

School Statement

Parent's use of Social Media: Comments posted by parents/carers on social media sites

Refer also to our Social Media Policy

Social media is being used increasingly to fuel campaigns and complaints against schools. Hawthorn Tree School considers the use of social media being used in this way as unacceptable and not in the best interests of the children or the whole school community. Any material published in the UK - including online content - is subject to defamation, privacy and contempt laws and could even be a racism or terrorism offence. We take very seriously inappropriate use of social media by a parent or carer to publicly humiliate or criticise another parent, pupil or member of staff or bring the school into disrepute.

If a parent or carer is accused of making malicious comments about the school or member of the workforce on social media, the government advises that the parent should be invited to a meeting with the school. If the parent has a reasonable complaint, this should be addressed through our School Complaints Policy and procedure (available on the school website).

The school can request that the offensive comments are removed. If the parent/carers refuses, the school can escalate the matter by reporting it to the social networking site website host and/or the Local Authority (Lincolnshire Local Education Authority) seeking County Council legal advice, who do take legal action on behalf of schools.

Even if you delete a defamatory post then you can face litigation. The length of time it is visible could affect the amount of damages you would have to pay, but just because you've deleted it doesn't mean others haven't already reposted it. Once the comments are posted you can't always take them back.

You can also face litigation even if you do not name a person in a defamatory statement. If the person you are talking about can be identified from what you have said, then you can be sued. You may not have made the original allegation, but retweeting/ posting it could be seen as an endorsement. You could be accused of making a defamatory statement, and you could be sued.

Comments that are threatening, abusive, racist, sexist or that could be seen as a hate crime and **can be reported to the police as online harassment.**

- Parents should not post libellous, malicious or fictitious comments on social networking sites about any member of the school community.
- Parents/carers are requested to raise queries, concerns or complaints directly with the school rather than posting them on social media and entering into an online forum with comments which may be defamatory, malicious or fictitious.

The school workforce are advised to:

- Keep any records of abuse by taking screen shots and logging the time, date and web address (URL)
- Inform the appropriate person (Head teacher, Senior Leadership Team or Chair of Governors)

This evidence may also be referred by members of the community who recognise the misuse of social media for making malicious comments about the school or member(s) of the workforce.

The Legal Context

There are two main types of defamation:

1. Libel, or written defamation and slander or verbal defamation. When a potentially defamatory statement is made online or through social media -- such as via Facebook that involves the written (or "posted") word, and so it is considered libel.
2. Libellous Defamatory comment ('defamatory' means damaging to someone's reputation) in 'permanent' form, i.e. written or broadcast.

Taking action against defamation

A defamatory statement is one which would tend to lower the subject in the estimation of people. Anything said on a social networking site is subject to the same rules on defamation, and that it is unlawful for anyone to write something about a person online that:

- Exposes that person to hatred, ridicule or contempt
- Causes him/her to be shunned or avoided
- Lowers his/her standing in the estimation of right-thinking members of society
- Disparages him/her in his/her business, trade or profession

The subject of a defamatory statement can sue the publisher and could also seek an injunction which would prevent the material being published further.

Defamatory comments: relevant legislation - Defamation Act 2013

Section 1 of the Defamation Act 2013 says that an individual is guilty of an offence where he/she publishes a statement that causes, or is likely to cause, serious harm to the reputation of the claimant.

An online comment might be regarded as defamatory if it is directly about, or refers to, an individual who may be easily identified.

The Malicious Communications Act 1998

The Malicious Communications Act 1998 states that it is an offence to send another person a letter, electronic communication or article of any description which conveys:

- A message which is indecent or grossly offensive
- A threat
- Information which is false and known or believed to be false by the sender

The act explains that people are guilty of this offence where they intend to cause distress or anxiety to the recipient or any other person.