

## **Appendix A - NNC Social Media Tool Kit**

### **1. Purpose of this guidance**

Social media can be instrumental in promoting your work to a larger audience and facilitating conversation and engagement with residents, businesses, and the wider community. For these reasons the increase in Councillor's use of social media is welcomed. However, there is a wide recognition that the use of social media comes with potential issues. To support and facilitate the use of social media this guidance has been produced.

This guidance lays out a summary of the principal issues for Councillor's consideration, some 'Do's and Don'ts', and further information about the legal framework and examples of how social media activity may fall within the scope of the Councillor's Code of Conduct. Also covered are some tips on best practice when tackling online abuse and engaging in healthy debate.

### **2. Considerations when using social media.**

Like anyone else publishing material, Councillors need to be aware of the laws that apply to published material. Some of the main ones are as follows:

- i) Defamation/Libel. If you publish an untrue statement about a person which causes or is likely to cause serious harm to their reputation, they may take a libel action against you. Actions in libel may also be commenced if, for example, someone else publishes something libellous on your website, you are aware of it and don't take prompt action to remove it. A successful libel claim could result in the award of damages against the Council, or possibly against you if you were acting in your personal capacity.
- ii) Copyright. Publishing information that is not yours, e.g., extracts from publications or photos, without first obtaining permission, is likely to breach copyright laws. Copyright material does not have to be marked ©, so just because a photo appears on a website without the photo, or the website being marked © this does not mean the photo can be freely used. Therefore, don't publish anything you are unsure about, or obtain prior permission in writing from the copyright owner. Again, a successful claim for breach of copyright would be likely to lead to an award of damages against the Council or possibly against you personally if you were acting in your personal capacity.
- iii) Data protection. Do not publish the personal data of others, including photographs, without their express permission to do so. Information which is an individual's personal data may also be confidential information, and again if you used this information in a way which was detrimental to the individual, they may be able to sue you or the Council for damages.

- iv) Harassment. It is an offence to repeatedly pursue a campaign against a person that is likely to cause alarm, harassment, or distress.
- v) Discrimination and protected characteristics. It is an offence to discriminate against anyone based on protected characteristics as defined in the Equality Act 2010.
- vi) Incitement. It is an offence to incite any criminal act.
- vii) Malicious and obscene communications. It is an offence to send malicious and obscene communications.

### **3. Councillor specific considerations**

#### **Bias and pre-determination**

Councillors sitting on regulatory committees such as planning or licensing should be aware that they are allowed to have a view but not have gone so far as to have predetermined their position on a matter. Any views aired on social media (including "liking" a comment made by others) 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 provisions of the Code of Conduct could be engaged.

#### **Equality and discrimination**

The Council is a public authority required to comply with the Equalities Act 2010. It is an offence to discriminate against anyone based on their protected characteristics (age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity). 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) and that applies to Councillors when appearing to act in their official capacity.

#### **Electioneering**

Council resources, including the use of social media on Council mobile devices or IT equipment, should not be used for political/campaign purposes. Particular care should also be taken when using social media during the pre-election publicity period (the period between the notice of election and polling day). Councillors can continue to use their social media pages during the pre-election period and may use it for campaigning purposes, subject to the Electoral Commission's guidance on election campaigning. Councillors also need to be mindful that in using their Councillor social media page for these purposes may engage the Member Code of Conduct. The Head of Legal and Democratic Services issues guidance to all members on the pre-election publicity rules in advance of an election. The Electoral Commission has also published guidance including on the requirements to provide a return of expenditure on election advertising which includes web advertising.

## **Human rights**

Article 8 of the European Convention 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) which are national security, public safety, economic well-being, health or morals, prevention of crime or disorder, or protecting others' rights. Observing the use of social media by other people, even on 'open' profiles, can engage Article 8.

## **4. Abuse on social media and how to combat it**

Unfortunately, anyone can find themselves subject to online abuse and there may be occasions where you find that others post inappropriate comments about you or communicate inappropriately with you through social media. Any intimidation or abuse on social media is subject to all the same potential criminal prosecutions as other forms of intimidation, with additional criminal offences relating specifically to electronic communications. If as a result of such communications you fear for the safety of yourself or others, you should immediately contact the Police just as you would in any other circumstance where you feel you or others may be in danger.

Every situation will be different, and it will need a personal judgement about whether it is worthwhile to pursue the incident, ignore it or politely acknowledge.

If you are subject to online abuse but are not overly concerned and intend to ignore it, consider keeping a record of the abuse should it escalate in future. You can do this by simply taking a screen shot of the abuse on your phone, tablet, or computer. You may also decide to inform the perpetrator that you are keeping a record of all messages, which may deter them from posting further comments or might encourage them to delete them.

For more bothersome and repeated online abuse, consider muting or blocking the perpetrator.

Muting allows you to remove an account's publications from your timeline but does not go as far as unfollowing or blocking the account. Muted accounts will not know that they have been muted and you can 'unmute' them at any time.

Blocking allows you to restrict specific accounts from contacting you, seeing your posts or following you. Unlike muting, the perpetrators can find out that they have been 'blocked' and may accuse you of avoiding their scrutiny; this may be a small price to pay if their behaviour is checked and can be easily rebutted if necessary.

## **5. Engaging in healthy debate**

Councillors play an important role within the community and are regarded as influential in their local area. This means your actions, tone, manner, and language has a wide impact for many people.

Treat others in the way you would want to be treated – it is never pleasant to be on the receiving end of negative posts or abusive comments. As a Councillor it is your responsibility to ensure that the way in which you respond to others is polite and positive, encouraging healthy debate on both your own social media accounts and those of others. Be aware of the fact as a councillor, your behaviour will influence others' actions therefore it is your responsibility to ensure that the way in which you respond to others is polite and positive.

## **6. Using social media during committee meetings**

Use of personal mobile devices at committee meetings should be kept to a minimum, be done discreetly and with consideration of the impression you are giving to others.

There may be times when Councillors exchange text messages or emails during meetings which are relevant to the debate at hand. These can be valuable exchanges; however, it is important for Councillors to be conscious not to give the impression that inadequate attention is being given to discussions of the meeting. If Councillors are considered to have come to a decision without having properly listened to the debate, then decision can be challenged. It may also result in Code of Conduct complaints being made against the distracted Councillor.

## **7. Code of Conduct**

Councillors should be aware that when using social media, they are subject to the Council Code of Conduct at all times. For this reason, any social media accounts which could be potentially associated with a Councillor need to meet the standards of the Code of Conduct.

## **8. Tips on best practice whilst using social media**

Do:

1. Set appropriate privacy settings for your social media and networking sites, especially if you have social media which is private and non-political. However, should you post an inappropriate comment or image on a private or restricted account which is then seen by a third party, you remain responsible for that content irrespective of the privacy settings you have in place.
2. Keep an eye out for defamatory or obscene posts from others to avoid the perception that you condone such views.
3. Be clear about the capacity in which you are publishing material. It is advisable to keep your personal profile and your elected member profile separate on social networking sites to ensure you maintain separate and appropriate professional boundaries. However, do be aware that the higher your profile as an elected member, the more likely it is that you will be considered to be acting in your professional capacity on social media.
4. Be aware that you will be considered to have acted in your professional capacity if you publish information that you could only have accessed by being an elected member.

5. Be mindful of using Council owned IT appropriately. If you use a council provided blog or IT equipment, any posts made are more likely to be viewed as being made in your professional capacity.
6. Minimise security risks by using strong passwords for your social media accounts and change them regularly. Protect your devices with a password or pin to control access and prevent misuse.
7. Show respect and consideration for others. Those who present a differing opinion to yours are a common element of social media and it's okay to agree to disagree. Use of social media's blocking and muting functions should only be used as a last resort.
8. Feel able and encouraged to publish political points, however, take caution in being too specific or personal when referring to individuals. An attack on an individual may be perceived as disrespectful, whereas general comments made about another party or legitimate comments on policy are less likely to be viewed as such. An unjustified personal and generic attack on a section of the public is unlikely to be considered a political view protected by freedom of speech.
9. Pause before publishing. Think about what you are publishing and the message it sends to those who see it.

Don't:

1. Make careless statements which could lead to potential liability or publish comments you would not be prepared to make on paper or face to face.
2. Use social media to attack, abuse, insult, defame or otherwise make negative or discriminatory comments about members of council, members of Parliament (or their family or friends), council staff, service users, other professionals, or the council.
3. Browse, download, upload, or distribute any material which could be considered offensive, inappropriate, defamatory, discriminatory or illegal.
4. Blog or publish in haste, especially in circumstances where your judgment may be impaired, e.g., when you have consumed alcohol.

### **Further information and guidance**

1. LGA Handling abuse on social media.
2. LGA Social media dos and don'ts.
3. LGA Digital citizenship 'rules of engagement' infographics.
4. Connected Councillors: A guide to using social media to support local leadership and other guidance available on the Local Government Association website [www.local.gov.uk](http://www.local.gov.uk)
5. Terms and conditions for Facebook.
6. Terms and conditions for Twitter.