

LONDON BOROUGH OF HAVERING
SOCIAL MEDIA PROTOCOL FOR MEMBERS

Purpose of this protocol

1. The widespread availability and use of social media networking presents the Council with new opportunities to understand, engage and communicate with our residents. However, if misused, it has the potential to cause considerable damage to the Council, and to those we seek to engage with.
2. The Council welcomes Members' use of social media and would like to support this by giving guidance so that Members have greater clarity as to what is and is not acceptable usage of social media.
3. This protocol is intended to provide such guidance and complements the general rules under the Members' Code of Conduct.

What is Social Media?

4. Social media is the term to describe websites and online tools which allow people to interact with each other by creating their own content. The content could, for example, be blogs, videos, or short messages; these are posted on a wide range of social media platforms including (but not limited to) Facebook, Twitter, LinkedIn, Snapchat, Instagram, YouTube etc.
5. It is an innovative way of engaging with people in consultation and participative activities. Local Authorities are expected to lead the way in engaging with residents in local decision making and in improving and strengthening communities and neighbourhoods, and used effectively, social media can be particularly useful in engaging with those who would not normally have access to local councillors and politics.

Social Media and Members

6. It is not a requirement for Members to use other forms of social media to fulfil their job as a Member. However, if you are using or planning to use social media in connection with your work as a councillor, or are already using such media in your private capacity, these guidelines will be relevant.
7. Remember that, whenever you act or appear to act in your official capacity, you must comply with the Members' Code of Conduct.
8. Social Media can be used:
 - a. To support councillors in performing their community leadership role

- b. To keep in touch with or obtain local views and opinions
- c. For political campaigning
- d. For campaigning on local issues

Things to bear in mind

9. Any communication is capable of being misinterpreted. While the use of social media should not be more susceptible to this problem than any other form of communication, something about the immediacy of social media seems to magnify the problem.
10. By the nature of such media, misinterpretation or misrepresentation, particularly with regard to something that is perceived as being more controversial than it was expected to be, is likely to lead to rapid and wide broadcasting of that apparently “controversial” item.
11. Keep your communications clear, positive, polite and professional; avoid being ironic or sarcastic, it can be misinterpreted.
12. There are no special, additional legal or ethical burdens relating to the use of social media. The same rules apply here that govern the rest of your behaviour as a councillor – you just need to think about them in this new context – their immediacy and ease of dissemination.
13. Although the best use of social media is conversational in tone, publishing to the web is still publishing. What you have said on the web is recorded and it is permanent. Most pitfalls will be avoided if your online content is accurate, informative and thought through. Think of it as speaking in public. Think before you commit each word.
14. This doesn’t mean that Members cannot, in the appropriate context, communicate politically. This is expected of a councillor, but you should be careful not to say anything that you would not be comfortable repeating or justifying, for example, at a public meeting.
15. On Facebook, you will need to monitor, and if necessary, censor the contributions that other people make to your site; delete them if they do not match your required standards of behaviour or language. Defamatory and offensive language will be attributed to the publisher as well as the original author and could incur financial liability. It is up to you to decide if you want to remove posts that disagree with your political position, however if you do remove them you may be accused of censoring contributions on political grounds.

16. On Twitter, you can block people who are habitually offensive or vexatious. Remember however, blocking them only stops them engaging directly with you, their tweets will continue to be public to all of their followers.

Some legal issues

17. You are personally responsible for any content that you publish on social media.
18. Abusive, bullying or racist posts may amount to a criminal offence.
17. 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. The same thing may happen if, for example, someone publishes something defamatory on your website and you know about it and do not take swift action to remove it. A successful legal claim could result in the award of damages against you.
18. Copyright – Placing images or text on your site from a copyright source (for example, extracts from publications or photos), without obtaining permission, is likely to breach copyright laws. Therefore, do not 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.
19. Data Protection – Do not publish the personal data of individuals unless you have their express permission (which may also include photographs). 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 on a public forum you should expect it to be published by others.
20. Bias and Predetermination – If you are involved in making planning, licensing or other quasi-judicial decisions, do not say anything through social media (or indeed anywhere) that suggests you have made your mind up on an issue that is due to be formally decided. While your likely view on a particular application may be well known, you need to be able to show that you attended the committee or hearing prepared to take on board and weigh all the evidence in reaching your view otherwise the decision may be later challenged as invalid. Predisposition is permitted, pre-determination is not. 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 and the Council's decision is put at risk of challenge by way of judicial review.

Social Media and the Members' Code of Conduct generally

21. Aspects of the Members' Code of conduct will apply to your online activity in the same way as 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 a private individual.
22. If you are acting in a private capacity then the Code of Conduct does not apply. The opposite occurs of course when you are acting as a councillor. If you sign off as 'councillor', or are commenting on matters directly pertinent to the council and its business it is highly likely you will be regarded as acting in your official capacity.
23. One way of avoiding this, and avoiding potential problems related to the Members' Code of Conduct, may be to consider keeping your online accounts as a councillor separate from those where you communicate in personal capacity.
24. Where possible, a Councillor should make clear who they are in the profile of any account. In any biography where the Councillor is identified as a Councillor, the account should state that the views are those of the Councillor in question and may not represent the views of the Council.

Staying out of Trouble – Some Do's and Don'ts

Do's

25. Be mindful of the Code of Conduct for Members. It applies to your social media presence.
25. Set appropriate privacy settings for your blog or networking site – especially if you have a private, non-political blog.
26. Think before you tweet or post or blog. Do not say anything that you would not be prepared to discuss face to face with the person you are speaking about or write on a placard and carry down your high street and discuss and defend with anyone who sees it.
27. Keep an eye out for defamatory, obscene or inappropriate posts from others on your social media and remove them as soon as possible to avoid the perception that you condone such views. 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 use social media.

28. Consider keeping your personal and elected member profiles on social networking sites separate and maintain appropriate professional boundaries.
29. 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.
30. 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.

Don'ts

31. Blog, post or tweet in haste, particularly in circumstances where your judgement might be impaired; for example, if you are tired or have consumed alcohol.
32. Use Council facilities for personal or political blogs.
33. Request or accept a Council employee or contractor providing services to the Council as a "friend" on a social networking site where this suggests close personal association.
34. Use social media in any way to attack, insult, abuse, defame or otherwise make negative, offensive or discriminatory comments about council staff, service organisations, other Members, or the Council.
35. 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 related information.
36. 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.
37. Browse, download, upload or distribute any material that could be considered inappropriate, offensive, defamatory, illegal or discriminatory. Do not share, like, retweet or repost such material.
38. Make conspicuous or excessive use of social media technology during the course of a Council or committee meeting so that you give the impression to the public of not being respectful of the proceedings and, more seriously, taking decisions that are not based on full engagement with the facts and arguments.

39. Use social media to promote personal financial interests. This includes the promotion of particular commercial activities that Council representatives may have an interest in.
40. Think that a disclaimer in our bio will save you from potential legal action. It won't.

Staying safe:

40. Councillors, just like anyone else, should be careful about internet security. If you lose control of a Social Media account to a hacker, you could suddenly find all sorts of inappropriate comments being published to the world in your name!
41. Use secure passwords (generally over eight characters long and using a mix of letters, numbers and symbols) and never share your password with anyone. If you are using shared IT equipment, don't store your password on the computer.
42. Councillors must be aware of their own safety when placing information on the internet and should not publish anything that could leave them vulnerable.
43. Any Councillor receiving threats, abuse or harassment via their use of social media should report it to their political group leader, Members' services and /or the Police.

Concluding Remarks

44. The Council wishes to encourage Members' use of new technology. This guidance is intended to help Members use social media in a way that avoids legal and reputational risk.
45. If you have any doubt at all about whether content is appropriate, it probably isn't! If you are still in any doubt, you should contact the Council's Monitoring Officer before posting.
46. If you need any assistance with the technical or IT issues mentioned in this protocol please contact the IT Service Desk on 01708 432515