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# Appendix K

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## Social Media Protocol for Councillors

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### 1. Background

- (a) The Scheme was approved at the full meeting of West Berkshire Council on 12 December 2013 and is available on the Council's website.
- (b) The scheme will be reviewed in December 2016 or such earlier time as may be required.
- (c) The purpose of the protocol is to ensure that Councillors make use of social media effectively whilst avoiding potential accusations that they may be breaching the Council's Code of Conduct. It is also designed to ensure that the reputation of the Council is not adversely affected and that the Council is not subject to legal challenge as a result of information posted on social networking sites or blogs.
- (d) Advice on the use of social media can be sought from different departments across the Council but enquiries should in the first instance be directed to the Head of Strategic Support, West Berkshire Council, Market Street Offices, Market Street, Newbury, RG14 5LD.

### 2. Application

- 2.1 This protocol applies to you as a Member of this Council when you are acting or purporting to act in your role as a Member and you have a responsibility to comply with the provisions of this protocol. The protocol should be read in conjunction with the Members Code of Conduct (Appendix H to Part 13 Codes and Protocols of the Council's Constitution).
- 2.2 Bear in mind the Code of Conduct when you blog, use social networking sites or any other digital content publication service. You should pay particular attention to the following paragraphs of the Code:
  - Disrespect;
  - Bullying;
  - Disclosure of confidential information;
  - Disrepute;
  - Misuse of authority resources.
- 2.3 It is difficult to give definitive advice on the application of the Code of Conduct as each blog and social networking page is different. The content of a blog or other social networking tool and the circumstances surrounding its creation will determine whether or not it might be covered by the Code of Conduct. There are however two general rules that councillors should bear in mind when deciding on whether to publish content:

- (1) Only publish what you would say verbally in public, even in an informal discussion, when representing the Council.
  - (2) Only publish what you could defend in court if asked to do so.
- 2.4 Ethical use of online social media is not limited to what is covered in the Code of Conduct. Councillors are encouraged to respect the Seven Principles of Public Life as set out in section 28(1) of the Localism Act 2011 which can be found at paragraph 2.2 in the Members Code of Conduct (Appendix H to Part 13 Codes and Protocols of the Council's Constitution). While your conduct may not be a breach of the Code it may still be viewed as less than exemplary and attract adverse publicity for your office and the Council.

### **3. Associated Policies**

- 3.1 This protocol should be read in conjunction with the Members Code of Conduct (Appendix H to Part 13 Codes and Protocols of the Council's Constitution), the Council's ICT Policy, the Council's Equalities Policy, the Local Authority Code of Publicity under the Local Government Act 1986. The Council's Social Media Guidelines and Social Media Guidance can be found on the Council's website.

### **4. Introduction**

- 4.1 All Members of the authority are required to act in accordance with the Members Code of Conduct whilst acting in their official capacity. Blogging and social networking are effective methods for councillors to interact with constituents and support local democracy. Used effectively, they can engage those who would not normally have access to local councillors and politics.
- 4.2 However it is not always clear whether such activities are covered by the Code of Conduct. This guide is intended to assist councillors in complying with the Code and ensuring that the use of online media is well received. You should think about what you say and how you say it, in just the same way as you must when making statements in person or in writing. You will also need to think about whether you are seen to be, or give the impression that you are acting in your official capacity as a councillor.
- 4.3 If you do give the impression that you are acting in your official capacity whilst blogging or using social media, such activity may be subject to the Code of Conduct. Individual councillors are permitted to write their own official blogs as Members of West Berkshire Council but in these they must conform to the protocols of the Council. If you have a private blog you must bear in mind that if you refer to council business in it, you may be viewed as acting in your official capacity. To make sure you comply with the Code of Conduct, you are requested to observe the following guidelines:

#### **You should:**

- consider whether you need to set appropriate privacy settings for your blog or networking site – especially if you have a private, non-political blog;
- keep an eye out for defamatory, untrue or obscene posts from others on your blog or page and remove them as soon as possible to avoid the perception that you condone such views and to prevent any potential libel action being taken against you;

- act in accordance with the Council’s Equality Policy
- be aware that the higher your profile as a councillor, the more likely it is you will be seen as acting in your official capacity when you blog or network;
- be careful about being ‘friends’ with service users who are vulnerable adults or children, as this could be regarded as a safeguarding issue;
- ensure you use Council facilities appropriately; and be aware that any posts you make using Council facilities will be viewed as being made in your official capacity and/ or an inappropriate use of Council resources;
- be aware that by publishing information that you could not have accessed without your position as a councillor, you will be seen as acting in your official capacity;
- make political points, but be careful about being too specific or personal if referring to individuals. An attack on individuals may be seen as disrespectful, whereas general comments about another party or genuine political expression is less likely to be viewed as disrespect.
- consider that English Law allows actions for libel to be brought in the High Court for any published statements alleged to defame a named or identifiable individual or individuals. Blogging, social media and other forms of digital content publication are covered by the libel laws.

**You should not:**

- blog, tweet or network in haste;
- place images or text on your site from a copyrighted source (for example extracts from publications or photos) without permission;
- post comments that you would not be prepared to make in writing or face to face;
- use Council facilities for personal or party political blogs;
- refer in a blog to any information identified by the Council as confidential or exempt;
- disclose information given to you in confidence by anyone or information acquired by you which you believe or are aware is of a confidential nature;
- publish personal data of individuals unless you have their express written permission to do so;
- give the impression that you are expressing the views of the Council where it is not appropriate to do so;
- use online accounts and digital publishing services associated with a specific council office if you no longer hold that office, or during Purdah;

- if you are involved in determining planning or licensing applications or other quasi-judicial decisions, publish anything on your blog that might suggest you do not have an open mind about a matter you may be involved in determining.

## **5. Derogatory comments**

- 5.1 On occasion, councillors might find themselves the subject of offensive or defamatory remarks on other people's blogs or networking sites. The following approach is advised in such circumstances, and applies equally to any form of publication:
- 5.2 Pursue a policy of indifference to such remarks, but if you do wish to respond, do not be tempted into retaliation because you may risk breaching the Code. You could ask the blog owner/person making the remarks to remove them from the site.
- 5.3 If the person making the comments is a local authority, town or parish councillor, discuss the situation with the Monitoring Officer. It might be the case that the person has breached the Code of Conduct by making the remarks, and it could be appropriate to make a complaint to the Governance and Ethics Committee.
- 5.4 Aside from any possible breaches of the Code of Conduct, the matter is usually deemed private between yourself and the individual. The Council cannot provide legal assistance for pursuit of a claim through the civil courts, but you may decide that you wish to take independent legal advice.

## **6. Use of Social Media During and after Council Meetings**

- 6.1 Members are permitted to use social media for the reporting of proceedings of public Council meetings. If Members wish to use social media during meetings they should inform the Chairman who will make it clear to any members of the public attending that this activity is permissible. Members will need to consider whether using social media may distract them from participating and understanding information that is being shared at the meeting prior to a decision being made.
- 6.2 Councillors should however switch their mobile phone or other equipment to silent mode, so that no disruption is caused to proceedings. If, at a meeting, a Member's use of an electronic communication device is causing proceedings to be disrupted any Member may move that the Member should desist from using the device. If the motion is seconded it should be put to the vote without discussion. Members wishing to record (whether in an audio or visual format) meetings will need to do so in accordance with Appendix A to Parts 4 (Council Rules of Procedure), 5 (Executive Rules of Procedure), 6 (Overview and Scrutiny Rules of Procedure) and 7 (Regulatory and Other Committees Rules of Procedure).