



Chelmsford City Council Governance Committee

8 March 2023

Review of Social Media Protocol for Councillors

Report by:
Monitoring Officer

Officer Contact:
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Purpose

To review the Social Media Protocol

Recommendations

That members consider changes to the existing social media policy as set out in appendix 1 to this report;

1. Introduction

- 1.1. It is good practice for all ethical requirements including protocols and guidance to be reviewed periodically, taking into account any complaints and/or feedback that has been received. It is on this reason basis that the above protocol has been reviewed.
- 1.2. The social media protocol has been in place for some years. Whilst it seeks to help explain the position in relation to anticipated and common scenarios, it impossible for any protocol to cover every possible situation that may arise. The protocol is designed to help explain the approach that

should be taken to help guide councillors when exercising their personal judgement in relation to social media activity.

- 1.3. Some changes are proposed to the policy for members consideration at appendix 1 to this report. These primarily relate to further clarification in relation to the thorny subject of whether a councillor acts in official or private capacity. Some additional changes have also been made in relation to data protection and consent, the LGA model code, guidance and concerning bias/pre-determination.

List of Appendices

Appendix 1 – Proposed Amendments to Social Media Protocol

Background papers:

Nil

Corporate Implications

Legal/Constitutional: These are set out in the report

Financial: None

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: None

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

Consultees: None

Relevant Policies and Strategies:

None

SOCIAL MEDIA PROTOCOL FOR COUNCILLORS

Purpose of this protocol

Social media is a good way for Councillors to connect with their electorates as well as people and issues across the city. With more and more Councillors using social media, this protocol is designed to provide clarity on what is and what is not acceptable usage of social media and minimise legal and reputational risk. This guidance complements the existing general rules under the Members' Code of Conduct.

What is social media?

Social media is the collective term to describe websites and other online tools which allow people to engage and interact. This includes popular platforms such as Facebook, Twitter, LinkedIn and Snapchat as well as blogs. On many of these sites, users share information and give opinions. They may also create interest groups or pages leading to longer exchanges. Ultimately the majority of people use these sites and tools to reach online communities and networks which encourage participation and engagement. [The Local Government Association \(LGA\) website provides a number of guides in relation to the use of social media by councillors, including tools to help in creating content for a variety of social media networks.](#)

Social media and elected members

It is important to make clear that it is not a requirement for members to use social media to fulfil their job as a Councillor. However, if you already use – or are planning to use – social media in connection with your work as a Councillor (or are already using it in a private capacity), then these guidelines will be relevant.

Remember, whenever you act – or appear to act – in your official capacity, you must comply with the Members' Code of Conduct.

Benefits of using social media

Social media is a useful tool for elected members by:

- Supporting Councillors in performing their community leadership role
- Keeping in touch with local views, concerns, interests and opinions
- Providing an effective and relatively cheap way of making the electorate more aware of the work you do
- Campaigning on local issues
- Providing a platform for political campaigning

Social media good practice

The following points are intended to give some handy hints when managing your social media platforms:

- Start your name with the word 'Cllr' to let people know exactly who you are or make it very clear in your biography that you are a Councillor
- Think before you Tweet or post. A good rule of thumb is never to say anything that you would not say to someone's face or you would not want recorded in a public meeting
- Consider keeping your personal (if you have any) and elected member accounts separate and maintain appropriate professional boundaries
- Be aware that you will be seen as acting in your official capacity whenever you use social media
- Set appropriate privacy settings for your blog or networking site – especially if you use a private account
- If you blog, monitor the comments. Failure to remove defamatory or obscene posts from others could give the perception that you condone such views
- Making political points is expected of a Councillor but be careful about being too personal if referring to individuals. An attack on an individual may be seen as disrespectful, whereas comments on another party or a policy are less likely to be viewed as disrespect

Social media bad practice

- Never blog or post in haste – particularly in circumstances where your judgement might be impaired e.g. you're angry, tired or have consumed alcohol
- Do not publish confidential information that you may have learned or had access to as part of your role as an elected member. As well as private agenda papers, this includes personal information about service users, their families or friends or others e.g. contractors and Council staff
- Never represent your personal views, or those of any political party or interest group you belong to, as being those of the Council
- Do not share, favourite, like, download, upload or distribute any material that could be considered inappropriate offensive, defamatory, illegal or discriminatory

Things to be wary of when using social media

- With no privacy settings, anyone can read your posts, not just your friends and followers. Journalists will regularly trawl through what many elected members are saying
- Any communication is capable of being misinterpreted but the immediacy of social media has the potential to magnify this problem
- Updating on what is happening in a meeting and receiving comments can be helpful for transparency and engagement BUT may lead to people forming the impression you are not concentrating on the business in hand

- Sending an inappropriate message privately is no defence if the person you send it to decides to share it wider. If you are not happy for others to see it, do not send it
- Be careful about following or friending a Council employee or contractor, a pressure group or someone submitting a planning application – the association could be construed as a personal interest
- Although the best use of social media is conversational in tone, publishing to the web is still publishing – never say anything that you would not be comfortable repeating or justifying at a public meeting, for example. Even if you subsequently delete it, something published can still be available

Legal issues and social media

There is an ever increasing number of legal cases that have resulted from people's use of social media. The first three areas noted below can give rise to personal individual action against a councillor. The main issues to be cautious of are:

- **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. 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. Again, a successful legal claim for breach of copyright could lead to an award of damages against you

- **Data protection**

Never publish the personal data of individuals unless you have their express permission. Similarly, if you invite the public to subscribe to information/ newsletter(s) you should also make sure they have expressly opted into any particular information or newsletter being provided. This means the individual's actual and positive response to you to give their clear and explicit consent rather than implying this through a lack of response. 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 onto a public forum you should expect it to be published by others.~~

- **Bias and predetermination**

If you are involved in making planning, licensing or other quasi-judicial ~~decisions~~ discussions, do not say anything through social media (or indeed anywhere else) that suggests you have made up your mind on an issue that is due to be formally decided. While your view on a particular application may be well known, you need to be able to show that you attended the committee prepared to take on board all the evidence and were genuinely persuadable to a different view otherwise the decision may be challenged as invalid. Councillors who are regarded as biased and/or pre-determined should not participate in such decisions and failure to do so can give rise to grounds for legal challenge against any decision made by the Council. If a person has suffered some sort of detriment as a result of an invalid decision, they may have a claim against the Council for damages.

Social media and the Members' Code of Conduct

The Council has adopted the LGA Model Code of Conduct and this, together with the LGA guidance makes it clear that Aspects of the Code of Conduct for members will apply to your online activity in the same way as it does 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.

Determining whether a councillor is acting in official or private capacity is not always easy to determine however the following sets out the key points to note :-

- for the code of conduct to be engaged there must be a link to local authority business
- the code of conduct will not be engaged simply based upon awareness that you are a councillor
- however but the code will be engaged where you misuse your position or give the impression that you are acting in official capacity
- In private matters, you should avoid giving the impression that you are engaged on local authority business. For example you should not use local authority email, headed paper, regalia, business cards or headed paper or otherwise promote the fact you are a councillor when seeking to engage in private capacity
- it is best to separate out social media activity for official local authority business and private capacity personal matters.
- where you are a representative at different local government tiers (eg county, city and/or parish tier) you should take care to ensure you act in the capacity of the correct tier using the appropriate email or social media account. The relevant code of conduct of the authority in whose capacity you act will be engaged.
- where the position as to capacity is ambiguous it may be helpful for you to make it clear the capacity in which you are engaging. However, simply labelling or including a disclaimer as to private capacity when there is a link to local authority business will not ultimately determine this question.

Examples played out in the media have shown that this important difference is increasingly harder to demonstrate as anyone who knows you are an elected, public figure will automatically think you are commenting in that capacity. Although you may be clear in your mind that you are acting in a private capacity, that it is not necessarily obvious or clear to others. Indeed, a number of cases have shown that any comment made by an elected member on their social media account is interpreted as an official line whether it is meant as a private comment or not. The best rule is to use your social media account for professional purposes and comment only, to avoid any potential problems. The Council's Communications Team can help you with more specific advice if needed.

Relevant elements of the Members' Code of Conduct

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- Treat others with respect. Do not use social media to make personal attacks or indulge in rude, disrespectful or offensive comments
- Comply with equality laws. Never publish anything that might be seen as racist, sexist, ageist, homophobic or anti-faith
- Do not bully or harass anyone. You should never say anything that may be construed as bullying or intimidation
- Do not bring the Council into disrepute. Never publish anything that could reasonably be perceived as reflecting badly or lowering the reputation of yourself or the Council
- Never disclose confidential information. 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

More information

Any Councillor wanting more information or further advice on the use of social media should contact ~~either the Communications Team or~~ the Council's Monitoring Officer.