

Appendix K

Social Media Protocol for Councillors

1. ~~Background~~Introduction

- ~~(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.~~

~~1.1 This protocol was last reviewed and updated on the 6th December 2018.~~

~~1.2 The purpose of the protocol is to ensure that Councillors of West Berkshire Council make use of social media effectively whilst avoiding as far as possible, any potential accusations that they may be breaching breaches of the Council's Councillor's Code of Conduct.~~

~~1.3 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, and the Local Authority Code of Publicity under the Local Government Act 1986.~~

~~1.4 Appendix 1 of the Councillor's Code of Conduct contains definitions for some of the words and phrases used in that Code and those definitions apply for the purpose of this protocol for consistency and ease of understanding.~~

~~1.5 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.~~

~~1.6 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.~~

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~~(e) 1.9 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)(a) 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 will apply to Councillors using social media who are acting in their Capacity as a Councillor, and in circumstances where a Councillor is purporting or perceived to be acting as such.
- 2.2 For the purposes of this protocol, social media has a broad meaning. By way of example, this will include but will not be limited to the following types of social media: Facebook, Instagram, Twitter, Snapchat, You Tube and local internet based discussion forum
- 2.3 You should bear in mind that anything posted, shared for example by retweeting, or liked on social media could end up in the public domain, regardless of any privacy settings that you have applied.
- 2.4 Particular care needs to be taken when retweeting the views or comments of others as this could be perceived as an endorsement of the content regardless of your intention.
- 2.5 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).

2.1 —

2.2.6 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 requirements of the Code relating to:

- DisrespectCourtesy and respect;
- Bullying or intimidating behaviour;
- Disclosure of confidential information;
- Conduct which could bring their office or the Council into dDisrepute;
- Misuse of the Council's resources.
- Misuse of authority resources.

It is difficult to give definitive advice on the application of the Code of Conduct to social media use and there is developing case law in this area. However, if you use a social media platform where you identify yourself or can otherwise be identified as a Councillor, either in your profile or otherwise, there is a strong likelihood that you will be regarded as acting in your Capacity as a Councillor.

~~It is difficult to give definitive advice on the application of the Code of Conduct as each blog and social networking page is different.~~

2.32.7 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 Conductyou are deemed to be acting in your capacity as a

councillor. There are however ~~two~~ some general rules that councillors should bear in mind when deciding on whether to publish content:

- (1) Only publish on social media what you would say verbally in public, even in an informal discussion, ~~when representing the Council~~.
- (2) Only publish on social media what you could defend in court if asked to do so.
- (3) If retweeting or forwarding the views of others, ensure that it is clear whether you are endorsing or otherwise the original content.

~~(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**

~~3.4.2.8 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.~~

4.3. **Introduction Protocol**

3.1 ~~All Members of the authority~~ Councillors are required to act in accordance with the ~~Members~~ Councillor's Code of Conduct whilst acting ~~in their official~~ with ~~Capacity.~~

~~4.13.2 Blogging and social networking are~~ Social media is an effective methods ~~for by which councillors~~ Councillors to can interact with constituents and support local democracy. Used effectively, ~~they~~ Councillors can engage those who would not normally have access to local councillors and politics.

~~4.23.3 However it is not always clear whether such activities are covered by the Code of Conduct.~~ This guide is intended to assist ~~councillors~~ Councillors in complying with the Code of Conduct and ensuring that the use of ~~online social~~ 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.~~

3.4 ~~If you do give the impression that~~ Whenever you are acting in your official capacity whilst blogging or using social media, you should be aware that such activity may be subject to the Councillor's Code of Conduct. ~~Individual~~ Councillors are permitted to write their own official blogs as ~~Members~~ members of West Berkshire Council but in these, they must conform to the Code of Conduct and other relevant policies and protocols of the Council.

3.5 ~~If you have a private blog. It should be noted that privacy settings will not prevent others with access to your comments from sharing your views with a broader audience. Therefore, notwithstanding the privacy settings applied to any of your social media accounts,~~ you must bear in mind that if you refer to council business in it, you may be viewed as acting in your ~~official~~ eCapacity.

3.6 ~~To make sure you comply with the Code of Conduct, you are requested it is suggested that when using social media as a Councillor, to you should observe the following guidelines below. You may also wish to adopt these principles even when you regard your social media activity as being conducted in your private capacity, as this should reduce the potential that allegations are made against you that you have breached the Council's Code of Conduct.~~

4.3 **Social Media 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;~~
- ~~Always conduct yourself in a manner that is respectful of others. This does not prevent you from holding opposing views and expressing political opinion, but views should be expressed in an appropriate manner.~~
- ~~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 policies, including but not limited to 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.~~

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- 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 on social media in haste;
- An Engage in any form of personal attack on an individual that may be seen as disrespectful, whereas General comments about another political party or genuine political expression is less likely to be viewed as disrespect.
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- place images or text on social media your site from a copyrighted source (for example extracts from publications or photos) without permission;
- post comments on social media that you would not be prepared to make in writing or face to face;
- make any comments on social media that you could not defend in court.
- use Council facilities for personal or party political blogs;
- refer in a blog to disclose 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 information of relating to individuals, including photographs, 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.

5.4. Derogatory comments

5.4.1 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:

~~5.24.2~~ If you become the subject of offensive on-line behaviour or trolling, we suggest that you 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~~ so in a measured manner. You could ask the blog owner/person making the remarks to remove them from the site.

~~5.34.3~~ 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.

~~5.44.4~~ 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. If you are subject to unacceptable on-line behaviour, you should seek advice from the Monitoring Officer as to whether there is any action that can be taken by the Council in this regard.

6.5. Use of Social Media During and after Council Meetings

~~6.15.1~~ Members/Councillors 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 Councillors~~ 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 to use social media at any point or points during the meeting.

~~5.2~~ 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 Councillor's~~ use of an electronic communication device is causing proceedings to be disrupted any ~~Member councillor~~ may move that the ~~Member Councillor~~ should desist from using the device. If the motion is seconded it should be put to the vote without discussion.

~~6.25.3~~ 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).