

Hughenden Parish Council Communications Policy

POLICY STATEMENT

The purpose of this policy is to define the roles and responsibilities within the Council regarding communications.

SCOPE

It is not the intention of this policy to curb freedom of speech or to enforce strict rules and regulations. Rather, it provides guidance on how to ensure efficient and effective communications between council members and with third parties. A separate policy on Social Media exists and should be considered in conjunction with this policy.

Emails received by the Council's Officer or Members may be disclosed following a request under the Freedom of Information Act 2000 or following a subject access request under the Data Protection Act 1998 or in the course of legal proceedings.

Information that is held by someone on behalf of a Local (Parish and Town) Council (that is by a Member or Officer) will satisfy the definition in Section 3(2)(b) of the 2000 Act and constitute 'information held by a parish council' which a person is entitled to request under the 2000 Act. Therefore, information that relates to the official business of the Council that is held in personal email accounts (for example Hotmail, Yahoo and Gmail) of Members or the Officer is caught by the 2000 Act.

If official business of the Council held in personal email accounts of Members (and the Officer) contains personal data, it may come within the scope of a subject access request under the 1998 Act.

If the personal email accounts of Members contain personal data that relates to their activities as a Ward Councillor or campaigning for election, it may come within the scope of a subject access request to the Member under the 1998 Act.

Information in the personal emails of Members (and the Officer) that does not relate to the business of the Council will not be subject to the 1998 or 2000 Act.

If inappropriate internal Council emails are required to be disclosed to persons external to the Council then, at best, they may be considered embarrassing for the Council and, at worst, have other unwanted consequences. If internal emails are defamatory, offensive, or wrongly disclosed confidential information or personal data (which means information that may identify a living individual, such as name, address or telephone number) to those who should not have such confidential information or personal data, this may provide others with a means of legal redress against the Council.

KEY PRINCIPLES

When writing any communication always assume that it may have to be disclosed to a court or tribunal or to the Information Commission, because in some circumstances that could happen.

Keep the communications relevant and concise. Do not send unnecessary copies or forward messages to others if not strictly necessary.

Always write emails as if they are permanent, because even when they have been deleted they can often still be retrieved and may be disclosable to a court or the Information Commissioner.

Internal emails, even if marked private or confidential, might eventually need to be disclosed when it is lawful to do so, e.g. under the 2000 or 1998 Acts or as part of the requirement on parties to disclose documents in the course of legal proceedings.

Information in communications may not be confidential, but may be sensitive information that needs to be respected.

Always respect the privacy of others.

Do not write anything in communications that might be construed as offensive or discriminatory.

Do not make negative comments about an individual, including members of the public, Members, Officer, or business suppliers.

Use a Parish Council signature so that it is clear in what capacity you are writing.

Copy in (either cc or bcc) any appropriate officer or councillor.

RESPONSIBILITIES AND ACCOUNTABILITIES

Officers and Councillors alike are responsible for ensuring compliance with this and related policies.

PROCEDURE

Parish Council Correspondence

The point of contact for the parish council is the Clerk, and it is to the Clerk that all correspondence for the parish council should be addressed.

The Clerk should deal with all correspondence following a meeting.

No individual Councillor or Officer should be the sole custodian of any correspondence or information in the name of the parish council, a committee, sub-committee or working party. In particular, Councillors and Officers do not have a right to obtain confidential information/documentation unless they can demonstrate a 'need to know'.

All official correspondence should be sent by the Clerk in the name of the council using council letter headed paper, making it clear that it is written in their official capacity and has been authorised by the parish council.

Where correspondence from the Clerk to a Councillor is copied to another person, the addressee should be made aware that a copy is being forwarded to that other person.

Agenda Items for Council, Committees, Sub-Committees and Working Groups

Agendas should be clear and concise. They should contain sufficient information to enable Councillors to make an informed decision, and for the public to understand what matters are being considered and what decisions are to be taken at a meeting.

Communications between councillors regarding agenda items should have regard to the potential issue of pre-determination. While it is perfectly acceptable to exchange thoughts, ideas and information, councillors should ensure they retrain an open mind and avoid comments that might give the perception of having reached a conclusion.

Items for information should be kept to a minimum on an agenda.

Where the Clerk or a Councillor wishes fellow Councillors to receive matters for “information only”, this information will be circulated via the Clerk.

Correspondence from the Clerk marked “Confidential” must be treated as such and not be disclosed to anyone.

Correspondence with external parties

Elected members will be regularly approached by members of the community. Enquiries may be in person, by telephone, letter, e-mail or via social media. When in doubt about how to respond to an enquiry, councillors should seek the guidance of the Parish Clerk.

At no time should councillors make any promises to the public about any matter raised with them other than to say they will investigate the matter. Depending on the issue, it may be appropriate to:

Refer the matter to the Parish Clerk to deal with it as appropriate

Request an item on a relevant agenda

Investigate the matter personally, having sought the guidance of the Parish Clerk. Councillors must ensure that any and all communication with the public on council related matters reflects the decisions and policies of SPC regardless of the councillor’s individual views on any subject.

A copy of all outgoing correspondence relating to the council or a Councillor’s role within it, should be sent to the Clerk, and it should be noted on the correspondence,

e.g. “copy to the Clerk”, so that the recipient is aware that the Clerk has been advised.

Councillors e-mails and other communications should be considered as being in the public domain. It is therefore recommended that emails regarding council business are sent from an HPC address.

All correspondence for the Parish Council should be addressed to the Clerk. Councillors should forward any correspondence received to the Clerk.

No individual Parish Councillor should communicate direct with companies/individuals with which the Parish Council has a contractual relationship. All enquiries should be through the Clerk.

If a member of the public requests a copy of any correspondence from a councillor, the matter should be referred to the Clerk who will consider whether the correspondence is in the public domain.

Communications with Parish Council Staff

Councillors must not give instructions to any member of staff, unless authorised to do so (for example, three or more Councillors sitting as a committee or sub-committee with appropriate delegated powers from the council).

No individual Councillor, regardless of whether or not they are the Chair of the council, the Chair of a committee or other meeting, may give instructions to the Clerk or to another employee which are inconsistent or conflict with council decisions or arrangements for delegated power.

Telephone calls should be appropriate to the work of the parish council.

E-mails:- Instant replies should not be expected from the Clerk; reasons for urgency should be stated; Information to Councillors should normally be directed via the Clerk; E-mails from Councillors to external parties should be copied to the Clerk; Councillors should acknowledge their e-mails when requested to do so.

Meetings with the Clerk or other officers:- Wherever possible an appointment should be made; meetings should be relevant to the work of the officer; councillors should be clear that the matter is legitimate council business and not driven by a personal agenda.

Contact with the Media

The Clerk is the first point of contact for the media. Approaches from the media should be referred to Parish Clerk. Individual councillors are not permitted to issue media releases on behalf of the Parish Council.

The purpose of a press release is to make the media aware of a potential story, to provide important public information or to explain the council's position on a particular issue. The Clerk, in consultation with the Chairman, is responsible for issuing formal press releases on behalf of the Council.

Proactive media releases may be issued to promote a decision or work of the Parish Council.

Reactive press releases may be prepared and issued in response to a specific question or as a rebuttal to an article already published. Such statements should be dealt with in a timely manner.

Unless a Parish Councillor has been authorised by the Council to speak to the media on a particular issue, parish councillors who are asked for comment by the press should make it clear that any views they express are personal and not necessarily those of the Council.

Confidential matters, including items discussed at meetings where the press and public have been excluded, must not be divulged.

Letters or articles representing the views of the Council should only be submitted by the Parish Clerk unless they have been specifically approved by Council. If Members choose to express their own opinions on Council matters, they must make clear that the views put forward are those of the individual Member and not representative of Council policy.

Members and the Clerk should always have due regard for the long-term reputation of the Council in all their dealings with the media.

RELATED POLICIES AND PROCEDURES

These include but are not limited to:

Councillor Code of conduct

Social Media

Data Protection/Privacy

Freedom of Information

Records Management