strategy.

4. Conclusion

4.1 The posting of defamatory comments can have serious implications for the Council as a web site operator. The guidance published by the Ministry of Justice on how to deal with allegations of defamatory comments being published is helpful and it is important that the guidelines are followed in order to protect the Council's reputation and other interests.

Alan Menzies
Director of Planning and Economic Regeneration

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Appendix A

CONTENTS OF NOTICE OF COMPLAINT

The Notice of Complaint must contain the following information:

- The name of the complainant and an e-mail address at which the complainant can be contacted
- Where on the website the statement complained of was posted
- What the statement complained of says and why it is defamatory of the complainant
- What meaning the complainant attributes to the statement complained of
- The aspects of the statement which the complainant believes are factually inaccurate or opinions not supported by fact
- Confirmation that the complainant does not have sufficient information about the person who posted the statement to bring proceedings against that person
- Confirmation of whether the complainant consents to his or her name and/or email address being provided to the poster

APPENDIX 2

Letter to user informing them that they have been blocked from using any of the School's social Media platforms.

Dear,

Unfortunately, the school has had to temporarily/ permanently ban you from posting on its (Facebook/ Twitter/Blog) page due to the threatening/inappropriate nature of the comments that you posted on the School's Facebook page at

Should you feel that this temporary / permanent ban has been done in error you may follow the school's complaints procedure, which is available on our website.

Yours Sincerely,

Mr /Mrs
Headteacher
Leven CE (VC) Primary School
South Street
Leven
HU17 5NX

01964 542474

APPENDIX 3

Defining an employer's duty of care

We often talk of an employer's 'duty of care' to their employees. But just what does this duty consist of?

Employers have a duty of care to their employees, which means that they should take all steps which are reasonably possible to ensure their health, safety and wellbeing. Demonstrating concern for the physical and mental health of your workers shouldn't just be seen as a legal duty - there's a clear business case, too. It can be a key factor in building trust and reinforcing your commitment to your employees, and can help improve staff retention, boost productivity and pave the way for greater employee engagement.

Legally, employers must abide by relevant health & safety and employment law, as well as the common law duty of care. They also have a moral and ethical duty not to cause, or fail to prevent, physical or psychological injury, and must fulfil their responsibilities with regard to personal injury and negligence claims.

Requirements under an employer's duty of care are wide-ranging and may manifest themselves in many different ways, such as:

- Clearly defining jobs and undertaking risk assessments
- Ensuring a safe work environment
- Providing adequate training and feedback on performance
- Ensuring that staff do not work excessive hours
- Providing areas for rest and relaxation
- **Protecting staff from bullying or harassment, either from colleagues or third parties**
- **Protecting staff from discrimination**
- Providing communication channels for employees to raise concerns
- Consulting employees on issues which concern them.

An employer can be deemed to have breached their duty of care by failing to do everything that was reasonable in the circumstances to keep the employee safe from harm. Employees also have responsibilities for their health and wellbeing at work - for example, they are entitled by law to refuse to undertake work that isn't safe without fear of disciplinary action.

APPENDIX 4

Letter to parents re: School pupils using Social Media.

Dear,

Your child,, has used their account to access the school's Page.

We are letting you know, in line with the school's Social Media Policy, as your child is younger than the minimum age limit of 13 for using

If you would like any support or additional information please contact me.

Yours Sincerely,

Mr /Mrs
Headteacher
Leven CE (VC) Primary School
South Street
Leven
HU17 5NX
01964 542474