

Council Meeting	
Meeting Date	5 April 2023
Report Title	Adoption of Social Media Policy
EMT Lead	Larissa Reed - Chief Executive
Head of Service	David Clifford – Head of Policy. Governance and Customer Services
Lead Officer	Larissa Reed – Chief Executive
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. That Full Council adopt the social media policy 2. That Full Council agree to all members receiving training on the policy as part of the induction for members following the election in May 2023

1 Purpose of Report and Executive Summary

- 1.1 Social media is a term used for online tools, websites and interactive media that enables users to interact with each other by sharing information, opinions, knowledge, and interests.
- 1.2 The use of social media has grown exponentially over the past five years and is now widely used across the Borough.
- 1.3 Social Media can be a positive tool for seeking views of residents, disseminating information and connecting with groups who would not normally engage with council activities.
- 1.4 Social Media can also cause significant alarm and distress if used inappropriately and can cause reputational damage to the council.
- 1.5 The policy (Appendix I) covers the issues over using social media and Councillor's responsibilities to protect themselves and others where possible. This policy links to the Councillor Code of Conduct and should be read alongside it.

2 Background

- 2.1 Social media can be useful as it increases access to audiences and improves the accessibility of communication. It enables an active relationship with residents, partners and stakeholders whilst encouraging people to be involved in local

decision making and enabling better engagement and feedback. This ultimately helps to improve the services we provide. Social media can be very useful in Councillors getting feedback on proposals and communicating information about what we are doing. However, it is important to remain aware that not everybody is on social media and so opinions expressed may not be representative of a specific cohort of people.

- 2.2 An increasing number of Councillors use social media and unfortunately there are an increasing number of incidents of abuse against councillors.
- 2.3 A cross party group of councillors held two workshops to consider the issues around the use of social media. The policy at Appendix I was written using the outcome of these workshops.
- 2.4 The completed policy was considered by Standards Committee on 1 February 2023. The report was sent out for consultation to all members on 1 March 2023.

3 Proposals

- 3.1 That Full Council adopt the social media policy
- 3.2 That Full Council agree to all members receiving training on the policy as part of the induction for members following the election in May 2023

4 Alternative Options Considered and Rejected

- 4.1 Not to have a policy – this was rejected as councillors had expressed a wish to have a policy. The work undertaken by the cross-party working group demonstrated the need for advice and guidance on how to use social media

5 Consultation Undertaken or Proposed

- 5.1 All members were consulted on the policy between 1 February and 15 March. Three responses were received. One asking a question about the use of social media, one showing support for the policy and one advising of some grammatical errors within the policy. The draft policy was considered and endorsed by the Standards Committee on 1 February 2023.

6 Implications

Issue	Implications
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Corporate Plan	The policy supports the council’s fourth corporate plan priority, to renew local democracy and make the council fit for the future.
Financial, Resource and Property	There are no financial implications, however there has been resource implications of the Monitoring Officer dealing with complaints about social media use. This policy should assist members with understanding of what appropriate social media is.
Legal, Statutory and Procurement	<p>Three of the important Nolan Principles applying to those in public life are “Openness”, “Accountability” and “Leadership”. That means Councillors should be as open as possible about the actions and decisions they take, submit to an appropriate level of public scrutiny, and lead by example. Social media can be a helpful tool for public debate.</p> <p>In the same way as anyone else publishing material, Councillors will need to be aware of the laws that apply to published material. Some of the main ones are these:</p> <ul style="list-style-type: none"> a. Copyright: publishing information that is not yours, without permission, may also result in an award of damages against you. b. Defamation: if you publish an untrue statement about a person that is damaging to their reputation you may be liable to pay damages. c. Harassment: it is an offence to repeatedly pursue a campaign against a person that is likely to cause alarm, harassment, or distress. d. Data protection: you are unlikely to have a lawful basis for publishing personal data of other people, including photographs, without their express permission to do so. e. Incitement: it is an offence to incite any criminal act. f. Discrimination and ‘protected characteristics’: The public sector equality duty (as defined in the Equality Act 2010) prohibits discrimination against anyone based on protected characteristics; g. Malicious and obscene communications: it is an offence to send malicious or obscene communications.
Crime and Disorder	Inappropriate use of social media may lead to prosecution if one of the above laws are broken.
Environment and Climate/Ecological Emergency	There are no climate or ecological impacts

Health and Wellbeing	Health and well being of councillors can be severely affected if they are victims of online hate. The Council has a duty of care to protect councillors and this policy sets out steps to support councillors who may be experiencing on line abuse.
Safeguarding of Children, Young People and Vulnerable Adults	Councillors must be mindful of the impact of any social media posts on vulnerable people.
Risk Management and Health and Safety	The use of social media can have a negative impact on Health and Safety. This policy sets out ways councillors can protect their health and safety when using social media
Equality and Diversity	Swale Borough Council is a public authority required to comply with the Equality Act 2010. The Act prohibits discrimination against anyone based on their protected characteristics. The Council (and Councillors) must also have 'due regard' to the Public Sector Equality Duty, which obliges public decision-makers to have regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations.
Privacy and Data Protection	The UK General Data Protection Regulation and the Data Protection Act 2018 establish the only lawful bases data controllers may rely on in working with any data which relates to identifiable living individuals, as well as setting out the rights such individuals have in relation to those data controllers. In some cases, councillors working with personal data could be regarded as data controllers, with all the legal implications that entails. In addition, Article 8 of the European Convention sets out that public authorities (Swale Borough Council is a public authority) should not interfere with the right of individuals to a private and family life without lawful authority to do so, and where it is necessary, proportionate, and in pursuit of one of the aims set out in Article 8(2). (These are national security, public safety, economic well-being, health or morals, prevention of crime or disorder, or protecting others' rights). This can apply to Councillors when working in a professional capacity.

7 Appendices

Appendix 1 – Social Media Policy (attached)

8 Background Papers