

ANNEX A

SOCIAL MEDIA GUIDANCE FOR COUNCILLORS

March 2021

What is the purpose of this Guidance and who does it apply to?

Wokingham Borough Council has always been committed to innovation and creativity in the digital revolution which has taken place over recent years. We actively encourage the use of social media, which has become an integral part of everyday life for many of us as it is a useful way to communicate and connect with people from all over the world.

In respect of Councillors, social media has many benefits including raising a Councillors profile, helping to deliver information to constituents in a fast and effective manner and for improving reputation. However, there are also many ways in which Councillors may use social media inappropriately, and this can have long lasting consequences for Councillors, and the Council's reputation.

The Social Media Guidance for Councillors ('the Guidance') is intended to assist Councillors of Wokingham Borough Council when using social media, in a personal or professional capacity, to avoid potential breaches of their Code of Conduct. Whilst Standards matters are and dealt with on a case by case basis, this Guidance is designed to assist Councillors on what is and isn't appropriate behaviour when using social media.

Importantly, this Guidance should be read in conjunction with the Council's Code of Conduct for Councillors.

Who is this Guidance for?

The Guidance applies to all Councillors and co-opted Councillors of Wokingham Borough Council.

A co-opted member is defined in section 27(4) of the Localism Act 2011 as "a person who is not a member of the authority but who:-

(a) is a member of any committee or sub-committee of the authority, or;

(b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority; and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

“Acting in Capacity” as a Councillor

The Code of Conduct applies where a Councillor acts, or appears to act, in their capacity as an elected Member of the Council.

‘The Code of Conduct applies to you when:

- you are acting in your capacity as a councillor and/or as a representative of your council;
- you are claiming to act as a councillor and/or as a representative of your council;
- you are giving the impression that you are acting as a councillor and/or as a representative of your council; and
- you refer publicly to your role as a councillor or use knowledge you could only obtain in your role as a councillor.’

The Code of Conduct specifically states ‘the Code applies to all forms of communication and interaction, including:

- in electronic and social media communication, posts, statements and comments’.

This is a subjective test. However, there are actions which increase the likelihood of a Councillor being found as “acting in their capacity as a Councillor.” For example, by identifying that they are a Councillor on their profile page, by using social media to campaign or to share Council news/developments with the public.

A Councillor may wish to consider the following when using social media:-

- Keep separate accounts for professional and private matters
- By having one account which incorporates both a Councillor’s professional and personal life, Councillors are increasing the risk of being found as acting in their capacity if a complaint is made.
- If a Councillor wishes to keep just one account, be clear on what the account is used for. For example, if the account is personal, keep it private and refrain from using Council or Councillor terminology or referring to your role as a Councillor.

The Code of Conduct

Councillors are personally responsible for their conduct online and therefore Councillors, should always be mindful of their Code of Conduct. When using social media, Councillors must adhere to the following provisions in particular:-

• Respect

- *I treat other councillors and members of the public with respect.*
- *I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.*

• Bullying, Harassment and Discrimination

- *I do not bully any person.*
- *I do not harass any person.*
- *I promote equalities and do not discriminate unlawfully against any person.*

- **Confidentiality and access to information**

- *I do not disclose information:*

- (a) *given to me in confidence by anyone*

- (b) *acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless:*

- (i) *I have received the consent of a person authorised to give it;*

- (ii) *I am required by law to do so;*

- (iii) *the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or*

- (iv) *the disclosure is:*

- 1. *reasonable and in the public interest;*

- 2. *made in good faith and in compliance with the reasonable requirements of the local authority; and*

- 3. *I have consulted the Monitoring Officer prior to its release.*

- *I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.*

- *I do not prevent anyone from getting information that they are entitled to by law.*

- **Disrepute**

- *As a Councillor: I do not bring my role or local authority into disrepute.*

- **Use of Position**

- *As a Councillor: I do not use, or attempt to use, my position improperly to the advantage of myself or anyone else.*

- **Complying with the Code of Conduct**

- *As a Councillor: I undertake Code of Conduct training provided by my local authority.*

- *I cooperate with any Code of Conduct investigation and/or determination.*

- *I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.*

- *I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.*

Further, Councillors should also be mindful of the Seven Principles of Public Life (the 'Nolan Principles') when using social media.

General Responsibilities When Using Social Media

In addition to the Model Code of Conduct, Councillors should be mindful of the following responsibilities:

- Councillors should take particular care to ensure that, in any comment or post they create, they do not imply that they are speaking on behalf of the Council as a whole.

- Once a post is made on social media, it is there for the world to see, even if it is deleted this does not mean that someone has not already saved a copy of it.

Councillors should never post anything on social media that they would not be prepared to discuss in public meetings, with their constituents and with their friends and family. Think carefully before you engage in activity on social media.

- Councillors should be honest about who they are on social media and not impersonate anybody in order to gain a political advantage.
- Councillors should be mindful of the safety of themselves, their families and others.
- Councillors should only share accurate information from reliable sources and should be mindful of 'fake news' stories and outlets.
- Councillors should be trustworthy and not use social media to divulge any confidential or exempt information which has been shared with them.
- Councillors should keep their social media accounts secure and protected by passwords. They should not allow anybody else access to any of their social media platforms.
- Councillors should remain professional and polite when conversing with members of the public. This includes the use of private messaging, commenting on posts or replying.
- The way we interact with people in person is not just limited to the things we say. Body language, expression, tone of voice and who we are speaking to are all contributing factors to interaction. Considering this, Councillors should always consider how any comment/post they make on social media could be construed.
- Councillors should refrain from using social media during Council meetings.

Potential Legal Issues

Councillors should be mindful that, in addition to a potential breach of the Code, misuse of social media may give rise to other consequences. The following issues, which may lead to criminal or civil legal proceedings, may also arise:

- Data Protection and the Information Commissioner's Office (ICO).
- Publication of Obscene Material.
- Incitement.
- Copyright.
- Harassment.
- Discrimination.
- Bias.
- Defamation.
- Judicial Review.

Training

Training on the use of social media will be made available to Councillors. The LGA have also published a Checklist for Councillors. This can be found at **Annex B**.

If you are unsure, or have any questions about your social media use, contact the Monitoring Officer.