



# Social Media Policy

Summer term 2018

<b>Review frequency:</b>	Amended by Local Authority (LA). Impact assessed annually.	<b>Review date:</b>	Summer term 2018
<b>Governing committee responsible:</b>		Pupils, Strategy & Resources committee	
<b>Governor approval:</b>	Summer term 2017	<b>Website:</b>	No
<b>Staff responsible:</b>	N/A - LA	<b>Date produced:</b>	Autumn term 2015

## 1 INTRODUCTION

The Governing Body of Clarborough Primary school (hereafter referred to as “the school” adopted this Social Media policy in the Summer term 2017. The Pupils, strategy & resources committee of the governing body will review and monitor the impact of the Social Media policy annually with the Head Teacher, although any amendments to this policy will be issued by the Local Authority. The next review will take place in the Summer term 2018.

- 1.1 The governing body has adopted the policy set out in this document to provide a clear framework for the exercise of its powers and discretions in relation to all staff employed in the school and paid from within the school budget.
- 1.2 This policy is recommended for adoption by all Nottinghamshire schools, including: Community Schools, Voluntary Aided and Voluntary Controlled Schools, Academy Schools, Foundation and Trust Schools. Due to the complexities of this area of employment law, governing bodies are strongly advised to adopt this policy without amendment. If an academy or other school outside the control of Nottinghamshire County adopts this policy, references to the council as the employer will need to be replaced by the name of the employing body/trust. It is recognised that some academy, foundation or aided schools may choose to adopt the procedures recommended by their Diocesan Authority or their own HR provider.
- 1.3 These procedures have been agreed with the following Recognised Trade Unions through the Joint Consultative Panel process and meet legislative requirements: NUT; NASUWT; ATL; ASCL , NAHT, UNISON and GMB. Any governing body which decides not to adopt the Social Media policy will need to undertake formal consultation collectively with all of the secretaries of the Recognised Trade Unions and confirm any amendments to the local authority. Governing bodies are advised to seek HR advice in these circumstances.
- 1.4 Article 6 of the Education (Modification of Enactments Relating to Employment) Order 2003 provides for a governing body to be the respondent in relation to any application to an Employment Tribunal arising from alleged discrimination. In law, the Local Authority remains the employer for community and voluntary controlled schools, and will therefore be primarily responsible for the payment of any compensation order by an Employment Tribunal in respect of a finding relating to a complaint about discrimination. However, where it is reasonable to do so, the Local Authority is empowered to deduct such compensation from the school's budget. It is unlikely that the Local Authority would wish to adopt such a course of action provided that the governing body has sought and followed advice given by the NCC HR Service and not acted contrary to law or in some other way failed to observe their agreed procedures.
- 1.5 The internet provides a range of social media tools that allow users to interact with one another, for example (but not limited to) social networking sites such as *Facebook* or *Twitter*.
- 1.6 While recognising the benefits of these media for new opportunities for communication, this policy sets out the principles that the school's staff and contractors are expected to follow when using social media.
- 1.7 The purpose of this policy is to:
  - Protect the school from legal risks
  - Ensure that the reputation of the school, its staff and governors is protected
  - Safeguard all children
- 1.8 Staff members must be conscious at all times that information they share through social networking applications, even if they are on private spaces, are still subject to copyright, data protection and Freedom of Information legislation, the Safeguarding of Vulnerable Groups Act 2006 and other legislation. They must also operate in line with the school's Equalities, Child Protection and ICT Acceptable Use policies.

## **2 SCOPE**

- 2.1 This policy applies to the school's governing body, all teaching and other staff, whether employed by the County Council or employed directly by the school, external contractors providing services on behalf of the school or the County Council, teacher trainees and other trainees, volunteers and other individuals who work for or provide services on behalf of the school. These individuals are collectively referred to as 'staff members' in this policy.
- 2.2 This policy covers personal use of social media as well as the use of social media for official school purposes, including sites hosted and maintained on behalf of the school.
- 2.3 This policy applies to personal webspace such as social networking sites (for example *Facebook*, *MySpace*), blogs, microblogs such as *Twitter*, chatrooms, forums, podcasts, open access online encyclopaedias such as *Wikipedia*, social bookmarking sites such as *del.icio.us* and content sharing sites such as *flickr* and *YouTube*. The internet is a fast moving technology and it is impossible to cover all circumstances or emerging media - the principles set out in this policy must be followed irrespective of the medium.

## **3 LEGAL FRAMEWORK**

- 3.1 The school is committed to ensuring that all staff members provide confidential services that meet the highest standards. All individuals working on behalf of the school are bound by a legal duty of confidence and other laws to protect the confidential information they have access to during the course of their work. Disclosure of confidential information on social media is likely to be a breach of a number of laws and professional codes of conduct, including:
- the Human Rights Act 1998
  - Common law duty of confidentiality, and
  - the Data Protection Act 1998.
  - School Teachers' Pay & Conditions Document 2013, Teachers' Standards, Annex 1, Part 2
- 3.2 Confidential information includes, but is not limited to:
- Person-identifiable information, e.g. pupil and employee records protected by the Data Protection Act 1998
  - Information divulged in the expectation of confidentiality
  - School or County Council business or corporate records containing organisationally or publicly sensitive information
  - Any commercially sensitive information such as information relating to commercial proposals or current negotiations, and
- 3.3 Staff members should also be aware that other laws relating to libel, defamation, harassment and copyright may apply to information posted on social media, including:
- Libel Act 1843
  - Defamation Acts 1952 and 1996
  - Protection from Harassment Act 1997
  - Criminal Justice and Public Order Act 1994
  - Malicious Communications Act 1998
  - Communications Act 2003, and
  - Copyright, Designs and Patents Act 1988.
- 3.4 The school and the County Council could be held vicariously responsible for acts of their employees in the course of their employment. For example, staff members who harass co-workers online or who engage in cyberbullying or discrimination on the grounds of race, sex, disability, etc or who defame a third party while at work may render the school or the County Council liable to the injured party.

## **4 RELATED POLICIES**

- 4.1 This policy should be read in conjunction with the following school and County Council policies:
- Nottinghamshire Schools Employee Code of Conduct
  - Guidance on the Acceptable Use of ICT within Schools
  - Guidance on Preventing Cyber Bullying of Staff by Parents and Members of the Public

## **5 PRINCIPLES**

- 5.1 Staff members must be conscious at all times of the need to keep their personal and professional lives separate. Staff should not put themselves in a position where there is a conflict between their work for the school or County Council and their personal interests.
- 5.2 Staff members must not engage in inadvisable activities whilst representing the school involving social media which might bring the school or the County Council into disrepute.
- 5.3 Staff members must not represent their personal views as those of the school or the County Council on any social medium.
- 5.4 Staff members must not discuss personal information about pupils, the school or County Council staff and other professionals they interact with as part of their job on social media.
- 5.5 Staff members must not use social media and the internet in any way to harass, insult, abuse or defame pupils, their family members, colleagues, other professionals, other organisations, the school or the County Council.
- 5.6 Staff members must be accurate, fair and transparent when creating or altering online sources of information on behalf of the school or the County Council.

## **6 PERSONAL USE OF SOCIAL MEDIA**

- 6.1 Staff members must not identify themselves as employees of the school or County Council or service providers for the school or County Council in their personal webspace. This is to prevent information on these sites from being linked with the school and the County Council and to safeguard the privacy of staff members, particularly those involved in providing sensitive frontline services.
- 6.2 Staff members must not have contact through any social networking site or forum with any pupil, or ex-pupil whether from the school or any other school up to and including the age of 18. This means that no member of staff should permit any pupil or ex pupil access to their area e.g. by inviting them to be a friend or accepting a friend request, accepting them as a follower or similar. Instead, if they receive such requests from pupils (who are not family members), they must inform them in class in general terms, that this is not allowed.
- 6.3 The school does not expect staff members to discontinue contact with their family members via personal social media once the school starts providing services for them. However, any information staff members obtain in the course of their employment must not be used for personal gain nor be passed on to others who may use it in such a way.
- 6.4 Staff members must not have any contact with pupils' family members through personal social media if that contact is likely to constitute a conflict of interest or call into question their objectivity.
- 6.5 On leaving the school's service, staff members must not contact any pupils of the school by means of personal social media sites. Similarly, staff members must not contact pupils from their former schools by means of personal social media.

- 6.6 Sensitive information staff members have access to as part of their employment, including personal information about pupils and their family members, colleagues, County Council staff and other parties must not be discussed on their personal webspace. School or County Council corporate information must not be discussed inappropriately or misused on their personal webspace.
- 6.7 Photographs, videos or any other types of image of pupils and their families or images depicting staff members wearing school or County Council uniforms or clothing with school or County Council logos must not be published on personal webspace.
- 6.8 The school only permits limited personal use of social media while at work. Access to social media sites for personal reasons is not allowed during working hours, except during prescribed break times. Staff members are expected to devote their contracted hours of work to their professional duties and, in practice, personal use of the internet should not be on the school's time.
- 6.9 Staff members are strongly advised to ensure that they set the privacy levels of their personal sites as strictly as they can and to opt out of public listings on social networking sites to protect their own privacy. Staff members should keep their passwords confidential, change them often and be careful about what is posted online; it is not advisable to reveal home addresses, telephone numbers and other personal information.

## **7 USING SOCIAL MEDIA ON BEHALF OF THE SCHOOL**

- 7.1 Staff members can only use official school sites for communicating with pupils or to enable pupils to communicate with one another.
- 7.2 There must be a strong educational, academic or business reason for creating official school sites to communicate with pupils or others. Staff must not create sites for trivial reasons which could expose the school to unwelcome publicity or cause reputational damage.
- 7.3 Official school sites must be created only according to the requirements specified by the school. Sites created must not breach the terms and conditions of social media service providers, particularly with regard to minimum age requirements.
- 7.4 Staff members must at all times act in the best interests of children and young people when creating, participating in or contributing content to social media sites.

## **8 MONITORING OF INTERNET USE**

- 8.1 The school reserves the right to monitor usage of its internet and email services without prior notification or authorisation from users, where there is justification for doing so.
- 8.2 Users of the school's email and internet services should therefore have no expectation of privacy in anything they create, store, send or receive using the school's ICT system.

## **9 BREACHES OF THE POLICY**

- 9.1 Any breach of this policy may lead to disciplinary action being taken against the staff member/s involved in line with the school's Disciplinary Policy and Procedure.
- 9.2 A breach of this policy leading to breaches of confidentiality, or defamation or damage to the reputation of the school or the County Council or any illegal acts or acts that render the school or the County Council liable to third parties may result in disciplinary action.