Witham Town Council – Social Media Policy for Members and Officers

Policy Overview
This policy explains the way in which members and staff are advised to use their social media accounts to avoid legal and reputational risk to both themselves and the council. It aims to protect the council's reputation while allowing for effective communication with the public through social media platforms.

Definitions
For the purpose of this policy, social media includes (but is not limited to) such websites as:

- Facebook
- LinkedIn
- YouTube
- Instagram
- Snapchat
- TikTok

Additionally, this policy covers emerging social media platforms that may become relevant in the future.

For the purpose of this policy, media devices include:

- Mobile Phones
- Tablets
- Cameras
- Laptops
- Any other device capable of recording

Code of Conduct- Members
If acting in the capacity as a councillor rather than a member of the public, adherence to the Code of Conduct applies to online activities in the same way as with any other form of communication and members are still bound by the Nolan Principles.

Members should be aware that their online presence, even in a personal capacity, can reflect on their role as a councillor and the council as a whole.

If a member has an account where they comment as both a councillor and an individual it might be presumed that the views expressed are those of the council rather than the member personally when this may not be the case. It is suggested that members have two accounts, one for personal interaction and another to express their views as a councillor and to interact with members of the public.

If members are not commenting or posting in the official capacity as a member of the council, they should refrain from using Councillor in front of their name as this could be misinterpreted.

Relevant elements of the Members Code of Conduct are:

- You are a member of Witham Town Council and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.
- You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

Members must not disclose any confidential information on social media. The same standards must be upheld as when communicating in a more formal context.

Members must not issue statements or press releases on behalf of the council.

Members must not post photographs on their private accounts of staff members without permission regardless of whether these have been taken at council events.

Members must exercise particular care before posting comments related to any topics under current or potential council consideration. Positive or negative expressions of opinion may be understood by the community as official council endorsement, and could be in conflict with law, restrictions, or council operational requirements (such as health and safety checks).

Posts that appear to endorse or encourage activities contrary to regulations, may create legal or operational issues for the council. Members should consider potential ramifications before sharing, liking, or commenting on such matters in any public forum.

Personal benefit, monetisation and endorsements

A Member must not use their position as a Councillor, Council title, Council logo or branding, Council resources, Council premises, Council events, Council information, confidential information, or access obtained through their role to obtain personal financial gain or another material private benefit.

This includes seeking or receiving income, gifts, sponsorship, advertising revenue, affiliate commission, donations, subscriptions, paid partnerships, promotional consideration or other benefit through social-media content connected with Council business or the Member's role.

A Member may operate a personal or commercial social-media account where it is clearly separate from their Council role and does not create an actual, potential or perceived conflict of interest, misuse Council resources or information, imply Council endorsement, or breach the Members' Code of Conduct.

A Member must not use Council meetings, Council events, Council decisions, Council staff, Council contractors, residents' personal data, or non-public Council material as content for monetised activity without prior written authority from the Town Clerk and, where relevant, compliance with the Council's data-protection, publicity, procurement and records-management arrangements.

Where a Member has a financial or other interest in a business, organisation, product, service, campaign or online account that is relevant to a matter before the Council, they must register and declare that interest and must not participate in discussion or decision-making where required by law or the Council's Code of Conduct

Members must clearly disclose paid partnerships, advertising, affiliate links, gifts, sponsorship, creator payments or any other material connection in accordance with applicable advertising and consumer-protection requirements. A Member must not imply that the Council endorses, recommends, sponsors or has approved a product, service, organisation or campaign unless this has been formally authorised in writing by the Council.

Code of Conduct-Officers
When representing the council officers must adhere to the staff Code of Conduct.

Officers should refrain from posting on behalf of the council unless from an official Witham Town Council social media account and with express permission from the Town Clerk.

Although not mandatory it is suggested that officers do not advertise on social media their place of work so that personal opinions cannot be misinterpreted as those of the council.

Officers should be mindful that their personal social media activity could be linked back to their role at the council, even if they don't explicitly state their employment.

Relevant elements of the Staff Code of Conduct are:

- Close personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing to other employees and councillors and should, therefore, be avoided.
- Employees should avoid doing anything which could reflect adversely on the Council.
- All information or knowledge obtained during the course of an employee's employment must be treated as confidential, unless and until it is formally made public.

Considerations for both Members and Officers
Whether posting from personal or official councillor social media accounts the following should be taken into consideration:

- Could the post bring the council into disrepute? Members and Officers should not publish anything that could reasonably be perceived as reflecting badly upon or lowering the reputation of themselves or the council.
- Compliance with equality laws. Do not publish anything that might be seen as racist, sexist, ageist, homophobic or anti faith.

- Are there appropriate privacy settings in place for personal social media accounts?
- Even if a post is deleted it will likely have been read by others before it is removed and shared several times.
- Be aware that sharing someone else's post can be seen as agreeing or supporting the content or the person that originally posted.
- Be aware that publishing information obtained from a members' position on the council or through the work as an officer will make the individual posting seen to be a representative of the council.
- It is not appropriate for Members to request or accept a Council employee or contractor providing services to the council as a 'friend' on social media as this can suggest a personal relationship. Exceptions can be made when the relationship was formed prior to either the Member or Officer being elected to or employed by the council.
- Members should refrain from tagging council employees into posts on social media relating to council work as this identifies them as employees to members of the public. Councillors may publicise the work of the council as a whole but should not identify staff by name.

Before commenting or sharing content relating to local issues members should take steps to consider:

- Whether their comment could be seen as an official endorsement or contravene council policy or statutory obligations.
- Whether their post could unintentionally encourage activities or displays that may result in public safety risks, unauthorised works, or reputational harm.
- The likelihood that their online activity will prompt residents or interest groups to take similar actions in the local community, potentially creating operational or compliance issues.

Members and officers should be aware of the potential for cyberbullying and online harassment. Any instances of such behaviour should be reported to the Town Clerk immediately.

Legal Issues

- **Libel-** If a statement is posted online about a person which is both untrue and damaging to their reputation it could result in legal action being taken and damages awarded against the poster.
- **Copyright-**If images or text are posted without first obtaining permission this can result in a breach of copyright and again lead to legal action.
- **Data Protection-** Personal data must not be published or shared on social media unless there is a clear lawful basis, a defined Council purpose, appropriate privacy information, and the disclosure is necessary and proportionate. Where consent is relied upon, it must be valid, informed, freely given, specific and recorded. Special category data, children's information and safeguarding-related information require particular care and must not be published without prior advice from the Town Clerk

- **Bias and Predetermination-** If a member is involved in any decision-making process, they are expected to attend the committee or hearing prepared to listen to the views of others and weigh up all of the evidence. If a comment has already been made on social media then the member could be seen to have made a predetermination before the meeting and any vote, they took part in could be challenged as unlawful.
- **Defamation Act 2013**: Members and officers should be aware that this act applies to online statements and that the defence of "honest opinion" requires the statement to be based on facts

Records

Content posted through an official Council social-media account, and significant Council-business communications received through such accounts, must be retained where they constitute a Council record. They must be captured or saved in accordance with the Council's records-management and retention arrangements.

The council will make available training and updates on social media best practices and legal considerations to ensure all members and officers are aware of their responsibilities when using these platforms.

Nothing in this policy replaces a Member's duties under the Members' Code of Conduct, the Council's arrangements for registering and declaring interests, gifts and hospitality requirements, or relevant legislation. Members must seek advice from the Town Clerk or Monitoring Officer where they are unsure whether online activity, financial benefit, sponsorship, commercial relationship or content may create an interest or conflict.

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