

<b>REPORT TO:</b>	<b>ETHICS COMMITTEE</b>
<b>SUBJECT:</b>	<b>SOCIAL MEDIA GUIDANCE FOR COUNCILLORS</b>
<b>LEAD OFFICER:</b>	<b>INTERIM EXECUTIVE DIRECTOR OF RESOURCES &amp; DEPUTY MONITORING OFFICER</b>
<b>WARDS:</b>	<b>ALL</b>
<b>CORPORATE PRIORITY/POLICY CONTEXT:</b>	
<p>The Council has determined that the Ethics Committee shall be responsible for receiving and considering reports on matters of probity and ethics and to consider matters relating to the Code of Conduct. The Ethics Committee is also responsible for commenting on the content of guidance and advice to be issued to elected and non-elected Members, of which this social media guidance for Councillors is proposed to form a part.</p>	
<b>FINANCIAL IMPACT</b>	
<p>Implementation of the recommendations contained in this report shall be contained within existing budgets</p>	
<b>FORWARD PLAN KEY DECISION REFERENCE NO.: N/A</b>	
<b>1. RECOMMENDATIONS</b>	
<p>The Ethics Committee is recommended to:</p>	
1.1	Consider and comment on the contents of the report and appendices
1.2	Adopt the Social Media Guidance for Councillors, Appendix A, for use and circulation to Members as part of the Members' Handbook.
1.3	Note that any changes to the Code of Conduct and associated requirements and documents, including any constitutional amendments will need to be referred to Full Council for consideration.

## **2. EXECUTIVE SUMMARY**

- 2.1 Social Media is a key communication tool used by the Council and many Councillors; it is also used by service users and key stakeholders. It has a significant role in the ability to connect with residents but is also important in the reputational management of the Council and the personal reputation of Members. This report provides an overview of draft Social media guidance for Councillors, Appendix A hereto, which is recommended for adoption and inclusion into the Members' Handbook.
- 2.2 Members will also note that separately on the agenda a report is to be considered regarding revisions to the Members' Code of Conduct along with a recommendation that certain principles regarding social media use be included

in a revised code. These proposed principles are reproduced at Appendix B for members' ease of reference.

### **3. DETAIL**

#### Background:

- 3.1 The use of social media is increasing exponentially and has been, unsurprisingly, particularly prevalent as a preferred communication method during the various lockdowns due to Covid-19.
- 3.2 Whilst it is a useful tool for all walks of life, including assistance in performing the role of a Councillor, it was considered by the Monitoring Officer that it would be good practice to offer guidance to Members on its use from the perspective of the Code of Conduct, not least of all given the nature of some of the Code of Conduct complaints which had arisen in the past year. It is important to have safeguards in place to ensure that the benefits of social media are exploited, without breaching the law or code of conduct.
- 3.3 The draft guidance at Appendix A has been designed to raise awareness of the responsibilities of Councillors in relation to social media and to give guidance on the safe use of social media. It should be read in conjunction with the Members' Code of Conduct

#### Risks:

- 3.4 The following non-exhaustive list of risks have been identified with social media use, including:
  - Virus or other malware (malicious software) infection.
  - Disclosure of confidential information.
  - Damage to the council's reputation.
  - Damage to Councillors' reputation
  - Social engineering attacks (also known as 'phishing').
  - Bullying or witch-hunting.
  - Civil or criminal action relating to breaches of legislation.
  - Breach of safeguarding through the use of images or personal details leading to the exploitation of vulnerable individuals.
  - Breach of the code of conduct for members through inappropriate use

#### Benefits:

- 3.5 Conversely, social media has become an every-day communications tool for councillors and the people they represent and is a useful source of intelligence for Councillors and the Council:
  - People will talk about local issues, their concerns and interests.
  - Councillors can find out about breaking news, the latest research or publication or the latest policy announcements from organisations which may impact your work.

- People often have little understanding of the councillor role and may have negative perceptions, but social media can give people a taste of what it is that councillors do and remind them that you are similar to them.
- Residents can be made aware of and provide feedback to Councillors' work and campaigns, including mobilising support and interest and gathering followers.
- Councillors can have conversations with people who do not traditionally seek out their local representatives.
- Social media allows for immediate communication. Councillors can pass on information and receive opinions in minutes. Councillors can forward information from other people equally quickly (bearing in mind that councillors would then share equal responsibility in law for anything later seen to be untrue or defamatory)
- The local and sometimes national press will follow councillors on Twitter or Facebook. Social media is a growing source for stories for news outlets as each tweet or comment is effectively a mini-press release.

Recommendation:

- 3.7 Members of the Committee are invited to consider the contents of Appendix A and recommend Appendix A for adoption and inclusion in the Members' Handbook. Members are also asked to note the contents of Appendix B which is presented as a recommendation for inclusion to the Code of Conduct in the report regarding the Members' Code of Conduct which is separately reported on this agenda.

**4. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS**

- 4.1 There are no direct financial implications arising from this report. Implementation of the recommendations contained in this report shall be contained within existing budgets.

Approved by: Geetha Blood, interim Head of Finance on behalf of the Director of Finance Investment and Risk.

**5. LEGAL CONSIDERATIONS**

- 5.1 There is potential for breaches of various areas of law including defamation, copyright, harassment, incitement, data protection, discrimination and protected characteristics, confidentiality, judicial review, malicious and obscene communications in the use of social media. These are detailed more fully in Appendix A although Councillors are recommended to seek advice from the Monitoring Officer if they are unsure or have concerns.

## **6. CONSULTATION**

- 6.1 The draft contents of the Social media guidance for Councillors has been consulted on with the Communications team and mirrors, where relevant, the guidance provided to staff in relation to social media by the Digital Services Team.

## **7. HUMAN RESOURCES IMPACT**

- 7.1 There are no HR implications arising from the recommendations in this report.

Approved by: Sue Moorman Director of Human Resources

## **8. EQUALITIES IMPACT**

- 8.1 The social media guidance prepared for Members draws attention for the need to ensure that members are abiding by various legislative requirements, including in relation to Equalities as they engage on social media. There are however no direct equalities implications arising from the recommendations within this report.

Approved by: Yvonne Okiyo, Equalities Manager

## **9. ENVIRONMENTAL IMPACT**

- 9.1. There are no environmental impacts arising from the recommendations within this report.

## **10. CRIME AND DISORDER REDUCTION IMPACT**

- 10.1 There are no crime and disorder reduction impacts arising from the recommendations within this report.

## **11. DATA PROTECTION IMPLICATIONS**

- 11.1 **WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?**

**NO**

**HAS A DATA PROTECTION IMPACT ASSESSMENT (DPIA) BEEN COMPLETED?**

**No**

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**CONTACT OFFICER:** Asmat Hussain - Executive Director of Resources (Deputy Monitoring Officer) Interim

**APPENDICES TO THIS REPORT**

Appendix A – Councillors and Social media: A Guide for Members

Appendix B- Social media principles.

**BACKGROUND DOCUMENTS:** None

## **Councillors and Social media: A Guide for Members**

### **1. Introduction**

Social media includes online social networks, technology and methods through which people share content, opinions, information and ideas. They do this in the form of text, images, audio or video.

These include (but not exclusively):

- Social networking sites where individuals create profiles such as Facebook, Google+
- blogging or microblogging sites where individuals write articles or short posts such as Twitter, BlogSpot and Tumblr
- photo and video sharing sites where users upload visual content such as Flickr, Instagram and YouTube.
- If you cut away the jargon and buzz words, at its heart it's just people having conversations and sharing information. It is designed to be a two-way interaction not a marketing channel.

Social media has become an every-day communications tool for councillors and the people they represent, and the potential for councillors using social media is huge. Social media allows you to be innovative and responsive as well as providing links to useful sources of information or sign-posting to other organisations. But as with any form of communication, awareness of the impacts of your communication needs to be cultivated to be effective and responsible.

### **2. Summary of key points and principles for online participation:**

- Social media can be very useful in getting feedback on proposals and communicating information about your work as a councillor. However, DO remember that not everybody is on social media and so opinions expressed may not be representative.

- Social media is always on, so DO consider setting personal limits and establishing your own routine. You have no obligation to respond to posts and comments at any speed but it is often helpful to explicitly indicate that to users.
- Councillors are subject to the council's code of conduct when using social media. DO be professional, credible and responsible, accurate and fair;
- DO remember that you should take care to be clear that views you publish are your own and should credit others when these are the views and work of others. Know that your behaviour can impact negatively on the Council and on your fellow councillors.
- DO consider the content of your communications carefully and apply this test – if you would be reluctant to say it face-to-face or in an official email, then it is probably inappropriate to say online.
- DO always remember that participating online means your comments are permanently available and open to being republished in other media. Once something is posted on social media, it is difficult to retain control over how it will be used. Think about this when posting.
- Different platforms allow for different types of interactions. It is useful to indicate the aims and intended audiences of your different accounts.
- DO stay within the legal framework and be aware that libel, defamation, copyright, equalities and data protection laws apply when using social media and know that you will also be responsible for ensuring that you abide by any applicable fair use policies which the relevant social media platforms have in place.
- An increase in complaints about members' use of social media has been acknowledged by the Committee on Standards in Public Life. One of the key issues is the capacity in which posts are being made by councillors. There is no clear definition and much depends on the facts in each case. Even where you do not disclose that you are a councillor, it can still be perceived that you are posting in that capacity. It is important therefore that you DO state in what

capacity you are posting or tweeting/retweeting. It does not prevent issues arising, but it should help to provide clarity.

### **3. Benefits of social media for Councillors**

Social media has become an every-day communications tool for councillors and the people they represent, In addition, it is a useful source of intelligence:

- People will talk about local issues, their concerns and interests.
- You can find out about breaking news, the latest research or publication or the latest policy announcements from organisations which may impact your work.
- People often have little understanding of the councillor role and may have negative perceptions, but social media can give people a taste of what it is that councillors do and remind them that you are similar to them.
- Residents can be made aware of and provide feedback to your work and campaigns, including mobilising support and interest and gathering followers.
- You can have conversations with people who do not traditionally seek out their local representatives.
- Social media allows for immediate communication. You can pass on information and receive opinions in minutes. You can forward information from other people equally quickly (bearing in mind that you would then share equal responsibility in law for anything later seen to be untrue or defamatory)
- The local and sometimes national press will follow councillors on Twitter or Facebook. Social media is a growing source for stories for news outlets as each tweet or comment is effectively a mini-press release.

### **4. Online safety, personal security and digital citizenship**

4.1 Digital Citizenship is about engaging in appropriate and responsible behaviour when using technology, and encouraging others to do so as well. It encompasses digital literacy, ethics, etiquette, online safety, norms, rights, culture and more.

4.2 Developing digital citizenship requires us to improve online political communications. It is about expressing our opinions while respecting others'

rights and personas and avoiding putting them at risk or causing unnecessary distress. It is about respecting freedom of speech and dissidence while condemning abuse.

- 4.3 In any personal online biography, it is advisable to make clear that the views are those of the councillor in question and may not represent the views of the council. If space allows, you may also want to set out the aims of the page, the 'response' policy, such as "I welcome questions via email" and an 'engagement' policy, such as "abusive content will be reported/removed".
- 4.4 It is easy to put personal information online, such as your birthday, routines, places you frequent, future visits, holiday destinations, relationships, and opinions, etc, which are then available for anyone in the public domain to access. For personal safety, as well as identity security, you may want to consider whether it is appropriate for you to share personal information, images of friends and/or family and details of any routines.
- 4.5 Social media platforms have different privacy options. You can choose different levels and change them depending on your own preferences.
- 4.6 Social media posts now include location-based information, particularly from mobile phones, which tells people exactly where you are or where you have been. Again, with personal security and privacy in mind, you may want to turn off these notifications.
- 4.7 You can 'search for yourself' to check what information you can find out about yourself, your family or your business on-line. Checking this regularly means you can check what is in the public domain and edit it if necessary and possible.
- 4.8 Concerning personal security, it is advisable not to include on social media details such as your personal phone numbers, addresses, details of family members or vehicle details.
- 4.9 A picture paints a thousand words, and a photo can relay personal information you may not want shared on social media. As such, it is advisable to only publish photos of family, friends and colleagues with your consent and theirs, to ensure photos don't reveal your home or places frequented with family members such as schools or care homes, and to disable automatic photo and location tagging so that you have to approve another user identifying you in a

photo or being at a specific location. You may also want to make your family and friends aware that you will be following these precautions.

- 4.10 Some people say things via social media that they probably would not say in person, and they can post false information, insults or messages that you would not want to be associated with you. These can multiply and be shared quite rapidly. Councillors are not immune to being the subject of online abuse, bullying and harassment on social media.
- 4.11 Having a social media presence means that people can contact you at any time. This is great in terms of accessibility but means that they may expect you to reply immediately, which can create a sense of pressure. It is useful to set your own rules and limits for how you manage your social media presence.
- 4.12 You can be sent phishing requests and malicious software on social media the same as you can on email, so maintain the same level of vigilance.
- 4.13 Some individuals post socially unacceptable, defamatory, inciting or even intimidatory remarks to generate online activity on the back of advertising or promotion of ideologies, brands or events. Similarly, the term “internet troll” is used to refer to a person or group of people who deliberately start arguments or upset people by posting inflammatory or off-topic messages online with the deliberate intent of provoking readers into an emotional response or of otherwise disrupting normal discussion.
- 4.14 Social media can be a manner in which misinformation spreads. Very often articles that spread false information trigger strong emotional responses such as fear, anger or shock to maximise how much/quickly something is shared. Individuals posting online are responsible for the content of their posts even if they did not originally create it. Councillors should very carefully consider the content of new posts, posts they share and posts they support.
- 4.15 Be aware of safeguarding responsibilities because social media sites are misused by offenders. Safeguarding is everyone’s business – if you have any concerns about other site users, you have a responsibility to report these.
- 4.16 The usual requirements regarding confidential information, copyright, data protection, equalities, pre-election period restrictions, exempt reports, etc, apply to social media. Avoid publishing anything where there is doubt or seek permission in advance. There are also provisions in the Council’s constitution about use of Social media during Council meetings.

4.17 To be an effective councillor you won't stop meeting people and posting leaflets simply because you are posting online. You will know your residents best - consider which channel works best for them to connect with you, online and offline.

## **5. Responsibilities of Councillors on Social Media**

5.1 Councillors are personally responsible for the content they publish on any form of social media. Publishing an untrue statement about a person which is damaging to their reputation may incur a defamation action for which you will be personally liable. The same applies if you pass on any similar untrue statements you receive.

5.2 Social media sites are in the public domain and it is important to ensure you are confident of the nature of the information you publish. Once published, content is almost impossible to control and may be manipulated without your consent, used in different contexts, or further distributed. The relatively permanent nature of a social media post means that it can follow an individual around their entire lifetime and even when deleted, another person may have captured a screen shot which could be reposted.

5.3 It is important at all times to respect confidentiality, financial, legal and personal information. For example, an exempt report, confidential contracts with sensitive commercial information, confidential details about regulatory functions or investigations, or information about complaints or individuals who have made complaints should not be disclosed. This could result in claims being brought against the council or against individual councillors to recover any loss or damage suffered as a result of such disclosure.

5.4 You can make use of stringent privacy settings if you do not want your social media to be accessed by the press or public. It is advisable to read the terms of service of any social media site accessed and make sure you understand their confidentiality / privacy settings.

5.5 Some councillors choose to have separate social media profiles for personal and council use. It is important to keep in mind, however, that even the strictest privacy settings is no guarantee for posts or actions to remain private. As a rule of thumb, never post anything online you would not be comfortable saying or sharing in a public meeting.

- 5.6 It is recommended that councillors are clear in their communications whether they are making contact in their official councillor role or in a private capacity. However, councillors should bear in mind that if communications are made public, even if they are sent in a private capacity, that the media and the wider general public may not make the distinction.
- 5.7 The code of conduct for members and relevant legislation continues to apply online and in social media. If you are referring online in any way to your role as a councillor, you may be deemed to be acting in your “official capacity” and any conduct may fall within the code.
- 5.8 The rules of pre-determination and bias apply to decision making and provide that a Councillor who is pre-determined as to the outcome of a matter or is biased regarding the outcome would place council decision making at risk if they participated. Members sitting, in particular, on regulatory committees such as planning or licensing should be aware that they are allowed to have a view, but not go so far as to have predetermined their position on a matter. Any views aired on social media could be used as evidence of making a decision in advance of hearing all relevant information. The Council’s decision is then open to challenge and could be invalidated. It can prove difficult to be clear on the appropriate boundaries when you are championing an issue for residents – whether in person or on social media - and are then required to participate in the decision-making on that issue. If in doubt about whether or not your participation in decision making is appropriate in relation to a matter, please seek advice from the Monitoring Officer before participating.
- 5.9 You should remember that officers within the council are employees of the council. Members have responsibilities toward them in relation to ensuring and maintaining the mutual relationship of trust and confidence owed to them. Where Councillors themselves make allegations against officers via social media (or otherwise), it can impact upon the mutual duty of trust and confidence between the officer and the Council.
- 5.10 You should also be aware of the Council’s duty to its employees under the Health and Safety at Work etc. Act 1974 which provides, among other things that: “It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees”. In this regard you should be very careful when referring to officers on social media,

ensuring instead that you are raising concerns or complaints through the appropriate council policies and procedures only.

- 5.11 You also need to be alive to inappropriate comments and content posted by third parties in response to your own posts. Whether by failing to respond at all or by actively engaging with third parties without addressing the offending content, this could be seen to undermine trust and confidence and at worst, be taken to condone such activity.

## **6. Dealing with harmful rumours and misinformation**

It is difficult not to engage when you are the subject of rumours, misinformation and smear campaigns. While it is always tempting to respond and clarify every rumour and falsehood circulated about you, it is also useful to think about the emotional, economic and time costs of engaging as in many cases, rumours disappear as quickly as they emerged. You may find the following suggestions useful

- Calmly try to understand who is behind the attack. Most of the time, they are people with a clear agenda trying to gain control or to manipulate.
- Correct the facts. This can be done with a formal statement or if you can identify the source, then do it publicly by correcting their posts with facts and evidence.
- Remember that rumours and misinformation are fed by repetition. It is good to defend your reputation but often the most efficient way is to do it once and then stop engaging this way.
- Leave the environment in which the rumour is being spread. A smear campaign tries to manipulate and gain control but no control can be gained if you do not participate. You may wish to advise your followers that you will be logging out of social media for a period of time, which gives the rumour time to calm down while protecting your own emotional and mental wellbeing.
- Rumours and smear campaigns can be very stressful and at times, they can feel very isolating. Keep your self-confidence by talking to family, friends and others in your support network. Some may also feel able to counteract rumours with factual information.

- If you can identify the source of the rumours and smear campaigns, you should document it and keep a record. This may be useful if disciplinary, police or legal action is required.

## 7. Legal Areas:

The following is a list of legal areas which should be taken into account when using social media: -

- a. **Defamation:** if you publish an untrue statement about a person that is damaging to their reputation you may be liable to pay damages.
- b. **Copyright:** publishing information that is not yours, without permission, may also result in an award of damages against you.
- c. **Harassment:** it is an offence to pursue a course of conduct against a person that is likely to cause alarm, harassment, or distress.
- d. **Data protection:** do not publish personal data of other people, including photographs, without their express permission to do so.
- e. **Incitement:** it is an offence to incite any criminal act.
- f. **Discrimination and 'protected characteristics':** it can be unlawful to discriminate against anyone based on protected characteristics (as defined in the Equality Act 2010).
- g. **Malicious and obscene communications:** it is an offence to send malicious or obscene communications.
- h. **Judicial review** of decisions on the basis of bias and/or predetermination.
- i. **Confidentiality** of information which you may receive by virtue of your role as a councillor. Breaches of duties of confidentiality (whether implied or express) can happen in all contexts, including via social media. An exempt report, confidential contracts with sensitive commercial information, confidential details about regulatory functions or investigations, or information about complaints or individuals who have made complaints might be

disclosed. This can result in claims being brought against the council or against individuals to recover any loss or damage suffered.

## **8. Further information and support**

If you have any queries or are unsure about any of the guidance contained in this document, please contact the Council's Monitoring Officer in the first instance.

May 2021

### **Suggested Principles on Social Media for Inclusion in Code of Conduct**

1. Principles of integrity, professionalism, privacy, and impartiality should be observed when posting.
2. Posting items to social media is publication for the purposes of the laws of defamation and intellectual property.
3. Proper copyright and reference laws should be observed when posting on-line.
4. When posting on your own social media accounts and referencing the Council or your role as a Councillor be clear about the capacity in which you are posting, for example clearly stipulating that your views are personal and purely your own.
5. Discriminatory content is prohibited and may be unlawful and criminal.
6. Be mindful of the Council's duties towards employees and others.
7. You must not disclose any information which is contrary to data protection laws, is sensitive or confidential in nature including financial, operational, and legal information as well as personal information pertaining to employees, clients, service users or third parties.
8. You should be mindful of giving rise to a perception of bias or predetermination where you are the decision maker, a member of the decision making body or are advising the decision maker.
9. You should show respect for other's opinions. That does not mean you cannot disagree but do so in a manner which is appropriate – think about how you might interact if this were an in person conversation. Where individuals are expressing dissatisfaction about the Council you may be able to direct them to the right place to make their complaints.
10. You should uphold the code of conduct when using social media and have regard to any guidance issued to Councillors from time to time by the Council in this regard.