

SOCIAL MEDIA

THE GOOD, THE BAD AND THE VERY UGLY

THE CHALLENGES - WHAT IS ACCEPTABLE?

- The good – immediate communication with many
 - The bad – too easy to communicate before you think
 - The very ugly – government by twitter?
 - Clerk and councillors are seen to represent the authority
 - Personal and professional easily blurs
 - Implications in a political environment
 - Accuracy, defamation and breach of confidentiality
 - Rapid increase in cases of online libel and cyberbullying
 - Increasing number of employment cases cite social media
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AS AN EMPLOYER

Employers need

- robust acceptable use policy
- consistent approach to unacceptable behaviour



GUIDANCE FOR EMPLOYEES USING SOCIAL MEDIA

Needs to cover:

- Using social media **at** work v using social media **for** work
 - Excessive use of social media
 - Monitoring of use
 - Disrepute
 - Confidentiality
 - Data Protection
 - Copyright
 - Not to be used to bully or harass
 - Include social media use in disciplinary and grievance policies
 - That it will be treated as **gross misconduct** to post derogatory or offensive comments about the council or a work colleague.
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GUIDANCE FOR COUNCILLORS USING SOCIAL MEDIA

Beware blurring professional/personal boundaries

Use .gov email

Guidance should cover:

- Code of Conduct
- Libel
- Copyright
- Data Protection
- Bias and predetermination
- Unacceptable material

THE LEGAL FRAMEWORK

Criminal

Public Order Act 1986

Malicious Communications Act 1988

Communications Act 2003

Civil

Protection from Harassment Act 1997

Defamation Act 2013



WHAT THE POLICE USE

Public Order Act 1986 - criminal offence to “stir up hatred”

Malicious Communications Act 1988 - if intention is to cause stress or anxiety

Communications Act 2003 s.127 – criminal offence to make improper use of a public electronic communications network to make offensive, menacing, or annoying phone calls or emails

Protection from Harassment Act 1997 – can be criminal and/or civil – at least two incidents causing distress or alarm and defendant should know, or ought to know, that it is harassment

DEFAMATION ACT 2013

Libel - publications in permanent form including internet, tv and radio

Slander - spoken word, conduct and other non-permanent expression

In force from January 1st 2014

Codifies defences of "**justification**" (statement is substantially true) and "**fair comment**" (honest opinion) and publication on matter of public interest.

A statement is not defamatory unless its publication has caused, or is likely to cause, **serious harm** to the reputation of the claimant.

Defamation does **not** regulate bad manners.

WHO IS RESPONSIBLE FOR CONTENT?

Defamatory statements posted on your website – who is responsible?

It is a defence to show it was not the operator who posted the statement

That defence is defeated if it was not possible for claimant to identify person who posted statement and

Claimant gave notice of complaint to operator and operator failed to respond i.e action is required within a reasonable timescale

IMDB closed message boards 20/2/2017 because home to “pointless and hateful commentary”

THINK ABOUT ...

Purpose – why?

Audience – who?

Format – what?

Management- how?

**Separate professional and personal
Email addresses (and content) should be
professional**



PRACTICAL TIPS

- Think dialogue not monologue
- Be concise, make it interesting, make it engaging.
- Be positive, constructive and professional.
- Avoid the personal
- If you are wondering whether it is suitable to post, it isn't

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Any questions?

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