

Working in Partnership



# Social Media Policy

## *Local Conditions of Service for School Based Employees*

### *Social Media Policy for school based employees (teaching and non-teaching)*

ConnectEd Partnership highly recommend the use of this policy. The policy is considered best HR practice, it has been developed in accordance with current employment law and has been negotiated with all recognised professional associations and HR providers across the City of Wolverhampton.

Reviewed February 2023

Adopted by: Dovecotes Primary School

On: October 2023

**This document was reviewed in February 2023 and no significant amendments were required: minor grammatical errors amended**

## Contents

<b>Section</b>	<b>Page Number</b>
<b>1. Introduction</b>	<b>4</b>
<b>2. Background</b>	<b>4</b>
<b>3. Purpose of policy</b>	<b>5</b>
<b>4. Who is covered by the policy</b>	<b>5</b>
<b>5. The scope of the policy</b>	<b>5</b>
<b>6. Application</b>	<b>6</b>
<b>7. Responsibilities</b>	<b>6</b>
<b>8. Policy breaches</b>	<b>8</b>
<b>9. Current arrangements</b>	<b>8</b>
<b>10. Monitoring</b>	<b>9</b>
<b>11. Reporting &amp; review</b>	<b>10</b>
<b>12. Equality and Diversity</b>	<b>10</b>
<b>Appendix 1</b>	<b>11</b>

## 1. Introduction

- 1.1 **Everything shared on a social networking site could potentially end up in the worldwide public domain and be seen or used by someone you did not intend, even if it appears to be ‘private’ or is on a closed profile or group.”**
- 1.2 The policy has been jointly agreed through consultation and negotiation with Trades Unions/Professional Associations. The policy will be applied fairly and consistently, understood by all users, taking full account of their effect on all areas of activity, satisfying legal requirements and contribute to a productive relationship between the employer, the workforce and their representatives.
- 1.3 **It is recognised that Social Media landscapes have the potential to be misused. Employees who fail to respect the rights and entitlements of individuals will be subject to appropriate processes and procedures.**

## 2. Background

### 2.1 This policy will:

- protect Schools and Governing/Trust Boards against liability for the actions of their workers.
- Help ensure that all employees are aware of their responsibilities in regard to social media use
- Legal framework: this policy has due regard to legislation and guidance including, but not limited to Human Rights Act 1998(amendment) order 2004, Public Interest Disclosure Act 1998, Equality Act 2010, Data Protection Act 2018 (GDPR), CCTV and Code of Practice 2010, Computer Misuse Act 1990 (amended 2015), Copyright, Design and Patents Act 1988 and Investigatory Powers (Consequential amendments etc.) Regulations 2018
- Promote safer working practices and standards with regards to the use of social media
- Establish clear expectations of behaviour in social media use
- Make clear to users who they should contact about any particular aspect of the policy.

- Notify users of any privacy expectations in their communications.

### **3. Purpose of Policy**

- 3.1 The aim of this policy is to help protect Schools and employees against liability for the actions of its employees, and help employees draw a line between their private and professional lives by setting out rights, responsibilities and limitations which will help the School prevent any unauthorised comments which might result in creating a legal risk.
- 3.2 This policy is intended to help employees make appropriate decisions about the use of social media such as blogs, wikis, social networking websites, podcasts, forums, message boards, or comments on web-articles, such as Twitter, Facebook, Youtube, Instagram and LinkedIn, and messaging platforms such as WhatsApp (This list is not exhaustive and the school/employer recognise that this is a constantly changing canvas).
- 3.3 This policy outlines the standards we require employees to observe when using social media, the circumstances in which we will monitor your use of social media and the action we will take in respect of breaches of this policy.
- 3.4 This policy establishes core standards of behaviour for the use of social media for both personal and professional use. The school expects employees to follow the accepted norms of behaviour when using any social media sites; for example if comments or pictures circulated within the staffroom would not be acceptable, or any other behaviour in a face to face workplace would be deemed inappropriate, it will be unacceptable online.

### **4. Who is Covered by the Policy**

- 4.1 This policy covers all individuals working at all levels and grades within the school including: Headteacher, senior leadership team members, teachers, support staff, administrators, governors, part-time and fixed-term employees, casual and agency staff and volunteers (collectively referred to as employees in this policy).

### **5. The Scope of the policy**

- 5.1 All employees are expected to comply with this policy at all times to protect the privacy, confidentiality, and interests of the school, employees, parents, pupils, and any other individual with an association to the school.

## **6. Application**

- 6.1 The policy applies to use of the internet and mobile technologies (such as smart phones/texting/internet and emails/social network sites/blogging and tweeting) whilst outside of the workplace both public and in-house.
- 6.2 Only the Headteacher or designated persons are permitted to post material on a social media website in the School's name. Any breach of this policy may be subject to disciplinary processes.

## **7. Responsibilities**

- 7.1 The Headteacher has overall responsibility for the effective operation of this policy.
- 7.2 The Headteacher, along with the Governing/Trust Board, is responsible for monitoring and reviewing the operation of this policy and making recommendations for changes to minimise risks to the school.
- 7.3 All employees are responsible for their own compliance with this policy and for ensuring that it is consistently applied. All employees should ensure that they take the time to read and understand it. Any breach of this policy should be reported to the Headteacher in the first instance.
- 7.4 Teaching staff must have regard for the Teaching Standards and all staff must recognise professional standards in this respect.
- 7.5 Questions regarding the content or application of this policy should be directed to the School's HR provider.
- 7.6 Everything written on social networking sites is in the public domain, even where privacy settings are set, or material is posted on a closed profile or group.
- 7.7 Employees must use internal mechanisms to voice concerns (i.e. Grievance, Whistleblowing Procedures) about issues relating to work generally, or their place of work or anything else related to work. Raising these issues outside the workplace may damage the reputation of the organisation.
- 7.8 As an employee you must:
  - not disclose personal details or identify your geographical location (by disabling access to your geo location to other users), including the

publication of photographs where consent has not been given or where it can be reasonably assumed that consent would not be given

- choose online 'friends' carefully – this must NOT include pupils or recent pupils. Remember you cannot guarantee privacy. If you are a teacher in a school and a 'friend' with parents, you must not discuss anything relating to the business of the school and ensure that confidentiality is maintained at all times
- ensure that privacy settings remain unchanged. Privacy settings are not infallible and employees should be aware that items shared on social media may become more widely available than intended by the person posting.
- not make references to places of work, school, publicise work or private - telephone numbers, addresses or e-mail addresses
- not share confidential information or private data relating to knowledge obtained through your employment with the School
- ensure that online activities do not interfere with your job, your colleagues or commitments to learners and their parents/carers
- ensure that if you identify yourself as a school employee your profile and related content is consistent with how you wish to present yourself with colleagues, learners and their parents/carers
- ensure responsibility in reading content carefully before liking a post or posting other emojis to identify your opinion
- not subject your manager or other colleagues to any use of inappropriate or unwanted political or personal reference either in writing, videos, photographs, text messaging, posting blogs, or email that reveal some form of work-related behaviour (known as Cyber bullying - to support deliberate and hostile attempts to hurt, upset or embarrass another person). In a case of Cyber bullying, Headteachers should refer to the Assaults on School Staff Policy for Local conditions of service for School based employees (teaching and non-teaching) in schools. Further guidance on Cyber bullying can be found in Appendix 1
- not compromise the school/employer and/or colleagues by making adverse, damaging or libellous comments, using social media to express views (negative or positive) with which the School would not wish to be

connected, which are prejudicial to the best interests of the school and its employees or contravene the Teacher's Standards [Teachers' Standards guidance \(publishing.service.gov.uk\)](https://www.gov.uk/guidance/teachers-standards).

- be careful if using social networking sites to screen employees as you may run the risk of discriminating against candidates
- anyone who identifies themselves as school employees will be required to use a disclaimer on any blogs, for example, stating that "all views are my own and do not necessarily reflect the official position of my employer"
- not upload, post, forward or post a link to any abusive, obscene, discriminatory, harassing, derogatory or defamatory content
- never discuss the school, pupils or parents/carers on social media
- be aware of discussing topics that may be inflammatory

**7.9 If an employee is a victim of online abuse, they should not respond in any way to the material but must report it to their manager at the earliest opportunity. This would fall under the Assaults on School Staff policy which staff should refer to.**

## **8. Policy Breaches**

- 8.1 Employees found to be in breach of this policy may be subject to disciplinary action, in accordance with the Locally Agreed Disciplinary Procedure for teaching and non-teaching staff in schools, with possible sanctions up to and including dismissal.
- 8.2 Information shared through social media sites, even on private platforms, is subject to copyright, data protection, freedom of information, equality, safeguarding and other legislation.

## **9. Current Arrangements**

- 9.1 In deciding how to respond to work related media usage whilst outside of the workplace both public and in-house, there are three sets of issues to consider:
- Legal
  - Ethical



- Practical (including professional behaviour in maintaining confidentiality, not making discriminatory comments and not sharing private information, during interaction within the Social Media Landscape)

## **10. Monitoring**

- 10.1 Employers may have legitimate concerns about security that in some way justify a degree of monitoring whilst acknowledging the protection of employee's rights and privacy. Monitoring should only take place where it is needed to prevent specific illegal or defamatory acts and consideration should be given to any counterproductive effects of the monitoring. Employees must be made fully aware of what the employers monitor, how they go about it and why they do so.
- 10.2 If it becomes apparent through monitoring or other means (whether or not accessed for work purposes), that an individual has acted in a manner that conflicts with this policy, then the school should invoke the Disciplinary procedure. According to the seriousness of the offence, this could result in action that may ultimately lead to dismissal or further referral processes to other agencies such as safeguarding. For certain offences, the individual may also be liable for prosecution under the Computer Misuse Act 1990 (amended 2015), the Data Protection Act 2018 (GDPR).
- 10.3 Misuse of social media websites can, in certain circumstances, constitute a criminal offence or otherwise give rise to legal liability against you and the organisation. It may also cause embarrassment to the school, its pupils and its parents/carers.
- 10.4 In particular uploading, posting, forwarding or posting a link to any of the following types of material on a social media website, whether in a professional or personal capacity, may amount to gross misconduct and could potentially result in summary dismissal (this list is not exhaustive):
- (a) pornographic material (that is, writing, pictures, films and video clips of a sexually explicit or arousing nature);
  - (b) a false and defamatory statement about any person or organisation;
  - (c) material which is offensive, obscene, criminal, discriminatory, derogatory or may cause embarrassment to the school, its pupils or its parents;
  - (d) confidential information about the school or any staff, pupils or parents (which the employee does not have express authority to disseminate);

(e) any other statement which is likely to create any liability (whether criminal or civil, and whether for the employee or the school); or

(f) material in breach of copyright or other intellectual property rights, or which invades the privacy of any person.

10.5 If employees notice any use of social media by other members of staff in breach of this policy it must be reported immediately to the Headteacher. If the concern relates to the Headteacher, this should be reported to the Chair of the Governing/Trust Board or equivalent.

10.6 If any material is posted on a public platform, regardless of privacy settings, employees have the right to bring this to the school's attention and the school has the right to investigate the matter further (including whether or not there had been a potential GDPR breach)

## **11. Reporting and Review**

11.1 Where the matter is a safeguarding issue, the school should follow the safeguarding procedure and report the matter to the Designated Safeguarding Lead.

11.2 Staff who wish to report other matters related to this policy should do so to the Headteacher in the first instance. Evidence of contravention of the policy must be provided, for example take a 'screen grab' of the relevant page and try to identify the poster.

11.3 If the content is illegal (for example death threats) the police and school should be informed as part of the process. The police have powers to request a service provider to disclose data about users. The employer has power to monitor its own IT system under strict regulations.

11.4 Headteachers, in the first instance, should contact their School's HR provider.

## **12. Equality and Diversity**

The employer is committed to equality and fairness for all employees and will not discriminate because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

## **Appendix - Advice on cyberbullying**

### **Introduction**

#### **What is cyberbullying?**

Cyberbullying is the use of technologies by an individual or a group of people to deliberately and repeatedly upset someone else. Cyberbullying is a whole school community issue and staff may be victims of cyberbullying from pupils, parents, colleagues or other members of the school community.

Such harassment of teachers may constitute a criminal offence. It must be taken extremely seriously by school and college employers who have a duty to protect the health, safety and wellbeing of staff.

#### **Staff actions**

1. Do not respond directly to the abuser(s) online
2. If possible, capture evidence of the abuse
3. Report the abuse to your employer
4. Insist that your school or college policies and procedures are followed
5. Seek medical advice, if physical/mental health is affected
6. Seek additional support from your employer, if physical/mental health is affected
7. Make a referral to the police, if your employer has not already done so in terms of a potential criminal act
8. Notify the service provider, if employer has not already done so

#### **School actions**

DfE guidance on cyberbullying states: “Schools should make clear that it is not acceptable for pupils, parents or colleagues to denigrate and bully school staff via social media in the same way that it is unacceptable to do so face to face.”

The school should make sure that pupils, parents, staff and governors are aware of the consequences of cyberbullying and the relevant sanctions that may be applied. It is the duty of every employer under health and safety legislation to ensure, so far as reasonably practicable, the health, safety and welfare at work of all employees. The DfE states that these responsibilities include “seeking to protect staff from cyberbullying, by pupils, parents and other members of staff and supporting them if it happens.”

- a. Schools/academies should ensure that its behaviour policy is applied fully, including use of the full range of sanctions available, up to and including permanent exclusion.
- b. Where necessary, school or college should seek the engagement of parents to support the communication of these expectations and the maintenance of appropriate behaviour standards by pupils or students.
- c. Incidents of harassment, including online abuse of staff by pupils, students or parents must be recorded by the school or academy as a health and safety incident or dangerous occurrence which has the potential to cause harm.
- d. The school/academy will respond to an incident in a timely and appropriate manner or support the member of staff concerned to do so.
- e. Where the perpetrator is known to be an adult from the school community (e.g., a parent or carer), the school should advise them that their behaviour will not be tolerated and remind them of the appropriate ways of raising issues with the school.
- f. If the comments are threatening or abusive, sexist, of a sexual nature or constitute a hate crime, the school may consider contacting the local police. Online harassment is a crime.
- g. Schools/academies could obtain screenshots of offensive material for their own records, however, should be cautious about using this material, especially if intending to present the screenshots to parents as evidence. It is important that the school/college does not do anything unlawful with the data, that it is handled confidentially and that consultation with any third party involved takes place before using it.
- h. The school may approach third party agencies on the staff member's behalf in order to request that inappropriate material is removed, where possible. Some service providers will not accept complaints lodged by a third party. In cases of mobile phone abuse, where the person being bullied is receiving malicious calls and messages, the account holder will need to contact the provider directly.
- i. Where a perpetrator can be identified, there are a number of possible actions open to the school or an individual, ranging from requests to the individual to remove the post to claims of defamation or harassment, but the threshold is high to bring a successful claim.
- j. Where the perpetrator remains anonymous the school will support the staff member in cases where it is necessary for the person being bullied to contact the service provider directly.
- k. Incidents that occur outside a staff member's hours or place of work will also fall under the employer's responsibility if they relate to the staff member's employment.

- l. The school/academy should consider and carry out a risk assessment to assess the potential risks that an individual member of staff who has been the direct subject of abuse, as well as other members of staff, may face through their contact with a pupil or student who has committed online abuse.
  
- m. Given the employer's duty of care to its employees, it may also be necessary in some cases for a member of staff not to be required to have contact with a pupil or student who has abused them online in light of the serious distress that such contact could cause.
  
- n. As part of their internet safety procedures, schools/academies should ensure that access to social media sites is blocked by default on their own networks.

The UK Safer Internet Centre works with the social networking sites to disseminate their safety and reporting tools.

The Professional Online Safety Helpline is a free service for professionals and volunteers working with children and young people, delivered by the UK Safer Internet Centre. The helpline provides signposting, advice and mediation to resolve the e-safety issues which staff face, such as protecting professional identity, online harassment, or problems affecting young people; for example, cyberbullying or sexting issues.

Professional Associations provide guidance on the personal use of social media via their websites.