

Tasker Milward VC School – Strive to Achieve Respect
Ysgol RG Tasker Milward- Safwn Er mwyn Rhagoriaeth



**Policy and Guidance for Dealing
with Complaints against
Schools and Settings by Parents
or Carers on Social Networking
Sites**

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| 1 | Kate Evans- Hughes | June 17 | 18 th Sept 2017 | |
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Policy and Guidance for Dealing With Complaints against Schools and Settings by Parents or Carers on Social Networking Sites

This policy should be read in conjunction with key national and local legislation, guidance and policies – see Appendix for full bibliography.

Introduction

This policy and guide gives a number of processes schools will use to deal with any problems and it looks at ways to counter any repeat occurrences to ensure that parents and carers follow the traditional complaints procedures in school.

The increasing number of people using social networking sites has had both a positive and adverse effect on the reputation of schools in local communities. Many schools have used social media as an effective tool for parental engagement. However, in some cases, parents have bypassed the school's complaints procedures and taken to social networking sites to criticise and, in some cases, make malicious comments about individual members of staff or the community or regarding decisions that have been taken by the staff.

In many ways the use of social networking sites to express these opinions is an extension of how people can already express their views on the internet. However, remarks made about a school, member of staff or child can be destabilising for a community and, in particular, for the professional status of staff members who may have had allegations made against them and the emotional well-being of children and young people who may have been identified. It can also lead to a 'whispering campaign' which can undermine the school leadership or target a particular child or family.

It isn't always possible to prevent parents posting comments online, and unless the comments make a credible threat to safety (death threats or other threats of violence towards staff), name a teacher who is subject to an allegation, contain hate content or could be considered as harassment (and therefore a criminal offence has been committed) then the comments cannot always be removed (please see appendix 1 for further details on the potential legal implications). Parents are entitled to hold opinions about schools, many of which will be positive, some however might not be so pleasant but expressing these views is not always illegal. However this does not mean that this behaviour should be tolerated, especially if it is directed at specific members of the school community. **Forced removal of comments can only occur if the comments break the law or break the website's terms and conditions.** The best course of action is for Headteachers to adopt a partnership approach with parents, where possible, and to speak directly with any members of the community involved when any concerns are raised.

The key question is, how should schools respond to complaints made on social networking sites by parents/carers? The vast number of social media profiles and pages means that it is not possible or desirable for a school to proactively monitor issues that are being discussed by parents and carers and often, will only become aware of a concern when they are brought to the school's attention by members of staff or parents who may have access to the comments.

There is no single effective method of dealing with parents and carers who raise issues on social networking sites. However, schools can take a proactive approach to minimise such incidents rather than having to be reactive and put together a quick response to stop the spread of rumours.

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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 social media, 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 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 some social media sites 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 that members of staff (including non-teaching staff) and governors do not become involved in any of the discussion threads as this can provoke the situation and can leave staff exposed to professional allegations.**

- Staff must not retaliate or become personally engaged with the incident.
- Staff should keep any records of abuse by taking screen shots and logging the time, date and web address (URL)
- Inform the appropriate person (for example, the Headteacher)
- The school will contact the police where it appears that a law has been broken, for example, death or violent threats, any form of hate crime or any racially motivated offence.

2. Reassuring those affected

a. Supporting Staff

If individual members of staff have been targeted or mentioned, then Headteachers are 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.

The Headteachers will 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.

Staff and Headteachers can also access help via the Professional Online Safety Helpline:

Additional links:

- The Professionals online safety helpline has useful guidance for schools and settings:

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- Childnet Teacher Guidance: www.childnet.com/teachers-and-professionals/for-you-as-a-professional
- Welsh Government Respecting others: anti-bullying guidance .
<http://gov.wales/topics/educationandskills/publications/circulars/antibullying/?lang=en>
- If the Headteacher is a member of the NAHT then they also have very useful guidance on their website.
<http://www.naht.org.uk/welcome/news-and-media/key-topics/health-and-safety/unpleasant-material-on-social-networking-sites/>

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) on children (or adults) if comments are made online about them by parents. If Headteachers are unclear they should seek advice from the Education Safeguarding Team. **Where the concern relates to a child or adult protection matter you must consult with the authorities Child or Adult Care Assessment 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.

3. 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.

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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).

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 terms and conditions then headteachers can report the concern, 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 Dyfed Powys Police contact to work together and support the school in discussing this with the parent concerned in more detail.

4. 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.

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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 a social media site 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.

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.

5. 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

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also wish to remind parents that they can "report" any unpleasant comments or content to 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.

6. 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 not desirable 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 advise parents to monitor children

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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 will follow advice regarding 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 <https://hwb.wales.gov.uk/onlinesafety>

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 social media pages or groups.

If a school has an official and appropriately managed social media 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.

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

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society, these complaints can easily be shared in the public domain and a post 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.

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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 Pembrokeshire County Council Legal Team and/or Dyfed Powys 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.

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- **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 (Designated officer for managing professional allegations) DOMPA 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.

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Appendix 2: Template letters for schools to adapt

<https://hwb.wales.gov.uk/onlinesafety>

General Awareness Letter for all parents

The School is aware that social media is a useful tool that parents use to communicate. However the school is concerned about the possibility of negative comments being made by postings which reference individual members of staff. It is also not appropriate for parents to contact staff through private social media (i.e. private messaging) regarding any matters relating to the education of their children or matters concerning the school.

You should be aware that such postings are considered in law to be accessible to the general public and that by posting comments; you are therefore subject to the laws of defamation, malicious communication and improper use of the communications network. Negative statements or comments about individual members of staff or the school made on Facebook and/or other social networking sites, forums or message boards can be offensive, distressing, potentially libellous and may give rise to legal action being taken. Any concerns you may have regarding members of staff or the school should be dealt with by following the school's complaint procedure. Alternatively, If you have concerns with any aspect of your child's education and learning you should contact the Head teacher as first port of call.

It is with regret that I write a letter of this nature to you. If you have any concerns or worries at any time about any issues to do with the school then please do not hesitate to contact me immediately.

Many thanks for your co-operation in this very sensitive matter.

Yours truly,

(Head Teacher)

More information for parents/carers about online safety can be found at the following places:

- <https://hwb.wales.gov.uk/onlinesafety>
- www.thinkuknow.co.uk/parents
- www.saferinternet.org.uk
- www.childnet.com
- www.nscpsc.org.uk/onlinesafety
- www.internetmatters.org
- www.getsafeonline.org

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Template Incident Letter (following a specific issue) for all parents

NB – do not send this letter until after parents involved have been spoken with.

Example letter to parents on social media post

Dear xx,

It has been brought to our attention that you have made inappropriate comments on your (Facebook) site against teachers/pupils/staff at this school. (Details of the comment, time date)

The School will not tolerate personal verbal attacks on any of its teaching staff/pupils particularly where they are abusive and offensive. We request that you remove the comments immediately.

You should be aware that any comments made on social media websites are considered to be in the public domain and they are subject to various laws including the Malicious Communications Act 1998, Libel Laws and Protection from Harassment legislation.

Should there be any repeat of these unfounded and degrading comments we will seek legal advice.

If you do have concerns with your child's education and learning you should contact the School to arrange to see the class teacher or Headteacher. If you wish to make a formal complaint, this will be dealt with in line with the school's complaints policy. Please find a copy enclosed.

Letter to parents about comments on social network sites.

I have received and read the above mentioned letter and I agree with its content.

Name of pupil - _____ Year - _____

Signature of parent / parents - _____ Date - _____

The above are generic letters which could change depending on the circumstances. Legal would be happy to check/draft any letter that is required.

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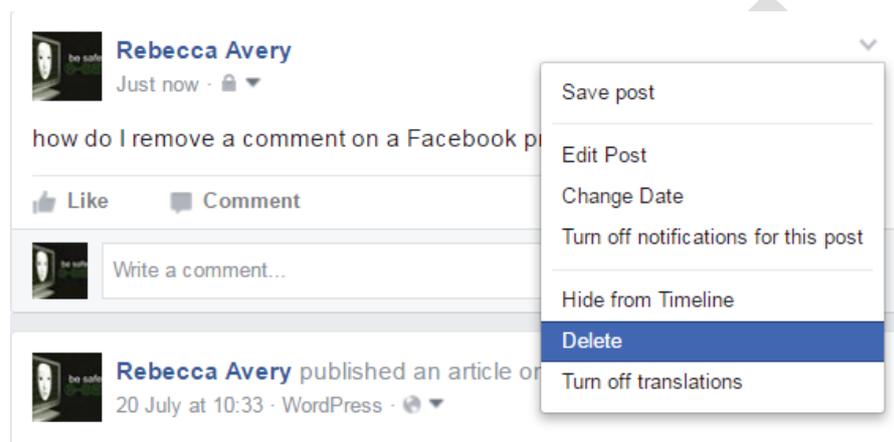
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Appendix 3: How to report and remove content on Facebook

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.

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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.

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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**

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