



OLD BASING & LYCHPIT PARISH COUNCIL

The Pavilion, The Recreation Ground,
The Street, Old Basing,
Basingstoke, RG24 7DA

SOCIAL MEDIA GUIDANCE FOR COUNCILLORS

Section 1 – introduction

1. Social media is the term used for online tools, websites and interactive media that enable users to interact with each other by sharing information, opinions, knowledge and interests. This guidance covers social media issues over the internet and email, smart phones, social networking sites, blogging and tweeting.
2. For the purposes of this guidance, the term social media covers sites and applications including, but not restricted to, Facebook, Twitter, YouTube, LinkedIn, blogs, discussion forums, and any sites which may emerge after the creation of this guidance.
3. The council encourages councillors' use of social media as a way of engaging with their communities as part of their role. 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.
4. Most people are familiar with doing things online and residents increasingly expect the council to provide its services online, with the same level of interactivity that they find everywhere else. However, there are challenges and risks around its use by councillors and the council. 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.
5. 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 how to use social media or which platforms are more appropriate for their use. It deals with the pitfalls that specifically apply to the role of local councillors.

Section 2 – Legal considerations

6. 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 sharing information and its use by councillors is encouraged for these reasons.

7. 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:

- a. **Defamation:** if a councillor publishes an untrue statement about a person that is damaging to their reputation the councillor may be liable to pay damages;
- b. **Copyright:** copyright laws still apply online. Placing images or text from a copyrighted source, for example extracts from publications or photos, without permission is likely to breach copyright and may also result in an award of damages against the councillor;
- c. **Harassment:** it is a criminal offence repeatedly to pursue a campaign against a person that is likely to cause alarm, harassment or distress;
- d. **Data protection:** personal data about other people, including photographs, home addresses and telephone numbers or information about them, should not be published without their express permission;
- 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.

8. Inappropriate and offensive material must 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 or something that promotes illegal activity or is intended to deceive.

9. Additional considerations apply to councillors:

Bias and pre-determination

10. Councillors sitting on regulatory committees, such as planning or licensing committees, 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 'not bringing the council into disrepute' provisions of the Code of Conduct for Councillors could be breached.

Equality and discrimination

11. The council is a public authority required to comply with the Equality Act 2010. As noted above it is unlawful 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. Councillors must exercise caution to ensure that they do not place the council in breach of that duty by publishing content when appearing to act in their official capacity.

Electioneering

12. Council resources, including the use of social media on council mobile devices or IT equipment, must not be used for political or campaign purposes. Particular care must 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 social media, web and other online advertising.

Human Rights

13. Article 8 of the European Convention on Human Rights 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.

14. Article 10 of the European Convention on Human Rights also protects councillors' freedom of expression, although this is a qualified right which may be limited in order to protect the rights and interests of others. Case law has established the principle that in a political context, more robust exchanges might be acceptable that would otherwise be the case. This does not extend to gratuitous personal comment.

Code of Conduct

15. 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 as a councillor when that is not their intention and they are using social media in a personal capacity. Any social media account which could be potentially linked to a councillor needs to meet the standards of the code of conduct where it is used to refer to council business. Using the title or prefix "Councillor" may make it harder to justify acting in a private capacity, although it can still depend on the circumstances. Nevertheless, It is recommended that councillors have separate social media profiles for their role as a councillor and in their private life.

Section 3 – Responsibilities of councillors

16. Councillors are personally responsible for the content they publish on any form of social media. Publishing an untrue statement about a person which is damaging to their reputation may incur a defamation action for which they will be personally liable. The same applies if they pass on any similar untrue statements made by others. Be particularly aware of chains of information which may contain such statements.

17. Councillors will need to monitor and, where appropriate, censor or remove the contributions made by others to their sites or pages. As well as the risks of a defamation action allowing defamatory or offensive statements to remain on a site could also give rise to Code of Conduct issues where allowing comments to remain could be seen as condoning or endorsing them.

18. Similarly, liking, sharing or retweeting 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 of Conduct considerations would apply.

19. 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. **Basingstoke & Deane Borough Council** outlines rules for commenting on its social media., see <https://www.basingstoke.gov.uk/social-media>, and it may be useful to read these and consider your own approach to responding to comments.

20. Careful use of language is required. Sarcasm, irony and ambiguous comments should be avoided.

21. Promptly admit to mistakes.

22. Avoid using social media when tired, angry or upset as your judgment may be impaired. Once published, content is almost impossible to control and can be manipulated without your consent, used in different contexts, or further distributed.

23. 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.

24 Safeguarding is everyone’s business – social media sites are often misused by offenders. If a councillor has any concerns about other site users the councillor has a responsibility to report these.

25. Councillors are advised to make use of stringent privacy settings if they do not want their social media to be accessed publicly. It is advisable to read the terms of service of any social media site accessed and make sure the confidentiality and privacy settings are understood. It is worth remembering, however, that all posts have the ability to be screenshot and posted elsewhere.

26. Always ensure the security of devices to prevent unauthorised access by third parties who may make inappropriate use of the device.

Section 4 – Principles for using social media

These five guiding principles for any social media activities should be followed:

27. **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 and do not disclose non-public information or the personal information of others.

28. **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.

29. **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.

30. **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.

31. **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.

Section 5 – use of social media during committee meetings

32. Use mobile devices sparingly, discreetly and with common sense at meetings, considering the impression this gives to others.

33. Mobile devices enable councillors to manage their busy lives when time is at a premium. It is important, however, 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 of Conduct complaints of a failure to treat others with respect or of bringing the council into disrepute.

Section 6- inappropriate use of social media by others

34. If you receive a communication which is abusive, intimidatory or threatening keep a record of it, such as a screen shot.

35. You can post that you find the communication abusive, intimidatory or threatening if you want to highlight the poor online behaviour and report it to the social media platform and to the police. If it concerns your role as a councillor you should report it to the Monitoring Officer, who can provide advice, keep records and decide whether any action can be taken by the council.

36. If someone has posted information about you or the council and if the information is defamatory, you should keep a record. You may wish to request that the post is removed and depending on the nature and number of followers seek a correction and/or apology. If the approach is unsuccessful or where a defamatory post causes serious concern or is a part of a concerted campaign you should inform the Monitoring Officer and you may wish to take advice from your own solicitor.

37. If the post is a complaint about a council service you can ask for contact details and pass the information on to council officers to follow up and inform the individual that this is the course of action you are taking.

Section 7 - further reading

38. The Local Government Association's webpage on [Councillors and social media](#) gives helpful advice and guidance, including a section on handling abuse on social media.

Section 8 – complaints

39. These guidelines do not form part of the Code of Conduct for Councillors but there may be instances where councillors' use of social media amounts to a breach of that code and the Monitoring Officer may take these guidelines into account when considering whether such a breach has taken place. The Code of Conduct and procedure for making complaints against councillors is set out in part five of Basingstoke & Deane Borough Council's constitution:

<https://www.basingstoke.gov.uk/councillor-code-of-conduct>