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**NATIONAL JOINT COUNCIL
FOR LOCAL AUTHORITY
FIRE AND RESCUE SERVICES**

**To: Chief Fire Officers
Chief Executives/Clerks to Fire Authorities
Chairs of Fire Authorities
Directors of HR (Fire Authorities)
Members of the National Joint Council**

1st August 2016

CIRCULAR NJC/9/16

Dear Sir/Madam,

Inclusive Fire Service Group - update

1. You will be aware that as part of its continuing commitment to consider equality, diversity, cultural and behavioural issues within the Fire & Rescue Service the NJC decided to lead on a piece of work to assess the current position and to identify guidance in relation to any further strategies that could be used at local level to further encourage improvement in equality, diversity and cultural issues. It was further agreed to invite interested parties such as the Chief Fire Officers Association, Fire Officers Association and Retained Firefighters Union to be involved. The group is chaired by the Independent Chair of the NJC.
2. Circular NJC/6/16 provided an update on the wider work of the group, and included the intention to issue guidance in relation to policies referring to the personal use of social media.
3. The guidance has now been completed and a copy is attached.
4. The group recognised that, when surveyed, many FRAs indicated they have policies on this matter. However evidence also suggests that this is an area that is becoming increasingly problematic and it was therefore felt to be helpful to develop this guidance.
5. You are therefore encouraged to consider the guidance, putting in place such a policy where you do not already have one or to review existing policy. In addition, you will wish to consider the associated effect on other policies such as grievance, discipline and bullying and harassment.

Yours faithfully
SIMON PANNELL
MATT WRACK
Joint Secretaries

INCLUSIVE FIRE SERVICE GROUP

Personal Use of Social Media - policy guidance

Introduction

1. As part of its continuing commitment to consider equality, diversity, cultural and behavioural issues within the Fire & Rescue Service the NJC decided to lead on a piece of work to assess the current position and to identify guidance in relation to any further strategies that could be used at local level to further encourage improvement in equality, diversity and cultural issues. In order to carry out this piece of work the NJC set up a group chaired by Professor Linda Dickens, and invited the involvement of other interested parties – the Chief Fire Officers Association, Fire Officers Association and the Retained Firefighters Union – and sought information from fire and rescue services and more widely.
2. All group representatives were of the view that problems relating to the personal use of social media are increasing. This is despite 85% (38) of fire and rescue services having local policies that are either specifically on the use of social media or include it as part of a wider policy.
3. This suggests it would be advantageous to both fire and rescue services and their employees for policies to be put in place where they are not at present; reviewed where they are in place and importantly thought given in both cases to communicating well the outcomes to employees. Representative bodies, through established industrial relations processes, should be involved in drafting/reviewing and communicating such policies, ensuring messages are heard consistently.
4. Social media is a quickly evolving means of electronic communication which, when used well, can have benefits both for organisations and individuals. It has become a fundamental part of the way we communicate and employers may not wish to discourage employees highlighting positive news as part of personal use. The information below is intended to assist with the matter of personal use of social media which may be used either as a specific policy or as part of a wider policy also covering business use e.g use of the internet, use of email, blogging, tweeting etc. Given how quickly it can change and develop, as too can the law relating to its use, policies should be frequently reviewed.

Why have a policy statement on personal use of social media?

5. It is important to have a policy in order to set out what is and isn't acceptable in a way that is clear to managers and the people they manage, as well as easily accessible. It should balance employer concerns with those of employees e.g. reputation protection and the right to privacy and freedom of expression.

6. It also provides clarity on what it is appropriate to say about the employing organisation and where to do so. For example, not all websites are personal interest only. Sites such as Linked-in provide a form of electronic professional networking which can benefit the individual but can also be used to the benefit of the organisation as part of his/her work in sourcing e.g. Information on training professionals with fire service experience. Use of such a website is therefore different in nature to e.g. a post on an employee's own Facebook or Twitter accounts. It should be noted that because of the way in which 'LinkedIn' operates the use of its accounts it is possible to become 'connected' to previously unknown account holders which may cause potential issues for the individual and/or the FRS.
7. Setting out the above in the policy introduction, and therefore why it is needed, will also provide clarity given some employees may not recognise the potential difficulties of crossover between work and private lives. Equally managers will need clarity.
8. Remember to provide new employees with a copy of the policy as part of their induction process to be clear from the outset given the commonplace use of social media.

What should a policy contain?

9. The policy should as a minimum set out the key structural issues indicated below.

- (i) **Definition** – The policy needs to set out clearly what is meant by 'social media' in order to remove the potential for any confusion. An example of defining social media would be:

'Social media is the term commonly given to websites, online tools and other Information Communication Technologies (ICT) which allow users to interact with each other in some way by sharing information, opinions, knowledge and interests. Social media involves the building of communities or networks, encouraging participation and engagement.'

Social media encompasses many variations of online media. Examples include blogs, micro-blogs (Twitter), podcasts, 'wikis' (such as Wikipedia), message boards, social book marking websites (Reddit), social networking sites (Facebook) video sharing sites (such as Vine and Snapchat), and media content sharing websites (such as Flickr, YouTube, Pinterest, Instagram). Whilst chatrooms may not be classed as social media the same guidance is applicable when identifying yourself as an employee of a fire and rescue service.'

Given the quickly changing nature of social media it is important to frequently review the definition and any impact elsewhere within the policy and communicate any changes to all employees and managers.

- (ii) **Scope** – The policy should set out clearly and simply who it applies to. An example would be:

‘This policy applies to all XFRS employees and covers personal use’.

Or in the case of a wider policy:

‘This policy applies to all XFRS employees and covers both business and personal use’.

- (iii) **Responsibilities** – to ensure employees within the scope of the policy understand their responsibilities and those of others. For example:

‘Managers are responsible for taking reasonable steps to ensure that those in their teams understand this policy, and for giving guidance on the appropriate use of social media sites in the workplace.’

HR advisers are responsible for advising and supporting managers in the application of the policy.

All employees are responsible for their own actions in the use of social media and for seeking guidance from their manager if uncertain about how the policy impacts on their personal use. [In cases where the policy also covers business use that should also be reflected here].

- (iv) **Personal use of social media rules** – Social media is a public forum and the same considerations would apply as, say, to speaking in public or writing for a publication either officially or out of work. In social media the boundaries between professional and personal are often more blurred – so it’s important for employees to be particularly careful about how they express themselves.

The main things in general for an employee to remember are:

- Use common sense!
- Adhere to the FRS behaviour standards whether acting in an official or personal capacity, whether using FRS or personal equipment and whether in or out of work
- Regularly check privacy settings on personal accounts
- If in doubt, don’t post it
- Once something is posted online it is very difficult to remove it
- Be aware that identifying that you work for a Fire & Rescue Service on a personal social media account or page may carry a degree of tangible risk. For example, you could become a target, be knowingly primed for information or render yourself, family and friends vulnerable to personal harassment. Therefore employees are advised to use their discretion in identifying their employment online.

This section of the policy should remind employees of any limitations and cover areas such as those listed below:

- (a) *Acceptable use* – it is important to be clear about when an employee can access social media while in the workplace or using FRS equipment. For example:

‘Employees are allowed reasonable use of the Service’s computers or devices and/or your own equipment in the workplace to access social media for personal use provided that this is during your own time, for example, before starting work, during breaks, or after work. It must be in compliance with this and other relevant policies [list].’

‘Employees are allowed to use Service approved social media websites and feeds as part of their normal work duties if agreed in advance with the employee’s line manager.’

- (b) *Talking about the employing organisation (FRS)* –

- the policy should urge caution about discussing information in relation to FRS matters and draw attention to the potential for such posts to be misinterpreted, impact on other employees and/or the reputation of the service, or breach confidentiality.
- Where an FRS wishes to encourage employees to highlight positive news about the organisation then it should ensure its policy is clear on the appropriate parameters.
- It is possible that the content posted on a personal account could affect the individual’s professional standing and/or that of their employer. To mitigate this risk employees should be advised not to include any reference to, or post comments about, the FRS, their job role, colleagues or partner organisations. If however an employee does do so then they should ensure the following actions are taken:
 - Any post relating to the work of the FRS should be factual, already in the public domain and not controversial.
 - Ensure it is clear that their social media account does not represent the view or opinions of the FRS for example by writing in the 1st person (I think...) and a disclaimer should be included in social media profiles, for example:

‘The views expressed are my own and do not reflect the views of my employer.’

- (c) *Unacceptable Use* – The following are potential examples of unacceptable use that an FRS may wish to include in its policy. It is not intended to be exhaustive, an individual FRS will need to consider its own position. The important thing is to be clear and reduce the potential for any confusion.

- Revealing any potentially confidential or sensitive information about the FRS that the employee may be party to as part of their work
- Using any FRS logos, images, or copy-righted material
- Including contact details or photographs of colleagues
- Including photographs of incidents or work locations
- Making offensive comments about colleagues, the FRS/fire authority or members of the public
- Disclosing any information in breach of the Data Protection Act
- Using social media as a means of bullying and intimidation (Note The Government in England has indicated its intention to update the Code of Practice on Picketing in order to set out clear advice on the rights and responsibilities of all parties involved in industrial dispute in respect of the use of social media.)

(v) Monitoring of social media use –

- Monitoring of social media use is recognised as a legitimate activity by an employer where FRS equipment is provided for legitimate business use, subject to justification as referred to below. The policy should therefore indicate that the FRS reserves the right to monitor the access and use of social networks through these resources, to ensure that the FRS's rules are being complied with and for legitimate business purposes, and that the individual consents to such monitoring by their use of such equipment.
- An employer must determine whether its reasons for supervising employees are justified in law. For example the right to privacy and freedom of expression under the Human Rights Act 1998. Such monitoring will only be undertaken by staff that have been authorised to do so and who will be mindful of the need to be able to justify the use of monitoring, showing that the benefits outweigh any possible adverse impact, as well as the balance between employee responsibilities to their employer and the rights of individuals.
- FRSs should ensure that training programmes for identified managers, and those with responsibility in this area, includes legal considerations e.g. the Human Rights Act 1998 and Data Protection Act 1998 (and the Information Commissioner's Employment Practices Data Protection Code).
- It is important to ensure that managers are kept up to date on developments in case law and, if necessary, refresher training provided
- It is important that the FRS policy should set out the main points in order that employees are also aware of that balance and how and why monitoring will take place.

(vi) Discipline and Grievance and Bullying and Harassment –

Employees should be made aware in the policy that they will be measured against the same standards of behaviour as if offline. For example, any form of harassment and/or displaying of images or making offensive

comments (this includes racist, sexist, sexually explicit, homophobic or otherwise offensive remarks) against colleagues or members of the public will be treated just as seriously and subject to the same potential disciplinary sanctions up to and including termination of employment. An aggrieved fellow employee may raise a matter under the FRS's grievance procedure.

FRSs will wish to ensure that the use of social media is also covered in grievance and bullying and harassment policies to ensure consistency and may wish to make specific reference to 'cyber bullying'. (ACAS guidance defines cyber bullying as: *'bullying, harassment and victimisation conducted through social media such as blogs or social networking sites. Inappropriate photographs, offensive or threatening comments or sensitive personal information might be posted vindictively. A manager or an employee might be targeted. The victim may, or may not, be aware that they are being bullied. For example, while they are likely to see a threat emailed to them, they may not see comments on a social networking site.'*)

As with offline instances an FRS should avoid any knee-jerk reaction and consider the case carefully and in the normal way. The points made in paragraph 9(v) above in respect of training, employee responsibilities and individual rights equally apply here.

Communicating the policy

10. As indicated at the start of this document clear communication will be a key factor in ensuring that employees understand how to avoid the potential pitfalls of using social media and how that can interact with his/her employment. It will also ensure that an FRS can be satisfied that employees are aware, and understand, the position and that its reputation will be protected.
11. In the view of the Group, training delivered jointly by management and unions to all levels of employees would be beneficial in delivering an informed and consistent message about the personal use of social media and the potential impact on work life.
12. It is suggested that in drafting/reviewing this matter an FRS does so in consultation with its employees and their representative bodies. In that way employees, including managers, can feel that their interests and concerns have been heard and where possible taken into account. The aim should be so employees do not feel gagged, all staff and managers feel protected against online bullying, and the organisation feels confident its reputation will also be protected.