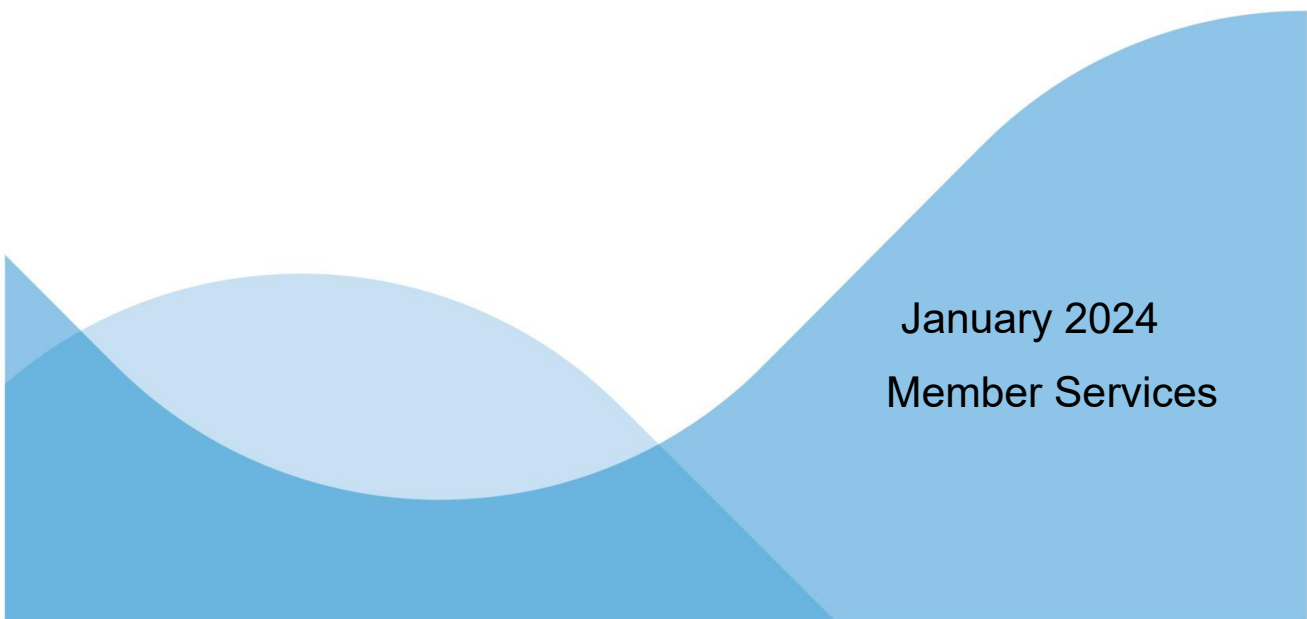


Social Media Guidance for Councillors

Guidance for Members on the use of social media in a personal or professional capacity.

A decorative graphic at the bottom of the page consisting of overlapping blue waves of varying shades, creating a modern, fluid background.

January 2024
Member Services

Introduction

This guidance offers advice and tips on how to help ensure the public are clear at all times on whether you are using social media on behalf of the Council or in a personal capacity. It aims to clarify the significance of this distinction, the issues that might arise when this distinction is blurred and provide an overview of the issues it is recommended you should be mindful of when using social media.

It also aims to ensure that your use of social media is lawful and does not expose you or the council to security risks, reputational damage or breach the current data protection legislation.

This guide covers the use of social media over the internet and by email, smart phones, social networking sites, blogging, and tweeting and all social media platforms.

Social media includes (but is not limited to) social networking and applications such as Facebook, X (formerly Twitter), Instagram, TikTok, WhatsApp, Snapchat, Flickr, YouTube, LinkedIn as well as blogs, discussion forums and wikis.

Social media is useful as it increases access to audiences and improves the accessibility of communication. 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.

The Guidance applies to all Councillors of East Sussex County Council.

This Guidance should be read in conjunction with the Council's Code of Conduct for Members and the Councillors' Guide to Personal Safety.

The Code of Conduct

It is not a requirement for you to have a Facebook or Twitter account or to use other forms of social media to fulfil your roles as a Councillor. However, if you are using or planning to use social media in connection with your work as a Councillor or are already using such media in a private capacity, these guidelines will be relevant.

As a Councillor you are personally responsible for your conduct online and should always be mindful of the Code of Conduct for Members and the Nolan Principles.

‘Acting in Capacity’ as a Councillor

The Code of Conduct applies to you when you are acting in your capacity as a Councillor. It states you must comply with the Code whenever you:

- (a) conduct the business of your authority (which includes the business of the office to which you are elected or appointed); or
- (b) act, claim to act or give the impression you are acting as a representative of your authority, and references to your official capacity are construed accordingly.

There is no formal description of what the role of a councillor is. However, in addition to formal local authority business it would include promoting and representing the local authority in the local community and acting as a bridge between the community and the local authority.

Acting in a private capacity

It is important to note that the Code of Conduct does not seek to regulate what members do in their purely private and personal lives. The Code of Conduct is *not* engaged where you are acting in your capacity as a private individual. You have a right to freedom of expression as an individual.

Blurred Identities

When it comes to social media, councillors can sometimes have ‘blurred identities’. The blurring of identities can occur if you were to use a social media platform to make comments not only in your role as a councillor, but also as a private individual. For example, by identifying that you are a Councillor on your private or personal profile page and by using that platform to campaign or share

Council news/developments with the public. Where there may be ambiguity therefore it may be helpful if you make clear to people in which capacity you are engaging with them.

To help further reduce the chance of confusion, you may also wish to consider the following tips when using social media:

- Keep separate accounts for professional and private matters. By having one account which incorporates both your professional and personal life, you are increasing the risk of being found as acting in your capacity as a Councillor if a complaint is made.
- If you wish to keep just one account, be clear on what the account is used for. For example, if the account is personal, you should keep it private and refrain from using Council or Councillor terminology or referring to your role as a Councillor and should not use it to discuss Council business or share images of you conducting Council business. Your conduct could be found to have engaged the Code even where your identity / position as a Councillor is not evident if you were to make comments directly about Council business. You should carefully consider the fact that damage could be done to your own reputation and that of their authority, even when it is clear that you are not conducting council business.
- While you may make a distinction on social media about what is a personal account/ content and what is a Council business account/ content that does not mean what you post on a personal account is private. Please be mindful therefore that what you post could be shared by other people in public forums or used by the media.

General Responsibilities When Using Social Media

In addition to the Code of Conduct, it is recommended that you are mindful of the following issues:

- You should take particular care to ensure that, in any comment or post you create, you do not imply that you are speaking on behalf of the Council as a whole.
- Once a post is made on social media, it is there for the world to see. Even if it is deleted this does not mean that someone has not already saved a copy of it. You should never post anything on social media that you would not be prepared to discuss in public meetings, with the local media, with your constituents, and with your friends and family. You should think carefully before engaging in activity on social media.
- You should be honest about who you are on social media and not impersonate anybody if it could lead to bringing the Council into disrepute.
- You should be mindful of your personal safety and that of your, family and others. Any information posted to social media is public. This includes pictures, profile information, friends list and comments. Individuals will be able to see your information and link you to other people, which may include vulnerable children and adults.
- You should only share accurate information from reliable sources and should be mindful of 'fake news' stories and outlets. Anonymous profiles can contribute to the spread of misinformation or fake news, as well as cyberbullying, trolling and hate crime.
- You should not use social media to divulge any confidential or exempt information which has been shared with you.
- You should keep social media accounts secure and protected by passwords. You should not allow anybody else access to any of your social media platforms.
- You should remain professional and polite when conversing with members of the public. This includes the use of private messaging, commenting on posts or replying.
- You should always consider how any comment/post made on social media could be construed. For example, posts intended to be humorous can easily

be misconstrued or misrepresented by others.

- You should be mindful of the public perception of using social media during Council meetings and consider whether it is appropriate.

Potential Legal Issues

In addition to a potential breach of the Code of Conduct, misuse of social media may give rise to other consequences. The following issues, which may lead to criminal or civil legal proceedings, may also arise:

Defamation

If you publish an untrue statement about a person which is damaging to their reputation, they may consider it as defamatory and consider legal action. The same thing may happen if, for example, someone else publishes something defamatory on your social media or webpages if you know about it and don't take swift action to remove it. A successful legal claim could result in the award of damages and costs against you.

The UK defamation Act 2013 has strengthened the protection for channels such as Facebook and Twitter which will encourage those that have been libelled to pursue those responsible for media posts and reposts.

A retweet from a false or defamatory tweet is also not immune from legal action. Just as the original tweeter is liable if the tweet is defamatory, so the retweeter will be liable. This can also apply if you allow someone to publish something defamatory on your website or blog.

Copyright

Placing images or text on your site / channel from a copyrighted source (for example extracts from publications or photos), without obtaining permission, is likely to breach copyright laws. Don't publish anything you are unsure about, or make sure you obtain prior permission. Again, a successful claim for breach of copyright would be likely to lead to an award of damages and costs against you.

A retweet of a tweet or a pin or a share of a photo that someone else stole (used without the photographer's permission) is also at risk of legal action – just as the original tweeter is liable, so too will the retweeter be liable to prosecution.

It can often be good to use images with your posts, but always check that you have the right to use the image as you don't want to infringe on any copyright laws. Images you search for on Google are not necessarily a free resource. You

may have to contact the photographer and ask for their permission to use it and whether you need to attribute it. Rather than copying someone else's text or image, you can place a link back to the source of the information.

Data Protection

Do not publish the personal data of individuals unless you have their express permission to do so for that purpose. Personal information in an email or personal exchange cannot be presumed to imply any consent to pass it on to others. If you place personal information on a public forum, you should expect it to be published by others.

Bias and Predetermination

If you are involved in determining planning applications or other types of decisions, then avoid publishing anything online that might suggest you don't have an open mind about the matter you may be involved in.

Pre-election period and digital imprints

Councillors can continue to use social media, for their council business but must not use council resources (such as council twitter accounts, email accounts, telephones etc.) for any activities related to election campaigning.

Councillors can of course use a personal or political group social media account for campaigning. If you chose to do so, it is important to note that when certain campaign material is published, it must contain specific details to show who is responsible for publishing it. These details are known as an 'imprint'. The imprint helps to ensure there is transparency for voters about who is campaigning.

Imprints are important for transparency in campaigning. It is therefore good practice to include an imprint on all digital material that relates to elections and referendums, even if the material does not require one by law. This can apply to social media content. To reiterate though you must not use council resources for any election campaign-related activities. The advice given here on digital imprints only relates to your use of personal or political group social media and emails.

Further Support and Training

This guidance is intended to help you use social media in a way that helps avoid legal and reputational risk and reduce the likelihood of complaints.

Should you require it, training on the use of social media is also available to all Councillors. If you have any questions about that or are unsure about any of the issues covered here, please contact Member Services via 01273 482355 or democratic.services@eastsussex.gov.uk

You may also wish to refer to the LGA's social media Checklist for Councillors which is appended at Appendix A.

Useful Links

The LGA has also produced a series of written and video guides to support councillors in using social media:

[Social media guidance for councillors | Local Government Association](#)

A short guide to publicity during the pre-election period | Local Government Association:

[A short guide to publicity during the pre-election period | Local Government Association](#)

Statutory Guidance on digital imprints

<https://www.electoralcommission.org.uk/statutory-guidance-digital-imprints>

Code of Conduct:

[The Constitution of the Council | East Sussex County Council](#)

Personal Safety for Councillors:

[Member Health and Wellbeing – ESCC Intranet](#)

LGA Checklist for Councillors

How can you most effectively use social media as a councillor?

<https://www.local.gov.uk/our-support/guidance-and-resources/comms-hub-communications-support/digital-communications/social-1>

Be a person

In the words of Digital Specialist Euan Semple, "Organisations don't tweet, people do". You are likely to be more effective if your social media profile is you (with a picture of you) rather than an organisation with a logo.

Don't worry about reaching everyone in your ward

Social media will be more effective in some wards than others. University towns, urban areas with good broadband and mobile connections, and a working age population tend to work best. Wards with an older population and poor internet connectivity tend not to be so effective at reaching your ward. However don't let this stop you as connections are getting continuously improving as we move towards a higher level of digital inclusion.

Don't let it replace your traditional work

To be an effective councillor you won't stop meeting people and posting leaflets simply because you are posting online. The traditional work of a councillor still has to be done. You will know your residents best—consider which channel works best for them to connect with you, online and offline.

Think about the platform you'll use

If people in your ward are keen Facebook users then think seriously about Facebook. Twitter is popular among politicians because it's easy to use and connects people really well. Whichever one you choose, learn one at a time before even thinking of trying something else. You will know your residents better than anyone else so ask them which channel works best for them.

See how other councillors use it

Watch and learn from other councillors who are using social media. Have a chat to them. You'll very often find they will be happy to talk. Even to those from different parties.

Don't be a slogan machine

There is a really important decision to be taken over how political to be. You may have been elected on a party political ticket. But you are also a rounded human being. Social media is a chance for you to show your human side. Just posting party political content is likely to switch many people off and you may be talking only to the party faithful.

Have a conversation

Social media works best as a two-way conversation connecting people and sharing information. Good councillors do this every day face-to-face with residents—social media should be no different to this.

Don't wait for people to come to you

You've got your Facebook profile or your Twitter profile. People won't just come flocking to you. Run a search on your chosen profile for the name of your ward or an issue. Make a connection. Join a Facebook group set-up by residents. Comment on a blog, a website or a video clip.

Think about times when you won't post

From experience, many elected members say that Friday and Saturday nights are not always the best time to post overtly political messages. You won't always get the most rounded debates. Many councillors post sparingly on religious holidays.

To post in meetings or not?

Some authorities frown on posting from social media in meetings. Check the situation where you are. Residents, residents groups, journalists and bloggers are being encouraged to use social media from meetings. So adding your voice to the conversation may be a good thing as part of democracy. If you can post an update from a meeting and it doesn't hamper your role in that meeting then it's something to think about.

Don't have a row

Robust debate is fine from time-to-time and it's part of the cut and thrust of local politics. Most people can accept that. But remember how this debate is playing out to passers-by who are not interested in the detail of the issue. They are likely to be switched off. Take the row offline with a phone call or an email.

Don't be abusive

An absolute 'no no' is abusing people online. It doesn't work. It will make you look awful and is a sure-fire way to land you in trouble with your electorate, the party and the council. Be professional. Don't say anything you wouldn't be happy saying in a public meeting with the Press there.

Don't discuss case work detail

Case work can be reported to you on social media. Everything from uncollected rubbish and a cracked paving slab to concerns about child protection. As a good rule of thumb, ask residents to tell you the detail of an issue offline. Social media platforms usually have an easy-to-use way to talk one-to-one. Email and telephone can come into play too.

Pictures work

People respond really well to pictures. They don't have to be print quality. They don't have to be posed. If you are on a ward walk post some pictures. Include the people you are with if they are happy with that. Post pictures that show your human side too. That sunrise you just noticed. Your dog. Things that make you human.

Enjoy it

It's not meant to be scary. It's not meant to be hard work. Relax. Be yourself. Be a responsible elected member. Enjoy it.