

GUIDANCE ON CORRESPONDENCE AND THE USE OF SOCIAL MEDIA PROTOCOL FOR MEMBERS

Introduction Purpose of this protocol:

The increasing prevalence of email combined with the capacity for social media messages to be received instantaneously has increased pressures on elected Members. This guidance aims to clarify what may reasonably be expected of Members in relation both to correspondence received by email and also – where Members choose to use it – in relation to Social Media.

This Guidance does not impose additional rules or requirements on Members over and above those outlined in Social media is an increasingly important means of communication for individuals and businesses. The Council welcomes Members' increasing use of social media and aims to facilitate it by providing guidance regarding what is and is not acceptable. This protocol is intended to be read alongside the practice note on [Publicity and the Use of Council Facilities](#) in Part 8.2 of the Council's Constitution and complements the general rules imposed by under the [Code of Conduct for Members](#) in Part 8.1 of the Council's Constitution. This Guidance aims instead to offer some guidelines which may assist Members in meeting requirements and staying within the rules which govern Member conduct.

Key principles:

As members might expect, the fundamental principle is that the same standards of behaviour and conduct are expected of Members apply online as are required offline. In other words, members are expected to comply with the Code of Conduct in all areas when acting in their capacity as Members, whether they are doing so by email or online, via social media or in person. Members are referred to the Code of Conduct and the Practice Note on Publicity for the detail of the expectations made of them, and are welcome to contact the Executive Lead – Strategy, Governance and Law if they have any queries regarding any aspect of the regulatory framework which binds them.

A: Member correspondence – hard copy and by email

It is for each Member to judge the particular circumstances of any communication and to react in a way which is proportionate and respectful. Members are normally expected to answer (or to make arrangements for someone else - eg a fellow ward member - to answer) correspondence which is substantive (ie not spam) and is directed to them specifically on a matter of relevance to their activities as a councillor. They are normally expected to respond promptly as a matter of courtesy. Where this is not practicable because of other commitments, members are normally expected to send an acknowledgment of receipt indicating when a more substantive response will be forthcoming.

Where members are away for 3 days or more or otherwise unavailable, they are encouraged to make use of the out of office assistant available on Outlook to put people on notice that there may be a delay in responding and the likely timeframes of any response.

It is recognised that on occasion Members may find themselves overwhelmed by a sheer volume of correspondence, particularly when a controversial decision arises. Failure to reply or a delay in replying caused by unmanageable volume of correspondence or an occasional failure to respond, would not normally constitute a breach of the Member's Code of Conduct. However Members should be aware that repeated failure to respond to correspondence promptly or at all could amount to failure to treat people with respect and/or be deemed to be conduct which brings their office or the Council into disrepute.

It is recognised that some correspondents – whether because they do not receive the reply they are seeking, or for some other reason - repeat the same request in a series of emails or letters. The Council's procedure for dealing with corporate complaints makes provision for a decision not to enter into further communication with a complainant on a particular issue where on a careful review of the case and having taken appropriate advice a topic has been exhaustively covered. It is strongly recommended however that members apply appropriate standards of courtesy by despatching a clear final response which indicates that they regard the correspondence to be at a close, ideally explaining the reasons why.

Similarly, while members are not expected to engage in exchanges which they consider to have become aggressive or abusive, they are normally expected to communicate clearly their reasons for bringing any exchange of communications to a close.

B: What is social Media?

Members are not required to set up any kind of social media account, and are free to communicate and engage however they wish to. However It is not a requirement that members have a Facebook or Twitter account or use other forms of social media. However if you these guidelines will be relevant to any Members are already using or planning to use social media in connection with their your work as a Councillor, or already using such media in their your private capacity, these guidelines will be relevant.

Social Media may can be used;

- As a means of To support councillors in performing at their community leadership role
- To keep in touch with local views and opinions
- For political campaigning
- For campaigning on local issues

Types of Social Media:

- ~~Blogging and microblogging on online journals. Twitter is an example of microblogging, where entries are limited to 140 characters~~
- ~~Online Forums involve people with similar interests sharing information and opinions. Social networking sites facilitate connections between those who already know each other, often in a social context, but are increasingly used by businesses to promote their products or services. Facebook is an example~~
- ~~Video and photo publishing involve sharing videos and photographs worldwide – Youtube and Flickr are examples.~~

Potential issues ~~Be mindful that:~~

~~The use of social media does not impose any legal or ethical burdens additional to those which govern all of your behaviour as a councillor.~~

- ~~However w~~While any form of communication is capable of being misunderstood, the rapidity ~~and immediacy~~ of social media exchanges can lend itself to problems.
- “Misfiring”, or being misunderstood, particularly where comments are perceived as being ~~more controversial than intended~~, may lead to rapid ~~circulation and therefore escalation and wide broadcasting of the seemingly controversial comment.~~
- Although social media lends itself to a conversational tone, posting comments is still publishing ~~as it creates in the sense of creating~~ a written record. ~~It is therefore important that~~ ~~Most pitfalls will be avoided if your~~ online content is accurate, informative, balanced and objective.
- While councillors are free to communicate politically in appropriate contexts, ~~it is recommended that they do not you should be careful not to say~~post anything that you ~~they would not wouldn't~~ be comfortable justifying at a public meeting.
- ~~Where councillors If you do~~ use social media to make comment (whether political or otherwise) about an individual or organisation, it is recommended that ~~they you~~ alert that person to ~~their your~~ comment by ‘tagging’ them (or otherwise alerting them) so that they are aware of ~~they your~~ post. This ensures that ~~they are you~~ ~~identified them~~ correctly as well as giving them the opportunity to respond.

Legal issues:

- **Libel** – If ~~Members you~~ publish an untrue statement about a person which is damaging to their reputation, they may take a libel action ~~against you~~. The same thing may happen if, for example, someone else publishes something libellous on ~~a Member's Social Media page your website, you know about it~~ and ~~they~~ don't take swift action to remove it. A successful libel claim could result in the award of damages ~~against you~~.
- **Copyright** – Placing images or text on ~~any 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** – Members are data controllers in the eyes of the ICO insofar as the personal data which they hold on ward business is concerned. Members must have regard to the requirements of the GDPR in all respects, and must ~~Do~~ not publish the personal data of individuals ~~unless you have~~without their express permission.
- **Bias and Predetermination** – if Members you are involved in making planning, licensing or other quasi-judicial decisions, it is important that they do not ~~do not~~ say indicate via any media anything through social media (or indeed anywhere) that suggests you that they have completely and irrevocably made your mind up on an issue that is due to be formally decided upon. While a Member's your likely view on a particular application may be well known, only those Members who you need to be are able to show that they have you attended the committee or hearing prepared to take on board and weigh all the evidence and arguments, and are were genuinely persuadable to a different view, should be taking part in council decision-making. If not, then you weren't, the decision may be later challenged, as invalid. ~~Where~~ 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.

'Acting as a councillor', and the issue of blurred identities ~~Social Media and the Code of Conduct for Members:~~

- ~~Aspects of the Code of Conduct for Members will apply to your online activity in the same way as they do to any other written or verbal communication you may engage in.~~ The key to whether an individual Member's your online activity is subject to the Code of Conduct is whether they you are, or even just appear to be, acting in their your capacity as a councillor rather than as a private individual.
- Councillors may can have “blurred identities” in a situation where they . This can happen where you have maintain a social profile which sees them media account where you comment both as a councillor and as an individual (which may or may not involve making political statements). Although Members you may be clear in your mind that they 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 your organisation or party (rather than you personally) when this may not be the case.~~
- One way of avoiding blurring the lines between a Member's your personal (or political) communications ~~and those they make as a councillor~~ life, and avoiding some of the potential problems related

to the Code of Conduct, may be is to consider maintaining an keeping your online accounts as a councillor which is entirely separate from those where the Member you communicates in a personal capacity. This is a decision for each Member and some Members may find the convenience of having one account outweighs the advantages of separate accounts. The council's Communications team Section, in particular the Social Media Officer, can will assist help you with moreif specific advice if needed.

- ~~**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, disableist, ageist, homophobic or anti-faith.~~
- ~~**You must not bully or intimidate 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, whether the comments relate to a council employee, a fellow councillor or anyone else.~~
- ~~**You must not bring the council into disrepute** - you should not publish anything that could reasonably be perceived as bringing yourself as a councillor, or the council in general, into disrepute.~~
- ~~**You must not disclose confidential information** - you must not, in your usage 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.~~

~~Members are referred to paragraph 4 of the Members' Code of Conduct for a fuller exposition on non-disclosure of confidential information. There is a perception that inadvertent leaks of the council's confidential information are more likely to take place when a councillor is using social media, rather than, say, when they are carefully drafting a letter for publication in the local paper. This may be because of the more immediate, conversational, off the cuff nature of much social media communication. Whether this is true or not, members must be careful to apply exactly the same Code of Conduct standards to their social media communications as they would to statements made in a more formal context.~~

~~While it is important that the Council conduct its business with openness, it is essential that councillors and employees are clear about what is confidential and ensure that relevant items remain confidential.~~

~~There is separate more detailed guidance on confidential information available on the Wave or from the Monitoring Officer. If in any doubt, Members should seek advice.~~

Recommendations for Social Media use by Members Staying out of Trouble - Some Do's and Don'ts

Some Do's

- ~~Members will need to consider setting set~~ appropriate privacy settings ~~for your blog or networking site~~— especially if you have a private, non-political blog
- ~~Members need to monitor their social media accounts~~ ~~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
- ~~The be mindful of the~~ potential for misunderstanding and miscommunication ~~via social media is increased, and Members may wish to bear this in mind.~~
- ~~if you~~Where Members ~~feel it to be~~ necessary to 'block' an individual from communicating with ~~them, whether because the communication has crossed the line and is considered to be abusive or for some other reason~~you, ~~then members are expected to~~ ~~be~~ mindful of the need to be clear and transparent in ~~their your~~ actions. This will normally involve communicating directly with the ~~individual and informing them of the decision and of the m your decision and the~~ reasons for it
- ~~be aware that 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~~
- ~~Members are asked to~~ consider keeping ~~their your~~ personal and elected member profile on social networking sites separate as a means of maintaining appropriate professional boundaries
- ~~Members are expected to~~ ensure ~~they you~~ use council facilities appropriately ~~and to bear in mind the likelihood that posts about the council/ which use information accessed by being a council are likely to ; 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 you will be seen as acting in your official capacity if you publish information that you could only have accessed by being an elected member~~
- ~~While members may wish feel able~~ to make political points, ~~it is recommended that they take care not to be 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 comments on policy are less likely to be viewed as disrespect.

- Where Members if you do make a personal or a political comment about an individual or organisation on social media, it is recommended that theyyou 'tag' them in your post. As well as ensuring that you identifying the correct person, this practice alerts the other party to the m to the fact you have made a comment about them and gives them the opportunity to reply to it.
- Members are advised not to request or accept a Brighton & Hove City Council employee or 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.)

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
- make unguarded statements which could lead to potential liability, or fail to take care when reporting or copying the comments of others
- 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 Brighton & Hove City Council employee or 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 negative, 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 City Council related information
- 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

Use of social media and mobile devices at meetings:

- ~~Use mobile devices sparingly, discreetly and with common sense at meetings, being mindful of the impression you may be giving to others of proceedings.~~
- ~~There may be occasions when texting or emailing between Councillors during meetings on matters relevant to the debate at hand may be valuable on the same basis as circulating paper notes to other Councillors. Mobile devices also enable Councillors to manage their busy lives when time is at a premium. However frequent use of these devices during meetings may give the public the impression that the councillor is not paying full attention to an item that is being discussed in a debate on a decision that is to be made.~~

~~Examples of the acceptable use of devices:~~

- ~~reading and annotating meeting papers and background information relevant to that meeting;~~
- ~~communicating with others at the meeting on matters relevant to the debate at hand; and~~
- ~~sending and receiving urgent communications to/from home relating to domestic circumstances (e.g. childcare arrangements)~~

~~Avoid the following:~~

- ~~(a) using social media during quasi-judicial meetings or during the consideration of confidential or exempt items of business at meetings; and~~
- ~~(b) frequently checking emails and messages that are not related to the meeting; and~~
- ~~(c) extended periods of use which may suggest that insufficient attention is being paid to the meeting.~~

~~*****~~

Conclusion:

~~The Council wishes to encourage Members to use social media where doing so may assist you in performing your function. This Guidance aims to assist is intended to help Members in avoiding the various risks associated with the types of communication in scope avoid the legal and reputational risks inherent in this mode of communication. The Monitoring Officer and the Social Media Officer in the Communications Team are happy to help Members by providing additional advice and guidance as appropriate. Training is also available to individual Members or Groups on the use of social media.~~

Abraham Ghebre-Ghiorghis, Monitoring Officer

Last revised: xxx July 2020~~July 2017~~