

Bolsover District Council

Union/Employee Consultation Committee

12th March 2015

Draft Policy on Social Networking

Report of the Assistant Director Human Resources and Payroll

This report is public

Purpose of the Report

- To ask UECC to consider the attached draft Policy on Social Networking with a view to recommending its adoption at BDC by Council.

1 Report Details

- 1.1 Case Law is developing on inappropriate use of social media, and increasingly employers are being advised to develop a policy in this connection.
- 1.2 Whilst the Council accepts that employees are entitled to a private life, it must ensure that confidentiality, the rights of others, and the reputation of the organisation are protected at all times.
- 1.3 The Policy is attached at Appendix 1. It sits alongside existing policies, and aims to minimise any risk that employees may put themselves in unintentionally by posting inappropriate comments on social networking sites that relate to work and/or work colleagues.
- 1.4 Since its introduction in early 2012, there have been only two minor related disciplinary cases at NEDDC.

2 Conclusions and Reasons for Recommendation

- 2.1 As attempts are underway to harmonise policies across the two Councils, the attached draft is the policy currently in place at NEDDC.

3 Consultation and Equality Impact

- 3.1 The document was been circulated to Trade Union representatives from BDC for comment prior to submission to UECC for consideration.

4 **Alternative Options and Reasons for Rejection**

4.1 None

5 **Implications**

5.1 **Finance and Risk Implications**

None

5.2 **Legal Implications including Data Protection**

None arising from this report.

5.3 **Human Resources Implications**

None arising from this report.

6 **Recommendations**

6.1 That UECC agree to recommend the attached Policy on Social Networking to Council, with a view to its adoption by BDC.

7 **Decision Information**

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
District Wards Affected	
Links to Corporate Plan priorities or Policy Framework	

8 **Document Information**

Appendix No	Title
1	Policy on Social Networking
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	

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Report Reference –

Policy on Social Networking

Scope

This Policy applies to all employees of the Council, including those on temporary, fixed term and casual contracts, as well as agency workers working at the Council.

The Policy covers all forms of social media and social networking sites* which include (but are not limited to):

- Facebook, Myspace, Bebo, Friendster, Twitter, LinkedIn or other similar sites
- Blogs and discussion forums
- YouTube or other podcast or video clip sites

* NB access to the site LinkedIn is permitted

General

There should be NO personal use of social networking media on Council Equipment as access is only granted if there is a legitimate business case (the only exception to this rule is with the site LinkedIn).

Please note that if you are required to access such sites for business purposes you could contact the Communications and Marketing Service, who will consider the request in conjunction with ICT and HR.

The purpose of this policy is to outline the responsibilities to the Council of employees using social networking websites.

POLICY

The Council respects an employee's right to a private life. However, the Council must also ensure that confidentiality and its reputation are protected. In so doing, it also seeks to protect employees from inadvertently posting comments which may lead them into difficulties.

The following guidelines should be followed at all times when using social networking sites, whether outside of the workplace or on Council premises outside of work time:

- Employees should consider not identifying themselves as working for the Council on their personal account to avoid misinterpretation or misunderstanding
- Employees should ensure that they do not conduct themselves in a way that might cause embarrassment or bring the Council into disrepute
- Employees should not post disparaging or offensive remarks connected with their employment.
- Employees must not disclose personal, sensitive or confidential information relating to the District Council, its partners, employees, elected members or service users
- Employees should not upload any photographs video clips, or logos which relate to the District Council unless appropriate authority has been granted
- Employees should take care not to allow their interaction on these websites to damage working relationships between employees, partners, elected members and / or service users of the Council

Contravention of this Policy could result in a disciplinary investigation.

Security and Identity Theft

Employees should be aware that social networking websites are a public forum and should not assume that their entries on such sites will remain private. Employees should never send abusive or defamatory messages.

Employees must also be security conscious and are advised to take steps to protect themselves from identity theft, for example by restricting the amount of personal information that they give out. Social networking websites allow people to post detailed personal information which can form the basis of security questions and passwords. In addition, employees should:

- Ensure that no information is made available that could provide a person with unauthorised access to the Council and / or any confidential information
- Refrain from recording any confidential information about the Council on any social networking website

Recruitment

At no stage during the recruitment process will HR or line managers conduct searches on prospective employees on social networking websites. This is in line with the Council's Equalities Policy.

Legal Position

- An employee who makes a defamatory statement that is published on the internet may be legally liable for any damage to the reputation of the individual concerned. The Council could be vicariously liable for the acts of its employees in the course of their employment, even if performed without consent or approval. The Council / an associated organisation can sue if a defamatory statement is made in connection with its business or trading reputation
- Throughout the recruitment process, all job applicants are protected from discrimination because of various protected characteristics. As social networking websites display personal details such as age, religion and beliefs, and sexual orientation, managers should not use these websites to look for background information about job applicants
- If an employee is subjected to harassment because of protected characteristics (with the exceptions of marriage and civil partnership, and pregnancy and maternity), he or she may have grounds to bring a complaint to an employment tribunal under the relevant anti-discrimination legislation. Harassment can take place in online environments such as social networking websites. Employers can be liable for anything done by an employee in the course of his/her employment whether or not it was done with the employer's knowledge or approval.
- Under common law, there is an implied duty of trust and confidence between an employer and an employee. Employees who have access to confidential information should be aware that even inadvertent disclosure could result in disciplinary action.