

SOCIAL MEDIA AND ELECTRONIC COMMUNICATIONS POLICY FOR ELECTED MEMBERS

1. Introduction

Social media and other electronic communications such as e-mail, WhatsApp, Facebook, Twitter, LinkedIn, YouTube, blogs, enable members to readily engage with citizens, partners and stakeholders. It enables people to get involved in local decision making, encourages better engagement and feedback, and helps the authority to improve the services it provides.

For the purposes of this policy, the term 'social media' covers sites and applications including but not restricted to Facebook, Twitter, LinkedIn, Flickr, YouTube, Zoom, WhatsApp, tiktok, blogs, discussion forums, wikis and any similar sites which may emerge after the creation of this policy.

Electronic communications includes the use of e-mail, private messaging on sites (in a councillor capacity) and forums such as WhatsApp.

This policy should be read in conjunction with the social media guidance for elected members, which is attached at appendix 1.

2. Aims of this policy

The Council acknowledges social media as a useful tool and supports members in the use of social media channels to communicate with the public, partners and stakeholders.

This policy is aimed at ensuring social media is used effectively and to ensure its use does not expose elected members or the Council to security risks, legal or reputational damage or breach of the GDPR (data protection Act 2018).

There are often risks associated with the use of social media, some have been identified below:

- Disclosure of confidential information
- Damage to the reputation of the Council
- Social engineering attacks (often conducted by individuals fraudulently claiming to be a business or client)
- Disclosing commercially sensitive information
- Civil or Criminal action relating to breaches of legislation
- Breach of safeguarding for vulnerable adults or children)
- Unwanted conduct from individuals misusing social media (often referred to as trolls)
- Virus or other malware (malicious software) infection from infected sites

In light of the risks, this policy aims to regulate the use of social media and provide guidance to members on how to successfully engage with social media.

3. Members' responsibilities

In their use of social media, members should ensure:

- They do not breach the Code of Conduct for Members.
- Council information remains secure and is not compromised through the use of social media.
- The Council's reputation is not damaged or adversely affected or left open to action under criminal (for example, harassment) or civil law (for example, libel).
- That they are aware of safeguarding issues and report any concerns immediately.
- That members fully understand the risk associated with using social media
- That social media is used in line with this policy

When using social media members should note that in the event of a complaint, the first consideration will be whether the member has been acting in his or her official capacity. Social media should not contain content that holds the member out to be acting in his/her official capacity or give that impression unless this is intended, or the site is specifically meant to be used in an official capacity. Depending on the circumstances such communication might be regarded as conducting the business of the office of a member. Examples may include:

- Communication with individual constituents regarding council matters
- Communications with constituents at large about local issues in your ward or matters of local political interest.
- Making reference to the Council in tweets, blogs, Facebook etc with your council accounts or private accounts where the audience believe you are doing so as a councillor identifying issues discussed by the Council or matters which are within your knowledge due to your position as a councillor.
- Referring to identifiable persons in the Council.
- The link between the Councillor's office and the conduct should have a degree of formality

The above list is not exhaustive and care should be taken in this area.

4. Advice for members using social media

Members should be aware that they are personally responsible for any content they publish on any form of social media.

The Council reserves the right to request the removal of any content that is deemed to be in breach of this policy.

Social media sites are in the public domain and comments/content remains available on the internet as a permanent record unless specifically removed. It is important to ensure that members are confident of the nature of the information they publish. Once published, content is almost impossible to control, it can be shared on other sites, and may be manipulated without their consent, used in different contexts, or further distributed.

Members SHOULD:

- When sharing information with constituents such as through a local Facebook or WhatsApp group ensure that only factual information is shared on the group
- Set up admin rights on local groups and only allow the posting of comments once the admin have reviewed them to ensure that inappropriate/offensive or confidential information is not inadvertently shared on local groups which you manage.
- Make use of privacy settings for personal accounts - particularly if they do not want their social media to be accessed by the press or public. Read the terms of service of any social media site accessed and make sure they understand their confidentiality/privacy settings. Facebook, for example, has a Data Use Policy that includes privacy settings on how information is shared and used.
- State, if appropriate, that their views are their own personal views and may not represent the views of the Council.
- Keep safeguarding in mind. Social media sites are often misused by offenders. Safeguarding is everyone's business – if members have any concerns about other site users, members have a responsibility to report these immediately to the Monitoring Officer, the LADO and or the Police depending upon the circumstances of the matter.
- Observe copyright laws. Using images or text from a copyrighted source (e.g. extracts from publications or photos) without permission is likely to breach copyright. Avoid publishing anything members are unsure about or seek permission from the copyright holder in advance.
- If you load any images of yourself or council pictures on local sites agree these with the press office and have a rider on the **sire** which states "These images are owed by the council (**you as an individual**) and the council ("I") do not agree to the publication/ sharing/ retweeting of these images without **our** consent".

- Report any threats, abuse or harassment via their use of social media to their political group leader, the Monitoring Officer, Members' Services and/or the police. Any incidents should be recorded on an incident log sheet and if harassment is alleged they should be reported on the complaint form at appendix 2.
- If any information is shared with third parties that should not have been shared this may be considered as a data breach and should be reported to the Council's DPO.
- https://intranet.sandwell.gov.uk/downloads/file/11680/data_breach_form

Members should NOT:

- Disclose others' personal details such as home addresses and telephone numbers – even inadvertently. Members should ensure that they handle any personal or sensitive information in line with the Council's **Data Protection Policy**.
- Publish or report or share with third parties meetings or information which are private or internal council business (where no members of the public are present or where the information is of a confidential nature) or contain confidential information or matters which are exempt.
- Use the Council's logo on a personal social media account.
- Send or post inappropriate, abusive, bullying, racist or defamatory messages to members of the public, other councillors, any partnering organisations or officers either in or outside the work environment.

5. Principles when using social media

Members should follow the following five guiding principles for any social media activities:

- **Be respectful** – set the tone for online conversations by being polite, open and respectful. Use familiar language, be cordial, honest and professional at all times. Make sure that you respect people’s confidentiality – do not disclose non-public information or the personal information of others.
- **Be credible and consistent** – be accurate, fair, thorough and transparent. Encourage constructive criticism and deliberation. Make sure that what you say online is consistent with your other communications.
- **Be honest about who you are** – it is important that any accounts or profiles that you set up are clearly and easily identifiable. Be clear about your own personal role, in particular a clear distinction should be drawn between use of an account in your personal capacity and use in your capacity as a councillor. Note that merely stating you are acting in your private capacity may not be sufficient.
- **Be responsive** – make an effort to share what you know. Offer insights where appropriate and put people in touch with someone who can help if you cannot. Respond to questions and comments in a timely manner.
- **Think twice** – think carefully about all your social media posts. Once published it will be too late to change your mind. Following these rules and seek further guidance if you need it.

6. Further information

If members have any queries about this policy, please contact the Monitoring Officer or, in their absence, the Deputy Monitoring Officer. Incidents should be recorded on an incident log sheet and when formalising a complaint collated into the complaint form at Appendix 2. Upon receipt of a complaint the Monitoring Officer will consider the complaint, provide advice and guidance and update the Member of the potential options available including an investigation where appropriate.

Social Media and Electric Communications Guidance for Councillors

1. Introduction

- 1.1 The Council welcomes and wishes to encourage Councillors' use of new technology, including social media. It is not a requirement for Councillors to have a Facebook or Twitter account or use other forms of social media. If Councillors are already using or planning to use social media in connection with their work as a councillor, they should ensure that they are familiar with the guidance set out below and that their use of social media does not use Council resources for party political purposes or put the organisation's information and security systems at risk.
- 1.2 Most people are familiar with doing things online and residents will increasingly expect the Council to provide its services online, with the same level of interactivity that they find everywhere else. However, there are challenges that may discourage Councillors and the Council from using social media. For example, inappropriate use (which may occur inadvertently) can cause significant damage to a Councillor's (or the Council's) reputation and can lead to legal claims. In addition, technology is changing fast. This can mean that it is hard to keep up and maintain useful interaction with residents.
- 1.3 There are also some pitfalls to be aware of, and this Guidance is produced to help Councillors avoid these. This Guidance does not tell Councillors what social media is, or which blogs or networks might be used effectively. It assumes that Councillors are aware of those. It deals with the pitfalls that specifically apply to the role of local Councillors.

2. Legal Considerations

- 2.1 Three of the important Nolan Principles applying to those in public life are “Openness”, “Accountability” and “Leadership”. That means Councillors should be as open as possible about the actions and decisions they take, submit to an appropriate level of public scrutiny, and lead by example. Social media can be a vital tool for public debate and its use by Councillors is encouraged.
- 2.2 In the same way as anyone else publishing material, Councillors will need to be aware of the laws that apply to published material. Some of the main ones are these:
- a. **Defamation:** if you publish an untrue statement about a person that is damaging to their reputation you may be liable to pay damages;
 - b. **Copyright:** publishing information that is not yours, without permission, may also result in an award of damages against you;
 - c. **Harassment:** it is an offence to repeatedly pursue a campaign against a person that is likely to cause alarm, harassment or distress;
 - d. **Data protection:** do not publish personal data of other people, including photographs, without their express permission to do so;
 - e. **Incitement:** it is an offence to incite any criminal act;
 - f. **Discrimination and ‘protected characteristics’:** it is an offence to discriminate against anyone based on protected characteristics (as defined in the Equality Act 2010);
 - g. **Malicious and obscene communications:** it is an offence to send malicious or obscene communications

- 2.3 Likewise, inappropriate and offensive material should not be published. This includes revealing confidential or commercially sensitive information belonging to the Council, personal or confidential information about an individual, publishing something that could reasonably be considered insulting or threatening and something that promotes illegal activity or is intended to deceive.
- 2.4 Additional considerations apply to Councillors.

Bias and pre-determination

- Members sitting on regulatory committees such as planning or licensing should be aware that they are allowed to have a view but must not have gone so far as to have predetermined their position on a matter. Any views aired on social media could be used as evidence of making a decision in advance of hearing all relevant information. The Council's decision is then open to challenge and could be invalidated, and the 'disrepute' provisions of the Code of Conduct for Members could be engaged.

Equality and discrimination

- The Council is a public authority required to comply with the Equalities Act 2010. As noted above it is an offence to discriminate against anyone based on their protected characteristics. The Council must also have 'due regard' to the Public Sector Equality Duty (which consists of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations) and that applies to Councillors when appearing to act in their official capacity.

Electioneering

- Council resources, including any the use of social media on Council mobile devices or IT equipment, should not be used for political/campaign purposes. Particular care should also be taken when using social media during the pre- election period. The Electoral Commission has further guidance including on the requirements to provide a return of expenditure on election advertising which includes web advertising.

Human Rights

- Article 8 of the European Convention provides that public authorities should not interfere with the right of individuals to a private and family life without lawful authority to do so, and where it is necessary, proportionate, and in pursuit of one of the aims set out in Article 8(2). (These are national security, public safety, economic well-being, health or morals, prevention of crime or disorder, or protecting others' rights).

Code of Conduct

- Councillors may use social media in both an official and personal capacity but they must be aware that the public may perceive them as acting in either capacity when that is not their intention. Any social media account which could be potentially linked to a councillor would need to meet the standards of the code of conduct.

3. Responsibilities of Councillors

- 3.1 Councillors will need to monitor and, where appropriate, censor or remove the contributions made by others to their sites. Allowing defamatory or offensive statements to remain on a site can become the Councillor's own legal problem as the 'publisher' of the material and could also give rise to Code issues where allowing comments to remain could be seen as condoning or endorsing them.
- 3.2 Similarly, 'liking', 'sharing' or 're-tweeting' posts could be seen as an endorsement of them and legally this can be a separate instance of publication, by the Councillor, to which all the legal and Code considerations would apply.
- 3.3 Beyond that it is generally best to allow disagreement rather than to seek to censor it. However, there is no need to respond to everything and unhelpful online arguments should be avoided. Be professional, respectful and polite, even (or especially) when corresponding with those who do not return the courtesy.
- 3.4 Careful use of language is required. Sarcasm, irony and ambiguous comments should be avoided.

- 3.5 Promptly admit to mistakes.
- 3.6 Avoid using social media when you are tired, angry, upset or your judgment may be impaired as something permanently published can't be easily taken back
- 3.7 Think carefully about who to 'follow' or 'befriend' online. Online 'friendships' with council officers should be avoided as they may compromise the appearance of impartial advice. It is inadvisable to 'follow' anyone without a good reason – some constituents may find it uncomfortable (and see the Human Rights comments above). Many Councillors wait to be 'followed' before returning the compliment.
- 3.8 Always ensure the security of your devices to prevent unauthorised access by third parties who may make inappropriate use of the device.

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You should follow these five guiding principles for any social media activities:

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- **Be credible and consistent** – be accurate, fair, thorough and transparent. Encourage constructive criticism and deliberation. Make sure that what you say online is consistent with your other communications.
- **Be honest about who you are** – it is important that any accounts or profiles that you set up are clearly and easily identifiable. Be clear about your own personal role, in particular a clear distinction should be drawn between use of an account in your personal capacity and use in your capacity as a councillor. Note that merely stating you are acting in your private capacity may not be sufficient.

- **Be responsive** – make an effort to share what you know. Offer insights where appropriate and put people in touch with someone who can help if you cannot. Respond to questions and comments in a timely manner.
- **Think twice** – think carefully about all your social media posts. Once published it will be too late to change your mind. Following these rules and seek further guidance if you need it.

5. Use of Social Media during Committee Meetings

- 5.1 Use mobile devices sparingly, discreetly and with common sense at meetings, considering the impression they are giving to others. Councillors should be mindful that regulatory committees such as planning or licensing require the Councillor to alert officers to any lobbying material they have received. This would be difficult if it arrives on Twitter and is read by the Councillor during the course of a meeting.
- 5.2 Mobile devices enable councillors to manage their busy lives when time is at a premium. There may be occasions when texting or e-mailing between Councillors during meetings on matters relevant to the debate at hand may be valuable (on the same basis as circulating paper notes) However it is important for Councillors not to give the impression that insufficient attention is being given to the discussion at the meeting. That could lead to the relevant decision coming under challenge if Councillors are perceived to have made a decision without having properly listened to the debate. It could also result in Code complaints of a failure to treat others with respect or of bringing the Council into disrepute.

6. Inappropriate use of Social Media by Others

- 6.1 Anyone receiving threats, abuse or harassment via their use of social media should report it to the police and the Monitoring Officer. Member are asked to complete an incident log sheet for each incident and then to collate all of these into the complaint form at appendix 2.

- 6.2 Other inappropriate content can be reported to the social media site directly to ask for it to be removed. You may wish to save a screenshot in the circumstances.

7. Further Reading Materials

- 7.1 Connected Councillors – A guide to using social media to support local leadership. Local Government Association.
https://hedonblog.files.wordpress.com/2010/04/connected_councillors.pdf
- 7.2 The Local Government Association’s webpage on social media
<https://www.local.gov.uk/our-support/guidance-and-resources/comms-hub-communications-support/digital-communications/social-1>

8. Complaints

- 8.1 These guidelines do not form part of the Code of Conduct for Members but there may be instances where councillors’ use of social media amounts to a breach of the Member’s Code of Conduct and the Monitoring Officer may take these guidelines into account when considering whether such a breach has taken place.

9. Contact details

For further information please contact:

Surjit Tour, Monitoring Officer on 0121 569 3172

Email: Surjit_Tour@Sandwell.gov.uk

Maria Price, Deputy Monitoring Officer and DPO on 0121 569 3175.

Email: Maria_Price@Sandwell.gov.uk

Appendix 2

Social Media Incident Report Form

Reporting incidents of abusive/harassing behaviour
You should report and incidents of harassing behaviour
directly to the police.

Unfortunately, there are rare circumstances where individuals abuse social media. We recognise that this can have an unpleasant and profound effect on you and your emotional wellbeing. The Council can support and assist you and in certain circumstances can take action on your behalf to manage such behaviours. In order to assist you we require you to provide some information.

Please refer to the Social media and policy guidance for members. This form should not be used to report incidents/allegations of breach of the social media policy by other elected members. In such circumstances the members code of conduct/arrangements should be referred to.

Your details

1. Please provide us with your name and contact details.

Title:	
First name:	
Last name:	
Address:	
Contact telephone:	
Email address:	
Signature:	
Date of complaint:	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

The following people will see this Form:

- The Monitoring Officer of the authority and appropriate officers supporting the Monitoring Officer.

2. Please provide us with the name of the Individuals(s) you believe have harassed/abused you on social media:

Title	First name	Last name

3. Please explain in this section (or on separate sheets) exactly what has occurred, when it occurred, why you feel it is harassing and or abusive and what action you have taken to ask the individual(s) to stop the behaviour. In order to progress this matter you will need to provide screen shots of all of the messages/tweets/ re-tweets and or blogs. You should also supply dates, documentary evidence and details of any witnesses that you believe would substantiate the allegations.

Please include the following,

- If you asked for the conduct to stop and when
- Details of any reports you have made to the Police about this allegation and when
- All correspondence that you have had with this individual (s)
- Details of if you reported to the incident to a host site, when and what action was taken such as taking posts down.
- You should be specific, wherever possible, about exactly what you are alleging and what it was they said or did to insult you.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- Details of any incidents that have occurred of a harassing/abusive nature in addition to those on social media
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information or other relevant documentary evidence to support your allegation(s).

- If your allegation(s) relate to behaviour or conduct that occurred some time ago clearly explain why your complaint was not made earlier.

Please provide us with the details of your complaint.

Please provide the relevant screen captures at the back of this form

Only complete this next section if you are requesting that your identity is kept confidential

4. Please indicate the remedy or remedies you are looking for or hoping to achieve. i.e. taking offensive posts down, apology, other action

5. Please indicate whether you have raised your complaint directly with the individual(s) concerned and if so what response you received.

(Continue on separate sheet(s), as necessary)

Additional Information

6. Your concerns need to be submitted in writing along with supporting evidence in order of the Monitoring Office to properly consider the options available to you and the council. Please use this Form to submit your complaint.
7. In line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you raising your concerns. We can also help if English is not your first language.
8. If you need any support in completing this form, please contact the Monitoring Officer as soon as possible.

PLEASE RETURN YOUR COMPLETED FORM TO:

Surjit Tour

Director of Law and Governance
& Monitoring Officer

Sandwell Metropolitan Borough Council
Law and Governance
Sandwell Council House
PO Box 2374
Oldbury
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