

	<b>Standards Committee</b> <b>16 February 2011</b>	<b>Agenda Item No.</b> <b>6</b>
<b>Title</b>	Good Practice Guides	
<b>For further information about this report please contact</b>	Graham Leach, Senior Committee Services Officer and Deputy Monitoring Officer, 01926 456114 or <a href="mailto:graham.leach@warwickdc.gov.uk">graham.leach@warwickdc.gov.uk</a>	
<b>Wards of the District directly affected</b>	None	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	Standards Committee 17 November 2010	
<b>Background Papers</b>	Warwick District Council –Code of Conduct and Information & Security Policy	

<b>Contrary to the policy framework:</b>	Yes
<b>Contrary to the budgetary framework:</b>	Yes
<b>Key Decision?</b>	Yes
<b>Included within the Forward Plan? (If yes include reference number)</b>	Yes

<b>Officer/Councillor Approval</b>		
With regard to officer approval all reports <i>must</i> be approved by the report authors relevant Deputy Chief Executive, Head of Service, Finance, Monitoring Officer and the relevant Portfolio Holder(s).		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive		
Head of Service		
CMT		
Section 151 Officer		
Monitoring officer	27/1/2010	Andy Jones
Finance		
Portfolio Holder(s)		
<b>Consultation Undertaken</b>		
Please insert details of any consultation undertaken with regard to this report. ICT Manager – TY Walter		
<b>Final Decision?</b>	Yes	
<b>Suggested next steps (if not final decision please set out below)</b>		

## 1. **SUMMARY**

- 1.1 To provide guidance for Councillors on the use of emails and letters.

## 2. **RECOMMENDATION**

- 2.1 The guidance, appended to this report, regarding use of email and writing letters be issued to all Warwick District Councillors and all Parish/Town Clerks for information.
- 2.2 The Committee notes the position with regard to the Information Security & Conduct Policy.

## 3. **REASONS FOR THE RECOMMENDATION**

- 3.1 To provide clear advice for members on what is regarded by this Standards Committee as acceptable.

## 4. **ALTERNATIVE OPTION CONSIDERED**

- 4.1 The Committee could amend the guidance as they see appropriate or decide not to issue the guidance. However, taking into account recent considerations by an Assessment Sub-Committee, officers feel that this is not a viable course of action.

## 5. **BUDGETARY FRAMEWORK**

- 5.1 There are no budgetary implications of this report.

## 6. **POLICY FRAMEWORK**

- 6.1 This has no impact on the Council's Policy Framework or the Community Plan however the guidance is provided to assist members in interpreting Council policy and the Code of Conduct.

## 7. **BACKGROUND**

- 7.1 Following a recent Assessment Sub-Committee, the Monitoring Officer was asked to review the relevant Council policies with regard to use of emails by Councillors and review the guidance provided to members about their responsibilities when they are members of other organisations. He was asked to bring reports on both of these matters to the Standards Committee for consideration and approval prior to the District Council elections in May 2011 and these guidelines were considered by the Committee in November 2010. The Committee were content with guidance for members on outside bodies but requested that the guidance of emails be reviewed and brought to this meeting for consideration.
- 7.2 The Code of Conduct establishes the position for members with regard to disclosure of confidential documents and use of Council Resources (including email). In addition to the Code of Conduct, Warwick District Council has adopted an Information Security & Conduct Policy. This policy consists of an overarching policy and nine sub-policies. On the 3 February 2010, members were notified by letter of the existence of this policy and were also sent copies of the e-mail and Internet acceptable use policies. This was issued to all

members asking them to send a notification back that they had considered the Policy. Following a reminder, 22 out of 46 have acknowledged that they have read the Policy. It should be noted that even though they have not signed to say they have read the Policy all members are still bound by it.

- 7.3 The co-opted members of the Standards Committee were not asked to sign up to this because they are not operating Council equipment or have access to Council systems and therefore are covered within the provisions of the Code of Conduct.
- 7.4 Following the last meeting of the Committee those Councillors who had not signed up to this were written to, outlining the concerns of the Standards Committee and asking them to acknowledge they had read the policy or write to explain why they cannot do this. A verbal update on the responses received will be provided at the meeting.

## **Emails, Social Media & Letter Usage**

### **Guidance note**

#### **General**

When communicating via emails and letters, Councillors should be mindful of the context and capacity that they are writing in and this should be clearly expressed in the text to ensure clarity for the recipient. They should also take consideration of the 10 Principles of Public Life.

#### **Code of Conduct**

Members must take care when communicating via email or letter to ensure that they are not in breach of the Code of Conduct. The Code of Conduct explains that:

Members must not use or attempt to use their position as a member improperly to confer on, or secure for themselves or any other person, an advantage or disadvantage.

Members must, when using or authorising the use by others of the resources of your authority:

- (i) act in accordance with the authority's reasonable requirements;
- (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (iii) Members must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986. *"Although it should be noted that the Government are reviewing the code of practice issued under this act"*

#### **Standards for England guidance**

Standards for England have issued guidance with regard to the above paragraphs of the Code of Conduct as follows:

##### **"The authority's resources**

You must only use or authorise the use of the resources of the authority in accordance with its requirements.

Where your authority provides you with resources (for example telephone, computer and other IT facilities, transport or support from Council employees), you must only use these resources of employees for carrying out your local authority business and any other activity which your authority has authorised you use them for.

You must be familiar with the rules applying to the use of these resources made by your authority. Failure to comply with your authority's rules is likely to amount to a breach of the Code of Conduct.

If you authorise someone (for example a member of your family) to use your authority's resources, you must take care to ensure that this is allowed by your authority's rules.

##### **Using resources for proper purposes only**

You must make sure you use the authority's resources for proper purposes only. It is not appropriate to use, or authorise others to use, the resources for political purposes, including party political purposes. When using the authority's resources you must have regard for, if applicable, to any Local Authority Code of Publicity made under the Local Government Act 1986.

You should never use the Council resources for purely political purposes, including designing and distributing party political material produced for publicity purposes.

However, your authority may authorise you to use its resources and facilities for political purposes in connection with your authority's business. For example, holding surgeries in your ward and dealing with correspondence from your constituents. In this case, you must be aware of the limitations placed upon such use for these purposes. Using your authority's resources outside these limitations is likely to amount to a breach of the Code of Conduct."

## **Warwick District Council Information & Security Policy**

### *Section 11 - Usage of Hardware and Software*

"Council electronic equipment and software should be used in a responsible, legal, and ethical fashion. Staff or Members must not take any action that could bring the Council into disrepute, cause offence, interfere with Council work or jeopardise the security of data, networks, equipment or software.

Council computer equipment and software, as well as telecommunication services and other electronic equipment, are for Council business purposes. Occasional personal use by staff is permitted at the discretion of line managers provided it does not interfere with Council work, is not conducted in Council time, conforms to this Policy and is not associated with personal business interests.

Members may use Council equipment for personal use and for Council and ward matters. However, Council equipment must never be used to promote support for a particular political party nor for conducting personal business interests."

### **Emails**

The email account provided by the Council to members' should only be used for Council business and other email accounts should not be used for Council business. However if a personal email is sent from the Council's email account it should be explicitly set out that you are not writing the email as a Councillor.

At present, some Councillors have their emails forwarded to other accounts these should not be used to respond, as a Councillor, to enquiries from individuals outside of Warwick District Council. It should be noted that the increasing requirements of government's Code of Connection (CoCo) could mean that in the near future the forwarding of emails to non ".gov.uk" domain email addresses will have to cease. The Council's network has been joined to the government's secure extranet (GCSx). As a result, the Council is forced to abide by technical, operational and behavioural constraints described in the CoCo. Failure to comply with these constraints will result in the GCSx connection being terminated, which will have a significant impact on service delivery to the citizen.

Members should exercise significant caution when sending e-mails that contain personal information. Extreme care should be taken to limit the number of recipients, especially when forwarding e-mails. In addition, where the e-mail contains personal information, this must only be sent using a Warwick District Council e-mail address.

Members should in no way use Council resources to promote any political party/or views. This includes the promotion of a political party and directing people to political party websites both in the text of the email and the Members electronic signature. Members Council email address should not be used on any election campaign

literature or other party political material. Although it would be reasonable to explain which party the member was part of. A misuse of Council resources could be considered a breach of the Code of Conduct and could lead to sanctions being imposed on the member who breached the Code by the Standards Committee.

While emails may be viewed as a more informal form of communication compared to a letter, however caution should always be taken, when communicating in any written form. This is because the legal status of an e-mail message is similar to any other form of written communication. Consequently, any e-mail message sent from a facility provided to conduct or support official Warwick District Council business should be considered to be an official communication from the Council. In addition, the following list details some of the areas of liability the Council is exposed to with the use e-mail:

- Defamation
- Obscene publications
- Breach of confidential information
- Breaching the Data Protection Act
- Copyright material
- Making statements negligently
- Formation of contract
- Discrimination
- Criminal offences
- Transmitting and introducing viruses
- Falsification of e-mail addresses

In addition, members should be mindful of good use of emails guidance issued to officers of the Council:

- Use the corporate font Verdana, point 10, for any text in the email (this is because it is not only one of the easiest fonts to read but is also one of the most commonly used fonts across computer software)
- Keep attachment size to a minimum level (ideally no more than 2mb)
- Do not use backgrounds to the email because they do not always translate between different email packages and increase the file size of the email
- Do not include animated or static "gifs" or "jpegs" within the email because they do not always translate between different email packages and increase the file size of the email
- Do not use icons for fax, email and web. These are usually font based but if the person receiving the email does not have the same font on their machine, the icons do not display correctly and the numbers that follow them get very messy and confused
- Standard signatures on emails should be kept simple and clear to ensure the recipient knows what capacity the email is sent in, a good example is set out below:

Councillor Andrew Mobbs (Conservative)  
Warwick District Councillor – Kenilworth Park Hill

59 Windy Arbour, Kenilworth CV8 2BB  
Tel. 07836 725999 | [www.warwickdc.gov.uk](http://www.warwickdc.gov.uk)

## Letters

When members are writing in a personal capacity they should not use Council stationery or refer to themselves as a Councillor because this could be interpreted as an inappropriate use of Council resources and seeking an advantage.

Members should in no way use letters signed as a Councillor or on Council headed paper to promote any political party/or views of a specific political party.

### **Newsletters**

It is recognised that most Councillors and/or political parties distribute newsletters to households and businesses in their Wards. Members should be cautious and should ideally refrain from using their Council email address in these newsletters especially when the newsletter is overtly political and during the election period.

### **Blogging and social networking Standards for England**

Blogging and social networking are effective methods for councillors to interact with constituents and support local democracy. Used effectively, they can engage those who would not normally have access to local councillors and politics.

Standards for England support the use of such media and encourage councillors to get online. You should think about what you say and how you say it, in just the same way as you would when making statements in person or in writing,

You will also need to think about whether you are seen to be, or give the impression that you are acting in your official capacity as a councillor. To make sure you comply with the Code of Conduct (the Code) and to ensure your use of online media is well received we suggest the following general hints.

#### **Do**

- set appropriate privacy settings for your blog or networking site – especially if you have a private, non-political blog
- keep an eye out for defamatory or obscene posts from others on your blog or page and remove them as soon as possible to avoid the perception that you condone such views
- be aware that the higher your profile as a councillor, the more likely it is you will be seen as acting in your official capacity when you blog or network
- ensure you use council facilities appropriately; if you use a council provided blog site or social networking area, any posts you make will be viewed as made in your official capacity
- be aware that by publishing information that you could not have accessed without your position as a councillor you will be seen as acting in your official capacity
- make political points, but be careful about being 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 political expression is less likely to be viewed as disrespect.

#### **Don't**

- blog in haste.
- post comments that you would not be prepared to make in writing or face to face
- use council facilities for personal or political blogs.

**When the Code may apply**

Bear in mind the Code when you blog or use social networking sites. You should pay particular attention to the following paragraphs of the Code:

- Disrespect
- Bullying
- Disclosure of confidential information
- Disrepute
- Misuse of authority resources



However, it is difficult to give definitive advice on the application of the Code as each blog and social networking page is different. The content of a blog or other social networking tool and the circumstances surrounding its creation will determine whether or not it might be covered by the Code.

Ethical use of online social media is not limited to what is covered in the Code. We encourage members to respect the ten general principles of public life. While your conduct may not be a breach of the Code it may still be viewed as less than exemplary and attract adverse publicity for your office and authority.

### **Ten General Principles of Public Life.**

(Taken from The Relevant Authorities (General Principles) Order 2001)

#### Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

#### Honesty and Integrity

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

#### Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

#### Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

#### Openness

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

#### Personal Judgement

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

#### Respect for Others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

#### Duty to Uphold the Law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

#### Stewardship

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

## Leadership

10. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.