

Annex 2 to Part 22: Social Media Protocol for Councillors

22b.1 Introduction

This protocol is intended to provide general guidance and to promote greater clarity on the use of social media¹ by Oxford City councillors in both their elected and personal roles.

The use of social media poses some risks to the Council's reputation. These risks need to be managed. This protocol aims to ensure that:

- Councillors, and through them the Council, are not exposed to legal risks as a result of social media use
- the reputation of the Councillors, and through them the Council, is not damaged as a result of social media use.

Social media evolves rapidly, with new sites and features launching regularly. As such, this protocol does not go into detail about how to operate different social media applications, nor does it seek to encourage the use of social media.

22b.2 Different roles and blurred identities

Using social media often blurs the line between personal and official communications.

Anyone reading social media posts will not necessarily recognise when a councillor is speaking as a private individual or as an elected councillor regardless of whether or not the post comes from a "councillor" profile.

"since the judgement of whether you are perceived to be acting as a councillor will be taken by someone else, it's safest to assume that any online activity can be linked to your official role." ²

Similarly anyone reading social media posts will also not necessarily recognise whether the post is from an individual councillor or as a spokesperson on behalf of the Council. It is recommended that councillors add a statement along the following lines to their social media profile:

"The views I express here are mine and do not necessarily reflect the views of the council."

22b.3 Social media protocol and the Code of Conduct

When using social media in an official capacity, councillors should be aware that they will be bound by the Code of Conduct. In particular, this includes (but is not limited to) the following principles:

- Treating others with respect

¹ Social media means websites and applications that enable users to create and share their own content directly or to participate in social networking

² Local Government Group - Connected Councillors: A guide to using social media to support local leadership. P24

- Complying with equality laws
- Not bullying or intimidating
- Not bringing the council into disrepute
- Not disclosing confidential information

Councillors serving on regulatory committees such as planning or licensing should also be mindful of the rules relating to bias and pre-determination and should be careful not to post anything on a social media site that might suggest that they did not have an open mind about any matter they may be involved in determining. 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 could then be open to challenge and could be invalidated.

22b.4 Responsibilities

The consequences of misusing social media can include negative publicity, regulatory attention and confidentiality and copyright concerns.

Councillors are personally responsible for the content they post on any form of social media and will need to be aware of the laws that apply to published (posted) material. This includes (but is not limited to):

- **Data protection:** do not post personal data of other people, including photographs, without their express permission to do so;
- **Defamation:** is a spoken or written expression which is deemed to harm the reputation of an individual and proved to be false;
- **Copyright:** do not post information without permission;
- **Harassment:** it is an offence to pursue a campaign repeatedly against a person that is likely to cause alarm, harassment or distress;
- **Incitement:** it is an offence to incite any criminal act;
- **Discrimination and 'protected characteristics':** it is an offence to discriminate against anyone based on protected characteristics (as defined in the Equality Act 2010);
- **Malicious and obscene communications:** it is an offence to post malicious or obscene communications.
- **Reporting restrictions and contempt of court:** there might be a legal reporting restriction on a court case. There are also rules about what any member of the public can publish which might be in contempt of court. Once somebody has been arrested or civil proceedings have started, they are protected by law from the publication of information which might mean that their trial cannot take place fairly.

Councillors should contact the Council's communications team before responding to any contact from journalists about social media posts made in an official capacity.

Councillors should not use social media on council computer equipment or digital devices to make political statements or to canvass votes; particular care should be taken during the pre-election period.

Councillors should be familiar with the following documents:

- Oxford City Council data protection policy and the statement on the Council website.
- ICT Acceptable Use Policy (see Constitution chapter 27)
- Code on Councillor – Officer relations (see Constitution chapter 23)
- Safeguarding Children, Young People and Adults with Care and Support Needs Policy & Procedures

22b.5 Using social media at Council meetings

Councillors should use social media sparingly, discreetly and with common sense at meetings, considering the impression this presents to others. Councillors should be mindful that regulatory committees such as planning or licensing require the councillor to alert officers to any lobbying material they have received. This would be difficult if it arrives via social media and is read by the councillor during the course of a meeting.

It is important for councillors to show that sufficient attention is being given to the discussion at the meeting. If councillors are perceived to have made a decision without having properly listened to the debate it could lead to the relevant decision coming under challenge. It could also result in code of conduct complaints of a failure to treat others with respect or of bringing the Council into disrepute.

22b.6 Best practice

Set the tone

Set the tone for online conversations by being polite, accurate and transparent. Encourage constructive criticism and deliberation.

Be responsive

Remember it's a conversation. People expect to interact and to receive responses to their questions.

Allow disagreement

Treat differences of opinion with respect, engage in the discussion and be wary about deleting opposing views. Be mindful of "trolling"³ and avoid being drawn in to unnecessary or unproductive arguments.

Deal with inappropriate comments

Take prompt action to remove any inappropriate or offensive comments and explain the reason that this was done.

3 Trolling as it relates to the internet, is the deliberate act of making random unsolicited and/or controversial comments on various internet forums with the intent of provoking readers into displaying emotional responses whether amusement or a specific gain

Safeguarding

Councillors have a responsibility to report any concerns about other site users.

Admit mistakes

Acknowledge and correct any mistakes. Do not just delete them. Do not alter previous posts without indicating that there has been a change.

Pause before publishing

A hastily posted blog post or tweet will probably have already been read or duplicated in places on the web before it can be deleted or amended.

Think about following / friending

Some constituents may be uncomfortable if a councillor begins following them or sends them a friend request. Consider waiting to be followed or friended first. Online relationships with council employees need to be treated with caution. Whilst some online relationships may be valid both parties need to be sure not to compromise the impartial and professional relationship that is important between councillors and colleagues.

22b.7 Protection and security

Sharing background information, such as information about family or personal interests, may be useful in helping establish a relationship with social media audiences but revealing certain details might increase the risk of identity theft.

Make use of stringent privacy settings to prevent your personal social media posts being accessed by the press or public. Read the terms of service of any social media site accessed to understand their confidentiality/privacy settings.

22b.8 Further information

- contact the Communications team for advice of a non-political nature on best practice for social media
- contact the Monitoring Officer for advice on the Code of Conduct
- contact the Committee & Member Services team for information about courses, conferences and member training relating to social media

22b.9 Useful websites include:

LGIU

- How social media can help your work as a councillor
- Social media dos and don'ts
- Ten basic principles of social media

Welsh Local Government Association

- Councillors Guide to handling on line abuse