

CONSTITUTION & ETHICS COMMITTEE	AGENDA ITEM No. 7
11 MARCH 2019	PUBLIC REPORT

Report of:	Amy Brown for Fiona McMillan Director of Law & Governance	
Cabinet Member(s) responsible:	Councillor David Seaton, Cabinet Member for Resources	
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SOCIAL MEDIA POLICY

R E C O M M E N D A T I O N S	
FROM: Deputy Monitoring Officer	Deadline date: N/A
<p>It is recommended that the Constitution and Ethics Committee:</p> <ol style="list-style-type: none"> 1. Agrees the Social Media Code with any appropriate amendments 2. Issues the Social Media Code to all members of council with immediate effect 	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Constitution and Ethics Committee for consideration as part of its role in overseeing compliance with the Members' Code of Conduct and in promoting high standards of conduct by Members.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to seek the approval of the Constitution and Ethics Committee for a formal Social Media Code for Members, subject to any amendments considered necessary and to issue this Code to all members of Council.
- 2.2 This report is for the Constitution and Ethics Committee to consider under its Terms of Reference No. 2.7.2.2

Authority to oversee and approve the operation of the Council's functions relating to the promotion and maintenance of high standards of conduct amongst members and co-opted members of the Council including:

- *Promoting and maintaining high standards of conduct by Members and co-opted members;*
- *Assisting the Members and co-opted members to observe the Code of Conduct;*
- *Advising the Council on the adoption or revision of the Code of Conduct;*
- *Monitoring the operation of the Code of Conduct; Advising, training or arranging to train Members and co-opted members on matters relating to the Code of Conduct.*

- 2.3 The Council issued Social Media Guidance to all councillors in March 2018 following approval by members of the Governance Board, which existed before the formation of the Constitution and Ethics Committee. This guidance was reissued again later in the year to all councillors. The Council's Code of Conduct already makes reference to the need for councillors to abide by the Council's Social Media Code so there is no need to make any constitutional changes that would need to be agreed by full council.

3. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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4. **BACKGROUND AND KEY ISSUES**

- 4.1 The Members' Code of Conduct sets out the standards of behaviour expected of elected and co-opted members of the Council.
- 4.2 With the continuing rise in use of social media it is increasingly important that public sector organisations review existing policies and procedures to raise awareness of their expectations when social media is being used as an official and in some instances personal platform for public communications.
- 4.3 A Social Media Policy has been implemented to apply to staff representatives of Peterborough City Council and it has been requested that similar principles are drawn into a formal Code for members. The recommendations within this report are intended to give effect to that requirement.

5. **CONSULTATION**

- 5.1 A Guidance document on Social Media for members has previously been circulated twice in 2018 and is very similar to the proposed Code so members should already be aware of what is expected of them. A requirement to abide by the council's Social Media Code is already in the Code of Conduct.

6. **ANTICIPATED OUTCOMES OR IMPACT**

- 6.1 It is anticipated that the Constitution and Ethics Committee will consider and comment upon the draft Social Media Code proposing any further amendments that it considers appropriate before the finally version is agreed for circulation to members.

7. **REASON FOR THE RECOMMENDATION**

- 7.1 The recommendations to the Constitution and Ethics Committee are designed to enable the production and publication of an agreed Social Media Code to compliment the Members' Code of Conduct and to set clear guidelines to members as to expected standards.

8. **ALTERNATIVE OPTIONS CONSIDERED**

- 8.1 In the event that a Social Media Code is not agreed the status quo will be maintained and alleged breaches of the Members Code of Conduct will continued to be managed in accordance with the associated Guidances and Hearing Procedure. However, given the rise in popularity of social media and the introduction of a Social Media Policy for officers, it seems appropriate that a formal Code in this area should also be available to members.

9. **IMPLICATIONS**

Financial Implications

- 9.1 There are none.

Legal Implications

- 9.2 Local authorities are statutorily obliged to have in place a code of conduct of their choosing which outlines the behaviour required of councillors. The publication of a Social Media Code will supplement Peterborough City Council's Members' Code of Conduct by providing specific guidance in this area.

Equalities Implications

9.3 There are none.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

10.1 Peterborough City Council's Code of Conduct for Members.

Committee on Standards in Public Life's Local Government Ethical Standards Review Report published on 30th January 2019.

11. APPENDICES

11.1 Appendix 1: Draft Social Media Code.

APPENDIX 1: Draft Social Media Code for Members

INTRODUCTION

Peterborough City Council (“the council”) recognises that social media provides an effective platform for understanding, engaging and communicating with residents on issues of general importance to the community. Nevertheless, the council also recognises that the use of social media can pose risks to its reputation and that of members.

It is not a requirement for Members to use social media to fulfil their roles however, where it is used this Code will be relevant. Any communication is capable of being misinterpreted or misrepresented and whilst the use of social media should not be more susceptible to this problem than any other form of communication, the immediacy and often rapid and wide broadcasting can magnify the problem and create controversy where it wasn't expected. This doesn't mean that Members cannot, in the appropriate context, communicate politically but care should be taken to ensure that the tone and content is no different to that expected of a verbal communication for instance at a public meeting.

The purpose of this Code is to support the use of social media through the provision of guidance and clarity as to what constitutes acceptable usage in ensuring compliance with the Council's legal obligations and the general standards of conduct expected of members. This Code should therefore be read in conjunction with the ICT Policy and Members' Code of Conduct and the Council's Social Media [Insite page](#).

SCOPE

Social media is a term used to describe websites and online tools which allow people to interact with each other by creating their own content examples of which include but are not limited to:

- Social Networking sites (e.g. Facebook)
- Micro-blogging services (e.g. Twitter)
- Video sharing services (e.g. YouTube)
- Photo sharing services (e.g. Instagram)
- Online gaming and virtual reality (e.g. World of Warcraft)
- Messaging services (e.g. Whatsapp)
- Business Networking sites (e.g. LinkedIn)

This Code applies to the use of social media when acting or perceived to be acting in their official capacity and/or as a representative of the authority and whether or not it is accessed using the Council's ICT facilities and equipment. Non-compliance with this Code may result in a breach of the Members' Code of Conduct and a request to remove any postings which are deemed inappropriate.

The following sections of the policy provide users with common-sense guidelines and recommendations for using social media responsibly and safely.

KEY PRINCIPLES

Practices to Avoid

- Do not do anything to jeopardise the council's obligations under the Freedom of Information and Data Protection Acts such as citing or referencing residents, partners or suppliers without their written approval. Be aware that content on such social media websites may be subject to Freedom of Information requests.
- Do not misappropriate or infringe the intellectual property of other organisations and individuals which could create liability for Peterborough City Council as well as themselves.
- Where you are involved in making planning, licensing or other quasi-judicial decisions, do not say anything through social media 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, and were genuinely persuadable to a different view, otherwise the decision may be later challenged as invalid on grounds of predetermination or bias. 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.

- In the unlikely even that you are using social media for investigatory purposes do not breach the Regulation of Investigatory Powers Act (RIPA) or the Council's related Policy and Toolkit.
- Do not write or report on conversations, meetings or matters that are meant to be confidential or internal to the council such as those held in exempt session or prior to the publication of reports.
- Do not provide references for individuals on social or professional networking sites as this creates a legal liability.
- Do not blog or tweet in haste, particularly in circumstances where your judgement might be impaired; for example, if you are tired or have consumed alcohol.
- Do not 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.
- Do not browse, download, upload or distribute any material that could be considered inappropriate, offensive, defamatory, illegal or discriminatory.
- Do not make conspicuous or excessive use of social media technology during the course of a council or committee meeting to avoid giving the impression that you are not being respectful of the proceedings and/or that your decisions are not based on full engagement with the facts and arguments.
- Do not use social media to promote personal financial interests. This includes the promotion of particular commercial activities that Council representatives may have an interest in.

Examples of Good Practice

- The Members' Code of Conduct will only apply to you when you are or appear to be acting in your official capacity so it must be clear that expressions of personal opinion are appropriately distinguished. For the avoidance of doubt, do consider keeping your personal and political accounts separate or where this is inconvenient use clear expressions of intent such as 'speaking entirely personally' or 'the views expressed here are my personal opinion'. Consider also installing appropriate privacy settings for your personal accounts.
- Do ensure your official use of social media is compliant with the Members' Code by ensuring that your profile and any content is consistent with the professional image and obligations for instance:
 - o *Treat others with respect* - do not use social media in any way to attack, insult, abuse, defame or otherwise make negative, offensive or discriminatory comments about residents, council staff and services, other Members and/or organisations or leave on your web or social media pages comments made by others which may be equally damaging/defamatory.
 - o *Comply with equality laws* – do not publish anything that might be seen as racist, sexist, ageist, homophobic or anti-faith. Never bully or harass anyone – do not say anything, particularly if it is part of a series of similar comments about a person or on a theme that might be construed as bullying or intimidation.
 - o *Do not bring the council into disrepute* – you should not publish anything that could reasonably be perceived as reflecting badly upon or lowering the reputation of yourself or the Council.
 - o *Do not disclose confidential information* - you must not, in your use of social media, just as in any other circumstances, disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature.

- Do be mindful that what you publish will be public for a long time and might be available to read by the masses and can't be retracted once published.
- Do 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 using our blog or network. Equally, 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.
- Do use social media to add value to the environment in which you are participating and to provide worthwhile information and perspective to residents.
- Do tolerate disagreement, some comments may not accord with your views, but on the other hand deleting the comments of people who disagree with you can backfire. The same comments can appear elsewhere from with the possibility of linking them back to your site with accusations of gagging.
- Do avoid the difficult users, don't get bogged down, you don't have to respond to everything. Ignore if necessary.
- Do exercise caution in requesting or accepting a Council employee or contractor providing services to the Council as a "friend" on a social networking site where this suggests close personal association.
- Do use secure passwords and never share your password with anyone. If you are using shared IT equipment don't store your password on the computer.
- Do be aware of your own safety and ensure that anything you publish does not leave you vulnerable. 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.
- Do be aware that what you say on social media will likely attract interest from the media and may well result in a news story, in the same way comments you make in the council chamber would do. For example, a throw away comment about a fellow member could result in a big news story that you had not intended which could damage your own reputation and that of the council.
- Do double-check that information you post on social media is accurate before you publish it and if in any doubt, don't publish.
- Do try to avoid engaging the council's social media accounts in political conversations, as these accounts are managed by council officers for the benefit of residents and to inform them of services and news. Officers are not able to answer politically motivated questions directed at another member.

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