

Social Media: Best Practice for Councillors

Purpose

- 1.1 Social media is a powerful tool for councillors to engage with their electorate. However, the use of social media also carries considerable risks, including in relation to intimidation, abuse and personal safety, as well as potential legal implications and reputational damage if used improperly.
- 1.2 A significant proportion of complaints against councillors received since 2020/21 have involved allegations of misuse of social media. A recent national survey of councillors also found that almost three-quarters of respondents had received online abuse from members of the public during their terms of office.
- 1.3 This report is intended to provide an overview of the risks associated with councillors' use of social media and to explore options for the Standards Committee to consider about how those risks can be appropriately managed in future.

Recommendations

- 2.1 To note the report and to consider risks and opportunities associated with councillors' use of social media.
- 2.2 To determine appropriate next steps for the development of a Social Media Policy or general guidance applicable to councillors.

Reasons

- 3.1 To ensure members of the Standards Committee are updated on the risks and opportunities associated with councillors' use of social media.
- 3.2 To fulfil the remit of the Standards Committee to promote and maintain high standards of conduct and to assist councillors and co-opted members with observing the Councillors' Code of Conduct and other related protocols.

Supporting information

- 4.1 The Local Government Association (LGA) has undertaken an extensive body of work on Civility in Public Life and has published a range of materials as part of its [Digital Citizenship programme](#), providing guidance and tools to support councillors with their online communications. These include resources for setting clear rules of engagement when using social media and information on handling online abuse.

- 4.2 The LGA has also recently published the findings of its call for evidence on abuse and intimidation of councillors. [Debate Not Hate: The impact of abuse on local democracy](#), placed a particular emphasis on online abuse and the importance of having effective measures in place for the reporting of allegations of intimidation. The report found that 73 per cent of respondents to the call for evidence had received abuse via social media during their terms of office.
- 4.3 Since 2020/21, seven out of 21 complaints made under Derby City Council's Councillor Complaints Procedure have involved allegations in relation to misuse of social media. It is important to note that these complaints were either dismissed or resolved informally. However, the extent to which social media has been a factor in complaints does emphasise the need for careful judgement when engaging with members of the public online.
- 4.4 The LGA recommends the following rules of engagement for councillors when communicating online and for handling online abuse:
- **Set clear expectations** – make publicly available rules of engagement and apply them consistently.
 - **Lead by example** – do not post comments that could be considered abusive, and avoid posting false or unverified information.
 - **Consider content** – give careful thought to how engagement with controversial issues will be managed.
 - **Defuse conflict** – wait before responding to comments; carefully consider the framing of arguments and the language used.
 - **Learn when to step back** – there is no need to respond to threatening or abusive behaviour.
 - **Protect privacy** – carefully manage passwords and privacy settings; do not post information that could give away your whereabouts outside of official business.
 - **Get and give support** – offer to support fellow councillors and reach out to council officers when needed.
 - **Record abuse** – screenshot comments and keep a record of abusive or threatening communications.
 - **Report serious issues** – if you have concerns about your safety, report this immediately to the Police and to the Council.
- 4.5 Civil and criminal law contains several offences that can relate to the use of social media. Councillors may either be victim of these offences or if social media is used improperly then be subject to penalties themselves. Relevant offences include:
- **Defamation** – if an individual publishes an untrue statement about a person which is damaging to their reputation, they could be ordered to pay large sums in damages.
 - **Harassment** – it is an offence to pursue a campaign against a person that is likely to cause them alarm or distress.
 - **Malicious and obscene communications** – it is an offence to send communication that is indecent, grossly offensive or threatening, for the purpose of causing stress and anxiety to the recipient.
 - **Incitement** – it is an offence to incite any criminal act.
 - **Discrimination** – it is an offence to discriminate against anyone based on protected characteristics defined in the Equality Act 2010.

- **Data protection** – publishing personal data without the individual's prior consent may incur substantial fines from the Information Commissioner (ICO).
 - **Copyright** – publishing images, music and documents without the permission of the creator is likely to be a breach of copyright.
- 4.6 The Councillors' Code of Conduct applies to all forms of communication including electronic and social media communications. Misuse of social media risks councillors being found in breach of several obligations under the Code, including bringing their office or the authority into disrepute.
- 4.7 Councillors are subject to greater scrutiny and held to a higher standard of behaviour than ordinary members of the public and therefore particular care should be taken when engaging in online communication. When utilising social media it can be unclear whether a councillor is acting in a personal or private capacity. However, if a councillor identifies themselves as an elected representative in their online profile, anything they post may be presumed to be in an official capacity and therefore subject to the requirements of the Code of Conduct.
- 4.8 A particular risk for councillors is allegations of bias or predetermination. When using social media, councillors must take particular care not to suggest that they have already made up their mind about a matter that they may subsequently be involved in determining. If predetermination can be demonstrated, decisions of the Council may be subject to Judicial Review and result in abortive costs and severe reputational damage for the Council.
- 4.9 Social media is a highly effective political tool. Groups and individual councillors will often use social media for the purposes of campaigning. However, it is not acceptable to use Council supplied equipment to canvass for votes, particularly in the run-up to elections.

Public/stakeholder engagement

- 5.1 The LGA has undertaken extensive consultation with councillors, officers and other experts as part of their ongoing programme on Civility in Public Life.
- 5.2 Councillors would be extensively consulted on the development and adoption of any social media protocol, guidance or policy prior to formal approval.

Other options

- 6.1 The Standards Committee are invited to consider appropriate options for sharing best practice and guidance relating to the use of social media with councillors.
- 6.2 Employees of Derby City Council are subject to a Social Media Policy. Whilst this policy would not be appropriate for application to councillors, it is felt that guidance and best practice could form part of a standalone policy or be incorporated within existing Codes and Protocols.

Financial and value for money issues

7.1 None directly arising.

Legal implications

8.1 See paragraph 4.5.

Climate implications

9.1 None directly arising

Socio-Economic implications

10.1 None directly arising.

Other significant implications

11.1 Failure to ensure councillors' are properly informed about the safe use of social media places them at increased risk of harm from abuse and intimidation. This may also lead to issues for political groups with the recruitment and retention.

11.2 Failure to adhere to the obligations of the Code of Conduct in any setting lowers the public's expectations and confidence in councillors. The Standards Committee plays a valuable role in ensuring guidance and best practice can be shared and implemented within the Council's policies and procedures.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal		
Finance		
Service Director(s)		
Report sponsor	Emily Feenan – Director of Legal, Procurement and Democratic Services	24/10/2022
Other(s)	Alex Hough – Head of Democracy	24/10/2022

Background papers:
List of appendices: