GREAT WAKERING PARISH COUNCIL

Social Media Policy

1. **Definitions**

 “Social Media” – for the purposes of this Policy, Social Media includes but is not

 limited to websites such as Facebook, Twitter, LinkedIn, Youtube, Google Plus,

 Yammer and Pinterest as well as all online public blogs.

 “Personal Blog” – for the purposes of this Policy, a Personal Blog includes any

 blog that is the sole or joint responsibility of a Councillor i.e. it is owned, managed or

 maintained by a Councillor. This includes a Councillor’s blog hosted by a third-party

 website e.g. a blog on Wordpress or Blogger.

 “Media Devices” – includes mobile phones, tablets, cameras and any other device

 capable of recording sound and image. For the purposes of this Policy, this

 definition will extend to both personally owned media devices as well as any media

 devices provided to a Councillor by the Council.

 “Members of the Public” – any person who is not a Member of the Council or Officer

 taking part in the Council meeting. This includes journalists.

2 **Purpose**

Social Media and Personal Blogs are effective methods for Councillors to interact

with residents. However, it is not always clear whether such activities are covered by the Member Code of Conduct. The main purpose of this Policy is to protect the Council and Councillors with particular regard to issues such as standards, libel, copyright, data protection, bias and pre-determination, to encourage good manners online, in Council meetings and to avoid legal and reputational risk.

Aspects of the Code of Conduct for Members will apply to your online activity in the same way as they do to any other communication you may use. The key to whether your online activity is subject to the Code is whether you are, or appear to be, acting in your capacity as a councillor rather than as a private individual.

It can be presumed by others that you are speaking as a councillor. This can happen where you have a social media account where you comment both as a councillor and as an individual. Although you may be clear in your mind that you are acting in a private capacity it may be less clear to others. This can also mean that your views can be taken as being those of the Parish Council (rather than you personally) when this may not be the case. The presumption can arise simply because you are commenting on council business, because you are known to be a councillor or make reference to this, use party political symbols or references in the text.

**Things to bear in mind**

• Any communication is capable of being misinterpreted. While the use of social media should not in be more susceptible to this problem than any other form of communication, something about the immediacy of social media seems to magnify the problem.

• By the nature of such media, misinterpretation or misrepresentation, particularly with regard to something that is perceived as being more controversial than it was expected to be, is likely to lead to rapid and wide broadcasting of that apparently “controversial” item.

• There are no special, additional legal or ethical burdens relating to the use of social media. The same rules apply here that govern the rest of your behaviour as a councillor – you just need to think about them in this new context – their immediacy and ease of dissemination. Remember that at Parish Council level Councillors cannot act individually and all implementation is undertaken by Officers.

• Although the best use of social media is conversational in tone, publishing to the web is still publishing. What you’ve said on the web is recorded and it is permanent. Most pitfalls will be avoided if your online content is accurate, informative and thought through. Think of it as speaking in public. Think before you commit each word. You should be careful not to say anything that you wouldn’t be comfortable repeating or justifying, for example, at a public meeting.

**Some legal issues:**

• **Libel –** If you publish an untrue statement about a person which is damaging to their reputation, they may consider it as defamatory and consider legal action. The same thing may happen if, for example, someone else publishes something defamatory on your website; you know about it and don’t take swift action to remove it. A successful legal claim could result in the award of damages against you.

• **Copyright –** Placing images or text on your site from a copyrighted source (for example extracts from publications or photos), without obtaining permission, is likely to breach copyright laws. Therefore don’t publish anything you are unsure about, or obtain prior permission. Again, a successful claim for breach of copyright would be likely to lead to an award of damages against you.

• **Data Protection –** Do not publish the personal data of individuals unless you have their express permission. Personal information in an email or personal exchange should not be presumed to imply any consent to pass it on to others. If you place personal information on a public forum you should expect it to be published by others.

• **Bias and Predetermination –** if you are involved in making decisions, **do not** say anything through social media (or indeed anywhere) that suggests you have made your mind up on an issue that is due to be formally decided by the Parish Council. While your likely view on a particular item may be well known, you need to be able to show that you attended the council meeting prepared to take on board and weigh all the evidence, and were genuinely persuadable to a different view, otherwise, the decision may be later challenged by judicial review as being invalid. Additionally if a person has suffered some sort of detriment as a result of such an invalid decision, they may have a claim against the council for damages.

Care should be taken if you are commenting on a social media pages where they were set up for a specific purpose so that you do not say anything which can be perceived as bias or you may have predetermine yourself or result in a breach of the Members Code of Conduct as stated above.

**Some Don’ts:**

• Blog in haste, particularly in circumstances where your judgement might be impaired; for example if you are tired or have consumed alcohol;

• post comments that you would not be prepared to make on paper or face to face;

• use council facilities for personal or political blogs;

• request or accept a contractor providing services to the council as a “friend” on a social networking site where this suggests close personal association. For the avoidance of doubt, this does not apply to sites which are intended as a neutral, professional connections registry (such as Linkedin);

• use social media in any way to attack, insult, abuse, defame or otherwise make offensive or discriminatory comments about council staff, service users, their family or friends, colleagues, other professionals, other organisations, or the council;

• publish confidential information that you may have learned or had access to as part of your role as an elected member. This includes personal information about service users, their families or friends or others e.g. contractors, council staff as well as council related information. If in doubt contact the Clerk for guidance;

• represent your personal views, or those of any political party or interest group you belong to, as being those of the council, on any social medium;

• browse, download, upload or distribute any material that could be considered inappropriate, offensive, defamatory, illegal or discriminatory;

• make conspicuous or excessive use of social media technology during the course of a Council or committee meeting so that you give the impression to the public of not being respectful of the proceedings and, more seriously, taking decisions that are not based on full engagement with the facts and arguments.

**3. Use of Social Media by Councillors outside of Council meetings**

a. Councillors are required to act in accordance with the Member Code of Conduct whilst conducting the business of the Council or acting, claiming to act or giving the impression they are acting as a representative of the Council.

• **You must treat others with respect** - do not use social media to make personal attacks or indulge in rude, disrespectful or offensive comments.

• **You must comply with equality laws** – do not publish anything that might be seen as racist, sexist, ageist, homophobic or anti-faith.

• **You must not bully or harass anyone** – do not say anything, particularly if it is part of a series of similar comments about a person or on a theme that might be construed as bullying or intimidation.

• **You must not bring the council into disrepute** – you should not publish anything that could reasonably be perceived as reflecting badly upon or lowering the reputation of you or the Council.

• **You must not disclose confidential information** - you must not, in your use of social media, just as in any other circumstances, disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature. Inadvertent leaks of the council’s confidential information are more likely to take place when a councillor is using social media. This may be because of the more immediate, conversational, off- the cuff nature of much social media communication. Members must be careful to apply exactly the same standards to their social media communications as they would to statements made in a more formal context.

b. Councillors should be aware that anything they publish on a Social Media website can be accessed by anybody with an internet connection and, once it has been posted, it will be a permanent online record.

c. A common sense approach should be adopted by all Councillors.

When using Social Media, Councillors should:-

1. Have particular regard to Section 3 of the Member Code of Conduct and

ensure that, even when online, they treat others with respect and conduct themselves in a manner that will not bring the Council into disrepute.

1. Think before they publish – even if a post is deleted hastily, it will probably

have been read several times and may have been indexed and duplicated online beyond reach.

1. Be aware of their blurred personality online. Even if posting online in a

personal capacity it is likely that they will be seen as acting as a representative of the Council.

1. Consider whether there are appropriate privacy settings in place for their

Social Media accounts.

1. When setting up a Social Media account, consider posting a short statement disclosing their identity as a Councillor and any political party they represent.
2. Be aware that, by publishing information obtained from their position as

 Councillor, they will be seen as acting as a representative of the Council.

1. Be aware of irony – few writers are able to communicate sarcasm or

irony through short online messages. Even if the intention was clear, the message may be misconstrued.

1. Not be drawn into an online argument with someone clearly trying to

provoke them. Internet ‘trolls’ may try to wind up a public figure on purpose, simply do not respond. If the content may be considered

 defamatory or illegal, a Councillor should consider reporting the post to

 the Social Media site administrators.

1. Be careful if publishing information regarding a forthcoming or on-going

matter yet to be determined. Any indication of bias or pre-determination could result in the decision becoming void.

1. Be aware that sharing someone else’s post, e.g. ‘re-tweeting’ on Twitter

or sharing on Facebook, may be interpreted as the Councillor agreeing or supporting its content.

1. Be particularly aware of their online presence during election periods.

Councillors should note that legislation relating to electoral periods (e.g. the Representation of the People Act 1983) will also apply to the online publication of electoral material/statements relating to the election. For example under this act it is a criminal offence to make or publish a false statement of fact about the personal character or conduct of an election candidate.

d. A failure to comply with Section 3 of this Policy may void any on-going

 decision, cause reputational damage or financial loss to the Council and an

 offending Councillor may be subject to a standards complaint or personal

 liability.

4 **Councillor’s use of Personal Blogs**

a. Councillors will be personally responsible for their Personal Blogs. The

 Council has no responsibility for the Councillor’s Personal Blog content

 or maintenance.

b. If Councillors are using a third-party website to host their Personal Blog they

 should familiarise themselves with the website’s terms of service. Most

 blogging websites will make the content the responsibility of its owner.

 Additionally, most will also have a reporting and takedown procedure to flag

 up any potential issues with site administrators.

c. If a Councillor is exclusively in charge of a Personal Blog (i.e. it is not hosted

 by a third-party blogging site) they should consider producing their own terms

 of use in order to reduce liability and establish procedures to deal with

 potential breaches.

d. Councillors need to be aware that they may be held personally liable for

 copyright and trademark breaches, defamation, contempt of court and privacy

 infringements on their Personal Blogs. This may be the case even if a

 Councillor does not produce the offending content. A Councillor with a

 Personal Blog will have a duty to take reasonable care when dealing with the

 Personal Blog content. Therefore keep an eye out for defamatory 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. Be aware the higher

 your profile as an elected member, the more likely it is you will be seen as

 acting in your official capacity when you blog or network.

e. Councillors should actively try to monitor their Personal Blogs to ensure

 that any breach or infringement is dealt with quickly and expediently. In

 addition, it may be worth directing blog readers/contributors to an email or

 contact in order for users to flag up potential legal risks quickly to the

 Councillor or to the site administrators.

f. Where a Councillor is responsible for a Personal Blog which stores or

 holds personal information (e.g. email addresses), they should be aware that

 they need to comply with all Data Protection legislation.

g. The guidance in Section 3 of this Policy will also apply to Personal Blogs.

5. **Councillor’s use of Media Devices during Council meetings**

1. This Policy applies to all the meetings of the Council, all Committee and Sub-Committee meetings and any other meetings held under the auspices of the Council, at which Members are present whether private or public session, or a combination of both.
2. The use of Social Media is not permitted during meetings, as it may distract

 from proceedings or demonstrate pre-determination or bias or give the

 impression of doing so. It is important to convey to others, particularly

 Members of the Public, where present, that Councillors are fully engaged in

 the debate and decision-making process.

1. If a Councillor does need to take or make an urgent phone call, text or email

during a meeting they must leave the room quietly, returning to their seat at an appropriate juncture of the meeting. They must not distract proceedings and need to remember that any phone call made or text or email sent must not show any indication of bias or pre-determination.

1. The Chairman of a meeting may ask a Councillor who disregards any part of

Section 5 of this Policy to refrain from using the Media Device and, where appropriate, to leave the meeting.

1. Councillors are reminded that publishing information regarding a forthcoming

or on-going decision may void that decision and/or be subject to a complaint. Similarly, there may be matters of a private or confidential nature which should not be published. A failure to comply with any of Section 5 of this Policy may result in the Councillor being made subject to a standards complaint or personal liability or the decision being subject to challenge.

6 **Members of the Public’s use of Media Devices during Council meetings**

1. Members of the Public should conduct themselves in a way that does not

disrupt or distract the course of the meeting.

1. Members of the Public are permitted to text, email or use Social Media

discreetly during Council meetings provided this does not disturb the meeting.

1. Filming, photography and audio recording is only permitted where this can be carried out without disturbing, distracting or disrupting a meeting. The following will apply to persons wishing to film, photograph or audio record at meetings.
2. The showing of appropriate respect for the wishes of members of the public who do not want to be filmed, photographed or audio recorded.
3. Being ready to leave the meeting with equipment should there be items

 where the public and press are excluded by virtue of exempt

 information as defined by the Local Government Act 1972 being likely

 to be disclosed.

 (iii) That, without the express consent of their parents/guardians, the

 filming of any children who might be in attendance is strictly prohibited.

1. That the use of flash photography or additional lighting will not be

allowed unless this is discussed in advance of the meeting with the Chair and Clerk and agreement reached on how it can be done without proceedings being disrupted.

1. That there should be no oral commentary or excessive noise in the

setting up/re-siting of equipment during the meeting.

1. That there should be no requests for statements to be repeated during

the meeting.

 (vii) Remaining in the area designated for the public.

Note:

 Whilst not a requirement, it would be helpful for anyone intending to film or

 wishing to discuss any special requirements to contact the Clerk in advance

 of a meeting to seek advice, guidance and help.

d. If a Member of the Public needs to take or make an urgent phone call during the meeting they should leave the room quietly and return to their seat at an appropriate juncture of the meeting.

e. The Chairman of a Council meeting may ask a Member of the Public

 who disregards Section 6 of this Policy to refrain from using the Media

 Device and where appropriate to leave the meeting.

7 **Breach of this Policy**

Dependant on the nature of the breach the Councillor may be subject to a

standards complaint or even personal liability.

This Policy is to be reviewed as necessary.