

# LONDON BOROUGH OF CROYDON

<b>REPORT:</b>	<b>ETHICS COMMITTEE</b>	
<b>DATE OF DECISION</b>	<b>19 APRIL 2023</b>	
<b>REPORT TITLE:</b>	<b>GUIDANCE TO MEMBERS: SOCIAL MEDIA</b>	
<b>CORPORATE DIRECTOR / DIRECTOR:</b>	<b>DIRECTOR OF LEGAL SERVICES AND MONITORING OFFICER</b>	
<b>LEAD OFFICER:</b>	<b>Stephen Lawrence-Orumwense</b> <a href="mailto:Stephen.Lawrence-Orumwense@croydon.gov.uk">Stephen.Lawrence-Orumwense@croydon.gov.uk</a> <b>Ext: 27443</b>	
<b>LEAD MEMBER:</b>		
<b>DECISION TAKER:</b>	<b>ETHICS COMMITTEE</b>	
<b>KEY DECISION?</b>	<b>No</b>	
<b>CONTAINS EXEMPT INFORMATION?</b>	<b>No</b>	Public
<b>WARDS AFFECTED:</b>	<b>ALL</b>	

## 1. SUMMARY OF REPORT

- 1.1** The Council has determined that the Ethics Committee shall be responsible for receiving and considering reports on matters of probity and ethics. This is a report to members about previously issued social media guidance for Members and it is recommended that this be re-issued to members alongside a covering letter from the Monitoring Officer and Chair of Ethics.
- 1.2** The report is supported by Appendix A, which is the previously agreed guidance for members in relation to Social Media usage.

## 2. RECOMMENDATIONS

For the reasons set out in the report the Committee are asked:

- 2.1** to agree that the attached guidance be re-circulated to Members alongside a covering letter from the Monitoring Officer and Chair of Ethics as an aide memoire to members on social media use and expectations.

## 3. REASONS FOR RECOMMENDATIONS

- 3.1 The Council has determined that the Ethics Committee shall be responsible for receiving and considering reports on matters of probity and ethics. The Ethics Committee is also responsible for commenting on the content of guidance and advice to be issued to elected and non-elected Members, of which the previously approved social media guidance for Councillors forms a part.

## **4. BACKGROUND AND DETAILS**

- 4.1 In May 2021, the Ethics Committee received a report on proposed draft social media guidance for Members, approved the guidance and agreed that it be circulated to members and form part of the Members' handbook. The Guidance incorporated best practice from the LGA at the time as well as reflecting guidance on social media issued to Council officers so there was parity between the two.
- 4.2 Social Media is a key communication tool used by the Council and many Councillors; it is also used by service users and key stakeholders. It has a significant role in the ability to connect with residents but is also important in the reputational management of the Council and the personal reputation of Members.
- 4.3 Whilst it is a useful tool for all walks of life, including assistance in performing the role of a Councillor, it was considered by the Monitoring Officer that it would be good practice to offer guidance to Members on its use from the perspective of the Code of Conduct, not least of all given the nature of some of the Code of Conduct complaints which had arisen in the past year. It is important to have safeguards in place to ensure that the benefits of social media are exploited, without breaching the law or code of conduct.
- 4.4 The previously agreed guidance is at Appendix A and was designed to raise awareness of the responsibilities of Councillors in relation to social media and to give guidance on the safe use of social media. It should be read in conjunction with the Members' Code of Conduct
- 4.5 It is considered that it would be helpful to circulate the previously agreed guidance once more to members alongside a covering letter from the Monitoring Officer and the Chair of Ethics to act as an aide memoire to members in relation to their social media use in their role as Councillor and to support and promote high standards in probity and ethics at the authority.
- 4.6 In particular, it is proposed to highlight, in the covering letter, the 10 principles of social media use for councillors as set out in the guidance, namely:
- Principles of integrity, professionalism, privacy, and impartiality should be observed when posting.
  - Posting items to social media is publication for the purposes of the laws of defamation and intellectual property.
  - Proper copyright and reference laws should be observed when posting online.

- When posting on your own social media accounts and referencing the Council or your role as a Councillor be clear about the capacity in which you are posting, for example clearly stipulating that your views are personal and purely your own.
- Discriminatory content is prohibited and may be unlawful and criminal.
- Be mindful of the Council's duties towards employees and others.
- You must not disclose any information which is contrary to data protection laws, is sensitive or confidential in nature including financial, operational, and legal information as well as personal information pertaining to employees, clients, service users or third parties.
- You should be mindful of giving rise to a perception of bias or predetermination where you are the decision maker, a member of the decision making body or are advising the decision maker.
- You should show respect for other's opinions. That does not mean you cannot disagree but do so in a manner which is appropriate – think about how you might interact if this were an in person conversation. Where individuals are expressing dissatisfaction about the Council you may be able to direct them to the right place to make their complaints.
- You should uphold the code of conduct when using social media and have regard to any guidance issued to Councillors from time to time by the Council in this regard.

## **5. ALTERNATIVE OPTIONS CONSIDERED**

5.1 None

## **6. CONSULTATION**

6.1 Not applicable.

## **7. CONTRIBUTION TO COUNCIL PRIORITIES**

7.1 Reporting to Ethics Committee about complaints received under the ethics processes supports the Councils' priorities and Mayor's Business Plan by ensuring good governance is embedded and adopting best practice.

## **8. IMPLICATIONS**

### **8.1 FINANCIAL IMPLICATIONS**

**8.1.1** There are no direct financial implications arising from this report. All costs are included within existing budgets and no pressures will be caused from this review.

**8.1.2** Comments approved by Lesley Shields Interim Head of Finance – Resources & Assistant Chief Executive on behalf of the Director of Finance. (Date 30/03/2023)

## **8.2 LEGAL IMPLICATIONS**

**8.2.1** There is potential for breaches of various areas of law including in relation to defamation, copyright, harassment, incitement, data protection, discrimination and equalities, confidentiality and malicious and obscene communications in the use of social media. These are detailed more fully in Appendix A although Councillors are recommended to seek advice from the Monitoring Officer if they are unsure or have concerns. The Code of Conduct can also apply to communications by Members via social media and Members should also consider the degree to which they are in compliance with the Code when acting in that domain.

**8.2.2** Comments approved by the Director of Legal Services and Monitoring Officer. (Date 04/04/2023)

## **8.3 EQUALITIES IMPLICATIONS**

**8.3.1** The Council should pay due regard to section 149 of the Equality Act 2010 when exercising their functions. This includes having due regard to the Public Sector Equality Duty as detailed:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act. (Section 149(1)(a))
- Advance equality of opportunity between people who share a protected characteristic and those who do not. (Section 149(1)(b))
- Foster good relations between people who share a protected characteristic and those who do not. (Section 149(1)(c))

**8.3.2** Council members represent all residents in the borough and as such are required to ensure that their conduct is within the requirement of Section 149. It is particularly important that their behaviour cannot be construed as discrimination, victimisation or harassment. Any complaints of this nature will be considered fully under the relevant processes and reported to the Ethics Committee where appropriate.

Approved by Denise McCausland Equality Programme Manager Date: 05/04/23

## **OTHER IMPLICATIONS**

**8.4** None

## **9. APPENDICES**

**9.1** Appendix A: Councillors and Social media: A Guide for Members

## **10. BACKGROUND DOCUMENTS**

**10.1** Not applicable.

## **11. URGENCY**

**11.1** Not applicable