

PROBUS PARISH COUNCIL COMMUNICATION 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.

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 General Data Protection Regulation Act 2018 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 2018 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 2000 or 2018 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 2018 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.

All council business must be done using the official council email addresses for Freedom of Information purposes. All documents should be sent to councillors at their official address and it would be for all councillors to access that address. If any communications are received from a councillor not using their official address, then that communication should be copied to the official address for FoI purposes, and any response should go to the councillor's official address.

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, subcommittee 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 remain open minded and avoid comments that might give the perception of having reached a conclusion.

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

Communication with Press and Public

The Clerk will clear all press reports, or comments to the media, with the Chair of the Council, or the Chair of the relevant Committee.

Press reports from the Council, its Committees, or Working Parties, should be from the Clerk or from the reporter's own attendance at a meeting.

Unless a Councillor has been authorised by the Council to speak to the media on a particular issue, Councillors who are asked for comment by the press should make it clear that this is their own personal view and ask that it be clearly reported as their personal view.

Unless a Councillor is absolutely certain that they are reporting the view of the Council, they must make it clear to members of the public that they are expressing a personal view.

If a Councillor receives a complaint from a member of the public, this should be dealt with under the Council's adopted complaints procedure, or via a Council agenda item.

Councillor Correspondence to external parties

As the Clerk should be sending most of the Council's correspondence from a Councillor to other bodies, it needs to be made clear that it is written in their official capacity and has been authorised by the Parish Council.

A copy of all outgoing correspondence relating to the Parish Council or a Councillor's role within it, should be sent to the Clerk, and it be noted on the correspondence, e.g. 'copy to the Clerk' so the recipient is aware that the Clerk has been advised.

Councillors are expected to abide by the Code of Conduct and the Data Protection Act in all their work on behalf of the Council.

Councillors are expected to maintain an awareness of the confidentiality of information that they have access to and not to share confidential information with anyone. Failure to properly observe confidentiality may be seen as a breach of the Council's Code of Conduct and will be dealt with through its prescribed procedures (at the extreme it may also involve a criminal investigation).

Communications with Parish Council staff

Councillors must not give instructions to any members of staff, unless authorised to do so (for example Councillors with delegated powers from Council)

No individual Councillor, regardless of whether they are the Chair of Council, the Chair of a Committee or other meeting, or are styled 'Leader' of the Council, may give instructions to the Clerk or to another employee which are inconsistent or conflict with Council decisions or arrangements for delegated power.

Emails:

- Instant replies should not be expected from the Clerk, reasons of urgency should be stated.
- Information to Councillors should normally be directed via the Clerk
- Emails from Councillors to external parties should be copied to the Clerk

Document Control

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