

**REPORT OF DIRECTOR OF GOVERNANCE & LEGAL SERVICES
AND MONITORING OFFICER**

SOCIAL MEDIA CODES

Reason for this Report

1. To enable the Committee to consider developing: (i) a social media code of principles for Members; and (ii) a code of practice on social media use for groups and organisations which work with the Council, in accordance with the Motion carried at the Council meeting in March 2021

Background

2. The growing use of social media presents varied opportunities and challenges for Councillors. In recognition of this, the Welsh Local Government Association (WLGA) has produced guidance, 'Social Media: A Guide for Councillors', issued in October 2018 ('the WLGA Guidance'), attached as **Appendix A**
3. In response to growing concerns about online abuse and bullying or 'trolling', the WLGA has also produced guidance, 'Councillors Guide to Handling Online Abuse' ('WLGA Handling Online Abuse Guidance') – attached as **Appendix B**.
4. At its meeting in December 2018, the Standards and Ethics Committee considered the WLGA Guidance and agreed that, as it was comprehensive and clear, it should be circulated to all Cardiff Councillors.
5. The Members' Learning and Development Programme includes mandatory refresher sessions on the Elected Member Code of Conduct which will include reference to social media use. These sessions which will be delivered by the Monitoring Officer are scheduled for 29th June (16:00-18:00) and repeated on 8th July 2021 (13:00 – 1500). The Independent Members of the Standards and Ethics Committee have been invited to attend these sessions.
6. The Committee will note, however, that social media comments continue to feature frequently in Member conduct complaints.

Issues

7. At the full Council meeting in March 2021, the following Motion was carried:

'This Council recognises:

- That Councillors have a duty to promote kind and honest discourse both on and off line.
- That discussion, debate and scrutiny are vital to a democracy but must be carried out without abuse.
- That robust debate is a crucial part of the scrutiny process and should not be discouraged.
- That social media is an increasingly aggressive space where abuse is common place.
- That misinformation is often the trigger for such abusive behaviour.
- That anonymous accounts with no trail of accountability are often the worst culprits.
- That public figures are often the target for abusive behaviour and that it inevitably has a significant detrimental impact on their wellbeing.

Proposes to:

- Introduce a code of principles for social media use, that has an emphasis on promoting accurate discourse and encourages councillors to not write or share posts that contain obvious inaccuracies or aggression against colleagues.
 - Develop a Code of Practice for groups and organisations which the Council works with, which sets similar high expectations of respectful and honest engagements, and which asks them to conduct themselves in a transparent manner rather than operating anonymous account.'
8. Members are invited to consider the proposals set out above and provide views on potential points to be included in (a) the Members' Code of Principles; and (b) the Partner Organisations' Code of Practice (collectively referred to in this report as 'the Social Media Codes').
9. Suggested points for inclusion in the Members' Code of Principles include commitments in respect of the following:
- i. **Standards of conduct** – to note that the duties set out in the Members' Code of Conduct continue to apply to Members' use of social media
 - ii. **Respect and consideration** – that Members should treat everyone with respect and consideration, and that whilst legitimate criticism is part of democratic accountability, criticism should be constructive and courteous, and Members should not post comments which may be regarded as aggressive, rude or bullying.
 - iii. **Equality** – that Members' comments should treat everyone equally, without discrimination.
 - iv. **Professionalism** – to participate in robust political debate, but refrain from making, or acting in any way which encourages, unfair or inaccurate public criticisms of the authority or its councillors or officers doing their jobs. Policies may be criticised, without making personal comments.
 - v. **Honesty** - views should be honestly held and Members should refrain from making misleading comments.
 - vi. **Accuracy** – information given should be factually correct, and Members should make all reasonable efforts to verify factual accuracy.
 - vii. **Accountability** – Members should be accountable for their comments, including 'liking' or sharing comments made by others, and are also

- responsible for monitoring and editing any third party comments made via their platforms.
- viii. **Informed** – Members should try to make sure they have sufficient information about a subject before commenting on it and should not share anything they have not fully read.
 - ix. **Transparency** – Members should openly identify themselves and refrain from anonymous comments.
 - x. **Confidentiality** – Members must take care to avoid disclosing any confidential exempt or personal information, without clear authority or consent.
10. With regard to the Partner Organisations' Social Media Code of Practice, in recognition of the fact that many organisations may have their own guidance and policies on social media, it is suggested that the Code should focus on what is expected from the organisation in respect of engagement with the Council / matters relating to the Council, such as:
- i. **Respectful and professional engagement** with the Council and its officers.
 - ii. **Accuracy** - information published about the Council should be factually correct, and organisations should make all reasonable efforts to verify factual accuracy.
 - iii. **Openness and transparency** – any comments about the Council should be published openly, without concealing the identity of the person / organisation responsible for them.
 - iv. **Unacceptable comments** – to note that abusive, discriminatory, offensive or defamatory comments are unacceptable and may lead to the Council taking action against them.
11. The Committee is invited to give its views on the points set out in paragraphs 9 and 10 above and suggest any additional points for inclusion. The Monitoring Officer will then prepare draft Social Media Codes, taking account of the views of this Committee, which will be brought back to a future meeting for further consideration.
12. The Committee may wish to subsequently consult with group leaders, whips and all councillors on the draft Social Media Codes, before recommending them to full Council for approval.

Legal Implications

13. The proposed Social Media Codes are intended to clarify the Council's expectations in relation to the use of social media by Members and outside groups and organisations which work with the Council, and promote constructive debate and engagement. It should be noted, however, that while the Members' Social Media Code of Principles will be able to be taken into account in making decisions on potential breaches of the Code of Conduct, and could be made part of the Code of Conduct, the Partner Organisations Code of Practice will not be legally enforceable, although organisations we deal with frequently will be asked to sign up to it.
14. Unless the Members' Social Media Code of Principles is made part of the Members' Code of Conduct, if a Member's use of social media contravenes the proposed Members' Social Media Code of Principles, there will be no sanction

available, unless the Member's behaviour also breaches the Member's Code of Conduct or any other rule of law.

15. Similarly, if a partner organisation does not comply with the proposed Partner Organisations Social Media Code of Practice, this will not, in itself, give the Council the right to refuse to engage with them. Legal advice should be sought in respect of any remedy or action available to the Council in any particular case.
16. There are no direct legal implications arising from the recommendations of the report.

Financial Implications

17. There are no financial implications arising from the recommendations of the report.

RECOMMENDATION

The Committee is recommended to:

1. Consider the information set out in the report and provide views on points to be included in: (i) a draft Members' Code of Principles on Social Media Use; and (ii) a draft Partner Organisations' Code of Practice on Social Media; and
2. Instruct the Monitoring Officer to bring draft Social Media Codes (referred to in recommendation 1 above) back to a future meeting of this Committee for further consideration.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

1st July 2021

APPENDICES

Appendix A	WLGA ' Social Media: A Guide for Councillors ', October 2018
Appendix B	WLGA ' Councillors Guide to Handling Online Abuse ', March 2018

Background papers

Standards and Ethics Committee report 'Social Media Guidance for Councillors', December 2018
Council, March 2021, Notice of Motion 2, and minutes of the meeting