



**GUIDANCE FOR MEMBERS ON CORRESPONDENCE**

**including SOCIAL MEDIA**

Responsible Officer	First Section Issue Date	Section Amended/Updated	Review Date
Assistant Director Planning & Improvement (Communications & Marketing Manager)	December 2021		

## **Section E 2 (b)** **Guidance for Members on Correspondence**

### **Introduction**

The increasing prevalence of email and social media, with its potential for communications to be received instantaneously, has increased pressures on elected Members. The ease with which multiple emails may be sent – and additional parties copied in – has resulted in far greater volumes of communications being sent, not all of which necessarily require each recipient to respond individually. This guidance aims to clarify what may reasonably be expected of Members in relation both to correspondence received by email and also – where Members choose to use it – in relation to Social Media.

This Guidance does not impose additional requirements on Members over and above those specified in the Code of Conduct for Members. Instead it offers guidelines to assist Members in staying within the rules.

### **Key principles**

The fundamental principle is that the same standards of behaviour and conduct are expected of Members online as are required offline. In other words, members are expected to comply with the Code of Conduct in all areas when acting in their capacity as Members, whether they are doing so by email or online, via social media or in person. Members are welcome to contact the Monitoring Officer at any time if they have any queries regarding any aspect of the regulatory framework which binds them.

## **A MEMBER CORRESPONDENCE – BOTH HARD COPY AND EMAIL**

### **Key expectations:**

#### Member discretion

It is for each Member to judge the particular circumstances of any communication and to act in a way which is proportionate and respectful. While it is for each Member to decide whether a particular communication necessitates a personal response from them, such a response may only be reasonably be expected where the communication they receive relates to matters of relevance to their duties as a Member.

#### Multiple recipients

Stakeholders may expect a response to every direct communication they send to an individual Member. However, the volume of communications received by Members (particularly via email) means that this is not always possible - nor may it be necessary. In a situation where more than one Member and/or officer have been joined into an email, then it will be for each individual Member to decide whether they need to respond personally rather than allowing a fellow Member or officer to respond on behalf of the Authority, as that person sees fit.



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### 'Cc'd'-only emails

In any case where a Member is only 'copied' or 'cc'd' into an email as opposed to being a primary recipient of it, then the following applies:

- Members may (depending on workloads) need to prioritise those emails which are directed to them as primary recipient. This may mean that they do not read all emails which they are merely copied or 'cc'd' into.
- In any case, the normal expectation is that Members will not be expected to respond individually to emails which they have only been cc'd into.

### Managing expectations via automated messages

Members are in any event encouraged to make use of automated 'out of office' tools to manage expectations, especially where there is likely to be a delay to their normal response times due to holidays, illness or workloads.

It is recognised that on occasion Members may find themselves overwhelmed by a sheer volume of correspondence, particularly when a controversial issue arises. A delay in replying caused by unmanageable volume of correspondence or an occasional failure to respond would not normally constitute a breach of the Member's Code of Conduct. However, Members should be aware that repeated failure to respond promptly or at all to substantive correspondence directed at them individually which meets the criteria above could amount to failure to treat people with respect and/or be deemed to be conduct which brings their office or the Authority into disrepute.

### Repetitious or otherwise inappropriate communications

It is also recognised that some correspondents – whether because they do not receive the reply they are seeking, or for some other reason - repeat the same request or points in a series of emails or letters, continuing the conversation (and on occasion cc'ing in other parties) after the Member has made their position clear. In this situation, it is for the individual Member to decide on a reasonable course of action. This may involve deciding not to respond further: a decision which is normally taken after they have first made their position clear to the other person and informed them that they consider the conversation to be at an end.

Similarly, the expectation of respectful behaviour applies to all parties in a conversation. Members are not expected to engage or to continue to engage in exchanges in which the other party/ies is acting in a way which is disrespectful, abusive or otherwise inappropriate. In such a situation, they will normally be expected to send a single communication indicating that they are not minded to engage giving brief reasons. This is however at the individual Member's discretion and there may be



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circumstances where the other person has behaved in such a way that no response can reasonably be expected.

### **B SOCIAL MEDIA**

Members are not required to set up any kind of social media account and are free to communicate and engage however they wish to. However, these guidelines will be relevant to any Member who is using or planning to use social media in connection with their work as a Member, or who is already using it another capacity (including in their private capacity).

Members are not expected to maintain any kind of social media presence in their capacity as Members of the Fire Authority and retain discretion re. how they communicate with others in the discharge of their functions. Where they do choose to maintain a social media account in that capacity, they are not expected to monitor information posted on other forums or to respond to posts or messages within specific timeframes/ at all. Where they do choose to use social media to engage on an occasional basis, this is not to be read as creating an expectation that they will monitor responses on a regular basis or at all.

#### **Potential issues**

- While any form of communication is capable of being misunderstood, the rapidity of social media exchanges can lend itself to problems.
- “Misfiring”, or being misunderstood, particularly where comments are perceived as being controversial, may lead to rapid circulation and therefore escalation.
- Although social media lends itself to a conversational tone, posting comments is still publishing as it creates a written record. It is therefore important that online content is accurate, informative, balanced and objective.
- While Members are free to communicate politically in appropriate contexts, it is recommended that they do not post anything that they would not be comfortable justifying at a public meeting.
- Where Members use social media to make comment (whether political or otherwise) about an individual or organisation, it is recommended that they alert that person to their comment by ‘tagging’ them (or otherwise alerting them) so that they are aware of the post. This ensures that they are identified correctly as well as giving them the opportunity to respond.

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### Legal issues

- **Prosecutions and Criminal Investigations**

East Sussex Fire and Rescue Service (ESFRS) is involved in both bringing criminal prosecutions in its own right and assisting other agencies including the police with criminal investigations. Comments on these or related topics could lead to contempt of court and other legal complications. Members are therefore advised not to comment outside of the official statements issued by ESFRS/its partners.

- **Libel**

If Members publish an untrue statement about a person which is damaging to their reputation, that person could initiate an action for libel. The same thing may happen if, for example, someone else publishes something libellous on a Member's social media page and they do not take swift action to remove it. A successful libel claim would be costly to defend and could result in an award of damages.

- **Copyright**

Placing images or text on any site from a copyrighted source (for example extracts from publications or photos), without obtaining permission, is likely to breach copyright laws. Again, a successful claim for breach of copyright would be likely to lead to an award of damages.

- **Data Protection**

Members are data controllers in the eyes of the ICO insofar as the personal data which they hold on ward or division business (in their capacity as members of their constituent authorities) is concerned. Members must in any event have regard to the requirements of current Data protection legislation and amongst other things must not publish the personal data of individuals without their express permission.

- **Bias and Predetermination**

If Members are involved in making planning, licensing or other quasi-judicial decisions, it is important that they do not indicate via any media that they have made their mind up on an issue that is due to be formally decided upon. While a Member's likely view on a particular application may be well known, only those Members who are able to show that they have attended the panel or hearing prepared to take on board and weigh all the evidence and arguments, and are genuinely persuadable to a different view, should be taking part in Fire Authority decision-making. If not, then the decision may be challenged. Where a person



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has suffered some sort of detriment as a result of an invalid decision, they may have a claim against the Authority for damages.

#### **‘Acting as a Member’ and the Issue of Blurred Identities**

- The key to whether an individual Member’s online activity is subject to the Code of Conduct is whether they are, or even just appear to be, acting in their capacity as a Member of the Fire Authority rather than as a private individual.
- Members may have “blurred identities” in a situation where they maintain a social profile which sees them comment both as a Member and as an individual (which may or may not involve making political statements). Although Members may be clear that they are acting in a private capacity, it may be less clear to others.
- One way of avoiding blurring the lines between an individual’s personal (or political) communications and those they make in their capacity as a Member of the Fire Authority is to consider maintaining an online account as a Member which is entirely separate from that where the same individual communicates in a personal capacity. This is a decision for each Member and some Members may find the convenience of having one account outweighs the advantages of separate accounts. The Communications team will assist if specific advice is needed.

#### **Recommendations for Social Media use by Members**

- Members will need to consider setting appropriate privacy settings – especially if they have a private, non-political blog.
- Members need to monitor their social media accounts for defamatory or obscene posts from others and remove them as soon as possible to avoid the perception that they condone such views.
- The potential for misunderstanding and miscommunication via social media is increased, and Members may wish to bear this in mind.
- Where Members feel it to be necessary to ‘block’ an individual from communicating with them, whether because the communication has crossed the line and is considered to be abusive or for some other reason, then members are expected to be mindful of the need to be clear and transparent in their actions. This may (depending on the Member’s assessment of the situation) involve communicating directly with the individual and informing them of the decision and of the reasons for it.
- Members are asked to consider keeping their personal and Member profiles on social networking sites separate as a means of maintaining appropriate professional boundaries.



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- Members are expected to ensure they use the Authority's facilities appropriately and to bear in mind the likelihood that posts about the Fire Authority, or which use information accessed in their capacity as a Member of the Authority are likely to be viewed as made in their official capacity. Any requests to use fire stations and other ESFRS premises must be submitted to the Communications team in the first instance.
- While Members may wish to make political points, it is recommended that they take care not to be too specific or personal if referring to individuals. An attack on individuals may be seen as disrespectful, whereas general comments about another party or genuine comments on policy are less likely to be viewed as disrespect.
- Where Members do make a personal or a political comment about an individual or organisation on social media, it is recommended that they 'tag' them in their post. As well as identifying the correct person, this practice alerts the other party to the comment and gives them the opportunity to reply to it.
- Members are advised not to request or accept an ESFRS employee, volunteer, Cadet or contractor providing services to the Authority as a "friend" on a social networking site when they are using their personal accounts. This suggests close personal association. For the avoidance of doubt, this does not apply to sites which are intended as a neutral, professional connections registry (such as LinkedIn or ESFRS-registered accounts, a list of which is available from the Communications team.)
- Members are encouraged to share messages about incidents and prevention from official ESFRS sources. They are encouraged to undertake ESFRS media training to ensure that sensitive information is handled correctly.

## **CONCLUSION**

This Guidance aims to assist Members in avoiding the various risks associated with the types of communication in scope. The Monitoring Officer and the Communications Team are happy to help Members by providing additional advice and guidance as appropriate.