

Standards Committee

5 October 2018

Social Media Guidance



Report of Helen Lynch, Head of Legal and Democratic Services and Monitoring Officer

Purpose of the Report

1. To discuss and approve draft Social Media Guidance following consultation.

Background

2. Members will recall that in December they agreed to develop social media guidance, and request the Monitoring Officer to bring a draft of that guidance to a subsequent meeting. Draft Guidance was brought to the March meeting of this Committee and deferred for changes to be made following the input of the Council's Communications Unit. A further draft was brought to this Committee at its 7 June 2018 meeting, and it was resolved to issue that draft for consultation.
3. The responses to the consultation exercise have now been received and so the Guidance is now brought to the Committee for approval.
4. Draft Guidance is attached at **Appendix 2**.

Consultation Responses

5. The draft Guidance was sent to all County Councillors, the Independent Persons, and to CDALC. By mid-August ten responses had been received, being from eight County Councillors, one of the Independent Persons and from CDALC.
6. On the question whether it should be policy rather than guidance, two County Councillors said that it should. Two County Councillors and CDALC expressed a preference for it to be adopted as guidance. The others did not express a concluded view.

7. There was general support for its contents. Some comments were received on matters going beyond the scope of the document. Some Councillors said they did not use social media.
8. The Independent Person who responded pointed out organisations, not just natural persons, can be the subject of harassment. The Protection from Harassment Act 1997 only protects individuals, but organisations (though not public corporations or political parties) can be defamed (and, in the parlance of the Code, can be treated with disrespect).
9. One Councillor suggested the guidance (or policy) should encompass not only social media but also wider internet use, and how councillors can best use it as a promotional and informative tool rather than as a platform for personal abuse. Another Councillor suggested that the guidance should apply to all forms of communication including leaflets.
10. The draft Guidance was subsequently considered by the Constitution Working Group on 4 September (and the above consultation responses brought to CWG's attention). CWG were generally supportive. They requested that the guidance be re-circulated to Members to provide a further opportunity to comment.
11. Further consultation responses were subsequently received from three Councillors. One asked for specific advice around 'trolling' and what Members should do when they are on the receiving end of it. Another asked for the guidance to warn Members that when they are 're-tweeting' or sharing posts, this amounts to a separate act of publication. The third response was considerably more detailed and raised a number of excellent points that are worth repeating.
12. The Councillor was generally supportive, and raised the point that paragraph 17 needs amending to reflect the current use of iPads during committee meetings. The Councillor then paid particular attention to paragraphs 11 – 16 of the draft guidance.

Re para 16, I never ask anyone to be my facebook friend – I leave it to other people to seek to follow my blog, then it is their decision.

One thing you may want to consider is how councillors might respond to friendship requests from people of a young age. I accept friendship requests from people under the age of 18 but, especially if they are still at school, I send a message asking them to tell their parents what they have done, in the interests of internet safety.

Paras 13-15 offer advice about running a social media page, and it is here that, if any changes are to be made, they need to be made.

Para 15 is the best advice. You may wish to warn councillors about tactics such as trolling and dogpiling which are intended to bounce the victim into an unwise response. Councillors need to remember that every word goes world-wide, and is often screenshotted to use as ammunition for years to come. Make sure that your harmless statement cannot be read a different, negative way – this is easier when making the initial post than in the heat of debate.

When interacting on social media, it always needs to be at the forefront of a councillor's mind that writing on social media is equivalent to making a formal statement in a public meeting. They are putting their professional and political persona on display.

One piece of advice I would give would be for councillors to decide what they want their social media presence to achieve, and then to keep the different functions separate. (Do not, for instance use your public councillor blog for private interactions – have two separate facebook pages.)

All this applies particularly to Para 13, which is only appropriate in certain contexts.

There are three basic types of public councillor-blog:

- (1) Information sharing only*
- (2) Information-sharing but allows comment and debate*
- (3) Also allows members of the public to initiate debate*

(My blog is at level 2, with occasional forays into level 3)

Where a social media presence is at level (1) only, it can be tremendously useful for a councillor. It allows them to keep their residents informed, not only of what is going on in the county and the ward, but of what the Council and they as a Councillor are achieving. I regard this information-sharing role as an essential element of my role in the local community.

The problems arise when the blog begins to move away from level (1) towards level (2) which – as both facebook and twitter allow responses – it very easily tends to do. What councillors need to understand is that their only control over what other people say is post hoc. Hence the need, if you have a social media presence, to monitor it regularly.

I am not hostile to the sentiment “there is no need to respond to everything” but I find that I need to keep a very careful eye on the comments on my blog, especially where two members of the public are disagreeing with each other on my timeline ... on a political blog, things get out of hand very quickly.

Similarly, I would probably disagree with “it is generally best to allow disagreement rather than to seek to censor it.” I do allow contrary opinions on my blog, but I seek consensus, seek to convince, and I am not going to allow my blog to carry content which is libellous or unpleasant towards myself, the Council or my political party. That is my right, and it is my blog – I do not go onto other people’s timelines slagging them off.

Councillors’ control over the content of their social media lies in their ability to moderate their blog – to delete and to block. Not everybody who comments is doing so constructively and sincerely. People very often hesitate to delete or block, but setting clear guidelines, warning, and then acting firmly, pretty soon establishes ‘the rules’ for a blog, and the people who come on regularly will be people prepared to follow the rules.

In that respect, I am dubious about Para 14: “Promptly admit to mistakes”. What I would say here is that it depends on the mistake. Obviously if it is factual error then it is easily corrected. However, with opinions, strategies, statements etc. I would advise NOT admitting ‘mistakes’ online. On social media it is impossible to ‘apologise-and-move-on’. If you really are in a pickle, seek advice.

One final point. Everything above is written on the assumption that the councillor is projecting a social media presence via their own facebook/twitter accounts, and wishes to regulate those accounts professionally and safely.

That does not, of course, address the case of councillors who are trawling the internet getting involved in discussions and debates on other people’s timelines, where they have no control

whatsoever over the replies and how their comments are used. Any councillor doing this needs to be especially wary of incriminating themselves.

Changes following consultation

13. Following the Independent Person's comments it is proposed to add the words "or an organisation" after "about a person" at paragraph 3 (defamation).
14. The comments recorded in paragraph 9 above are considered to go beyond the anticipated scope of the document.
15. The balance of commentators thought the document should be adopted as Guidance rather than Policy. This is also your officers' recommendation.
16. The warning about sharing or re-tweeting being a separate act of publication is considered to be covered by paragraph 12 of the draft Guidance.
17. Advice about 'trolling', and what to do about it, has been added at paragraph 15, and a number of the comments in the detailed response from the Councillor cited above have also been incorporated in paragraphs 11 – 16. In particular, the Guidance is now clearer that Members should not be afraid of moderating or blocking unacceptable comments, and the advice subsequent to that about allowing disagreement is to be seen in that context.

Recommendation

18. Members are asked to agree and adopt the amended draft Guidance (as having the status of Guidance).

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Appendix 1: Implications

Finance - None

Staffing - None

Risk - None

Equality and Diversity / Public Sector Equality Duty - None

Accommodation - None

Crime and Disorder - None

Human Rights - None

Consultation - None

Procurement - None

Disability Issues - None

Legal Implications - The Council has a duty under s. 27 of the Localism Act 2011 to promote and maintain high standards of conduct by its members and to adopt a code of conduct that is consistent with the Nolan Principles. It is anticipated that specific guidance on the use of social media by Members will help achieve compliance with this duty as well as potentially reducing the number of related complaints received about Councillors.