

## Appendix H - Proposed Amendments to Part 13 of the Constitution

# Appendix K

## Social Media Protocol for Councillors

### 1. Introduction

- 1.1 This protocol ("Protocol") was last reviewed and updated on 6 December 2018.
- 1.2 This Protocol should be read in conjunction with the Councillor's Code of Conduct ("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.
- 1.3 For consistency and ease of understanding this Protocol adopts the definitions used in Appendix 1 of the Code of Conduct ("Councillor", "Capacity", etc).
- 1.4 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. Purpose and Application

- 2.1 This Protocol seeks to ensure that:
  - Councillors make use of social media effectively whilst avoiding breaches of the Code of Conduct; and
  - the reputation of the Council is not adversely affected, and that the Council is not subject to legal challenge, as a result of Councillors' use of social media.
- 2.2 This Protocol will apply to Councillors using social media who are acting, purporting to act, or reasonably perceived to be acting, in their Capacity as a Councillor – all references to "Councillor" below adopt this definition.
- 2.3 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
- 2.4 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.
- 2.5 Particular care needs to be taken when sharing the views or comments of others as this could be perceived as an endorsement of the content regardless of your intention.

**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.**

- 2.6 Bear in mind the Code of Conduct when you blog, post, use social networking sites or any other digital content publication service. You should pay particular attention to the requirements of the Code relating to:
- courtesy and respect;
  - bullying or intimidating behaviour;
  - disclosure of confidential information;
  - conduct that could bring your office or the Council into disrepute;
  - misuse of the Council's resources.
- 2.6 The content of a blog, account, page or other social networking tool and the circumstances surrounding its creation will determine whether or not you are deemed to be acting in your Capacity as a Councillor. There are however some general rules that Councillors should bear in mind when deciding on whether to publish content:
- only publish on social media what you would say verbally in public, even in an informal discussion;
  - only publish on social media what you could defend in court if asked to do so; and
  - if retweeting or forwarding the views of others, ensure that it is clear whether you are endorsing or otherwise the original content.

### **3. Guidance**

- 3.1 All Councillors are required to act in accordance with the Code of Conduct.
- 3.2 Social media is an effective method by which Councillors can interact with constituents and support local democracy. Used effectively, Councillors can engage those who would not normally have access to local councillors and politics.
- 3.3 This Protocol is intended to assist Councillors in complying with the Code of Conduct and ensuring that the use of 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.
- 3.4 Whenever you are using social media, you should be aware that such activity may be subject to the Code of Conduct. Councillors are permitted to write their own official blogs or pages as members of the Council but they must always conform to the Code of Conduct and other relevant policies and protocols of the Council.
- 3.5 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 Capacity.
- 3.6 To make sure you comply with the Code of Conduct, it is suggested that when using social media as a Councillor, you should observe the 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 Code of Conduct.

### **4. Derogatory comments against you**

- 4.1 On occasion, Councillors might find themselves the subject of offensive or defamatory remarks on other people's blogs, accounts, pages or networking sites.

- 4.2 If you become the subject of offensive on-line behaviour or trolling, it is suggested that you pursue a policy of indifference and, if you do wish to respond, do so in a measured manner, eg asking the blog/account/page owner/person making the remarks to remove them from the site.
- 4.3 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.
- 4.4 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.

## **5. Use of social media during and after Meetings**

- 5.1 Councillors are permitted to use social media for the reporting of proceedings of public Council meetings. 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 Councillor's use of an electronic communication device is causing proceedings to be disrupted any councillor may move that the Councillor should desist from using the device. If the motion is seconded it should be put to the vote without discussion.
- 5.3 Members wishing to record (whether in an audio or visual format) meetings will need to do so in accordance with (as pertinent) the Council Rules of Procedure, Executive Rules of Procedure, Overview and Scrutiny Rules of Procedure, and/or Regulatory and Other Committees Rules of Procedure.

## **Social Media Guidelines**

### **You should 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, account 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, post 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;

- consider that English Law allows court actions for libel to be brought for published statements alleged to defame a named or identifiable individual or individuals, and that blogging, social media and other forms of digital content publication are covered by the libel laws.

**You should never:**

- blog, post, tweet, network, or otherwise use social media in haste;
- engage in any form of personal attack on an individual that may be seen as disrespectful - general comments about another political party or genuine political expression is less likely to be viewed as disrespect;
- place images or text on social media 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;
- 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 information relating to individuals, including photographs, unless you have their 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, account or page that might suggest you do not have an open mind about a matter you may be involved in.