



**REPORT OF:** COUNCIL SOLICITOR  
**TO:** STANDARDS COMMITTEE  
**ON:** 19 MARCH 2015

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**SUBJECT: Members use of Social Media – Implications and Standards**

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**1. PURPOSE OF THE REPORT**

To present issues arising from the growth in the use of social media and the implications for elected members, accountabilities, roles and responsibilities.

**2. RECOMMENDATIONS**

The Standards Committee is asked:

- 1) To receive the presentation from the Council Solicitor on the use of Social Media and the implications for elected members
- 2) To consider the development and future adoption of a 'Use of Social Media Policy' for elected members of the Council, linking the Code of Conduct for Members.

**3. BACKGROUND**

The current Code of Conduct and arrangements for dealing with complaints were approved by Council on 30<sup>th</sup> August 2012 and are set out in the Constitution of the Council. Following a report to this committee there will be some changes made to the Code subject to the approval of Full Council in the near future.

With the ongoing development and wide use of 'social media', there is a need for all elected members to exercise due care and attention in relation to posting messages on social media or entering into exchanges related to their role as councillors and their responsibilities under the Code of Conduct.

For Council Officers a revised policy has recently been approved setting out expectations on officers and it is considered the Standards Committee may wish to reflect on whether similar guidance, focussed on their particular duties and responsibilities, may be developed to assist Members in future.

**4. RATIONALE**

The current Code of Conduct arrangements have been in place since the enactment of the Localism Act 2011 and reflect the current legislative framework, however there is no specific guidance provided about the use of 'social media'.

A policy for officers has been available for some time and was recently updated. (Appendix A refers and is included for information).

## **5. POLICY IMPLICATIONS**

Constitutions set out the governance framework for local authorities, which provide the foundations for any local authority that aspires to be effective, progressive and successful.

It is appropriate to review and update, where appropriate, various elements of Constitutions and provide guidance which will support members in their role and ensure they act in accordance with the Code of Conduct contained within the Constitution.

## **6. FINANCIAL IMPLICATIONS**

None

## **7. LEGAL IMPLICATIONS**

All members are covered by the Code of Conduct as set out in the Constitution reflecting the provisions of the Localism Act 2011. Provision of additional advice to members in fulfilling their duties and obligations in accordance with the Code is considered to be reasonable, especially within the context of constantly evolving social media forums.

Inappropriate use of social media by members could result in legal challenge including actions for defamation and copyright infringement.

## **8. RESOURCE IMPLICATIONS**

None

## **9. EQUALITY IMPLICATIONS**

Any final proposals for a Policy will be subject to agreement of the Committee for which an equality impact assessment report will be prepared, as required.

## **10. CONSULTATIONS**

### **Chief Officer/Member**

Contact Officer: Sian Roxborough

Date: 9 March 2014

Background Papers: Council Constitution as published.

Council Report-30<sup>th</sup> August 2012-the Localism Act 2011-New Code of Conduct for Members



## **Social Media Policy**

### **1.0 Aim of this Policy**

- 1.1 Blackburn with Darwen Borough Council is committed to using social media to improve how it interacts with residents, other organisations and other key people such as Journalists, Politicians and Civil Servants.
- 1.2 The Council is also committed to making the best use of all available technology and innovation to improve the way it conducts business, including what will be an increasing use of social media by its employees.
- 1.3 By its very nature, social media is fast and responsive, which makes it an excellent business tool; however because of this when a mistake is made it can rapidly get out of control.
- 1.4 This policy is aimed at protecting all employees and the reputation of the Council, by ensuring that employees are clear about and understand the appropriate use of social media in the workplace.
- 1.5 This policy is not intended to restrict genuine and work related use of what is an important method of communication and engagement. It is aimed at helping to get the most out of the social media tools available, whilst also maintaining a safe and professional environment for both the Council and its employees.

### **2.0 Scope**

- 2.1 This policy applies to all employees of the Council.

### **3.0 Employees' responsibilities when using social media**

- 3.1 For the purpose of this policy social media refers to any on-line web based tool which allows users to communicate with one another, by sharing information, opinions, knowledge and interests on line.
- 3.2 Examples of social media include, but are not limited to, use of apps, blogs, instant messaging, Facebook, Twitter, LinkedIn, YouTube, Instagram, Google+, Skype and Cloud Storage Solution.

- 3.3 As employees of The Council, when using social media you need to take responsibility for the information that you are putting on line. Even in cases where blogs or web pages have private settings, any information that is posted, uploaded or shared can become public very quickly. It is therefore essential that employees stay within legal limits when using social media, both personally and professionally.

#### **4.0 Using Social Media for work purposes**

- 4.1 Employees must have express consent from their Manager to use the Council's social media accounts as part of their work/job role and should not upload any materials to Council accounts without prior consent. This applies both when working from home or from work, using either Council IT equipment or personal devices.
- 4.2 Employees should be aware that they should not post, upload or share any information on line that is libellous, defamatory or subject to copyright when using the Council's social media accounts. If you are unsure about what this includes please speak to your Manager or contact the appropriate Human Resources Team for your Programme Area – (Intranet > Human Resources > Contacts). You can also refer to the Council's Guide to using social media for more information.
- 4.3 Employees should keep personal or private information relating to work, customers, colleagues and business partners confidential at all times. If you are unsure about what this includes please speak to your Manager or refer to the Council's Protecting Information Guidelines for further help and guidance.

#### **5.0 Personal use of Social Media**

- 5.1 Employees must ensure that any personal on line activity does not interfere with their job, their colleagues, and their responsibilities and duties as a Council employee.
- 5.2 Employees must be aware that the information that they upload, share or post on social media is public and should not bring the Council or its employees into disrepute. Please see the Employee Code of Conduct for further guidance.
- 5.3 Employees are permitted to access social media from a Council PC at work providing they comply with the Acceptable use of IT policy. This policy states that "short" and "occasional" use of Council IT systems for personal use is allowed. Short means **"in the users own time and for a few minutes"** and occasional means **once or twice per day**.
- 5.4 Employees should only access social media for personal use from personal devices at work during their own time e.g. during breaks and lunch time. Managers will monitor the use of personal devices at work in the same way that they would any other activity e.g. personal phone calls, breaks etc. and deal with any excessive use individually.

## **6.0 Ensuring you stay within the Social Media policy**

- 6.1 It is important that your activities and actions are in line with this policy. Breaches of this policy could be seen as bringing the Council into disrepute and/or considered to be misuse of Council resources and equipment.
- 6.2 Any potential breaches of this policy will need to be investigated and this may include formal investigation in accordance with the Council's Disciplinary policy and procedure.
- 6.3 All employees need to be aware that as detailed in section 4 of this policy, if your actions on social media are also considered to be unlawful, you may also be subject to legal and criminal proceedings.

## **7. Links to other Policies/Documents**

Guide to using social media

Employee code of conduct

Cloud Storage Services Guidance

Acceptable use of IT

Disciplinary policy and procedure

## **8. Further Guidance**

Further guidance is available for employees regarding social media guidelines on the Blackburn with Darwen Borough Council intranet pages <http://cms.intra.blackburn.gov.uk/server.php?show=nav.00101d00s01b>

If Managers require further advice regarding the application of policy and guidance please contact the appropriate Human Resources Team for your Programme Area – (Intranet > Human Resources > Contacts).

## **9. Policy Review**

This policy will be reviewed in accordance with any changes to statutory legislation and/or guidance and in consultation with the recognised trade unions.

## **10. Approving Body & Date**

LJNCC: 8<sup>th</sup> June 2014

Review date: June 2016

