Safeguarding Partnership Board

Using social media: 2017 guidance for non-statutory organisations

Social media provides great opportunities for spreading the word about our agency and celebrating the work of employees and the achievements of our clients.

This policy is concerned with:

1) Your own personal activity, done for your friends and contacts but not under the name of _____ (agency name)
2) Activity for the agency
3) Activity on behalf of clients or residents

Each has a different guidance, so please read this whole document carefully.

1 Your own personal activity, done for your friends and contacts but not under or in the name of the agency

a. You are not discouraged from personal activity but as an agency member of staff – and especially as someone who works with children or at risk adults – there are particular considerations to bear in mind. They can all be summarised as: 'Don't do anything stupid'
b. Staff may not use social media for their own personal interests while at work
c. Remember that even though you are acting in your own personal capacity, you are on show to your friends and anyone else who sees what you write, as a representative of the agency.
d. You are allowed to say that you work for the agency and you can discuss the agency and your work publicly. But you should make it clear that the views expressed are personal and not those of the agency. Never name clients you work with even if giving compliments and always avoid negative comments.
e. If you want to start a blog where you feel conflicts of interests are possible, you should discuss it first with your line manager; s/he won't unreasonably stop you, but will want to discuss potential risks. If you already have a blog like this, you should have already had this conversation. If you haven't, then make sure you do.
f. Don't post images of or text about people you work with.

2 Activity for the agency

All staff have a responsibility to protect the reputation of the agency.

Social media posting for the agency will:

1. Provide relevant, useful information on agency activity

2. Be updated regularly – tailor frequency, length and type of updates to audience needs and expectations
3. Respond to questions promptly - social media requires a faster service than emails
4. Share accurate, relevant third party content (for example information from other governments) where appropriate and politically impartial
5. Take into account cultural sensitivities[1] and avoid anything that could be considered offensive by those who may see the page (including audiences from other countries).
6. Do not post or share anything which breaches copyright or that could be construed as advertising or promoting a commercial company.
7. Do not disclose information that is classified or privileged, or that may put you or your colleagues at risk.
8. As with any form of communication, **if in doubt, leave it out**. Seek advice from your line manager or do not post at all

3 Four part test before posting

1. Is the action that I intend to take legal? Does it comply with the Data Protection (Jersey) Law 2005, and does it comply with the agencies policies and approved practices? The law is being changed to ensure it is compliant with the General Data Protection Regulation (GDPR) which comes into force in the UK in 2018. You can check whether your organisation will be compliant using this toolkit.
2. Does the action feel right and could it be justified to those outside the agency?
3. Would the life, health and/or safety of someone be endangered by my action?
4. Could I be compromised in my dealings with others as a result of my intended action?

When using social media you should be able to demonstrate that all content associated with you is consistent with your work and the agencies values and professional standards..

A list of usernames and password for agency social media accounts will be kept filed centrally.

If free comment by the public is allowed by the agency: Comments will be moderated. Offensive messages that include swearing should be filtered by Facebook and Twitter; if they do get published the agency will remove them if the comments:

- are likely to damage the reputation of a person or organisation
- name an individual or organisation
- could interfere with a discipline investigation
- are considered very offensive by the appointed moderator

[1] The Safeguarding Partnership Board Diversity Guidance available on www.safeguarding.je can help you with this.

4 Activity on behalf of clients or residents

This needs to be legal according to the Data Protection (Jersey) Law 2005. Please note that the rules will become stricter under the General Data Protection Regulation (GDPR). An updated Jersey law is being written at the moment.

The agency is a data controller. This means that we need to make sure that the clients are aware of what data we collect

- how we collect it
- how we store it
- who we may share any data we collect with and why. Data includes treatment information, personal information like date of birth and address and photographs and videos.

The client must give explicit consent[2] for images and text that includes them to be used on social media. This consent should be in writing and held on file. Treatment or intervention information must never be posted online. It is important that sensitive information like their address is not given away accidentally for example in the media for a residential home.

Information on clients should generally not be used in advertising or to raise funds for an agency. Staff need to be aware of any difference in the power balance between them and clients as some clients may feel unable to refuse when asked for consent.

If the person does not have capacity to give consent the information should not be used without a thorough best interests assessment under the law. Consent from a relative is not sufficient. If there is any question about capacity the issue must be discussed with your line manager.

Capacity and Self-determination (Jersey) Law 2016
To have capacity to make a decision a person must be able to:
1. Understand the information relevant to the decision (including the reasonably foreseeable consequences of making or not making a decision) and
2. Retain that information (long enough to make the decision)and
3. Use or weigh the information (as part of the decision making process) and

[2] Consent should be given by a clear affirmative act establishing a freely given, specific, informed and unambiguous indication of the data subject's agreement to the processing of personal data relating to him or her, such as by a written statement, including by electronic means, or an oral statement. This could include ticking a box when visiting an internet website, choosing technical settings for information society services or another statement or conduct which clearly indicates in this context the data subject's acceptance of the proposed processing of his or her personal data. Silence, pre-ticked boxes or inactivity should not therefore constitute consent. Consent should cover all processing activities carried out for the same purpose or purposes. When the processing has multiple purposes, consent should be given for all of them. If the data subject's consent is to be given following a request by electronic means, the request must be clear, concise and not unnecessarily disruptive to the use of the service for which it is provided. (32)

4.	Communicate the decision (in any recognisable way)

5. Mistakes

Your online conduct is subject to the same disciplinary rules as your offline conduct. There are a few steps you should take if you make a mistake.

1. Delete the post and apologise, explaining that the material was posted by mistake and is not an official view

2. Post the correct information if the mistake was factual, making clear what you've corrected.

3. Inform your line manager for advice on further handling.

6 Hyperlinked Resources

Staying Safe…on social media and online, Foundation for people with learning disabilities

BBC

States of Jersey social media policy

General Data Protection Regulation (GDPR)

Data Protection Law (Jersey) 2005 and Capacity and Self-Determination (Jersey) law 2016