

CYNGOR SIR *POWYS* COUNTY COUNCIL

SOCIAL MEDIA GUIDE FOR MEMBERS

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1. Statement

The new world of communication provides good ways of keeping in touch with constituents, colleagues, officers, employees and others. Powys County Council encourages the greater use of social media by Members.

This guide has been developed to support you and gives guidance on best practice when using social media. As with any form of communications there are drawbacks and so the guide also explains how to protect your's and the Council's reputation, as well as protecting you from attack, abuse and inappropriate messaging.

2. What is social media?

It is an electronic means of communicating and keeping in touch with constituents and others. It can include sharing information, pictures, videos, opinions, news and interests with others. Examples of social media sites include:

- Twitter
- Facebook
- Instagram
- Snapchat
- YouTube

This guide is not restricted to the above list and applies to any social media website or platform, and whatever equipment you use to access social media.

What are the benefits of using social media?

Social media compliments traditional communication channels and opens up new ways to engage with the public etc. The benefits include:

- Engaging with more residents, service users, stakeholders and partner organisations quickly, providing 'real time' information
- Promoting your work and enhancing your reputation with citizens and communities
- Increasing the public's awareness of events/campaigns/services/news
- Ability to find out residents' views, perceptions and expectations and react quickly
- Ability to manage the public's perceptions and expectation regarding services
- Ability for the Members and the Council to be more open, transparent and accessible
- There is no cost for posting on social media – but remember getting it wrong is "costly"!
- Information can be circulated around the world within seconds
- Engages those who would not normally have access to local councillors and politics
- An efficient, cost-effective, quick and enjoyable way to get in touch with constituents and discuss important issues with the community you represent.

What are the negative aspects of social media?

- Bad news can travel further and faster
- Reputations can be damaged if not used appropriately
- You cannot take back what you put in print in social media. Even if you delete what you have written, backups can exist and images of a comment you have made can be taken by others and then circulated.

3. How can I use social media as a Councillor?

The public will think of you as a Councillor 24/7. However, you do have a right to a private life. To support this distinction, it is best practice to set up a separate social media account for use as a Councillor and keeping your personal and party political social media accounts separate. Always use the appropriate account depending on which role you are undertaking.

Do:

System / Settings:

- Set appropriate privacy settings for your blog or networking site so that you can decide who reads your posts – especially if you have a private, non-political blog
- Use strong passwords for your account which are regularly changed but do not use your Council email address and the same password as you use to login to your Council devices.

Code of Conduct / Rules:

- Always adhere to the rules set by the social media site.
- Ensure that you follow the Council's Internet Acceptable Use Policy when using equipment provided to you by the Council for social media:
Internet Acceptable Use Policy - "... provided it does not interfere with your work, the council permits personal use of the internet in your own time ...".
"All personal usage of Council equipment must be in accordance with this policy. Your computer and any data held on it are the property of Powys County Council and may be accessed at any time by the Council to ensure compliance with all its statutory, regulatory, and internal policy requirements."
- Remember that the Code of Conduct applies where you are conducting the business of the Council or acting, claiming to act or giving the impression you are acting as a Councillor (See Appendix A for further guidance) For advice on the Code of Conduct please contact the Council's Monitoring Officer.
- Make sure that your use of social media does not interfere with the smooth operation of Council meetings.
- Remember that libel, defamation, copyright and data protection laws apply.
- Take account of Article 10 of the European Convention on Human Rights (the right to freedom of expression). You are less likely to breach the Code where you are making genuine political statements or if your comments are about another member's political position or are a genuine expression of political differences with someone. However, any political expression should avoid being just an expression of personal anger or abuse towards someone since insults and abuse do not normally qualify for the protection of Article 10.

Use of Social Media:

- Remember, what you say is permanent and findable
- Take account of the role you have as a Councillor e.g. Chair, Leader, Cabinet Portfolio Holder, as this will affect the way that the public view or react to your views on social media.
- Make political points, but be careful about being too specific or personal if referring to individuals. An attack on individuals may be seen as disrespectful, whereas general comments about another party or genuine political expression is less likely to be viewed as disrespectful
- Be professional and respectful in any communication.
- Respect the privacy, feelings, reputation, and position of others.
- Express an opinion or concern about the Council (even if its negative) as long as it is not abusive, or defamatory. Also make it clear that this is your personal opinion even if it differs from Council policy.
- Members are encouraged to use Welsh where possible, but an individual account is not required to post everything bilingually.
- Seek the advice of the Council's Communications Team where you are unsure about using social media.
- Make sure that what you say is either factual or make it clear that it is based on your opinion

Monitoring and responding to feedback

Social media is about two-way communication. Whilst it can serve as a broadcast tool when needed, it is important to be open to conversations with followers.

- Monitor your social media accounts on a regular basis
- Ensure that the content of your social media account is relevant and up to date – review it regularly and check for feedback.
- Be open to conversation and be aware that people are entitled to their views and freedom of speech.
- Ensure that you are calm and courteous especially when responding to criticism online.
- Keep an eye out for defamatory or obscene posts from others on your blog or page and remove them as soon as possible to avoid the perception that you condone such views. In addition, it is best practice to include a disclaimer on your page. You should also take steps to discourage users from posting such comments in the future.
- Forward comments / questions to Members' Support for response as part of a Councillor's casework.

Don'ts:

Code of Conduct / Rules:

- Use council facilities for personal or political accounts
- Use inappropriately at meetings when confidential information is being discussed or where children or vulnerable adults are participating by way of a presentation.
- Use in a way which compromises any Council policies including policies on the use of mobile and other devices in certain locations and situations.
- Breach copyright on any files that you upload.
- Publish untrue statements about a person which is damaging to their reputation as they may take a libel action against you.
- Publish any statement which might suggest that you have already made up your mind about any matter in which you are a decision maker. By doing this you could disqualify yourself from taking part in the meeting, and the Council runs the risk of the decision being invalidated. For advice on Predetermination please contact the Council's Monitoring Officer.
- Use your personal or party political social media accounts to communicate as a councillor.
- Publish images of others without their written consent.
- Quote people unless they are aware or have given their consent, or they have already made such quote to the public.
- Name individuals or staff members on social media without their prior written consent.
- Use equipment provided to you by the Council for social media where you are a candidate for an election or any other public office position. For further advice please contact the Council's Monitoring Officer.
- Use the Council's logo or branding on any social media websites
- Discuss individual constituent issues or disclose any personal information relating to an individual using social media. Councillors should use face to face meetings or other secure methods to undertake such discussions.
- Disclose any information which would breach the Freedom of Information Act, Data Protection Act or the Environmental Information Regulations
- Publish anonymous or satirical information as this could be a breach of the Members' Code of Conduct.

Use of Social Media:

- Blog in haste

- Post comments that you would not be prepared to make in writing or face to face
- Use in a way that impacts or interferes with the time you have available to conduct your duties as a councillor.
- Rely only on social media as a means to communicate with the public, use traditional methods of communication as well.
- Use images to replace text as posters cannot be read by those using screen reading software.
- Make offensive comments and then claim to be doing so in a private capacity.
- Use social media to attack or abuse other members, customers/the public or suppliers (harassment and “cyber” bullying) will not be tolerated by the council
- Upload or tag others in posts which are defamatory, offensive or sensitive.
- Although the council acknowledges that councillors are also local residents, members must not make defamatory or abusive comments about the council as this can be damaging to the council’s reputation and to your reputation.
- Publish anything that might affect the political reputation of your political group as it may lead to sanctions against you by your group.

Monitoring and responding to feedback

The nature of social media carries with it the inherent risk of negative feedback / criticism in the public arena

- Allow anyone else to publish something libellous on your website – if they do take prompt action to remove it. Also best practice is to add a disclaimer to your page. You should also take steps to discourage users from posting such comments in the future.
- Ignore a sincere question from a member of the public as this could damage your and the Council’s reputation
- Allow conversations to become unmanageable or vexatious. If this does happen, please seek advice from the Council’s Communications Team.

4. How Can I use social media in a personal capacity or as a member of a Political Party?

If you use social media in a personal capacity or as a member of a political party, it is your responsibility to abide by the social media or political party’s rules. However, remember that if you publish information that you would only have accessed as a councillor, you will be seen as you acting as a councillor. You should not discuss Council business or make comments about those linked to the Council and then claim you are acting in a personal capacity. The best practice is always to keep your different roles separate.

5. Handling offensive comments and Dealing with Online Harassment

It is your responsibility to manage your own social media accounts, and to monitor any offensive content also. However, if you feel you are being subjected to online discrimination, harassment, trolling or that libellous remarks have been made against you, you should speak to the Communications team or Monitoring Officer for advice and support.

If it becomes necessary to remove offensive, defamatory or libellous comments from other users please inform the Communications Team. Depending on the severity of the comment, you may be advised to remove the comment or to inform your followers via a statement such as: "This comment was removed because the content was offensive. I will respond to your comments but please refrain from using offensive language and respect the views of others." Be sure to handle these comments swiftly to stop the issue escalating further.

6. Related policies

See Sections 8 and 9 below.

7. Abuse of the guidance

A breach of this guidance could lead to a complaint against a Councillor to the Public Services Ombudsman for a breach of the Members' Code of Conduct.

8. Further Guidance

As part of the Member development programme you will receive development on how to use social media. Further advice and guidance can be gained from the Communications Team – comms@powys.gov.uk / x6847

9. Helpful links

You can find further guidance and information on using social media as a member from the sources below:

- www.civicsurf.org.uk
- www.socialbysocial.com - a primer for harnessing social media for social good
- IDeA's Connected Members: A guide to using social media
- WLGA Social Media – A guide for Councillors

How does the Members' Code of Conduct apply to using social media?

1. It is difficult to give definitive advice on the application of the Code as each social platform is different. Ethical use of online social media is not limited to what is covered in the Code. While your conduct may not be a direct breach of the Code it may still be viewed as less than exemplary and attract adverse publicity for your office and the council.

2. You should also consider other online activities where the Code may apply:
 - **Forum posts:** If you go on to a forum and identify yourself as a member then it is likely that the Code will apply when you post entries. If you put content on the site which you could only have obtained as a member it is possible to argue that you have given the impression that you were acting as a member even if you did not identify yourself as such when you made the posting.

 - **“Friends” on social networking sites:** You should be aware that anyone you include as a friend on social networking sites could be regarded as a “person with whom you have a close association” within the meaning of paragraph 10 of Part 3 – Interests of the 2016 code – personal interests. Simply including someone on a site as a friend does not establish a close association but it is one factor that would be taken into account in deciding whether such an association exists.

3. A councillor must always bear in mind the Code of Conduct when using social media sites (in any capacity). You should pay particular attention to Ten General Principles of Public Life as set out below in The Conduct of Members (Principles) (Wales) Order 2001.

Conduct of Members (Principles)(Wales) Order 2001.

Selflessness	1. Members must act solely in the public interest. They must never use their position as members to improperly confer advantage on themselves or to improperly confer advantage or disadvantage on others.
Honesty	2. Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.
Integrity and Propriety	3. Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.
Duty to Uphold the Law	4. Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.
Stewardship	5. In discharging their duties and responsibilities members must ensure that their authority's resources are used both lawfully and prudently.
Objectivity in Decision-making	6. In carrying out their responsibilities including making appointments, awarding contracts, or recommending

	individuals for rewards and benefits, members must make decisions on merit. Whilst members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.
Equality and Respect	7. Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability sexual orientation, age or religion, and show respect and consideration for others.
Openness	8. Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.
Accountability	9. Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.
Leadership	10. Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority's statutory officers and its other employees.

- 4 In addition, when using social media you should bear in mind Part 2 – General Provisions of The Local Authorities (Model Code of Conduct) (Wales) Order 2016(set out below) which will apply to your online behaviour just as they would to any other form of communication

PART 2 GENERAL PROVISIONS

2.—(1) Save where paragraph 3(a) applies, you must observe this code of conduct —

- (a) whenever you conduct the business, or are present at a meeting, of your authority;
- (b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;
- (c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or
- (d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

(2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

3. Where you are elected, appointed or nominated by your authority to serve —

- (a) on another relevant authority, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or

(b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. You must —

(a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;

(b) show respect and consideration for others;

(c) not use bullying behaviour or harass any person; and

(d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

(e) undertake mandatory training as agreed by Full Council from time to time.

(f) in relation to Planning Matters, act in accordance with Rules 19.76 to 19.81 (Role of Decision Maker) and Rules 19.92 to 19.122 (Decision Making by the Planning Committee) of the Planning Protocol.

5. You must not —

(a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;

(b) prevent any person from gaining access to information to which that person is entitled by law.

6.—(1) You must —

(a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;

(b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);

(c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;

(d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

(2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7. You must not —

(a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;

(b) use, or authorise others to use, the resources of your authority —

(i) imprudently;

(ii) in breach of your authority's requirements;

(iii) unlawfully;

(iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;

(v) improperly for political purposes; or

(vi) improperly for private purposes.

8. You must —

(a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —

(i) the authority's head of paid service;

(ii) the authority's chief finance officer;

(iii) the authority's monitoring officer;

(iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

9. You must —

(a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;

(b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

Examples of cases

Examples which illustrate how the First Tier Tribunal (1) and standards committees in England have viewed cases involving social networking are given below.

Councillor Mullaney APE 0400 and High Court judgment	Birmingham City Council
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In this decision factors relevant to the conclusion that conduct was within “official capacity” included the following

- The subject member trespassed onto an individual’s property and shot a video that he subsequently posted on You Tube. The aim of the video was to galvanise the planning department into taking action concerning the building.
- The YouTube video concerned identified the subject member at the outset.
- The subject member identified himself several times as a member.
- The video was subsequently published on the subject member’s website - the homepage of which identified him as a member.
- References were made in the video to the jurisdiction of the subject member’s council.
- The subject member failed to remove or edit the video when requested.
- The tribunal decision on breach was upheld by the High Court and the case was sent back to the Appeals Tribunal to consider if the sanction they applied was appropriate.
- The sanction applied was a one month suspension.

Councillor McTigue APE 0421	Middlesbrough Council
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The Appeals Tribunal accepted that

- Even if it became clear from the forum (an on-line forum hosted by the local newspaper) that an individual who was posting on the forum was a member, the Code would not automatically be engaged.
- The question was whether in the postings on the forum the member was deemed to be, or gave the impression that he or she was “acting in the role of member”.
- This was fact-sensitive and would very much depend on the content of the postings.
- The subject member had used a pseudonym and stated that she was on the forum as a resident who just happened to be a member. Taking the contents of the postings as a whole the member did give the impression that she was acting in the role of member and representing the council. In a series of posts the subject member discussed council business, outlined what had happened at council meetings and referred to herself as a councillor.
- Sanction applied was a two month suspension.

Mayor Johnson	Greater London Authority Standards Committee Decision
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- The Mayor of London linked in his tweet to the front page of the Sun, which on that day had announced its decision to endorse the Conservative party.
- The standards committee found that he had breached paragraph 6(b) (ii) of the authority’s Code because he tweeted using his mayoral twitter feed (thus using GLA resources) and was considered to be seeking to affect party political support.

- Sanction applied was for the Monitoring Officer to speak to the Mayor about his responsibilities under the code.

Councillor Sharratt APE 0458	South Ribble Borough Council
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- The member was a journalist who published a small journal.
- The member neither claimed nor gave the impression of acting as a representative of the council. The magazine was 'published for fun', and a member of the public would be in no doubt, the panel said, that the journal was not a matter that was the business of the council.
- The Standards Committee accepted the argument that Cllr Sharratt used the magazine to conduct public discourse on the council and party issues, and that his activities on the council, the magazine and the party were seamlessly connected. However, the First-tier Tribunal disagreed. It said the decision in Livingstone (Livingstone v APE (2006) EWHC 2533) referring to 'activities which are apparently within the performance of a member's functions' should be narrowly construed.
- The appeals tribunal rejected the finding of the standards committee and concluded there had been no breach of the Code.
- No breach.

Councillor Barnbrook APE 470/471	London Borough of Barking and Dagenham
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- The member appealed the decision of the standards committee of the London Borough of Barking and Dagenham.
- The member published a video on a website concerning statements about knife crime that were inaccurate.
- The key question considered by the tribunal was whether the member was acting in his official capacity when making the video.
- There was no evidence to support the position that the member was conducting the 'business of the Council' and the parties did not put forward any arguments to this effect
- The Tribunal was drawn to the conclusion that the making of the video was not proximate enough to the role of member so as to bring him into the ambit of acting in his capacity as a member. The Tribunal considered the following factors in reaching its conclusion:
 - The member was making a video on behalf of the BNP with its primary purpose being party political;
 - He was not identified as a member for the London Borough of Barking & Dagenham;
 - He was not taking forward an issue relevant primarily to the London Borough of Barking & Dagenham;
 - He was not taking forward an issue on behalf of an individual constituent; and,
 - The video dealt with a range of issues and the Appellant did not concentrate upon issues within the London Borough of Barking & Dagenham.
- No breach.