

Social media guide for members

Updated November 2017



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1.0 Statement

This document sets out Powys County Council's guidance for members regarding the use of social media for both council-related and personal purposes. It applies to all Powys county councillors - those who are new to social networking as well as those more experienced. All social media activity that relates to council business must be carried out within the context of this document. It provides information on how the Code of Conduct (the Code) may apply social media activity and failure to comply with the guide may result in disciplinary action.

This policy has been developed to protect Powys County Council's reputation. It provides members with a clear framework to work within to ensure effective, safe and legal use of social media. It aims to lower the risk of disciplinary action, limit the damage to the council's reputation and stop legal action being taken against the council. The guide may also be helpful for standards committee members and monitoring officers.

It is important that any online activities are performed in line with the council's vision, priorities and core values:

- Positive
- Progressive
- Professional
- Open
- Collaborative

This policy should be read together with (list of policies to be added here)

2.0 Introduction to social media

Social media is an umbrella term used for websites and online platforms which allow people to share and interact with each other in 'real-time'. This can include sharing information, pictures, videos, opinions, news, and interests.

When referring to social media in this document, it means any internet site used for communication and sharing. Examples of popular social media sites include:

- Twitter
- Facebook
- Instagram
- Snapchat
- YouTube
- Flickr

Used correctly, social media is a powerful way to connect with citizens and can engage those who would not normally have access to local councillors and politics. Social media is now widely seen as an important and legitimate part of the operation of a democratic society. It is an efficient, cost-effective and enjoyable way to get in touch with constituents and discuss important issues with the community you represent.

The council supports the use of such media and encourages councillors to get online. The council views social media as key communications tools which demonstrate a commitment to openness and transparency which can help promote the vision and priorities.

Both councillors and staff alike should think about what they say and how they say it on social media, in just the same way as when making statements in person or in writing. Councillors will need to consider whether they are seen to be acting in an official capacity as a councillor or not.

Social media complements traditional communication channels and opens up new ways to engage with all of our publics including residents, stakeholders and partner organisations. The benefits to the council of using social media include:

- Engaging with more residents, service users, stakeholders and partner organisations quickly, providing 'real time' information
- Promoting your work and enhancing your reputation with its citizens and communities
- Increasing awareness of events/campaigns/services/news
- Ability to manage perception and expectation and react quickly
- Ability to be more open, transparent and accessible
- The cost of posting on social media is cost neutral

It is important to remember that:

- Whilst deemed as an overall positive, information can be circulated around the world within seconds
- Bad news travels further and faster
- Reputations can be damaged if not used appropriately

3.0 How can members use social media?

There are a few different ways members can use social media.

3.1 In a professional capacity

If you use online media to promote your work as a member you will be regarded as conducting the business of the council i.e. using social media in a professional capacity. Communicating in this way is most likely to engage the Code. Whether a councillor is acting in an official capacity will depend on the individual circumstances of their social media presence. These include:

3.1.1 How high profile you are as a member

The more high profile you are as a councillor, the more likely it is that you will be seen as acting in your official capacity when you use social media

3.1.2 The privacy settings on your social media account

If you have a private, personal social media account, ensure that you have appropriate privacy settings so that you decide who can read your posts. If you have a political account this may well be open to all. If constituents are able to see your posts, they may assume that you are acting in your official capacity as their representative

3.1.3 The profile on your social media account

You should set out clearly in your profile if an account is political or personal. Identifying this will enable readers to better understand if you are posting in your official capacity or not. Nevertheless it may be possible on a personal

account to give the impression that you are acting as a member even though you have stated otherwise. Also, you cannot discuss council business on a personal account and/or make gratuitously offensive remarks about others who are linked to the council and then claim to be doing so in a private capacity.

3.2 In a personal capacity

The content of private, non-political social media accounts are less likely to engage the Code. It will again depend upon particular content and circumstances whether or not the Code applies. A disclaimer in a private blog which says that any comments are not made in an official capacity will signify that you are using that platform in a personal capacity, but it does not necessarily prevent breaches of the code being found. See Mullaney and Dorrian cases below.

3.3 Anonymously

Anonymous satirical websites raise other issues. The first point to consider is whether it can be proved that you uploaded the site content. Although this may be generally suspected, the Ombudsman would expect an investigating officer to be able to prove (on a balance of probabilities) that the content has been uploaded by a member. A standards committee would also expect similar proof from an investigating officer. If proof is established it is then necessary to show that you acted, claimed to act or gave the impression that you were acting as a member when you posted the offending comments.

4.0 How does the Code of Conduct apply to using social media?

4.1 A councillor must always bear in mind the Code of Conduct when using social media sites (in any capacity). You should pay particular attention to the following paragraphs of the Code:

- Disrespect
- Bullying
- Disclosure of confidential information
- Disrepute
- Misuse of authority resources

4.2 It is difficult to give definitive advice on the application of the Code as each social platform is different. Ethical use of online social media is not limited to what is covered in the Code. We strongly advise members to respect the Ten General Principles of Public Life as set out in The Conduct of Members (Principles) (Wales) Order 2001 and in Part 5, Section 1 of the council's constitution, when using social media. While your conduct may not be a direct breach of the Code it may still be viewed as less than exemplary and attract adverse publicity for your office and the council.

4.3 For the Code to apply, paragraph 2 of the Code needs to be satisfied. Paragraph 2 makes it clear that the Code applies when you are acting in your official capacity. Official capacity is defined as - conducting the business of the council or acting, claiming to act or giving the impression that you are acting as a councillor. For

further information on official capacity please see the council's [Quick Guide to Official Capacity](#).

When using social media you should bear in mind the following paragraphs of the Code. Part 2 – General Provisions of The Local Authorities (Model Code of Conduct) (Wales) Order 2008 will apply to your online behaviour just as they would to any other form of communication (see part 5, section 1 of the Council's Constitution).

- **Paragraph 4(b) / 4(c) and 4(d) - Treating others with respect:** The aim of the Code is not to stifle political opinions and arguments. As such, political comments are less likely to be seen as disrespectful and result in a breach of the Code. However, personal jibes or remarks aimed at an individual may well be seen as disrespectful and could lead to a breach of the Code and possible sanctions.
- **Paragraph 5(a) – Disclosing confidential information:** Before releasing any information on your blog or networking site, check if it is confidential and if you have the right to release it.
- **Paragraph 6(1)(a) – Disrepute:** Because of your role, your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an impact on your office or authority. Dishonest or deceitful behaviour in your role as a member may bring your office or the authority into disrepute.
- **Paragraph 7(a) and 7(b) (i) to (vi) – Use of resources:** You must not use local authority resources “improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.” Also you must ensure that these resources are not used improperly “for political purposes” - including party political purposes (see the Johnson case below).

4.4 You should also consider other online activities where the Code may apply:

- **Forum posts:** If you go on to a forum and identify yourself as a member then it is likely that the Code will apply when you post entries. If you put content on the site which you could only have obtained as a member it is possible to argue that you have given the impression that you were acting as a member even if you did not identify yourself as such when you made the posting.
- **Comments made by others:** It is also important to regularly check your own blog or networking site to ensure there are no defamatory or obscene comments posted by others. If this does happen you should remove the posts as soon as you become aware of them. You should also take steps to discourage users from posting such comments in the future.
- **“Friends” on social networking sites:** You should be aware that anyone you include as a friend on social networking sites could be regarded as a “person with whom you have a close association” within the meaning of paragraph 10 of Part 3 – Interests of the 2008 code – personal interests. Simply including someone on a site as a friend does not establish a close association but it is one factor that would be taken into account in deciding whether such an association exists.

4.5 Human rights considerations

In considering whether your use of social networking media have breached the Code, Article 10 of the European Convention on Human Rights (the right to freedom of expression) must also be taken into account. The First Tier Tribunal and court cases have made a number of decisions about this issue.

You are less likely to breach the Code where you are making genuine political statements. This means that you are less likely to breach the Code if your comments are about another member's political position or are a genuine expression of political differences with someone. The courts have established that this is because of the fundamental importance of freedom of political expression in a democratic society. However, any political expression should avoid being just an expression of personal anger or abuse towards someone since insults and abuse do not normally qualify for the protection of Article 10. If you make rude comments about a member of the public or an officer of an authority it is more likely that you will be found to have breached the Code.

5.0 Using council equipment for personal use of social media

Procedures for the use of the internet by members carrying out work on behalf of the council and/or using council-owned equipment and facilities is governed by the **Internet Acceptable Use Policy, Version 6**. Members are reminded that this guidance states:

"At the discretion of your line manager, and provided it does not interfere with your work, the council permits personal use of the internet in your own time (for example during your lunch-break). All personal usage of council equipment must be in accordance with this policy. Your computer and any data held on it are the property of Powys County Council and may be accessed at any time by the council to ensure compliance with all its statutory, regulatory, and internal policy requirements."

6.0 Use of personal mobile devices during working hours

- 6.1** It is possible for members to access the internet and social media via their own personal mobile phones and other devices whilst at work, provided that such access does not interfere with the smooth operation of council business
- 6.2** Accessing the internet for non-work related purposes must not interfere or impact on your time or availability to conduct your professional duties, and must not compromise any other policies regarding the use of mobile and other devices in certain situations and locations (e.g. child protection)
- 6.3** If a councillor is deemed to be spending excessive time attending to personal matters during working hours, it is possible for this to be classed as misconduct/ gross misconduct under the council's **Disciplinary Policy**. Excessive use of personal mobile phones and other devices during working hours for phone calls, text messaging, internet browsing or social networking is therefore not permitted.

7.0 Personal use of social media

Whilst the council respects the legal rights of all individuals, members need to be aware that what they do and say outside of work can often compromise their position as a councillor. This policy covers the responsibilities of members both inside and outside of work time in relation to their responsibilities to the council.

7.1 Maintaining confidentiality

- 7.1.1 Never publish or disclose any information about the council which is not already in the public arena. A breach of confidentiality could result in **disciplinary and / or legal action** being taken against the member.
- 7.1.2 Do not publish or report on conversations that are private or internal to the council. Do not cite or reference customers, employees, managers, partners or suppliers. Be mindful that whatever you publish may be in the public arena for a long time and that doing so may result in **disciplinary action** being taken against you.

7.2 Being respectful

- 7.2.1 Using social media to attack or abuse other members, customers/the public or suppliers (harassment and “cyber” bullying) will not be tolerated by the council. Respect the privacy, feelings, reputation, and position of others you work with. Don’t upload or tag others in posts which are defamatory, offensive or sensitive. Complaints of this nature will be dealt with under the **council’s policies, e.g. Disciplinary, Grievance, etc.**

7.3 The council's reputation

- 7.3.1 The council acknowledges that councillors are also local residents. However, regardless of where they live, members must not make negative comments about the council as this can be damaging to the council’s reputation and to your reputation.

8.0 Using social media in a professional capacity

- 8.1. Any social media account that is created must be administered responsibly and monitored regularly. Usual good practice must apply in terms of using strong passwords, which are regularly changed.
- 8.2 At the time of setting up a social media presence you must refer and adhere to the appropriate (for the tool you are using) protocols on creating a social media presence. Protocols are available on page 5918 of the staff intranet. Each medium has both appropriate and inappropriate uses so familiarise yourself with these first.
- 8.3 Social media tools present unique opportunities for sharing information and communicating with the public in ‘real time’. The use of social media in connecting with our communities will seek to support the Well-being of Future Generations Act (2015) e.g. “Well-being Goal: A Wales of cohesive communities; safe and well-connected communities”. Councillors that wish to utilise social media tools for these purposes are encouraged to do so, but thought must be given to resourcing the facility and in ensuring that it adds value.

- 8.4** Many of our customers and members of the public use social media tools; equally, many do not. It's therefore encouraged that key updates be communicated through traditional methods also.
- 8.5** Social media is a fast moving medium. Councillors should ensure that their content remains current and is frequently updated and checked for feedback. As a general rule, status updates should be updated at least twice a week.
- 8.6** Never breach copyright on any files you upload to social media.
- 8.7** Images must not be used to replace text. For example, uploading a poster as an image to convey information, as this is inaccessible to anybody using screen reading software. For further guidelines see the Corporate Design Guide on page 3575 of the staff intranet.
- 8.8** If you publish an untrue statement about a person which is damaging to their reputation they may take a libel action against you. This will also apply if you allow someone else to publish something libellous on your website if you know about it and do not take prompt action to remove it. A successful libel claim will result in an award of damages against you.
- 8.9** If you are involved in determining planning or licensing applications, you should avoid publishing anything on your social media account(s) that might suggest you have already made up your mind about a matter you may be involved in determining. Otherwise, the decision runs the risk of being invalidated.

9.0 Retaining professional integrity

- 9.1** Try to avoid using your personal account as a council communications channel. Instead, use an appropriate professional profile. For members who feel comfortable doing so, it is acceptable to take part in conversations on their personal accounts regarding council matters as long as they stay within the Code of Conduct.
- 9.2** For the council's protection as well as your own, it is important that you stay within the legal framework and be aware that libel, defamation, copyright, and data protection laws apply. Do not publish or report on conversations that were private or internal to the council.
- 9.3** Privacy settings are frequently changed by social media providers, and they all differ. With that in mind, don't assume your information will be kept private. Don't forget that social media tools are owned by external companies and data breaches are possible. If in doubt, hold back and seek advice from the Communications Team. Always consider the content carefully and also be sensible about disclosing personal details about yourself.
- 9.4** If/when using a council e-mail address (@powys.gov.uk) as a login for a social media account never use your current network password along with it as this creates significant security risks.
- 9.5** Respecting the privacy of others

- 9.5.1 Do not publish images of people unless consent has been given in writing through an official photograph consent form. Please contact the Communication Team for a form.
- 9.5.2 Do not quote people unless they are aware and give consent.
- 9.5.3 Do not name individual staff/members on social media without their prior consent.
- 9.6** Relationships with service users, clients, pupils, etc. should always be kept professional and respectful. The council acknowledges that in smaller communities, the lines can become blurred particularly where the service user is also a friend or acquaintance – **in such cases, councillors should disclose an interest ??**- common sense and discretion should be applied and all councillors are required to make themselves aware of the provisions of the Code of Conduct in this regard. In all cases, clarity should be sought from **?**.
- 9.7** Social media is increasingly used as a combined professional and personal space, where people might share personal anecdotes and professional views in one place. The council is supportive of this approach in principle, but members must be vigilant to ensure that where they identify themselves as a county councillor, **content remains non-political (in relation to the council) and free of any comment that may bring the council into disrepute. Where members are candidates in a local, general, Welsh Government or European elections, Police Commissioner Elections or any other public office position, then they must inform the solicitor to the council so that an exemption for political content can be made. In such circumstances, candidates must not seek to use their status as a council employee as an endorsement of their character or politics. ??**

10.0 Monitoring and responding to feedback

- 10.1** Social media is about two-way communication. Whilst it can serve as a broadcast tool when needed, it is important to be open to conversations with followers. The nature of social media carries with it the inherent risk of negative feedback / criticism in the public arena, but never ignore a sincere question from a member of the public as this could damage the council's (and your) reputation.
- 10.2** It is a councillor's responsibility to manage their own social media accounts. All feedback to the councillor through social media should be monitored on a regular basis and passed onto officers where necessary. Feedback that requires a response should be acknowledged within one working day and answered within five working days maximum. Where action is required, bear in mind that excessive delay will have a negative impact on the council's reputation. If you don't know the answer immediately put a holding statement in place (acknowledgement), such as "thank you for your comments, I'll find out and get back to you as soon as possible". If somebody makes a comment off-subject give them contact details for the appropriate service area.
- 10.3** Whilst there is a need to remain professional at all times, an informal, conversational tone is the most appropriate for social media channels. When responding to criticism online, ensure you are calm and courteous. Always be open to conversation and be aware that people are entitled to their views and freedom of speech. You must make sure that what you say is factual and avoid unnecessary or

unproductive arguments. If the situation begins to become unmanageable or it is felt that the comments are becoming vexatious, please refer the discussion to the Communications Team who will be able to advise.

11.0 Handling offensive comments

It is the councillor's responsibility to manage their own social media accounts, and to monitor any offensive content also. If it becomes necessary to remove offensive, defamatory or libellous comments from other users please inform the Communications Team. Depending on the severity of the comment, you may be advised to remove the comment or to inform your followers via a statement such as: "This comment was removed because the content was offensive. I will respond to your comments but please refrain from using offensive language and respect the views of others." Be sure to handle these comments swiftly to stop the issue escalating further.

12.0 Safeguarding

Current corporate safeguarding policies apply to any activity on social media and should be adhered to at all times. However, if you will be using social media in a way that will potentially give you access to the personal information of under 18s or vulnerable adults, you must be **DBS checked**. You must not access any information pertaining to a vulnerable adult or to a minor under the age of 18, unless expressly required to do so as part of your role. If you are in any doubt, you should discuss any concerns or queries **with ?**

13.0 Welsh language

Members are encouraged to make every attempt to post Welsh content on social media where possible, but an individual account is not required to post everything bilingually.

14.0 Conclusion

Using social media is an excellent way to engage a wider audience. In order to use the platforms successfully, you should ensure that you comply with the Code and any other legal requirements, and keep content objective, balanced, informative and accurate. It is also important to note that, the ethical use of online social media is not limited to what is covered in the Code. While you may not be investigated or censured for using online media in certain ways, your conduct might still be viewed as less than exemplary and attract adverse publicity for your office and authority.

15.0 Related policies ?

- **TBC**

16.0 Abuse of the guidance

The council will take seriously any occasions where social media is used inappropriately. Any complaints of this nature will be considered in accordance with the council's **Disciplinary and Fairness and Dignity at Work Policies**.

17.0 Further Guidance

Further advice and guidance can be gained from the Communications Team – comms@powys.gov.uk / x6847

18.0 Helpful links:

You can find further guidance and information on using social media as a member from the sources below:

- www.civicsurf.org.uk
- www.socialbysocial.com - a primer for harnessing social media for social good
- IDeA's Connected Members: A guide to using social media

Appendix A

Dos and don'ts – a Quick Guide

To make sure you comply with the Member Code of Conduct (the Code) and to ensure your use of online media is well received we suggest the following general hints:

Do

- Remember, what you say is permanent and findable
- Set appropriate privacy settings for your blog or networking site – especially if you have a private, non-political blog
- 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 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
- Ensure you use council facilities appropriately; if you use a council provided blog site or social networking area, any posts you make will be viewed as made in your official capacity
- 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

Don'ts

- Blog in haste
- Post comments that you would not be prepared to make in writing or face to face
- Use council facilities for personal or political accounts

Appendix B

Examples of cases

Examples which illustrate how the First Tier Tribunal (1) and standards committees in England have viewed cases involving social networking are given below.

Councillor Mullaney APE 0400 and High Court judgment

Birmingham City Council

In this decision factors relevant to the conclusion that conduct was within “official capacity” included the following

- The subject member trespassed onto an individual’s property and shot a video that he subsequently posted on You Tube. The aim of the video was to galvanise the planning department into taking action concerning the building.
- The YouTube video concerned identified the subject member at the outset.
- The subject member identified himself several times as a member.
- The video was subsequently published on the subject member’s website - the homepage of which identified him as a member.
- References were made in the video to the jurisdiction of the subject member’s council.
- The subject member failed to remove or edit the video when requested.
- The tribunal decision on breach was upheld by the High Court and the case was sent back to the Appeals Tribunal to consider if the sanction they applied was appropriate.
- The sanction applied was a one month suspension.

Councillor McTigue APE 0421

Middlesbrough Council

The Appeals Tribunal accepted that

- Even if it became clear from the forum (an on-line forum hosted by the local newspaper) that an individual who was posting on the forum was a member, the Code would not automatically be engaged.
- The question was whether in the postings on the forum the member was deemed to be, or gave the impression that he or she was “acting in the role of member”.
- This was fact-sensitive and would very much depend on the content of the postings.
- The subject member had used a pseudonym and stated that she was on the forum as a resident who just happened to be a member. Taking the contents of the postings as a whole the member did give the impression that she was acting in the role of member and representing the council. In a series of posts the subject member discussed council business, outlined what had happened at council meetings and referred to herself as a councillor.
- Sanction applied was a two month suspension.

Mayor Johnson

Greater London Authority Standards Committee Decision

- The Mayor of London linked in his tweet to the front page of the Sun, which on that day had announced its decision to endorse the Conservative party.
- The standards committee found that he had breached paragraph 6(b) (ii) of the authority's Code because he tweeted using his mayoral twitter feed (thus using GLA resources) and was considered to be seeking to affect party political support.
- Sanction applied was for the Monitoring Officer to speak to the Mayor about his responsibilities under the code.

Councillor Sharratt APE 0458

South Ribble Borough Council

- The member was a journalist who published a small journal.
- The member neither claimed nor gave the impression of acting as a representative of the council. The magazine was 'published for fun', and a member of the public would be in no doubt, the panel said, that the journal was not a matter that was the business of the council.
- The Standards Committee accepted the argument that Cllr Sharratt used the magazine to conduct public discourse on the council and party issues, and that his activities on the council, the magazine and the party were seamlessly connected. However, the First-tier Tribunal disagreed. It said the decision in *Livingstone v APE (2006) EWHC 2533* referring to 'activities which are apparently within the performance of a member's functions' should be narrowly construed.
- The appeals tribunal rejected the finding of the standards committee and concluded there had been no breach of the Code.
- No breach.

Councillor Barnbrook APE 470/471

London Borough of Barking and Dagenham

- The member appealed the decision of the standards committee of the London Borough of Barking and Dagenham.
- The member published a video on a website concerning statements about knife crime that were inaccurate.
- The key question considered by the tribunal was whether the member was acting in his official capacity when making the video.
- There was no evidence to support the position that the member was conducting the 'business of the Council' and the parties did not put forward any arguments to this effect
- The Tribunal was drawn to the conclusion that the making of the video was not proximate enough to the role of member so as to bring him into the ambit of acting in his capacity as a member. The Tribunal considered the following factors in reaching its conclusion:
- The member was making a video on behalf of the BNP with its primary purpose being party political;
- He was not identified as a member for the London Borough of Barking & Dagenham;
- He was not taking forward an issue relevant primarily to the London Borough of Barking & Dagenham;
- He was not taking forward an issue on behalf of an individual constituent; and,
- The video dealt with a range of issues and the Appellant did not concentrate upon issues within the London Borough of Barking & Dagenham.

- No breach.