

Report of:	Meeting	Date	Item no.
The Leader of the Council (Cllr Henderson) and the Monitoring Officer (Liesl Hadgraft)	Council	19 July 2018	10

Social Media Policy for Councillors
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1. Purpose of report

1.1 To enable a social media policy for Wyre Councillors to be approved.

2. Outcomes

2.1 More effective communication and public engagement and improved standards of behaviour by councillors.

3. Recommendations

3.1 That the contents of the Social Media Policy for Councillors, attached as Appendix 1, be approved and included in Part 5 of the Constitution.

4. Background

4.1 A proposed social media policy for councillors, which had previously been considered by the Standards Committee, was submitted to the Council meeting on 7 December 2017. However, at that meeting, it was agreed that the proposed policy be considered further by a councillor working group, with a politically balanced membership, before being brought back to full Council for approval.

5. Key issues and proposals

5.1 Since then, the Working Party, which comprised Councillors Ellison (Chairman), Bridge, Fail, Jones, Kay, Raynor and Matthew Vincent, has met on three occasions to consider the proposals in detail and to draw-up the revised version of the policy attached as Appendix 1. None of the

content of the previously submitted policy has been removed, but some additions and clarifications have been made, including:

- how the policy will apply to town and parish councillors (paragraph 1.5);
- the factors which will be taken into account by the Standards Committee when considering alleged breaches of the Councillors Code of Conduct which involve the use of social media (paragraph 2.2);
- the way in which social media should and should not be used during pre-election “purdah” periods (paragraph 2.9).

5.2 The revised policy was endorsed by the Standards Committee on 21 June 2018 and is now recommended for approval by the Council and inclusion in Part 5 of the Constitution.

Financial and legal implications	
Finance	None.
Legal	General legal issues to be considered when using social media are included in paragraph 4 of the proposed policy.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	x
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
data protection	x

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List of background papers:		
name of document	date	where available for inspection
None	-	-

List of appendices

Appendix 1: Social Media Policy for Wyre Councillors
j/sssu/committee/council/190718

Social Media Policy for Wyre Councillors

1. Introduction

1.1 Definition – what is social media?

This is a term used to describe websites and applications for social networking. Popular social media platforms include Facebook, Twitter, LinkedIn, YouTube, Flickr, Instagram, Snapchat, WhatsApp and blogs. This is not an exhaustive list and is likely to lengthen over time. On social media sites users share information, discuss opinions and build online communities and networks.

1.2 Purpose

Social Media is a very powerful method of engagement which many councillors now use as a platform to enhance their profile and communicate with the public. It allows you to open up new conversations with the people you represent, understand and respond swiftly to local concerns, coordinate campaigns, assist with casework and let your residents know what you are doing as their local councillor.

1.3 This policy focuses on your use of social media in your role as a Wyre councillor, to reduce potential pitfalls and risks.

1.4 Who this policy covers

This policy covers the councillors of Wyre Council.

1.5 In the absence of Town and Parish Councils having their own social media policy for councillors, when considering any complaints or alleged breaches of the Code of Conduct in relation to social media matters, this policy will be used as guidance.

2. Social Media Policy

2.1 The Code of Conduct

The Code of Conduct for Councillors will apply to your online activity in just the same way as it does to any other written or verbal communication. The key to whether the Code applies is whether you are, or appear to be, acting in your capacity as a councillor.

2.2 When considering whether you are acting as a councillor, the Standards Committee would have regard to the following factors, although this list is not exhaustive:

(a) *The privacy settings on your social media site.* Where you have a private, personal blog or social media account, which is used in your personal capacity as a private individual and not as a councillor, there should be the maximum privacy settings in place. This will enable you to control who is able to see, review and comment on your posts. If your account is open to all readers, it may be reasonable for residents, and the Standards Committee, to assume that you are acting in your capacity as a councillor. This would also be the case if you are posting, commenting or replying on an open group or forum on a social media site that any member of the public can see.

(b) *Your profile on a social media site.* You need to be aware that it may not always be apparent to a member of the public in which capacity you are commenting. This “blurred identity” may have implications if comments made in a private capacity are taken to be those of the Council itself or your political party. This is because the judgement of whether you are perceived to be acting as a councillor will most likely be taken by someone else. In addition, anything written online can be screenshot and posted publicly.

2.3 Profiles, pages and sites, labelled as “Councillor” will automatically be considered as acting in your capacity as a Councillor.

2.4 Individual councillors can make their own statements relating to local issues and this policy is not designed to prevent any councillor expressing a personal opinion online. However, councillors must make it clear that any view expressed which differs from the Council’s policy is a personal view and should be recorded as such.

2.5 User responsibility

Councillors are personally responsible for the content that they publish on any form of social media. Publishing or allowing to be published (in the form of a comment) an untrue statement about a person which is damaging to their reputation may amount to libel.

2.6 Councillors must be aware of their own safety when placing information on the internet and should not publish something that could leave them vulnerable.

2.7 Online impressions count; how you portray yourself online is very important. Consider carefully how you may appear to someone who doesn’t know you

personally. Is your online profile reflective of who you are and what you represent?

2.8 (i) You should always treat others with respect – if you make personal attacks or indulge in rude or offensive comments this may be interpreted as disrespectful.

(ii) You must comply with equality legislation – do not publish anything which might be considered to be discriminatory (for example, anything that is sexist, racist, ageist, homophobic or anti-faith. This is not an exhaustive list).

(iii) You must not bully or intimidate anyone.

(iv) You must not disclose confidential information – refrain from publishing anything you have received in confidence.

2.9 Elections

During the period leading up to an election (purdah) you cannot use any of the Council's resources, including staff, for support or promotion. However, this does not stop you using social media as part of your campaigning.

If you are intending to make comments on social media during purdah you must abide by any advice about publicity restrictions specified by the Electoral Commission on their website.

Guidance on social media platforms during purdah, as provided by the Local Government Association, should also be followed. It is recommended that councillors go to the website local.gov.uk and search for the latest advice.

2.10 Legal considerations

There are no new or additional legal burdens when using social media but you are publishing to the web – it's written down and it's permanent so you need to bear the following in mind:

Libel – If you publish an untrue statement about a person which is damaging to their reputation then they may take a libel action against you. This may also happen if someone else publishes something libellous on your website which you know about and don't take prompt action to remove. A successful libel action can result in an award of damages against you.

Copyright – Publishing images or text on your site from a copyrighted source (e.g. photos or extracts from publications) without obtaining permission first is likely to breach copyright laws. Breaching copyright laws can result in damages being awarded against you.

Data Protection – Take care not to publish the personal data of individuals unless you have their specific permission.

Bias and Pre-determination – Whenever you are involved in making planning, licensing or other quasi-judicial decisions do not say anything on social media which suggests that you have already made up your mind before hearing all the evidence and arguments. Otherwise the decision may be at risk of being challenged and declared invalid, with cost implications to the Council.

Obscene material – Obviously you should avoid publishing anything on social media which anyone might consider obscene. Publication of obscene material is a criminal offence.

Harassment – it is a criminal offence to repeatedly pursue a campaign against someone where this is likely to cause alarm, harassment, nuisance or distress.

3. Use of social media – guidelines

3.1 Most pitfalls can be avoided if your online content is objective, balanced, informative and accurate.

Here are some tips to help you stay out of trouble:

3.2 Do . . .

- i. . . . set appropriate privacy settings for your blog or networking site (especially if you have a private non-political account).
- ii. . . . where possible, consider keeping your personal and elected member profile on social networking sites separate and maintain appropriate professional boundaries.
- iii. . . . look out for defamatory or obscene posts from others on your site and remove them as soon as practicable to avoid any impression that you condone such comments.
- iv. . . . be aware of safeguarding issues, particularly in relation to vulnerable adults and children.
- v. . . . ensure that you seek permission to post information from a copyrighted source.
- vi. . . . respond to any communication in a timely manner.

3.3 Do not . . .

- i. . . . post in haste, particularly if your judgement might be impaired.
- ii. . . . post comments that you would not be prepared to make face to face, or put in writing in a formal letter.

- iii. . . . represent your personal views, or those of any political party or specialist interest group you belong to, as being those of the Council.
- iv. . . . publish the personal data of any individual unless you have his/her specific permission.
- v. . . . distribute any material which could be considered inappropriate, offensive, illegal or discriminatory.
- vi. . . . forget to consider your wider audience, online posts may be read by younger people who could be distressed at messages which had been intended for their parents or close relatives.
- vii. . . . give the impression that you have already made up your mind before hearing all the evidence and arguments if you are involved in any planning, licensing or other quasi-judicial decision.
- viii. . . . forget to consider that anything written online can be screenshot and posted publicly.