

STANDARDS COMMITTEE

Day: Tuesday
Date: 6 November 2018
Time: 4.00 pm (Briefing for Standards Committee Members only at 3.45pm)
Place: Lesser Hall 2 - Dukinfield Town Hall

Item No.	AGENDA	Page No
1.	APOLOGIES FOR ABSENCE	
2.	DECLARATIONS OF INTEREST To allow Members an opportunity to declare any personal or prejudicial interests they may have in any items on the agenda.	
3.	MINUTES To receive the Minutes of the Standards Committee held on 7 November 2017 (copy attached).	1 - 6
4.	RESPONSIBLE SOCIAL MEDIA USE To consider Elected Member use of Social Media. <ul style="list-style-type: none"> Copy of report considered by Democratic Processes Working Group and discussed at Council on 9 October 2018 attached. Copy of the Use of Social Media Policy which covers employees attached. 	7 - 26
5.	REGISTER OF INTERESTS AND GIFTS AND HOSPITALITY The Register of Interests and Hospitality will be available for inspection at the meeting.	
6.	DISCUSSION PERIOD FOR MEMBERS TO RAISE ISSUES (IF ANY)	
7.	URGENT ITEMS Urgent Business (if any): To give consideration to any other matters arising. To be accepted at the discretion of the Chair of the meeting.	
8.	DATE OF NEXT MEETING To note that the next meeting of the Standards Committee is scheduled to take place on Tuesday 2 April 2019.	

This page is intentionally left blank

STANDARDS COMMITTEE

7 November 2017

Commenced: 4.00 pm

Terminated: 5.30 pm

Present: Mrs Valerie Bracken (Chair)
Councillors Bell, M Smith and J Lane, Town Councillor Lesley Bill and Mrs J Barnes.

Also in attendance: Sandra Stewart, Director of Governance and Pensions (Monitoring Officer), Tracy Brennand, Assistant Director (People and Workforce Development), Wendy Pool, Head of Risk Management and Audit Services, and Alison Williams, Workforce Development and Engagement Manager.

Apologies for absence: Councillors Kitchen and S Quinn and the Chief Executive Tameside MBC and Accountable Officer NHS Tameside and Glossop Clinical Commissioning Group.

1. DECLARATIONS OF INTEREST

There were no declarations of interest submitted by members of the Standards Committee.

2. MINUTES

The Minutes of the proceedings of the Standards Committee held on 4 April 2017 were taken as read and signed by the Chair as a correct record.

Reference was made to Minute 3 – Code of Conduct for Campaigners: Electoral Registration, Postal Voting, Proxy Voting and Polling Stations – and the Monitoring Officer was pleased to advise on the successful administration of the Greater Manchester Mayoral Election in May 2017 and the Parliamentary Election in June 2017.

In respect of Minute 4 – Mayoral Protocol – the Monitoring Officer reported that the current Civic Party had signed the declaration and associated discussions on the Protocol had provided an opportunity for the Civic Party to raise questions regarding their role and responsibilities for their year in office.

3. ELECTED MEMBER DEVELOPMENT UPDATE AND FUTURE DELIVERY PLAN

The Assistant Director (People and Workforce Development) presented a report detailing the achievements made during the last three years, outlining the development courses, events, activities undertaken by Elected Members and attendance figures over this period. It also included proposed courses, activities and budget for the next eighteen months.

The Elected Member Development Strategy, attached as Appendix 2 to the report had been revised for 2017-19, recognising that in order for Tameside to embrace the period of austerity, Elected Members must be able to take on the challenges the Council would face with rigour. It was proposed that the essential evening sessions continued to follow the same format of 6.00 pm to 7.30pm at Dukinfield Town Hall. All of these essential evening sessions would be deemed mandatory for Elected Members to attend to ensure they were all receiving the most up to date training and development. The propose schedule for the remainder of 2017/18 was detailed in the report.

It was intended that Continued Professional Development would be strengthened through personal development sessions and role specific training. All Elected Members would be required to undertake a mandatory 24 hours of Continued Professional Development in addition to attendance at the mandatory essential evening sessions.

It was reported that the Elected Member Development Forum had met quarterly throughout the year. The Forum, chaired by Councillor John Taylor (Deputy Executive Leader), discussed Elected Member Development to ensure that the delivery plan was robust and flexible enough to accommodate emerging themes for both Elected Members and the Council.

Reference was made to an Elected Member development skills audit questionnaire, attached to the report at Appendix 1, to be used during all one-to-one's with Elected Members before the end of December 2017 asking Elected Members to identify any particular learning and development needs, plus any suggestions they might have around future learning and development. One-to-one discussions would take place with a member of the Workforce Development team and the outcomes of the audit would be utilised to shape the programme and offer for the next 16 months (January 2018 – April 2019) and to evaluate the programme from the previous 12 months.

North West Employers had collaborated with Birmingham University following some key research around the required skills and knowledge of an effective '21st Century Councillor' which had been incorporated into the Elected Member development strategy.

The North West Employers Elected Member Development Network helped facilitate the sharing of good practice, advice and highlighted local and national drivers. The Network was open to both Elected Members and Officers supporting and / or had an interest in Elected Member Development. Currently, an officer from the Workforce Development Team attended the networking sessions and it was proposed that an Elected Member be identified to take a lead role in championing learning and development for Elected Members and also to attend the sessions to represent Tameside. Additionally, North West Employers provided a Councillor Development Programme and Elected Members would continue to be offered opportunities to attend these sessions throughout 2017/18 and 2018/19.

Reference was made to the North West Charter for Elected Members that was launched by North West Employers Organisation in 2000 and a declaration of commitment in supporting in Elected Member development. The Council currently held the Member Development Charter Level 1 and Level 2 Exemplar for Community Budgets. Level 1 was due to re-assessment in during 2018 and the evidence that would need to be provided for the Level 1 Review and what areas would need to be developed in order to achieve the award were detailed in the report.

It was further reported that as a result of continued austerity and reducing budgets within the public sector, a greater number of reforms were taking place across all areas of service delivery. In particular, Standards Committee discussed the integration of Health and Social Care which was of key importance both nationally and locally. Tameside was leading the way on the integration of the Council, Integrated Care Foundation Trust and Clinical Commissioning Group to provide better services for local residents. Elected Members would therefore be increasingly asked to work across partnerships and with changing Constitutions to ensure the integration agenda was a success and through a culture of ongoing learning and continuous improvement, Elected Members would continue to lead the Council and the borough forward.

The Standards Committee commented favourably on the programme and proposals designed to ensure that Elected Members were provided with sufficient support and training to develop the necessary skills in a very challenging environment.

RESOLVED

- (i) That the Elected Member Development Forum be reviewed to ensure that it remained effective and continued to drive Elected Member Development forward.**

- (ii) That the actions identified for development and review in order to maintain the North West Charter for Elected Members be progressed.
- (iii) That opportunities for further development through in house training, and also with partner organisations be further utilised.
- (iv) That the annual budget for 2017/18 and 2018/19 detailed in the report be agreed.
- (v) That an Elected Member be identified to take the lead on identifying future learning and development and attend the quarterly North West Employers networking sessions.
- (vi) That all Elected Member evening development sessions be made mandatory to ensure attendance to receive important information and updates and, in addition, all Elected Members be required to complete 24 hours of Continued Professional Development each year.
- (vii) That the Elected Member Development Strategy for 2017-19 be approved.
- (viii) That all Elected Members be asked to complete the refreshed Elected Member Development Skills Audit Questionnaire.

4. PROPOSAL FOR MANAGING CONFLICTS OF INTEREST IN THE SINGLE COMMISSION

The Monitoring Officer made reference to discussions during the previous item regarding the integration agenda and presented a report proposing an approach for the management of conflicts of interest for the Single Commissioning Board, the joint Committee between Tameside MBC and the NHS Tameside and Glossop Clinical Commissioning Group, with the aim of providing assurance as to its decision-making processes.

The Standards Committee heard that a national working group was established in summer 2016 and was tasked with producing guidance intended to be helpful for those economies which were establishing such joint commissioning arrangements. The Monitoring Officer advised that unfortunately, the working group had not yet reported back and there was currently no known timescale by which any such guidance was intended to be published. In the absence of any national guidance she considered it necessary that the locality proceed with making its own arrangements.

She explained that as a formal part of Tameside MBC's governance, the Single Commissioning Board was subject to the legislation governing local authorities within the Local Government Act 1972 as amended by the 2000 Act. This legislation provided details of what would be considered as direct and indirect pecuniary interests for a member and how these could be managed during the decision-making process. The Tameside MBC Constitution sets out within its Procedural Standing Orders at Part 4a, section 35, the definitions of a prejudicial interest and the process for managing these which were detailed in the report.

She then advised on NHS England guidance which must be followed by Clinical Commissioning Groups including the arrangements for the management of conflicts of interest. This guidance recognised that Clinical Commissioning Groups were subject to certain inherent conflicts within their essence by being clinically-led organisations. The General Practitioners were leading the commissioning of local health and care services whilst also being a significant part of the provider landscape. The Clinical Commissioning Groups Accountable Officer and its Lay Member for Governance were required to sign a quarterly declaration to NHS England to confirm that the Clinical Commissioning Group had robust processes in place for the management of conflicts of interest which followed the published guidance. The current NHS England guidance setting out the processes for the management of actual or perceived conflicts of interest was highlighted in the report.

In noting that there was a considerable amount of congruence between the two approaches outlined, the Monitoring Officer explained that the key differences between the two frameworks was that the guidance issued by NHS England placed greater discretion upon the Chair of the committee whereas the local authority framework was more absolute in its statements for example by stating that *'where a member has a prejudicial interest in any business of the authority....s/he must*

withdraw from the room or chamber where a meeting considering the business was being held' (section 35.3.1.1.).

It was therefore proposed that the Single Commissioning Board should adopt the framework as set out within the Tameside MBC Constitution for the reasons that:

- This ensured that proceedings were taking place in accordance with local government statute under which the joint committee was governed.
- This approach was aligned to the options set out within the NHS England guidance and therefore would enable the Accountable Officer and Lay Member for Governance to make the required quarterly assurance return to NHS England.

In order to support the above approach it was also proposed that a single Register of Interests was maintained for the members of the Single Commissioning Board and published on the website. This would enable those present, including members of the public, to have assurance in the processes in place at the Single Commissioning Board to manage conflicts of interest.

RECOMMENDED

That Council agree:

- (i) **That the Single Commissioning Board adopt the framework as set out within the Tameside MBC Constitution for the reasons that:**
 - a. **This ensured proceedings were taking place in accordance with local government statute;**
 - b. **This approach was aligned to the options set out within NHS England guidance and therefore will enable the Accountable Officer and Lay Member for Governance to make the required quarterly assurance return to NHS England.**
- (ii) **In order to support the above approach a single Register of Interests be maintained for the Members of the Single Commissioning Board and published on the website.**

5. SOCIAL MEDIA USE: RESPONSIBLE CONDUCT POLICY

Consideration was given to a report of the Borough Solicitor advising that the Social Media Use Responsible Conduct Policy had been refreshed and updated to take on board learning and best practice since the Policy was last approved as part of the Information Governance Framework which was presented to the Standards Committee in October 2013.

It was explained, that as an organisation, the Council encouraged communication among employees, residents, customers, partners and others. The purpose of the updated guidance was to outline the responsibilities of employees using social networking websites and other online forums and formed part of the Council's existing ICT and E-mail Security Policy and the Council's employee Code of Conduct. It was not intended to stop Council employees from conducting legitimate activities on the Internet, but would serve to flag-up those areas in which conflict could arise. Residents and partner audiences needed to be confident that the outside / private activities of employees did not undermine the Council's reputation and that its actions were not perceived to be influenced by any commercial or personal interests.

Members welcomed the revised guidelines designed to protect staff and the reputation of the Council commenting that the Policy was not meant to restrict genuine and work related use of what was an important method of communication and engagement.

RECOMMENDED

That Council adopt the refreshed and updated Social Media Use Responsible Conduct Policy attached at Appendix 1.

5. REGISTER OF INTERESTS AND GIFTS AND HOSPITALITY

The Monitoring Officer advised that the Register of Interests and Register of Gifts and Hospitality were available at the meeting for inspection.

6. URGENT ITEMS

The Chair advised that there were no urgent items for consideration at this meeting.

7. DATE OF THE NEXT MEETING

It was noted that the next meeting of the Standards Committee will be held on 3 April 2018.

CHAIR

This page is intentionally left blank

Report to:	STANDARDS COMMITTEE
Date:	6 November 2018
Report of:	Sandra Stewart - Director (Governance and Pensions)
Subject Matter:	PROTECTING THE DEBATE: INTIMIDATION, INFLUENCE AND INFORMATION - CONSULTATION DOCUMENT
Report:	<p>To inform Members of the Cabinet Office consultation seeking views of proposed changes to electoral law aimed at improving political debate. The consultation document covers:</p> <ul style="list-style-type: none">• A new electoral offence of intimidation of candidates and campaigners;• Intimidation of voters – undue influence;• Digital Campaigning – use of imprint.
Recommendations:	That Members note and comment on the consultation questions set out in Appendix 1 to the report.
Financial Implications: (Authorised by the Section 151 Officer)	There are no financial implications for the local authority as a result of the consultation.
Legal Implications: (Authorised by Borough Solicitor)	The consultation document is proposing changes to electoral law concerning intimidation of candidates and their campaigners; intimidation of voters and changes concerning the use of imprints on digital campaigning material.
Risk Management:	A separate risk assessment is undertaken as part of the preparations for each election. An assessment of the most recent election informs future planning and assessment of risk.
Links to Community Strategy:	Indirectly the running of elections helps support most elements of the Community Plan.
Access to Information	<p>The background papers relating to this report can be inspected by contacting the Report Writer Robert Landon, Head of Democratic Services by:</p> <p> Telephone: 0161 342 2146</p> <p> e-mail: robert.landon@tameside.gov.uk</p>

1. INTRODUCTION

- 1.1 Earlier this year the Committee on Standards in Public Life (CSPL) published a review of the impact of intimidation in public life, with a focus on the role of social media. The Committee made recommendations for social media, political parties, police and local government and suggested the government consult on ways in which electoral law could be changed to protect candidates and their supporters. The attached Cabinet Office consultation takes this forward.
- 1.2 The consultation document reviews the following recommendations and issues from the CPSL's review:
- Section 1: the Government should consult on the introduction of a new offence in electoral law of intimidating Parliamentary candidates and party campaigners;
 - Section 2: consolidation and clarification of the electoral offence of undue influence;
 - Section 3: the Government should extend electoral law requirements for an imprint on campaigning materials to electronic communications.
- 1.3 In its response the Government has taken a wider view than the CPSL (which was entirely concerned with parliamentary elections). The scope of the Government's consultation covers candidates and campaigners at all polls, not just General Elections, and will cover local elections and be extended to campaigners in referendum campaigns.
- 1.4 The significance of this consultation is that by introducing a new electoral offence, conviction for an offence with criminal sanctions can also involve sanctions under electoral law. These include being barred from holding office, barred from voting for a certain period, or removal from the electoral register.

2. A NEW ELECTORAL OFFENCE OF INTIMIDATION

- 2.1 The CSPL recommended consultation on a new offence that applied specific electoral sanctions in cases of intimidation of candidates and their campaigners during a parliamentary election period.
- 2.2 The consultation document sets out how this recommendation can be implemented, by:
- creating a new electoral offence which would apply appropriate electoral sanctions to existing criminal offences of intimidation where committed against a candidate or relevant campaigner during an election period;
 - and which would be classified as a corrupt practice for the purposes of electoral law (and so carry specific additional sanctions).
- 2.3 The aim is that the additional electoral sanctions would work to deter intimidatory behaviour during the election period, allowing those engaging in the electoral process to participate peacefully.
- Electoral sanctions for corrupt practices**
- 2.4 Penalties for those convicted of a corrupt or illegal practices under the Representation of the People Act 1983 range from a fine to a maximum of two years in prison in the criminal courts. In addition, anyone found guilty of corrupt or illegal practices under the Act could be prohibited from standing or holding any elected office for a period of three or five years respectively.
- 2.5 A reason for classifying the new offence as a corrupt practice is its similarity to the existing offence of undue influence – intimidation of voters – which is already classified as a corrupt practice. The effect would be, if found guilty of committing the new offence in a criminal

court the individual would be prohibited from standing or holding any elected office for a period of five years.

Criminal sanctions

2.7 The criminal sanctions available on conviction of the wide range of intimidatory offences – from a fine to imprisonment for up to ten years – will apply. It will also be possible for the courts to take aggravating factors into account on sentencing, which may result in a higher sentence.

2.8 Aggravating factors within existing sentencing guidelines include where an “offence is committed against those working in the public sector or providing a service to the public”, so that when sentencing, the courts may consider interference with the democratic process to be an aggravating factor.

Which elections will be covered?

2.9 The government has taken a wider view than the CSPL (which was entirely concerned with parliamentary elections). The new offence would protect candidates and campaigners at all polls, not just those at General Elections, and so will cover local elections and be extended to campaigners in referendum campaigns.

2.10 **A candidate** is already defined under the RPA 1983:

A person who has previously expressed an interest in standing for an election becomes a candidate when an election is ‘officially declared’ (either by dissolution of Parliament, issue of Writ for a Parliamentary by-election, or in other elections, on the last day for publishing the notice of election.) Subsequently, any individual who is declared or nominated as a candidate, is a candidate from that point on.

2.11 There is no current definition of **a campaigner**, or party campaigner. The definition could include an employee of a registered party or independent candidate, or a member of a registered political party, but this could exclude those campaigners who work on independent campaigns, referendum campaigns, and those that volunteer. The term ‘campaigner’ could cover individuals who undertake varying degrees of actions, responsibilities and frequency in participation. It will be important to consider all those looking to promote or procure a particular outcome at an election, but to be aware there is a risk that by casting the net widely, there is less certainty about who is and is not a campaigner, which may make the offence more difficult to prosecute. The Cabinet Office will work with the CPS to try to establish a satisfactory and precise definition, but responses to the consultation questions will be taken in to account.

Time period covered

2.12 The starting point for protection – for both candidates and campaigners – will run at least from the period of notice of elections as the most consistent deadline, which is 25 days before polling day. It will be the responsibility of political parties to set clear standards and expectations outside that time period. A defined end date is equally important, and the protection should be at least until the close of poll. As there is a risk of intimidation immediately after poll, before candidates have accepted their seat or role, the period of protection will end seven days after the close of poll. In referendums, the relevant time period would be the referendum period itself, as set out in the relevant referendum legislation.

Appropriate cases: when to prosecute

2.13 The new electoral offence must be effective in targeting intimidation of candidates and campaigners during an election period. So it will not be sufficient to know that an individual is a candidate or campaigner – the electoral sanctions can only be applied where an individual is *intimidated because they are a candidate or campaigner*. This is a more

practical solution than linking the offence to an intention to affect the outcome of the election.

Balance with Article 10 of the European Convention on Human Rights

- 2.14 A communication must be 'more than simply offensive, shocking or disturbing' for conviction for a criminal offence. A demanding evidential standard is required to comply with Article 10, which protects freedom of expression. The new electoral offence will apply appropriate electoral sanctions to existing offences of intimidation, so that existing evidential standards and thresholds will be retained.

3. INTIMIDATION OF VOTERS – UNDUE INFLUENCE

The problem

- 3.1 The issue of intimidation of voters was not considered by the CSPL, but was already raised for possible reform as a result of recommendations made by Sir Eric Pickles in his report on [voter fraud](#) and having been considered in depth by the [Law Commissions](#) in a major Report on electoral law (February 2016). The consultation focuses on

- Clarifying the offence
- Intimidation at polling stations.

The law – Representation of the People Act 1983 section 115 – has not been essentially reformed since introduced in the early 19th Century. Few cases have ever been brought. The current offence is complex, with three main elements. To summarise, a person is guilty of corrupt practice (and so subject to penalties) if he or she:

- directly or indirectly uses or threatens force, violence or restraint;
- inflicts any temporal or spiritual injury, damage, harm or loss.

- 3.3 In order to induce or compel a person to vote or refrain from voting, or on account of having voted or having refrained from voting, or

- “by ‘*abduction, duress or any fraudulent device or contrivance*’, impedes or prevents the free exercise of the franchise of an elector or their proxy, or imposes pressure either to vote or refrain from voting.

- 3.4 This third element of the offence is complex too, and incorporates trickery, such as pretending to represent one political party while standing for another, and the use of unlawful coercion within communities and religious groups.

- 3.5 The challenge is to simplify the law so that it is clearer but no narrower than the existing offence. The aim is to capture all the behaviour that currently falls within the scope of the existing legislation. This means:

- clarifying the terminology
- clearly establishing the components of undue influence

- 3.6 It means taking account of situations where a person can abuse a position of power over another, either to make them vote in a certain way, or as punishment for failing to do so. For example, an employer could terminate or threaten to terminate employment, or a landlord to terminate a tenancy with the intention of influencing a person's vote, actions not unlawful in themselves.

The proposals

- 3.7 In outline, the consultation proposes:

- the element of the offence in relation to physical acts of violence or threat of violence will not be materially changed;

- any act that inflicts or threatens to inflict damage, harm or loss, whether done lawfully or not, should be prohibited when carried out in order to make a person vote, or vote in a particular way, or deter them from voting;
- that the scope of the offences continue to protect voters from victimisation by including actions which are carried out both before and after elections

3.8 It is also intended to cover:

- wider circumstances, where the franchise is impeded as a result of duress: actions which may not cause an individual specific harm or loss, but coerce someone to vote in a particular way, or refrain from voting, against their will. The example given is of an individual pressured to vote in a certain way by a family member as a failure to do so would bring shame on the family
- undue influence, or trickery. This is where a voter is tricked into voting a particular way and so prevented from exercising their vote freely.

3.9 The offence will be fully drafted only after the consultation, but will present some challenges. The question of influence will be particularly difficult to make clear, and it may be difficult to capture more subtle forms of pressure.

3.10 The Law Commissions – whose drafting suggestions ought to be taken into account – come down in favour of retaining a specific element of ‘improper pressure’. While uncertain about how easy it would be to enforce a redefined offence there are reservations about leaving the protection of vulnerable voters, such as older voters, those with mental impairment or with dementia, to offences of trickery or duress. [11.36 onwards in LC Report].

Intimidation at Polling Stations

3.11 This element of the consultation arises as a result of the Tower Hamlets case and the subsequent review by Sir Eric Pickles.

3.12 In that case, the Election Commissioner found that there was little doubt that the intention of the activists outside the polling stations was to induce or prevail upon electors to vote in a particular way. The behaviour would ‘undeniably have amounted to the [criminal] offence of intimidation’, although not such that it involved the use of sufficient ‘force, violence or restraint’ or sufficient ‘duress’ to amount to undue influence [under electoral law].

3.13 Sir Eric Pickles recommended a lower test of ‘intimidation’ than that currently enforced in electoral law, in order to capture this type of behaviour at polling stations. **The government has accepted this recommendation.** The proposal is to amend the offence of undue influence:

- to include behaviour intended to intimidate voters into voting in a particular way, or prevent them from voting, which takes place either inside or outside polling stations
- the behaviour would not need to amount to physical force, violence or restraint, but would include behaviour which could reasonably be classed as intimidating.

3.14 The Law Commissions express strong reservations about lowering the bar to include intimidation, on the grounds that:

- Undue influence currently covers the direct or indirect infliction or threat of force, violence, restraint, damage or harm to induce or compel a vote or non-vote. Impeding or preventing the free exercise of the franchise by duress is also prohibited.
- A new, unprecedented, and difficult to define prohibition would have to be enacted in order to criminalise some of the behaviour found by the Commissioner to have taken place in Tower Hamlets.
- It would crucially have to avoid penalising mere political fervour and the desirable promotion of participation and canvassing of voters.

- 3.15 A more clearly defined offence of undue influence would be sufficient to deter the use of voter intimidation as a campaign tactic. Effective policing and the general criminal law is available to deal with disorder outside polling stations, and in more extreme situations will have recourse to the restated electoral offence of undue influence to make sure the public can vote unimpeded and unthreatened.

4. DIGITAL CAMPAIGNING

- 4.1 The third element of the consultation focuses on the expansion of social media and the information available during elections and referendums. It is important that voters are aware of who is targeting them online to preserve the integrity of the electoral system.

- 4.2 The consultation does not cover the content of digital material, nor intimidation and abusive material. After considering the current state of knowledge and practice, it concludes with practical and technical questions about how imprints can be included in the wide range of online communications.

Imprint requirement

- 4.3 Election material is already defined in UK law, as any material which can reasonably be regarded as intended to promote or procure electoral success at any relevant election for a registered party or candidate (section 143A Political Parties, Elections and Referendums Act 2000 (PPERA)). It extends to political parties, third party campaigners and referendum campaigners.

- 4.4 The basic requirement is for printed election material to contain certain details (referred to as an “imprint”) to show who is responsible for its production. Printed material such as leaflets and posters must include the name and address of the printer, the promoter (the person who has authorised the material to be printed) and any person on behalf of whom the material is being published.

Consultation and jurisdiction

- 4.5 The consultation is restricted to the imprints regime for parliamentary elections in the United Kingdom, local government elections in England and Northern Ireland and police and crime commissioner elections in England and Wales.

- 4.6 The Cabinet Office is also seeking views on whether a new system for digital imprints should apply for national referendums and local referendums in England.

- 4.7 There is already provision in PERA to extend the rules for printed electoral material to digital communications and to design a new system which puts the confidence of the voter first.

Purpose in introducing an imprint requirement

- 4.8 Transparency in who has placed and paid for online material is relevant as it will:

- allow voters to see who is behind digital material
- allow the Electoral Commission to see how and where money is being spent, whether on employing people to post messages or acquiring software to boost content where content can otherwise be posted without cost
- allow the Commission to see who is behind larger campaigns, and what should count towards a campaigner’s spending limit
- further assist the Electoral Commission by defining who needs to register and make a return.

- 4.9 There is no spending threshold before being required to include an imprint on printed electoral material and this should apply to online material too, to avoid uncertainty about when an imprint should be included.

When should an imprint be required

- 4.10 The law requires an imprint on which can ‘reasonably be regarded’ as intending to influence voters. Following the Scottish Referendum, the Electoral Commission and Law Commission support extension on these lines, subject to striking a balance between regulation and reasonable practicality.
- 4.11 On time period, there is also a question as to whether the requirement should be for an election period, or all year round as for printed material at present. Material designed to influence voters is distributed all year round, and it is proposed that the same requirement would apply to digital publication too.

Forms and responsibility for digital publication

- 4.12 A wide variety of mechanisms and platforms exist and are expanding. Should there be a limit of any kind? Incorporation of the imprint will present different challenges, though experience of the Scottish referendum does show that it is manageable. This is an area in which the government needs practical assistance. Social media companies will need to be involved, but campaigners and candidates will be able to comment on how visible an imprint should be. Whether those who subsequently share digital electoral material can be required to include an imprint if they forward it will depend on what technical solutions are available.

Enforcement

- 4.13 Existing civil and criminal enforcement provisions for print materials would apply to digital publication. The Electoral Commission would exercise its investigation and enforcement powers, and can impose fines of up to £20,000.
- 4.14 It is a criminal offence not to comply with the requirement for an imprint, and an illegal practice under electoral law, so that electoral sanctions would also apply. The promoter of the material, any other person on behalf of whom the material is published, or the printer, commits an offence. Fines range from an upper limit of £5000 in Scotland to an unlimited amount in England and Wales.
- 4.15 The Law Commissions considered liability for digital publication. The publisher’s name is not required as part of the imprint (only the promoter who caused it to be published, who is usually the candidate or election agent), and there would continue to be a due diligence defence for printers, publishers and promoters of the material. A “reasonably practicable” defence, of the kind that was available in the Scottish independence referendum campaign, would protect the online publisher who had taken all reasonable means to verify the information given to them. Details of enforcement provisions can be found at 10.49, page 49 of the consultation document.
- 4.16 Reporting mechanisms would mean that users – members of the public – can report content and behaviours which contravene the platforms’ terms and conditions, even if content is based outside the UK. The government’s draft social media code of practice includes guidance to social media companies on adequate reporting mechanisms and moderation processes for abusive content, which it is proposed could provide the framework.

5. CONCLUSIONS

- 5.1 The offence of intimidation of candidates and campaigners should to be seen as part of the wider imperative to address intimidation and abuse on social media, and the consultation questions need to be read in this context. The new offence would add significance to the penalties on conviction of any of the criminal offences which it is now clear apply to both off and online behaviour, and could act as a deterrent. It makes sense that any new offence should apply to local elections as well as general elections. The existing definition of being a candidate would continue to apply, but reaching a clear definition of a campaigner will be more difficult, should that be the right approach. Councillors with regular election experience are in a strong position to provide useful information and to influence the final definition. The definition could be important in justifying the extension to referendums in England. It is suggested that protection start with the announcement of the poll and end seven days after the poll. Intimidation and abuse outside that time would be dealt with by the criminal law. There is also the expectation that political parties will do more to rein in excesses on the part of their campaigners. Is this sufficient? The offence is concerned with protecting the electoral process, and this sounds right: any case for the time frame to be wider would need to be well argued.
- 5.2 It seems obvious that the law of undue influence needs clarification. The issues arise in how this can be achieved. The Law Commission have raised some important points about vulnerable voters, which do not seem to have been taken into account in the redrafting. Any experience of vulnerable voters, or insights into how this issue can be addressed, will make valuable contributions to the consultation. Whether the scope of the offence should be extended to include a specific reference to intimidation at polling stations is difficult to answer. There are risks either of increasing unnecessary prosecutions, or of failing to prosecute, due to the difficulty of making a case. The experience of officers and elected members will be relevant
- 5.3 The value of including an imprint in online materials is self-evident and already being implemented. The key questions are as to whether this should be determined by spending limits, whether certain forms of digital communication should be prioritised, how visible the imprint can be, and whether the imprint should be passed on when shared. Much of this appears to be determined by what is technically possible and the conviction that if particular requirements are made, then solutions will be found. It will be valuable to consider whether the responsible bodies have sufficient enforcement powers. The limit of £20,000 on the fines that can be imposed by the Electoral Commission could well be reviewed.

6. RECOMMENDATIONS

- 6.1 As set out on the front of the report.

APPENDIX 1

Question: In what capacity are you giving the information? Eg: as a voter, an elected representative, an organisation.

Section 1: A New Electoral Offence

- Question 1:** Do you agree that the new electoral offence should apply electoral sanctions to existing offences of intimidatory behaviour, such as those identified by the CSPL, listed in Annex A, and equivalent offences in Scotland and Northern Ireland?
- Question 2:** We propose that the new electoral offence will attract the sanction of being barred from standing for elected office for 5 years. Do you agree?
- Question 3:** We do not propose that the new electoral offence should remove an offender's right to vote. Do you agree?
- Question 4:** We think that offences committed against candidates and campaigners during all types of polls should attract the additional electoral sanctions. Do you agree? If not, please explain.
- Question 5:** We propose that offences against campaigners during a referendum campaign should attract the additional electoral sanctions. Do you agree? If not, please explain.
- Question 6:** We propose that the existing definition of when someone becomes a 'candidate', with reference to any election campaign, would be clear and workable for the new electoral offence. Do you agree? If not, please explain.
- Question 7a:** Do you think the new electoral offence should extend to campaigners? If so, please explain which campaigners you think should fall within the scope of the new electoral offence, given the above considerations. If not, please explain.
- Question 7b:** If you think that campaigners should be included, do you have a suggestion as to how this could be done for use in the relevant legislation?
- Question 8:** Do you agree that protection should start from the period of notice of elections? If not, please explain.
- Question 9:** Should there be a period before notice of election for a scheduled poll during which this offence applies? If so, what would be a suitable time period of protection? If not, please explain.
- Question 10a:** Do you agree that protection, under the new electoral offence, should end seven calendar days after the close of poll?
- Question 10b:** If not, when do you think protection under the new electoral offence should end?
- Question 11:** Do you agree that protection, under the new electoral offence, should apply during the referendum period, as determined by the relevant referendum legislation? If not, please explain.
- Question 12:** Do you agree that a new electoral offence should only be applicable in cases where a candidate or campaigner is intimidated because they are a candidate or campaigner?

Section 2: Intimidation of Voters – Undue Influence

- Question 13:** Do you agree that the law of undue influence requires greater clarity in its application? If not, please explain.
- Question 14:** If it is decided to simplify the existing offence of undue influence, we do not propose to materially change the element of the offence relating to physical acts of violence or threat of violence. Do you agree? If not, please explain.
- Question 15:** Any act, whether lawful or unlawful, which is intended to cause harm to the individual and is carried out with the intention to make a person vote, vote in a particular way, or deter them from voting and should be captured within this offence. Do you agree? If not, please explain.
- Question 16:** We propose to retain reference to 'direct and indirect' acts which cause the elector harm. Do you agree? If not, please explain.

- Question 17:** We propose that the redefined offence retains reference to offences committed by or on behalf of a perpetrator in relation to acts that cause the elector harm. Do you agree? If not, please explain.
- Question 18:** We propose that the scope of section 115(2)(a) continues to include those acts which are carried out before and after the election. Do you agree? If not, please explain.
- Question 19:** Do you agree that the offence should continue to cover actions of duress? If not please explain
- Question 20:** Any redefined offence would still look to cover actions of trickery. Do you agree? If not, please explain.
- Question 21:** Do you agree that the scope of the offence should remain the same, subject to including a specific reference to intimidation at polling stations? If not, please explain.
- Question 22a:** Do you agree that the offence should specifically capture intimidatory behaviour carried out inside or outside of the polling station? If not, please explain.
- Question 22b:** If so, do you agree that the definition should include behaviour which falls below the current requirement of physical force, violence or restraint?

Section 3: Increasing Transparency in Digital Election Campaigning

- Question 23:** Do you as a voter believe that the current system as applied to printed election material promotes transparency and gives confidence in our systems?
- Question 24:** Should the imprint rules in PPERA be commenced for Northern Ireland?
- Question 25:** Should the imprint rules for Northern Ireland elections be the same as for the rest of the United Kingdom?
- Question 26:** What are your views on whether imprints should be required on all digital electoral material or only where spending on such material has been over a certain threshold?
- Question 27:** Should any new rules on digital material only apply to what we would already consider to be “electoral material” or should broader categories be considered?
- Question 28:** Do you agree that the requirement for imprints on election material can arise all year round, not just during election periods?
- Question 29:** Should we prioritise regulating certain forms of digital communications over others? If so, please give reasons.
- Question 30:** What sort of mechanisms for including an imprint should be acceptable? Are there any technical difficulties that would need to be overcome to include text which is not accessible without a further step?
- Question 31:** Would you find an imprint in an overarching space such as a ‘bio’ on Twitter sufficiently visible?
- Question 32:** How can these mechanisms be future-proofed in expectation of developments in media and technology?
- Question 33:** Should those who subsequently share digital electoral material also be required to include an imprint and, if so, whose details should be on it – theirs or the original publisher?
- Question 34:** Do you think the responsible bodies have sufficient enforcement powers?

Social Media Use: Responsible Conduct Policy

November 2017

SOCIAL MEDIA USE: RESPONSIBLE CONDUCT POLICY

This policy covers all employees, agency workers and consultants representing the Council.

CONDUCT

As an organisation, we encourage communication among our employees, residents, customers, partners, and others - and Web logs (blogs), social networks, discussion forums, wikis, video, and other social media - such as Twitter - can be a great way to stimulate conversation and discussion. They are also an invaluable tool to share information and consult.

The Internet provides a number of benefits in which Tameside council employees may wish to participate. From rediscovering old school friends on *Facebook* to keeping up with other people's daily lives on *Twitter* or helping to maintain open access online encyclopaedias such as *Wikipedia*. Even if your social media activities take place completely outside of work, as your personal activities should, what you say can have an influence on your ability to conduct your job responsibilities, your work colleagues' abilities to do their jobs, and Tameside's business interests.

Accordingly, where an employee is clearly identifiable as being an employee of the Council and/or discusses their work, they are expected to behave appropriately when on the Internet, and in ways that are consistent with the Council's values and policies. This guidance note sets out the principles which Council employees are expected to follow when using the Internet and gives interpretations for current forms of interactivity. It applies to blogs, to microblogs like *Twitter* and to other personal web space. The Internet is a fast moving technology and it is impossible to cover all circumstances. However, the principles set out in this document should always be followed.

The intention of this guidance is not to stop Council employees from conducting legitimate activities on the Internet, but serves to flag-up those areas in which conflicts can arise.

Tameside Council's reputation for impartiality, objectivity and fairness is crucial. The public must be able to trust the integrity of Tameside councillors, employees and its services. Our residents and partners audiences need to be confident that the outside/private activities of our employees do not undermine the Council's reputation and that its actions are not perceived to be influenced by any commercial or personal interests.

To this end employees/agency workers and consultants:

- Should NOT engage in activities on the Internet which might bring the Council into disrepute;
- Should NOT conduct themselves in a way that is detrimental to the Council;
Should NOT use the Internet in any way to send or post abusive, offensive, hateful or defamatory messages, especially those which concern members of the public, councillors, customers/service users, employees, agency staff, consultants or the Council;
- Should Not 'like' a comment of this nature;
- Should NOT post derogatory or offensive comments on the Internet;
- Should NOT act in a way which could reputationally damage the council;
- Should NOT act in a way that damages the Council's or the public's trust and confidence in an employee's fitness to undertake their role;
- Should act in a transparent manner when altering online sources of information;
- Should NOT post information that could constitute a breach of copyright or data protection legislation;
- Employees (including agency workers and consultants) should only use their work email addresses for official Council business;
- Should NOT use the Council's ICT Systems for party political purposes or for the promotion of personal financial interests; and

- Should take care not to allow interaction on these websites that could cause damage to working relationships between councillors, employees (including agency workers and consultants) and the public.

Individuals in politically restricted posts (usually over salary scale point 44), those that provide regular advice and support to committees and panels or speak with the press and those that work in politically sensitive areas should not be seen to support any political party or cause. Any online activities associated with work for the Council should be discussed and approved in advance by a senior council manager.

All employees (including agency workers and consultants) should be mindful of the information they disclose on social networking sites. Where they associate themselves with the Council (through providing work details or joining a council employee network) they should act in a manner which does not bring the Council into disrepute. Employees (including agency workers and consultants) need to be mindful that even though they do not associate themselves with the Council, others on the social networking site may be able to identify them and make the association.

Employees will be aware that use of the internet at work is provided primarily for business use. However the Council recognises that many employees use the internet for personal purposes and that many employees participate in social networking on websites such as Facebook, Twitter, Myspace, Bebo and Friendster (this list being for illustrative purposes only). Alongside such social networking sites the internet also offers employees the opportunity to access and post on blogs, twitter, wikis and other online forums.

The purpose of this guidance is to outline the responsibilities of employees using social networking websites and other online forums. It forms part of the Council's existing Information Governance Framework and the Councils Employee Code of Conduct.

Personal use of the internet at work

The Council has devoted time and effort into developing the ICT Systems to assist you with your work. The Council does, however, recognise that there are times when you may want to use the ICT Systems for non-work related purposes, and in recognising this need the Council permits you to use the ICT Systems for responsible personal use.

You must not use the ICT Systems for personal use during working hours. If you work flexible hours then personal use must be at a time when you are not working and outside core time. You must not allow personal use of the ICT Systems to interfere with your day- to-day duties or of others.

If you choose to use the Council's ICT Systems to access social networking sites and/or other online forums, blogs etc. you must do so in a responsible and appropriate manner. There is no unconditional right for an Employee to access such sites and the Council reserves the right to restrict access to the internet (or certain websites) for particular employees if there is cause for concern over their use.

Employees should be aware that social networking websites are a public forum, particularly if the employee is part of a "network". Employees should not assume that their entries on any website will remain private.

Personal conduct whilst in work or outside the workplace

The Council respects an employee's right to a private life. However, the Council must also ensure that confidentiality and its reputation are protected.

Employees are reminded of the unique way in which information posted on the internet can be quickly disseminated and control over such information can be rapidly lost. As such, employees should think about what information they are posting and how this could reflect on them and the

Council especially in light of the difficulty they may encounter in trying to remove such information. Where comments are removed there is no guarantee that removing the source comment removes it from all websites.

Employees (including agency workers and consultants) using social networking websites and/or online forums outside of work are requested to:

- Refrain from commenting on any aspect of the Council's business, on any Council policy issue or issues at work. Adding a disclaimer that the views are your own and not those of the Council, will not protect you from potential disciplinary action should concerns be raised or reported;
- Ensure that they do not conduct themselves in a way that is detrimental to the Council;
- Never send or post abusive, offensive, hateful or defamatory messages about members of the public, councillors, other employees (including agency workers and consultants), customers, service users or the Council; and
- Take care not to allow interaction on these websites that could cause damage to working relationships between councillors, employees (including agency workers and consultants), customers, service users and/or members of the public.

Monitoring of online access at work

You should note that, in order to protect its legitimate business interests and its ICT Systems, the Council monitors internet use in accordance with the provisions set down in the ICT Security Policy and the Email, Communications and Internet Acceptable Use Policy, and unacceptable levels of use could lead to disciplinary action.

Inappropriate Posting

If an employee is found to have posted inappropriate material in any format on the internet, they are required to assist in any way to ensure such material is removed without delay. Failure to assist in removing such material in a timely fashion could lead to disciplinary action being taken against that employee.

Disciplinary Implications

If the Council finds that an employees' internet use is not in accordance with the ICT Security Policy and the Email, Communications and Internet Acceptable Use Policy or this guidance, access to the internet may be withdrawn.

Employees are reminded they should never send or post inappropriate, abusive or defamatory messages on the internet either whilst in work or outside the workplace. Any messages which are abusive, offensive or defamatory could cause damage to the council's reputation and distress and anxiety to others in the workplace and employees are reminded of their obligations under the Council's Code of Conduct, Equalities Policy and Data Protection Policy.

Employees must be aware that if such matters do come to light, disciplinary action may be taken in line with the Council's Disciplinary Procedure if deemed sufficiently serious, this could result in dismissal.

Security and identity theft

Employees are reminded to be security conscious and take steps to protect themselves from identity theft, for example by restricting the amount of personal information that they give out. Social networking websites and online forums allow people to post detailed personal information such as date of birth, place of birth and favourite football team, which can form the basis of security questions and passwords.

Employees must take care when posting such information, in order that it does not allow a breach of security within the Council, or raise the possibility of the employee's identity being stolen.

In addition, employees should:

- Ensure no information is made available that could provide a person with unauthorised access to the Council and/or any confidential information belonging to the Council, councillors, other employees and/or members of the public; and
- Refrain from recording any confidential information regarding the Council, councillors other employees and/or members of the public on any social networking website.

WHAT IS SOCIAL MEDIA?

Facebook, Twitter, blogs, YouTube, Wikipedia and networking sites such as LinkedIn are all examples of social media. The term covers anything on the internet where content is created and adapted by the people who use the site and which allows two-way conversations.

The Tameside **Social media use: responsible conduct policy** applies to:

- All blogs, wikis, forums, and social networks hosted or sponsored by Tameside;
- Your personal blogs that contain postings about Tameside's business, councillors, employees, residents, customers, or partners;
- Your postings about Tameside's business, councillors, employees, residents, customers, or partners, on any external blogs, wikis, discussion forums, or social networking sites such as Twitter; and
- Your participation in any video related to Tameside's business, councillors, employees, residents, customers, or partners; whether you create a video to post or link to on your blog, you contribute content for a video, or you appear in a video created either by another Tameside employee or by a third party.

WHY DO LOCAL COUNCILS NEED SOCIAL MEDIA?

Local authorities and other public sector agencies are increasingly looking to social media to engage with their audiences for two broad reasons:

1. **The audience is changing** - People also expect to 'talk back' when official bodies communicate with them and they expect that those agencies will in turn respond and do so in appropriate language. New media enables that kind of interaction to happen in a more efficient manner than, for instance, arranging regular public meetings. Also our audience is becoming fragmented and diverse in so many ways. The traditional ways of communicating where budget is invested into a newsletter or another form of mass communication that contains one standard message and assumes this will be effective for everybody is increasingly losing impact. Information needs to be provided in a variety of formats so each target audience can choose how to access it. Photographs can tell a thousand words and videos are very accessible for a wide audience.
2. **Pressure from Central Government** - We all know that public funds are being squeezed from the centre as the focus becomes much tighter on how money is spent, especially on communications. **There** is also an ethos in some areas of Whitehall that egovernment needs to be incentivised and **encouraged**. For these reasons, central government is looking more closely at the degree to which local authorities are using new media to talk to their audiences and this is becoming an increasing factor in the awarding of funds/grants.

WHAT ARE THE BENEFITS OF USING SOCIAL MEDIA?

Used carefully, social media can bring people together over common interests; can be useful for consulting people and getting feedback and publishing information that other media may ignore. However, you must treat social media with respect. Always remember any information or comments you publish on any site (internal or external):

- May stay public for a long time;
- Can be republished on other websites;
- Can be copied, used and amended by others;
- Could be changed to mis-represent what you said; and
- Can attract comments and interest from other people/the media.

Always be aware of the standards, conditions of use and guidelines for posting laid down by the owner of any site or network and make sure you comply with them.

USING SOCIAL MEDIA

This policy applies to you participating in any on-line social media (whether listed here or not), whether privately or as part of your role with the Council and sets out the standards of behaviour the Council expects of all its employees.

You are permitted to use social media from a Council computer at work, provided you comply with the Council's Email, Communications and Internet Acceptable Use Policy and this guidance, and ensure that you use it in a reasonable manner, unless you are specifically using it to undertake Council business e.g. consultation with the public, that you only engage in such social interaction in your own time.

You must make sure any on-line activity does not interfere with your job, your colleagues, your responsibilities and duties as a Council employee, our commitment to customers, is legal and does not bring the Council into disrepute. If you are found to be in breach of any of these policies, then you may face disciplinary action.

STAY LEGAL

You must stay within the law at all times. Be aware that fair use, financial disclosure, libel, defamation, copyright and data protection laws apply on-line just as in any other media. Remember that colleagues and customers may see your online information (e.g. Facebook). Whether you identify yourself as an employee of Tameside Council or not, think carefully about how much personal information you want to make public and make sure your profile and the information you post reflects how you want them to see you both personally and professionally.

Never give out personal details like home addresses, phone numbers, financial information or full date of birth to prevent identity theft.

In addition, a person that posts grossly offensive or indecent matter may be found guilty of an offence under the Communications Act 2003 and could be sentenced to up to 6 months imprisonment and/or be fined up to £5,000.

KEEP IT PRIVATE AND DECENT

Remember your obligations to residents, service users, partners, suppliers and colleagues and to protecting the Council's reputation. Never give out details of or divulge dealings with colleagues, customers or partners without their explicit consent. Check with your manager if you are not sure

what is and isn't confidential.

Never make offensive comments about any customer, supplier, partner or any of their employees or your Council colleagues. Don't use ethnic slurs, personal insults, obscenity or behave in ways that would not be acceptable in the workplace. That could bring the Council into disrepute, break the law and leave you open to prosecution and/or disciplinary action.

Don't pick fights, be the first to correct your mistakes and don't alter previous posts without indicating that you have done so.

Don't be afraid to be yourself, but be considerate about other people's views, especially around 'controversial' topics such as politics and religion. You can challenge without being abusive.

Be credible, be accurate, fair and thorough and make sure you are doing the right thing.

Share useful information that you gain from using social media with others, where appropriate.

Speaking for the Council, you should not 'speak for the Council' (disclose information, publish information, make commitments or engage in activities on behalf of the Council) unless you are specifically authorised to do so in writing. If you have not been authorised, then please speak to your line manager and the Council's communications team before taking any action.

Remember you are personally liable for what you publish online.

If you are unsure please contact your line senior council manager in the first instance or:

- Sarah Dobson – Assistant Director of Policy, Performance and Communications
- Sandra Stewart – Director of Governance and Pensions (Borough Solicitor/Monitoring Officer)
- Aileen Johnson – Head of Legal Services

GIVING YOUR PERSONAL VIEWS

1. Be professional, responsible and honest and try to add value to any debate. Remember that if people know your **links** with the Council you will be seen as representing the whole Council (even if you are not speaking on our behalf) so be careful.
2. If you are discussing or publishing any information on a website about the Council or council/work related matters, you must make it clear that you are speaking for yourself and not on behalf of Tameside Council. The easiest way to do this is to write in the 'first person' (I think, my view is.) and use a disclaimer, however, this will not protect you from potential disciplinary action should concerns be raised or reported.
4. Be aware that you may attract media interest in you as an individual, so be careful whenever you use social media for personal or business reasons. If you have any doubt, speak to your line manager and the Council's Communications Team before you go on-line.
5. If the media do contact you about something posted on-line, politely ask for their contact details, say you will get back to them and take advice from the Council's Communications Team before any response is given.

GUIDELINES FOR BLOGGING/BLOGGERS

1. Please see the "Keep it private and decent" section
2. If you already have a personal blog or website which shows in any way that you work at Tameside Borough Council you must tell your manager. You should include a simple and visible disclaimer such as "The views expressed here are my own and don't necessarily represent the views of Tameside Borough Council"

3. If you want to start blogging, and your blog/website will say that you work for Tameside Council you should tell your manager and use the disclaimer.
4. If you think something on your blog or website may cause a conflict of interest or have concerns about impartiality or confidentiality, speak to your manager. If in any doubt, don't talk about what you do at work – particularly if you work in sensitive areas (such as social work) or on high profile, controversial projects. The Council has to be seen as honest, transparent, fair and impartial at all times. You must not undermine that.
5. If someone offers to pay you for blogging this could cause a conflict of interest and you must inform your manager.

GUIDELINES FOR SOCIAL NETWORKS, DISCUSSION FORUMS, WIKIS ETC

1. Please see the "Keep it private and decent" section
2. Use your best judgment. Remember that there are always consequences to what you publish.
3. Don't use your work email account or your email or work number in on-line discussions unless you have been authorised to speak for the Council.
4. It is not a good idea to invite customers to become your friends on social networking sites. There may be a conflict of interest, security and privacy issues
5. Make sure any wiki entries, articles or comments are neutral in tone, factual and truthful.
6. Never post rude or offensive comments on any online encyclopaedias
7. Before editing an online encyclopaedia entry about the Council, or any entry which might cause a conflict of interest or adding links, check the house rules of the site. You may also need permission from the relevant wiki editor and your line manager.
8. If you edit online encyclopaedias whilst using a work computer, the source of the correction may be recorded as a Tameside Borough Council IP address. That means it may look as if the Council itself has made the changes. If this is correcting an error about the Council, that's fine – we should be open about our actions. In other circumstances be careful that you do not bring the Council into disrepute through this. If in any doubt, ask the Council's communications team before taking action.
9. We should respond to legitimate criticism with facts but please speak to the Council's communications team for advice before responding; a poor response could make matters worse. Never remove criticism of the Council or derogatory or offensive comments. Report them to the site administrator for them to take action.

GUIDELINES FOR 'MEDIA' SHARING (VIDEO, PHOTOS, PRESENTATIONS)

1. Make sure all video and media is safe to share, does not contain any confidential or derogatory information, and is not protected by any copyright or intellectual property rights.
2. If the content is official Tameside Council content then it must be labelled and tagged as such.
3. Individual work must be labelled and tagged as such. Use a disclaimer where appropriate: "This is my personal work and does not necessarily reflect the views of Tameside Borough Council." Please note that a disclaimer will not protect you from potential disciplinary action should concerns be raised or reported.

USE OF COUNCIL COMPUTER EQUIPMENT

1. Make sure you have read, understood and signed the Council's ICT Security Policy and the Email, Communications and Internet Acceptable Use Policy. This sets out very clearly what you can and cannot do.
2. You must protect the security of our network and information at all times.
3. Do not install any application.
4. Do not open emails from people you don't know and trust, particularly if they have attachments. Do not forward these within the council unless you know they are virus free.
5. Remember online activity can be traced back to the Council and you. Don't do anything online

that breaches the ICT Security Policy and the Email, Communications and Internet Acceptable Use Policy and this guidance.

6. Do not reveal any details of the Council's ICT systems and services, including what software we use for email, internet access and virus protection to minimise the risk of malicious attack.
7. If you use secure systems, such as GovConnect email or to process financial transactions, never log onto social networking sites while connected to those systems. If you have used a social networking site, please restart your computer before logging onto the secure system to clear any information in the computer's memory cache.

LEGAL ISSUES

Libel

If you publish an untrue statement about a person which is damaging to their reputation they may take a libel action against you. This will also apply if you allow someone else to publish something libellous on your website if you know about it and don't take prompt action to remove it. A successful libel claim against you will result in an award of damages against you.

Copyright

Placing images or text from a copyrighted source (e.g. extracts from publications, photos etc.) without permission is likely to breach copyright. Avoid publishing anything you are unsure about or seek permission in advance. Breach of copyright may result in an award of damages against you.

Data Protection

Avoid publishing the personal data of individuals unless you have their express written permission.

Bias and Pre-determination

If you are involved in planning or licensing application or other quasi-judicial decisions, avoid publishing anything that might suggest you don't have an open mind about a matter you may be involved in determining. If not, the decision runs the risk of being invalidated.

Obscene material

It goes without saying that you should avoid publishing anything that people would consider obscene. Publication of obscene material is a criminal offence.

GUIDELINES FOR MANAGERS

Please make sure you and your employees (including agency workers and contractors) are aware of and working within these guidelines. Please speak to the Assistant Director of Policy, Performance and Communications, Legal, ICT or Human Resources if you have any questions or concerns about interpreting this policy.

Managers are responsible for deciding what is appropriate, bearing in mind concerns about impartiality, confidentiality, conflicts of interest or commercial sensitivity.

If you believe any employee is breaching these guidelines or is spending too much time on the internet/social media), ask ICT to activate internet monitoring for that employee. It is your responsibility as a manager to ensure your employees (including agency workers and consultants) are not abusing Council ICT facilities.

FINALLY....

These guidelines are to protect you and the reputation of the Council. They are not meant to restrict your genuine and work related use of what is an important method of communication and engagement. By its nature though, it is fast and responsive so when a mistake is made it can rapidly get out of control.

If you think social media may help your service you should contact the Assistant Director of Policy, Performance and Communications who can support you and ensure your proposal is supported by the other work being done as part of the corporate communications strategy.