

WAVERLEY BOROUGH COUNCIL

EXECUTIVE – 07/07/2015

Title:

**NEW HR POLICIES - SOCIAL MEDIA AND POLITICALLY RESTRICTED
POSTS**

**[Portfolio Holder: Cllr Robert Knowles]
[Wards Affected: All]**

Summary and purpose:

The purpose of this report is to ask the Executive to approve the new Social Media and Politically Restricted Posts policies.

How this report relates to the Council's Corporate Priorities:

Value for Money: The Council regularly reviews its HR policies to ensure that they comply with employment law and meet the Council's changing needs and priorities.

The Social Media and Politically Restricted Posts policies support Waverley's strategic aim to ensure that the Council is equipped to provide excellent services to local people and strong community leadership by creating a high performing staff team and operating first class policies and practices.

Financial Implications:

The Council's HR policies support the strategic aim to ensure that all spending delivers value for money. This report does not have any direct financial implications.

Legal Implications:

These policies meet the requirements of all relevant legislation.

Introduction

1. These policies have been written as part of Strategic HR's rolling programme of review of HR policies which ensures that Waverley has policies in place to meet the Council's changing needs and priorities and which comply with employment law.

Social Media Policy (attached at Annexe 1)

2. This is a new policy which aims to:

- encourage good practice and protect the reputation of the Council by providing guidelines for staff regarding the use of social media for work related activities.
 - following recent case law on the personal use of social media, it also aims to clarify to staff situations in which use of social media in a personal capacity may conflict with their responsibilities as a Waverley employee.
 - clarify where and how existing policies and procedures apply to social media for both work related activities and use of social media in a personal capacity.
3. The Social Media Policy describes best practice and has been developed by Strategic HR in collaboration with Communications and IT.

Politically Restricted Posts Policy (attached at Annexe 2)

4. The legislation regarding Politically Restricted Posts can be found in Part 1 of the Local Government and Housing Act 1989 with further details in the Local Government (Political Restrictions) Regulations 1990 and amended in the Local Democracy, Economic Development and Construction Act 2009.
5. Under the legislation, Waverley is required to keep and regularly update a list of those posts which are politically restricted. Waverley has always complied with the requirements of the legislation.
6. This policy sets out clearly for staff the requirements of the legislation as well as:
- the categories of posts which are considered to be politically restricted under the legislation and;
 - what it means to be politically restricted.

Recommendation

It is recommended that the Executive approves the Social Media and Politically Restricted Posts policies.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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Social Media Policy

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|---|----------------------|
| <i>Owned by:</i> | <i>Strategic HR</i> |
| <i>Created Date:</i> | <i>February 2015</i> |
| <i>CMT Approval Date:</i> | <i>February 2015</i> |
| <i>JCC Consultation Date:</i> | <i>April 2015</i> |
| <i>Executive/Council Approval date:</i> | |
| <i>Date for review:</i> | <i>2018</i> |

Social Media Policy

1. Introduction

- 1.1. The aim of the social media policy is to encourage good practice and protect the reputation of the Council by providing guidelines for staff regarding **the use of social media for work related activities**. Following recent case law on the personal use of social media, it also aims to clarify to staff, situations in which **use of social media in a personal capacity** may conflict with their responsibilities as a Waverley employee.
- 1.2. Staff should be aware that communications made in their private life, on social media, which have the potential to negatively impact on the public perception of the Council, its reputation and/or its business may result in disciplinary action which could lead to dismissal.

2. Policy objectives

- To encourage good practice and protect the reputation of the Council.
- Clarify where and how existing policies and procedures apply to social media for both work related activities and use of social media in a personal capacity.

3. Definition of social media

- 3.1. Social media is the term given to a range of online tools, websites and interactive media that enable people to talk to each other, share words, images and videos via the internet in a public forum.
- 3.2. This includes, but is not limited to, online social forums such as Twitter, Facebook and LinkedIn. Social media also covers blogs and video and image-sharing websites such as YouTube, Instagram, Flickr and Picasa.
- 3.3. Staff should be aware that there are many more examples of social media than could be listed here and that this is a constantly changing area. Staff should follow these guidelines in relation to any social media that they use.
- 3.4. This policy should be read in conjunction with the following policies:
 - Acceptable Use of ICT
 - Code of Conduct
 - Data Protection
 - Dignity and Respect at Work
 - Disciplinary
 - Equal Opportunities in Employment
 - Social Media Process for Corporate Accounts
 - Politically Restricted Posts

4. Use of social media for work related activities

- 4.1. Unless the Communications and PR Manager has given permission to a member of staff to access corporate related social media **all corporate social media is managed through the corporate Communications team**. All other staff must not edit or update corporate social media (see Social Media Process for Corporate Accounts). Additional corporate/service accounts must follow the same procedure.
- 4.2. Where affiliated services (e.g. UNISON) have access to their own social media pages, those in control of content should refer to Waverley's Acceptable Use of ICT Policy and this Social Media Policy.
- 4.3. The reasonable and appropriate use of social media forms an important part of the way in which the organisation promotes its services and communicates with residents, tenants, businesses, visitors and Councillors.
- 4.4. If staff are given permission to access social media for work related activities they must be aware at all times that, while contributing to the organisation's social media activities, they are representing Waverley and language used must be consistent with best Council practice (see Acceptable Use of ICT Policy, section 5.1 Email standards).
- 4.5. Any communications that staff make **in a professional capacity** via corporate/service accounts (see page 5 for information on use of social media in a personal capacity) through social media are made on behalf of Waverley and must not:
 - bring the organisation into disrepute by, for example but not exclusively:
 - disagreeing with residents, tenants, colleagues, other borough or partnership organisations;
 - making defamatory comments about individuals or other organisations or groups;
 - posting images that may be deemed inappropriate, or links to inappropriate content;
 - breach confidentiality by, for example but not exclusively:
 - revealing information which is confidential to Waverley or about Waverley and/or partnership organisations (i.e. when working in a polling station);
 - revealing confidential information about an individual (such as a colleague, councillor, tenant or resident);
 - sharing information from invalidated sources
 - breach copyright by, for example but not exclusively:
 - using someone else's images or written content without permission;
 - failing to give acknowledgement where permission has been given to reproduce something;

- do anything that could be considered discriminatory against, or bullying or harassment of, any individual by, for example but not exclusively (see link to Dignity and Respect Policy):
 - making offensive or derogatory comments relating to sex, gender reassignment, race (including nationality), disability, sexual orientation, religion or belief or age.
 - using social media to bully another individual (such as another member of Waverley's staff)
 - posting images that are discriminatory or offensive (or links to such content).

5. Use of social media in the recruitment process

- 5.1. To ensure that Waverley complies with Equal Opportunities legislation, line managers and Employee and Business Services will not conduct searches, either themselves or through a third party, on social media as to do so may lead to a presumption that the candidate's protected characteristics (such as sexual orientation or religious beliefs) played a part in the recruitment decision and would contravene Equal Opportunities legislation. Where, in exceptional circumstances, it is directly relevant to the criteria outlined in the Job Description and Person Specification, candidates will be informed that this will form part of the shortlisting process.
- 5.2. However if Waverley uses the services of an agency to recruit, they may use social media on our behalf to source applicants e.g. via LinkedIn. Exceptionally Waverley may also source applicants through professional social media sites, such as LinkedIn.

6. Use of social media in a personal capacity

6.1. At work

- 6.1.1. Staff are not permitted to access social media websites from Waverley's computers or devices for personal use at any time. This includes laptop, palm-top, hand-held computers or devices distributed to staff by Waverley for work purposes. This also extends to staff connected to Waverley's network using Citrix remote access log-in. The exception to this are designated staff who have been given access, by the Communications and PR Manager, to social media for professional reasons.
- 6.1.2. Staff may only use their own computers or devices, such as laptops and palm-top and hand-held devices (e.g. smartphones or tablets), to access social media websites if such usage takes place outside working hours. This includes staff who are working from home using Citrix.

6.2. Outside of work

- 6.2.1. Waverley recognises that many members of staff will make use of social media in a personal capacity and supports their right to do so. This policy

does not seek to limit sensible, personal, non-work related private use of social media. While they are not acting on behalf of the organisation, staff must be aware that their actions may be damaging to the organisation if they are recognised as being a member of staff at Waverley.

- 6.2.2. Staff are reminded that whilst they have the right to freedom of speech in their private life, it is implicit within everyone's contracts that they should act in the best interests of their employer at all times. Staff must adhere to the terms of their contract of employment and be mindful of their duties and responsibilities as an employee. Any social media activity outside of work must not bring the Council into disrepute.
- 6.2.3. Staff may disclose, on their online profiles, that they work for Waverley; however, they must not use the word Waverley in or as their online name, their username, the name of their blog or their twitter handle. Staff should also be aware that they may be identifiable as Waverley employees on social media through other sites e.g. LinkedIn.
- 6.2.4. If a member of staff is contacted on a work related issue on their own personal social media site they must respond through their normal work channels only and not through their personal accounts.
- 6.2.5. When using social media staff must ensure that no information is made available that could provide a person with unauthorised access to Waverley and/or any confidential information. For this reason staff should refrain from recording any confidential information regarding Waverley on any social media platform.
- 6.2.6. Staff should also be aware that the Code of Conduct requires them to remain politically neutral (particularly if in a politically restricted post), therefore any political comments made on social media must be highlighted as their own and not that of Waverley. This is not to say that staff cannot have political opinions, but means that they must not express views that compromise, or might be seen to compromise, Waverley's political neutrality.
- 6.2.7. Any comments made which may bring Waverley into disrepute will be dealt with under the Disciplinary Policy and, depending on the severity, could lead to dismissal. The Code of Conduct also clearly states that confidential data must not be shared outside of Waverley and that when using personal computers for work purposes care must be taken to ensure that information relating to the Council is kept safe and that access to the Council's computer system is not gained by anyone other than yourself.
- 6.3. Any communications that staff make **in a personal capacity** through social media must not:
 - bring the organisation into disrepute by, for example but not exclusively:

- disagreeing with residents, tenants, colleagues, other borough or partnership organisations;
- making defamatory comments about individuals or other organisations or groups;
- posting images that may be deemed inappropriate, or links to inappropriate content;
- breach confidentiality by, for example but not exclusively:
 - revealing information which is confidential to Waverley or about Waverley and/or partnership organisations ;
 - revealing confidential information about an individual (such as a colleague, councillor, tenant or resident);
- breach copyright by, for example but not exclusively:
 - using someone else's images or written content without permission;
 - failing to give acknowledgement where permission has been given to reproduce something;
- do anything that could be considered discriminatory against, or bullying or harassment of, any individual by, for example but not exclusively (see link to Dignity and Respect Policy):
 - making offensive or derogatory comments relating to sex, gender reassignment, race (including nationality), disability, sexual orientation, religion or belief or age.
 - using social media to bully another individual (such as another member of Waverley's staff)
 - posting images that are discriminatory or offensive (or links to such content).

6.4 Staff should be aware that communications made in their private life, on social media, which have the potential to negatively impact on the public perception of the Council, its reputation and/or its business may result in disciplinary action which could lead to dismissal.

7. Disciplinary action over social media use

7.1. Any breaches of this policy may lead to disciplinary action. Serious breaches of this policy, for example incidents of bullying of colleagues or social media activity causing serious damage to the reputation of the organisation, may constitute gross misconduct and lead to summary dismissal.

Related Information

Other Related Council Policies/Information

Acceptable use of I.T. Policy
 Code of Conduct
 Data Protection Policy

Dignity and Respect at Work Policy
Disciplinary Policy
Equal Opportunities in Employment Policy
Politically Restricted Posts Policy
Social Media Process for Corporate Accounts



Politically Restricted Posts

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Politically Restricted Posts

Policy

1. Introduction

- 1.1. The Council is under a duty to keep and regularly update a list of those posts which are politically restricted. Maintaining political impartiality by officers is an important part of Waverley's Governance framework.
- 1.2. The legislation regarding politically restricted posts is to be found in Part 1 of the Local Government and Housing Act 1989 (LGHA 1989) with further details in the Local Government (Political Restrictions) Regulations 1990 and amended in the Local Democracy, Economic Development and Construction Act 2009. The aim of this legislation is to ensure the political impartiality of local government employees who hold posts involving duties of a politically sensitive nature. This policy complies with the requirements of the relevant legislation.
- 1.3. This Policy applies to post holders of politically restricted posts, although all employees are reminded that they must observe the Council's Staff Code of Conduct, section 3, Political Neutrality.

2. Who is affected?

- 2.1. Posts are considered to be politically restricted if they fall into one of the following two categories:
 - Specified posts
 - Sensitive posts

3. Specified Posts specified in Part 1, Section 2 (1) of LGHA 1989

These are:

| Specified Posts under the legislation: | Applies to Waverley as follows: |
|---|---|
| Head of Paid Service (section 4 LGHA 1989) | Executive Director |
| Statutory Chief Officers | Directors |
| Non-statutory Chief Officers | Heads of Service |
| Deputy Chief Officers | Those who in respect of all or most of the duties of his/her post, is required to report directly or is directly accountable to one or more of the statutory or non-statutory chief officers. |
| Monitoring Officer (section 5 LGHA 1989) | Currently Monitoring and Returning Officer |
| Chief Finance Officer (section 5(8) LGHA 1989 and Section 151 Local Government Act 1972) | Currently Director of Finance and Resources |
| Officers exercising delegated powers i.e. persons whose posts are for the time being specified by the authority in a list | Officers exercising delegated powers under Waverley's Scheme of Delegation |

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| maintained in accordance with S100G(2) of the Local Government Act 1972.. | |
| Assistants of political groups | None at present |

4. Sensitive Posts

4.1. A sensitive post is one which meets one or both of the following duties-related criteria:

| Duties related criteria under the legislation: | Applies to Waverley posts as follows: |
|--|--|
| Giving advice on a regular basis to the authority itself, to any committee or sub-committee of the authority or to any joint committee on which the authority is represented; or, where the authority is operating executive arrangements, to the executive of the authority; or any committee of that executive; or to any member of that executive who is also a member of the authority. | Giving advice on a regular basis to full Council, the Executive or a Portfolio Holder or to any committee or sub-committee of the authority or to any joint committee on which Waverley is represented. |
| And/or | |
| Speaking on behalf of Waverley on a regular basis to journalists or broadcasters | Speaking on behalf of Waverley on a regular basis to journalists or broadcasters |

4.2. A list of politically restricted posts is to be kept by Employee Services and is to be updated regularly.

5. What does it mean to be politically restricted?

- 5.1. Being in a politically restricted post means that the postholder is prohibited from:
- holding or standing for elected public office (except Town or Parish Councils);
 - holding office in a political party;
 - speaking or writing in public (including on social media) in a personal capacity in a way that might be regarded as favouring one or other political party;
 - canvassing at elections.

Related Information

Other Related Council Policies/Information

Code of Conduct – Section 3 Political Neutrality (available on Backstage)

Other Documents:

Part 1 of the Local Government and Housing Act 1989

Local Government (Political Restrictions) Regulations 1990

Local Democracy, Economic Development and Construction Act 2009