

Part 4 – Section 4 – Social Media Guidance for Councillors

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 vital tool for public debate and its use by Councillors is encouraged but is not a requirement.

There are however some pitfalls to be aware of, and this local Guidance is produced to help Councillors avoid these. This Guidance does not tell Councillors what social media is, or which blogs or networks might be used effectively. It assumes that Councillors are aware of those. It deals with the pitfalls that specifically apply to the role of local Councillors.

A: LEGAL CONSIDERATIONS

Like anyone else publishing material, Councillors will need to be aware of the laws that apply to published material. In particular:

- Defamation: if you publish an untrue statement about a person or organisation that is damaging to their reputation you may be liable to pay damages;
- Copyright: publishing information that is not yours, without permission, may also result in an award of damages against you;
- Harassment: it is an offence to repeatedly pursue a campaign against a person that is likely to cause alarm, harassment or distress;
- Data protection: do not publish personal data of other people, including photographs, without their express permission to do so;
- Incitement: it is an offence to incite any criminal act;
- Discrimination and ‘protected characteristics’: it is an offence to discriminate against anyone based on protected characteristics (as defined in the Equality Act 2010); and
- Malicious and obscene communications: it is an offence to send malicious or obscene communications.

Additional considerations apply to Councillors. These include:

Bias and pre-determination

Statements of opinion made by a Councillor online may give the appearance of that Councillor’s mind being made up about certain matters. Councillors sitting on regulatory committees such as planning or licensing should avoid publishing anything that suggests they do not have an open mind about anything they are likely to be involved in determining. Otherwise the Council’s decision is open to challenge and could be invalidated, and the ‘disrepute’ provisions of the Code could be engaged.

Equality and discrimination

The Council is a public authority required to comply with the Equalities Act 2010. As noted above it is an offence to discriminate against anyone based on their protected characteristics. The Council must also have ‘due regard’ to the Public Sector Equality Duty (which consists of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations) and that applies to Councillors when appearing to act in their official capacity.

Electioneering

Council resources, including any the use of social media on Council mobile devices or IT equipment, should not be used for political/campaign purposes. Particular care should also be taken when using social media during the pre- election period. The Electoral Commission has further guidance including on the requirements to provide a return of expenditure on election advertising which includes web advertising.

Human Rights

Article 8 of the European Convention provides that public authorities 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). Observing the use of social media by other people (even on 'open' profiles) can engage Article 8 and so Councillors should avoid 'sleuthing' activities that might amount to unlawful surveillance.

B: CODE OF CONDUCT

The Code applies to Councillors who are or appear to be acting in an official capacity. As Councillors are aware, the Code does not apply to purely private matters, however, the public may perceive them as acting in an official capacity when it is not their intention. How Councillors present their profile online will be important (eg whether or not expressly as a Councillor) but not necessarily conclusive.

Councillors may choose to have two separate accounts, one for private matters and the other for council activities. However, care would still need to be taken to avoid giving the impression of acting as a Councillor when using the private account. For example, a discussion about Council services or decision-making, even on a 'private' profile, could lead to the conclusion that the Code is engaged. Private profiles that carry a party political slogan may be more likely to result in the Code being engaged even if council activity is not expressly mentioned.

The particular sections of the Code most likely to give rise to complaints are the requirements to treat others with respect, not to bring the office of Councillor into disrepute and prohibiting the disclosure of confidential information.

You should also consider your position carefully as to whether your online 'followers' or 'friends' are "close associates", for the purpose of declaring interests and participation in meetings where their well-being or financial position would be affected.

C: SOCIAL MEDIA ETIQUETTE

Councillors will need to monitor and, where appropriate, censor or remove the contributions made by others to their sites in a reasonable time. Allowing defamatory or offensive statements to remain on a site can become the Councillor's own legal problem as the 'publisher' of the material and could also give rise to Code issues where allowing comments to remain could be seen as condoning or endorsing them. If you let people post comments then you should have clear and prominent guidelines about when you will moderate comments or block people from posting to the site. You should not be afraid to follow these guidelines.

Similarly, 'liking', 'sharing' or 're-tweeting' posts could be seen as an endorsement of them and legally this can be a separate instance of publication, by the Councillor, to which all the legal and Code considerations would apply.

Beyond that it is generally best to allow disagreement rather than to seek to censor it. However there is no need to respond to everything and unhelpful online arguments should be avoided. Avoid posting about controversial events which may invite disagreement. Be professional, respectful and polite, even (or especially) when corresponding with those who do not return the courtesy. Always consider whether anything you write may be interpreted in a way you do not intend.

Promptly admit to mistakes of fact and apologise.

Avoid using social media when you are tired, angry, upset or your judgment may be impaired. Be aware that 'trolling' posts may be intended to bounce you into an unwise response to be used against you (see section E).

Think carefully about who to 'follow' or 'befriend' online and be cautious about accepting 'friend' requests from anyone under the age of 18. Online 'friendships' with council officers should be avoided as they may compromise the appearance of impartial advice. It is inadvisable to 'follow' anyone without a good reason – some constituents may find it uncomfortable (and see the Human Rights comments above). Many Councillors wait to be 'followed' before returning the compliment.

D: USE OF SOCIAL MEDIA DURING COMMITTEE MEETINGS

Other than official equipment for the meeting, use mobile devices sparingly, discreetly and with common sense at meetings, and consider the impression you may be giving to others. Councillors should be mindful that regulatory committees such as planning or licensing require the Councillor to alert officers to any lobbying material they have received, which would be difficult if it arrives via social media and is read by the Councillor during the course of a meeting.

Texting or emailing between Councillors or with members of the public during a regulatory committee meeting should be avoided, as this could result in Code complaints that a Councillor has been influenced during the decision making process or has been biased.

Mobile devices enable Councillors to manage their busy lives when time is at a premium. There may be occasions when texting or emailing during meetings is acceptable, but is also important for Councillors not to give the impression that insufficient attention is being given to the discussion at the meeting. That could lead to the relevant decision coming under challenge if Councillors are perceived to have made a decision without having properly listened to the debate. It could also result in Code complaints of a failure to treat others with respect or of bringing the Council into disrepute.

E: ONLINE SAFETY

It is often the case that individuals may say things via social media that they wouldn't say in person, and post false information, insults or messages that you would not want to be associated with. These can multiply and escalate quickly.

Some individuals post socially unacceptable, defamatory, inciting or intimidatory remarks to provoke online activity. The term 'internet troll' is used to refer to a person or group of persons who deliberately start arguments or upset people by posting inflammatory messages with the deliberate intent of provoking an emotional response or disrupting normal discussion, often for their own amusement.

If a person posts a disrespectful or abusive post about you, be aware that the intention may be to 'bounce' you into an unwise response to be used against you. If 'trolling' becomes unacceptably harassing then you should report it to the police and seek advice from the Monitoring Officer.

Any intimidation or abuse on social media may constitute a criminal offence. If you feel a post or interaction is intimidating or abusive, and if you feel intimidated, you can take action to report it to the police. Every situation will be different and needs a personal judgement about whether it is worthwhile to pursue the incident, ignore it or politely acknowledge.

Cumberland Council has a zero tolerance policy against harassment, bullying and discrimination. Any reports of harassment, bullying and discrimination will be taken seriously and handled confidentially and sympathetically.

If you receive online abuse the Monitoring Officer will be able to provide advice as to whether a criminal offence may have been committed, and will also be able to direct you to other support which is available. Abuse from another Councillor should be reported to the Monitoring Officer who will consider whether there has been a breach of the Members' Code of Conduct.

Even if you are not concerned or decide to ignore it, it is advisable to keep a record of any online abuse should it escalate in the future, for example by taking a screenshot. Your political group support officer will be able to help you do this.

It can be overwhelming when multiple abusive messages are sent in close succession and this can escalate quickly. Again, you are advised to keep a record of the abuse, inform the social media platform, and the police. If the messages are in response to your original post, you can remove the original post.

To remove a post, comments or tags from posts you should contact your political group support officer who will be able to advise how to do this depending on which platform is being used and if it is an app or via a browser. The Council will provide training generally on use of particular platforms.

For reasons of personal safety and identity security, you may want to consider whether to put personal information online, such as birthdays, routines and places you frequent, or telephone numbers, addresses and vehicle details.

A photo can provide personal information that you may not want shared on social media. It is advisable to only publish photos of family, friends and colleagues with your consent and theirs to ensure that photos do not reveal your home or places frequented with family such as schools or care homes. You can disable automatic location tagging so that you have to approve another user including you in their photographs.

If someone has posted inaccurate information about you or the Council, and if the information is defamatory, the first step is to keep a record of the evidence. You may wish to contact the individual to request that the post is deleted and, if appropriate, to seek a correction or apology. If this approach is unsuccessful or where the post causes significant concern or is part of a concerted campaign, you should inform the Monitoring Officer and may also wish to take your own legal advice.

Finally, having a social media presence means that people can contact you at any time. It can mean that a reply is expected immediately which can create a sense of pressure. It is useful to set your own rules and limits for how you manage your social media presence, it is suggested

that you add these to your page so those accessing information know when to expect responses if required.

The Local Government Association Guide to tackling online abuse is attached at Appendix 1.

FURTHER READING:

- “Connected Councillors: A guide to using social media to support local leadership”, IDeA, March 2010 and other guidance available on the Local Government Association website (www.local.gov.uk).
- LGA’s Knowledge Hub may contain useful information (<https://knowledgehub.local.gov.uk/>)



Guide to tackling online abuse

This guide will explore the growing problem of online abuse and attacks. Many councillors experience this sort of negativity on social media. It is important to know how to identify it and effectively deal with it

Objectives:

- Types of abusive behaviour to look out for.
 - Using positive language and tone to shape engagement.
 - Techniques to handle online abuse.
 - Taking a break or coming off social media.
-

A brief introduction

Social media offers many opportunities for councillors to constructively engage with their communities. Most of the time this is a positive experience. Social media helps you to build a profile, explain complex issues in plain English and to develop a two-way conversation.

Unfortunately, in a small number of cases, councillors can experience online abuse. Social media is an environment where some individuals use abusive behaviour, such as aggressive language, threats, trolling and bullying.

Types of abusive behaviour to look out for on social media

Trolls

Online abuse is an issue on every social media platform. Sometimes, it will be random or short-lived. On other occasions it can be more sustained and led by users who are often described as 'trolls'.

A troll is someone who posts just to get an emotional reaction or to manipulate others' perceptions. Their posts can be offensive, off-topic, inflammatory, purposefully inaccurate, or insincere. Trolls often do this for their own amusement or in aid of goals such as disrupting the democratic process.

All too often, trolls post without thinking, logic or good reason. It is important to remember that trolls often do not believe what they themselves are posting.

'Why can't they just...?!'

Many issues that councils deal with are complex. From inside the council this is clear. From the outside it can appear like 'nothing is happening'. Sometimes it can be difficult to explain in plain English why a simple solution will not work.

Some people in the community will have their own 'simple' or 'common sense' solution to a problem. This can lead to people making the 'Why can't they just...?!' social media posts.

Residents often consider councillors and councils to be ignoring them when their simple solution is not considered or implemented. The problem is compounded by the fact that some 'Why can't they just...?!' posts are picked up by the local media.

Problems can also emerge when people are pressed for detail on how the 'simple solution' would work. Providing information that shows that a 'simple solution' will not work can cause some people to become aggressive, incoherent and defensive.

Legitimate challenge and scrutiny

Challenge and scrutiny are a key part of our democracy and of the decision-making process. For example, it can help us to see where a decision might be having an unintended or negative impact. This feedback is critical.

Challenge and scrutiny should be constructive. It should not lead to offensive language and abusive behaviour. There is an important line that should not be crossed – between legitimate challenge and online abuse.

Councillors should not seek to stifle debate or to censure views. However, they should not be put in a position where they are subject to offensive language and abusive behaviour.

There is an important line that should not be crossed – between legitimate challenge and online abuse.

Politics

Politics is similar to challenge and scrutiny. It has an important role to play in debate and clearly forms an important part of the democratic process.

Councillors should not seek to suppress other people's political views. However, political debate does not give people a licence to abuse elected officials online (or anywhere). Once again, there is a clear line between healthy debate and online abuse.

Smear campaigns

A smear campaign is the deliberate attempt to negatively impact a person's standing or damage their reputation. Smears are usually done through the spread of false information and discrediting tactics. They can be 'one-off' comments. Unfortunately, some are sustained and organised.

Smear campaigns can be one of the hardest forms of online abuse to deal with. In some cases, it might require legal advice to be taken or for the police to get involved. Remember to keep a record of the abuse and report the issue to the social media platform and authorities as appropriate.

Bullying and harassment

Unfortunately, online bullying and harassment has become more common in recent years. While it often appears in the press in relation to teenagers and young people, it is something that can affect anybody.

Online bullying or harassment occurs when someone bullies or harasses someone else online. It includes a wide range of behaviours such as threats, sexual remarks and hate speech. In some situations, it can form a sustained pattern of behaviour.

Use positive language and tone to shape engagement

Your digital ‘tone of voice’

Your tone of voice is as important on social media as it is in face-to-face conversation. On social media, with all its angry voices, you can use your tone of voice to shape engagement and to create a more positive and constructive environment. Remain calm and positive to help defuse the situation and steer the conversation in a positive direction.

Using language to shape the conversation

The language councillors use on social media is critical for building their tone of voice. When you are being attacked, it can be hard to avoid using aggressive language yourself.

Even when it seems to you like it's the only option – using aggressive language never improves the situation.

Councillors should always try to stick to positive and inclusive language. This helps to control the nature of the interaction and keep things as constructive as possible.

Social media language is often ‘chatty’. It is important to make the language you use as accessible as possible. Avoid acronyms and ‘council-speak’. It is common for councillors to use acronyms for their own council or a committee (for example VFM rather than Value for Money Committee). Not many people in the community will understand what such acronyms mean.

Be kind!

People are generally much more rational if treated with kindness and compassion. It is important to be seen by those watching the discussion that you are putting your argument across in a calm, patient, and professional way.

Finding common ground

Try to find some common ground that allows you to calm the debate and show those that are in the discussion that you share similar priorities or come from the same background as them.

Usually, councillors will live in the community they represent – so, that can be a great place to start disarming those who are being aggressive by making common cause about your community.

Asking people ‘how’ rather than ‘why’

Asking people ‘how’ – rather than ‘why’ – is a good way of working through how things would work in practice. Talking about how this would play out rather than dwelling on why it is (or is not) a good idea can help to engage people constructively and expose the complexity and flaws that make their simple-sounding suggestion difficult in reality. This forces them to reassess their argument and prompts a more moderate attitude

Techniques to handle online abuse

Engage with a variety of views

Building up your following on social media means that it is harder for a small number of angry voices to dominate. It also allows you as a councillor to hear from, and engage with, a wider variety of people from across your community.

It also ensures that more people will be able to see and share the arguments you are making in response to attacks. Treating people with respect even if they are not affording you the same courtesy will build further on your tone of voice, as a larger audience will see the way in which the debate is conducted.

Have a consistent narrative

Sharing a consistent story to fill gaps in people's knowledge helps you to dispel conspiracy theories and baseless rumours by presenting a clear and credible narrative.

Escalation of an issue

In some situations, you can escalate an issue. If there is a complaint about a council service it can be a legitimate course of action to 'pass on' the issue to a council officer. Depending on how the complaint was made, you might need to consider data protection issues. Sometimes taking this course of action and being able to demonstrate that action is being taken can help to defuse the situation.

The wider audience - who is looking?

In some situations, you might feel there is a need to reply – to get the truth out there or to set the record straight. It is important before replying that you consider the likelihood that you will succeed. It is important to ask yourself – who is the wider audience?

Making a balanced and reasoned argument has value when there is a wider audience watching the discussion. Most of those seeing the exchange will not actively engage. In this situation 'winning' means ensuring that those looking on are reassured and given accurate information.

Conversely, if you think no one is looking you need to ask yourself the question – is it worth responding?

If you respond, you should avoid getting sucked into a lengthy debate on social media. Not only is this very time-consuming, but you are also very unlikely to get the last word in the debate.

Keep a record

When you receive online abuse, you should make a record of it. This is important in case the matter develops further – particularly if the police or other bodies become involved. It is also useful in demonstrating a pattern of behaviour.

Managing trolls

Trolls can be difficult to deal with. The best way to deal with a troll is 'not to feed it'. By which we mean, don't respond to a post which is designed to upset, elicit a response, or to further a troll's own goals.

Your best response is to either:

- ignore what they have posted
- or, if it's on your own page or profile, to delete or hide their comment – this will mean your other followers should not see it

If that doesn't work, consider your next step. This could include blocking them or reporting them to the social media platform or the police.

Deleting and moderating comments

Most social media platforms give you the ability to delete comments. Where someone has made an abusive comment, you might want to delete it. You should remember to take and save a 'screen grab' picture first.

Some social media will give you the ability to automatically moderate content. Some have a 'profanity filter'. Where this facility exists, you should consider using it. It will save you time and reduce the impact of abusive comments and behaviour.

Blocking abusive social media users

On almost all social media platforms you can block individuals who are persistently abusive. If individuals are consistently aggressive it can be both sensible and reasonable to block them from further engaging with you.

It is important to remember that, as a councillor, you do not have to accept abusive behaviour. You have as much right as anyone to be treated with dignity and respect. You can include our [LGA Digital citizenship 'rules of engagement' infographics](#) on your profile to make it clear to others that you will not tolerate abusive behaviour.

Blocking those who are abusive is important both for you as a councillor and for other people who follow you who may feel intimidated by aggressive behaviour. They also have a right to express their views.

Reporting online abuse and legal matters

Reporting an issue to the social media platform

Most social media platforms have 'rules' or 'terms of use' that prohibit abusive behaviour. Each has different wording, but most forbid behaviours that are abusive, bullying, harassing, or intimidating.

If you feel someone has broken a social media platform's 'rules', you can report the user to the platform in question. It will then be up to the platform to take further action.

Reporting an issue to the police

In certain circumstances you might need to report a matter to the police. Threats of violence, racist language, hate speech and pornographic material are the sort of things you might need to report. If you do report a matter, you should follow the advice given to you by the police and respond to their requests for information.

Reporting a breach of the Code of Conduct

If you receive online abuse from another councillor, it might constitute a breach of the Code of Conduct. If you believe that there has been a breach of the Code of Conduct, you should report it to your council's monitoring officer.

Taking legal action

In some situations, you might feel that taking legal action is a legitimate course of action. You should balance up the risks of this approach and carefully consider the likelihood of success. There is also often a financial cost involved with this approach.

Valuing your mental health and wellbeing - when is it time to get off social media?

If abuse is persistent and harming your mental health, and that of those around you, it may well be time to leave social media. This can mean deleting accounts entirely or just taking a break from them for a while.

Some social media platforms allow users to temporarily 'unpublish' or 'deactivate' accounts. In this instance, some people find that trying a new platform can be useful – for example, trying out Instagram instead of Facebook.

There are well documented mental health benefits to coming off social media for either a fixed amount of time or permanently.