

To: Standards Committee
Date: 25 February 2019
Report of: Monitoring Officer
Title of Report: Social media protocol for councillors

Summary and recommendations	
Purpose of report:	To agree a social media protocol for councillors.
Key decision:	No
Recommendation:	
That the Standards Committee resolves to:	
a) Approve the social media protocol for councillors as set out in Appendix 1.	
Appendix 1	OCC Social media protocol for councillors

Introduction and background

1. Social media is an important and growing means of communication for councillors. It can be an effective way of staying in touch with citizens, advising them of the work being done and obtaining useful information from them. Many councillors are already successfully using social media for these purposes and for their own local and political campaigning.
2. However, as was evident from a recent code of conduct complaint there are issues that can arise from the use of social media that could cause difficulties for councillors.
3. The external investigator's report on an investigation into that code of conduct complaint made the following recommendation:

Members should consider, even when it is clear that they are not conducting council business, that their conduct can have an effect on the reputation of their authority. Members need to be particularly aware that when it comes to Social Media, councillors can have 'blurred identities'. This is where a member has a social media account where they comment both as a councillor and as an individual; for example, a Facebook account where a councillor has posted about a great night out (personal) and another time explained the council position on pothole repair (councillor). It may be clear in their mind when they are posting in a private capacity, but it could be less clear to others. Such blurred identities can have implications where a councillor's individual views are taken as those of their organisation or political party, rather than their personal opinion.

As such, I do recommend that the Council consider adopting a social media policy that will offer additional guidance for councillors. I would imagine that the Council would want one of their members to at least aspire to act in a manner that was conducive to supporting the principles set out in the Code, even in their private capacity.

4. The Standards Committee meeting in September 2018 noted the external investigator's recommendation and considered the merits of adopting a social media policy to offer additional guidance to members. The Committee acknowledged the Monitoring Officer's advice that although a social media policy would be helpful in setting clear expectations such guidance could only be advisory and would not broaden the scope of the standards regime in respect of members acting in a non-councillor capacity, as this position was based on case law.
5. In November 2018 Council agreed to:
Delegate authority to the Head of Law and Governance to amend the Constitution to include a social media policy, following consideration and approval by the Standards Committee.
6. Although the Council recommendation refers to a "social media policy" the draft document before the Standards Committee is badged as a "social media protocol for councillors". This is on advice from officers in the Corporate Policy, Partnership and Communications service that as the subject matter is advisory it does not meet the Council's working definition of a policy. The Monitoring Officer will therefore use the general delegation afforded to her in respect of amendments to the Council's Constitution to carry out Council's intention and include the protocol within the Constitution based on the delegation set out in paragraph 5 above which refers to a policy rather than a protocol.

Current practice

7. Some general guidance about using social media is provided as part of the annual Code of Conduct training which is mandatory for all councillors. When they are first elected, all councillors are required to sign the Council's [ICT Acceptable Use Policy \(see Constitution chapter 27\)](#) which, although it refers to electronic communications on behalf of the Council, relates mainly to the use of Council equipment.
8. The [Code on Councillor – Officer relations \(see Constitution chapter 23\)](#) touches on media releases and publicity but primarily from the Council's perspective on official statements.
9. The Committee on Standards in Public Life published the "Local Government Ethical Standards" report on 30 January 2019 and 2 of the 26 recommendations to Government relate to the use of social media:
 - *Recommendation 3: Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly-accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.*

- *Recommendation 4: Section 27(2) of the Localism Act 2011 should be amended to state that a local authority's code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority*

10. It is evident that the Council now needs to take a more proactive role in promoting best practice for social media use amongst councillors and reminding them of the potential risks associated with its use regardless of whether they are “posting or blogging” in their official capacity as a councillor or as a private individual.

New approach

11. The draft “social media protocol for councillors” (Appendix 1) is based upon existing examples from other local authorities achieving what is anticipated to be the correct balance for this Council. It is intended to provide general guidance and to promote greater clarity on the use of social media by councillors in either a personal or official capacity.
12. It is expected that the “social media protocol for councillors” will be supplemented with training for councillors on the appropriate use of social media. The exact status, format and content of that training is still under consideration and the views of councillors will be sought. Detailed proposals will be brought to the Standards Committee for comment. That training may take the form of an on-line module, as a short stand-alone session delivered from a legal or regulatory perspective or as part of a longer session from external providers which covers establishing a social media presence.
13. In order to provide clearer guidance to councillors and to be transparent about the Council’s position, it is proposed that the “social media protocol for councillors” be approved, included in the Constitution and made public through publication on the Council’s website. Copies of the final document will be sent electronically and in hard copy to all councillors.

Legal implications

14. This report has no legal implications for the Council. It has been agreed by Council that the protocol should be included in the Council’s Constitution. General legal issues to be considered when using social media are included in the draft “social media protocol for councillors”.

Financial implications

15. This report has no financial implications for the Council.

Risk management

16. The adoption of a “social media protocol for councillors” will make it easier for councillors to understand when comments made on social media by them may amount to a breach of the Code of Conduct.

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