

## **PART 5 – COMMUNICATIONS PROTOCOL**

### **1. Introduction**

- 1.1 Medway Council is committed to communicating with the public, keeping residents and partners informed, and involving them in the process of local decision making. Our communications activity should be guided by best practice and must respond to the requirements of the law on local government publicity.

Media relations require a careful and co-ordinated approach in any large organisation. Marketing is a specialist profession which can help the successful delivery of public services.

- 1.2 The benefits of a co-ordinated approach to communications are clear:

- the council is presenting a united and co-ordinated message
- the appropriate spokesperson is identified for each issue
- the flow of information on media inquiries and releases to Councillors is maintained
- we can monitor that we are responding promptly to media inquiries to ensure information provided to the public is accurate and timely
- accurate information about council services and activities is provided quickly through websites and social media

- 1.3 This protocol explains how the council will achieve a co-ordinated approach to communications and will ensure that all communications activity meets legal requirements. It covers:

#### **Section 2 The legal position**

- Code of recommended practice on local authority publicity, issued under section 4 of the Local Government Act 1986.

#### **Section 3 Medway Council's local protocol**

- The role of Medway's Councillors in communications
  - Spokespeople
  - Reporting Cabinet decisions
  - Reporting overview and scrutiny recommendations
  - Reporting Full Council decisions
  - Party political publicity
- The role of Medway's officers in communications
  - The Communications and Marketing team
  - The role of managers and other Council staff

- The role of political assistants
- Targets for responding to media inquiries
- Communications, marketing and publicity with partner organisations
- Assisting others with publicity
- Using external marketing and public relations support
- Cost effective publicity
- Monitoring compliance with this protocol and penalties for non compliance

## 2. The legal position

2.1 Local government communications and publicity are strictly regulated by law and national guidelines. All members and officers must follow these when communicating on behalf of the Council. The Communications and Marketing team can provide advice and guidance about the relevant laws, guidelines and codes of conduct that should be followed.

2.2 In particular the Code of Recommended Practice on Local Authority Publicity sets out a number of important principles. It stipulates that local authority publicity should:

- be lawful
- be cost effective
- be objective
- be even-handed
- be appropriate
- have regard to equality and diversity
- be issued with care during periods of heightened sensitivity

2.3 The code provides substantial supporting detail relating to each of these principles that should be considered in the council's communications and marketing activities. This information is available to view at <http://www.communities.gov.uk/publications/localgovernment/publicitycode2011>

## 3. Medway Council's local communications and marketing protocol

3.1 The following sections describe the local protocols for communication and marketing adopted by the Council. These take into account the legal framework and good practice.

## The role of Councillors in communications

### 3.2 Spokespeople

#### Executive functions and agreed Council policy

The Leader, Deputy Leader and Cabinet portfolio holders collectively hold executive (decision making) positions. These members will be the designated spokespeople on executive functions and agreed Council policy on behalf of the Council to the press, broadcast and other media.

The Leader and each Cabinet member have portfolios - the relevant portfolio holder will be the nominated spokesperson on the area of his/her special responsibility. Where a portfolio holder is for any reason unavailable the Leader or Deputy Leader will determine the most appropriate spokesperson.

It is possible that situations may arise, for example emergencies, when a member who does not have Cabinet responsibilities may act as spokesperson. An example would be a ward member speaking either solely or in conjunction with another spokesperson on behalf of the Council in response to an incident in the area they represent.

#### Overview and scrutiny and other standing Committees

Other members of the Council have been designated with special responsibilities

- Chairs of the Overview and Scrutiny Committees
- Chair of the Planning Committees
- Chairs of other Committees (Audit, Employment Matters, Health and Wellbeing Board and Licensing and Safety) when appropriate
- The Mayor (or Deputy Mayor in his/her absence)

These members may, subject to this protocol, comment on behalf of the Council to the press, broadcast and other media, on all matters relating to their special responsibilities.

#### The role of spokespeople

Any member acting as Council spokesperson is speaking for the Council and not in a party political capacity.

In addition to acting as Council spokespeople, members with special responsibilities will also represent the Council at official events such as openings and launches and at events run by partner agencies.

### 3.3 Ward members

Ward members have an important role in communicating with their constituents. However ward members too must bear in mind the restrictions on publishing political material using Council resources.

When using Council headed paper or e-mailing using Council resources or a medway.gov e-mail address the correspondence should **not** include an overtly party political stance.

Groups are mechanisms recognised by the Council and in law. There is a distinction to be made between a political group of the Council and a political party. As such members may, if they wish, sign their letters with reference to 'member / of x group'. Members should however be aware that reference to any political affiliation will increase the likelihood of correspondence being perceived as party political. It is not appropriate to give party membership – for example labour / conservative/ liberal democrat member for x.

If members wish to make political statements in correspondence Council headed notepaper should not be used.

The Medway logo must not appear on notepaper which includes the logo of a political party or group. This could be interpreted that the group or party stance is that of the Council.

### 3.4 Reporting Cabinet decisions

The Council's website publishes the decisions of Cabinet. However, this may not necessarily reflect the detail and full implications of the issues discussed and there will be a need to publicise and expand on these executive decisions through news releases and the Council's website.

Issues for discussion by Cabinet will be published in the forward plan. The agenda and papers for the meeting are made available to the media and public in advance. Releases issued prior to a Cabinet meeting will be factual only. If an approach is made by the media for an interview before Cabinet – it will be for Cabinet leader or portfolio holder to decide whether or not they wish to comment.

Cabinet representatives and the media team will identify any individual issues warranting other media and website publicity after each meeting. It is possible that journalists attending the meeting or reading the press release will also request interviews with Cabinet members and every effort will be made to accommodate this.

Where necessary the media relations team in Communications and Marketing will liaise with the Leader/Deputy Leader and relevant portfolio holder to prepare news releases following Cabinet meetings. Cabinet news releases, as with all others, should be issued as promptly as possible after the

meeting/event to maximise coverage and to ensure they remain contemporaneous.

Releases will be factual, outlining the decision, the context in which it was made, issues relating to it and any action to be taken. Any quotes included will relate to the member's Council responsibility and will not be party political. Releases on Cabinet decisions will outline the call-in procedure.

The media relations team will respond to media inquiries about decisions of Cabinet, referring journalists, wherever appropriate, to the Leader or portfolio holder.

### 3.4 Reporting overview and scrutiny recommendations

Overview and scrutiny business and recommendations are also reported on the website. Overview and scrutiny Committees deal with two main types of business – policy development and scrutiny of Cabinet and officer decisions.

#### I. Policy development

Releases will be issued, if necessary, in advance. Any media inquiries beforehand will be referred to the relevant chair. If publicity is required on policy investigations this can be discussed with the communications and marketing team.

Publicity about overview and scrutiny will focus on factual information about the issue/s under scrutiny, those involved, how the process works and the recommendations made. It will explain the process for the recommendations being considered by Cabinet.

#### II. Scrutiny of decisions

News releases may be issued following consultation with the relevant chair prior to scrutiny consideration of all called-in items to maintain the flow of information about decisions made and implemented. The release will focus on factual information about the decision and how call-in works. Publicity, if issued following scrutiny deliberation will focus on factual information about the issue/s called in, those involved, how the process works and the recommendations made. Where the course of action recommended is contrary to that proposed by Cabinet, this will be explained and the process for resolving the issue and making a final decision outlined.

Where an issue is referred to full Council for decision, publicity will be restricted to the process involved. No proactive publicity will be issued until a final decision has been made.

If publicity is required for any matters being scrutinised by overview and scrutiny this should be discussed with the communications and marketing team.

### 3.6 Reporting the decisions of Full Council

The decisions of full Council are included on the Council's website. A press release may also be issued after each full Council summarising the decisions made.

Where issued releases will be factual, outlining the decision, the context in which it was made, issues relating to it and any action to be taken. Any quotes included will relate to the member's Council responsibility and will not be party political. Releases will give contact details for the communications and marketing team.

### 3.7 Party political publicity

All parties are of course free to issue their own releases. No council resources however must be used in their preparation or distribution. If Council resources are used the publicity is covered by the restrictions on political neutrality in the 1986 Act and are subject to the code.

## 4. The role of officers in communications

### 4.1 The political neutrality of officers

- All officers must operate within the legal restrictions on publicity described in section 2.
- All officers must, in carrying out their jobs act in a politically neutral way.

Senior officers above spinal point 44 (except school based staff) are also bound by the Widdicombe laws on political neutrality included in the Local Government and Housing Act 1989 which restricts their political activity outside work.

Senior officers may not:

- seek election as an MP or Councilor
- act as a political agent or sub agent
- participate in branch activities of a political party
- speak to the public or a section of the public with the apparent intention of affecting public support for a political party
- write artistic work which could have similar impact

Under the Council's local protocol, particular officers fulfill specialist roles.

4.2 The role of the communications and marketing team in media, public relations and marketing for the council

The media team is responsible for media relations for and on behalf of the council. This includes:

issuing proactive press releases

responding to day-to-day inquiries from the media by issuing statements and/or arranging interviews with members or officers as appropriate

responding to enquiries or mentions of the council on social media

Any manager or employee who receives a media inquiry must redirect it to the media relations team immediately. Any mentions or coverage of the council on social media should also be passed to the media relations team for assessment and, where appropriate, response.

The media relations team will offer advice to members with responsibility as Council spokespeople and managers on the most appropriate approach to media issues. They will also advise on the appropriateness and legality of any proposed proactive and reactive publicity, if necessary seeking further advice from the Council's legal officers.

(i) Proactive releases

The media relations team may issue proactive press releases in a range of circumstances and in conjunction with others, for example emergency services. For example:

to inform about a member decision/recommendation

to publicise how to access a service – particularly if changes are being made

to publicise an event

to promote a campaign or raise awareness of a topic of local interest

to pass on good news for Medway

to publicise Medway's good practice and to raise Medway's profile in support of the Council's core values and other objectives

to publicise an inspection report – good or bad

to publicise the fact that consultation is taking place and how to become involved in it

to inform residents what to do in cases of an emergency or to give safety alerts

to give forward notice of things likely to disturb residents for example roadworks

to announce an appointment, election, reshuffle

to appeal (in the case of a missing person)

The content of proactive releases is drawn up in consultation with relevant officers to ensure factual accuracy.

(ii) News releases

All news releases issued by the media team will be copied on email to the relevant portfolio holder and any other member that the portfolio holder thinks is relevant, and made available in accordance with the 'sharing information on media inquiries and releases' protocol (paragraph (v) below)

Where issues relate to matters of decision by the Leader and/or Cabinet, a draft release will be emailed to the Leader or portfolio holder in advance of release, so that the content can be discussed and agreed.

(iii) Statements/response to media inquiries

The media relations team will, in consultation with relevant officers, issue statements in response to media inquiries. If the inquiry relates to a matter of agreed Council policy rather than simple factual checks the media team will liaise with the relevant portfolio holder.

Where the media team is informed by the journalist making the inquiry that they are responding to a political group issued release the officers' response will be limited to any factual clarification only. The journalist will be given details of the portfolio holder or relevant spokespeople (as relevant depending upon which group has issued the release). The media relations team will inform the relevant member that an inquiry has been received and that a journalist may make contact on the issue. The response to a release issued by a political group thus remains with politicians, ensuring that officers' political neutrality cannot be called into question.

(iv) Proactive public relations, marketing and campaigns

The communications and marketing team is responsible for proactive public relations, marketing and campaigns. Any officer wishing to develop proactive public relations or campaign publicity proposals must discuss ideas with the communications team.



The council has a centralised approach to planning and delivering marketing. Employees should not instigate and conduct marketing campaigns. If a service identifies a potential need for a marketing campaign or materials to support effective delivery of a service, they should seek advice from the communications and marketing team to enable the team to assess requirements and plan accordingly.

**The communications and marketing team will not issue any release or promotional material if the content appears to be in breach of the publicity code or other legislation.**

(v) Sharing information on media inquiries and releases

Copies of all news releases issued and a summary of media inquiries will be sent to the Leader, Deputy Leader, Cabinet, group leaders, nominated media contacts and corporate management team on a daily basis or at the earliest opportunity.

(vi) Media monitoring

The media relations team will purchase relevant local newspapers and hold reference copies for access by staff. Free online monitoring tools are used to monitor council media coverage online.

#### 4.3 The role of managers and other Council staff

Any manager or employee who receives a media inquiry should redirect it to the media team immediately. It is not appropriate for officers to initiate contact with the media or respond to media inquiries independently without first consulting with the media team.

The media team may offer an officer for media interview where the subject matter is purely factual or a journalist is seeking a background briefing. In other circumstances where comments are required on matters of Council policy or the outcomes of member decision making (see above) the most appropriate spokesperson is likely to be a member – that decision will be made by the media team in consultation with the Leader/relevant portfolio holder or Chief Executive and directors in the absence of the Leader or portfolio holder.

Staff should not under any circumstances go to the press with grievances of any kind – these should be handled through normal line management arrangements or by using the whistle blowing policy.

#### 4.4 The role of political assistants

Section 9 of the Local Government and Housing Act 1989 permits the appointments of assistants for political groups (not for political parties). The purpose of the appointment must be to assist in the discharge of functions by

members of a political group as members of the authority. The Act does not permit political assistants to be used in any additional political or other activity.

Political assistants can support Councillors in preparing press releases for their group if those releases relate to members' work as Councillors. Releases prepared in this way must of course not purport to come from the Council. Political assistants may not issue press releases in their own right.

Political assistants may not assist with general press releases for the local/national political party or releases that are not associated with the functions of the group on the Council.

## 5. Targets for responding to media inquiries

- 5.1 The media team has a target of responding to all media inquiries within a maximum 24 hours. Some inquiries may require an even quicker response to meet press deadlines. In the case of TV and radio, responses are required almost instantly and sometimes hourly. The media team will make clear the priority of the inquiry when media staff contact members and officers. Responding on target is only possible with the co-operation of all members acting as spokespeople and all officers asked for information. It can be damaging to the Council's reputation to fail to respond to inquiries.

## 6. Communications and publicity with partner organisations

- 6.1 The Council works in partnership with other agencies. This includes issuing joint communications and publicity. The terms of this protocol and local government publicity law **must** be followed when the Council issues such joint publicity. This is the case even if publicity is issued jointly with organisations not themselves covered by local government publicity law. Any officers discussing potential joint communications activity with other agencies must ensure that partners understand that compliance with this protocol is a condition of any joint arrangements.
- 6.2 The communications team will ensure that all appropriate checks are carried out on any such publicity, and reserves the right to withdraw the Council from joint publicity arrangements if this protocol is not being followed.

## 7. Assisting others with publicity

- 7.1 The principles of the publicity code should also be taken into account if the Council is assisting others to issue publicity. The Council must:
- incorporate the relevant principles of the code in published guidance for application of grants
  - make the observance of that guidance a condition of the grant or other assistance

- monitor to ensure the guidance is observed.

7.2 It is appropriate for local authorities to help charities and other voluntary organisations by arranging for pamphlets and other material produced and paid for by the organisation to be available for collection by the public in public libraries and other suitable locations. Such material should not offend against any legal provision.

## 8. Using external public relations and publicity support

8.1 The Council's in house communications and marketing team provide high quality, cost-effective services in comparison to external providers. Officers should not commission design, creative, print or production services from external suppliers without prior reference to the communications and marketing team. Where the in-house team is able to provide the services required, then the work should be done in house where this represents value for money for the council. Where this kind of work is placed with external companies this should be done through the communications and marketing team.

Officers should wherever possible predict their needs and plan ahead to maximise the use of in house resources.

8.2 A framework of external print providers has been procured by the Communications and Marketing team. They have negotiated competitive rates for the Council as part of a wider consortium. If external print services are to be purchased, companies from this list **must** be used. It is not permissible to go to other companies under any circumstances.

8.3 **Any external public relations or marketing agency acting on behalf of the Council must abide by the terms of this protocol and local government publicity law. These must be conditions of any appointment and written into the contract defining the service the Council will receive and it would be good practice to test their knowledge of the Act and code as part of any evaluation process leading to appointment.**

## 9. Monitoring compliance with this protocol and penalties for non compliance

9.1 Compliance with this protocol will be monitored on an ongoing basis by the communications team. They will liaise as necessary with legal officers and the monitoring officer. It is though the responsibility of all members and staff to understand their responsibilities and obligations under local government publicity law and this local protocol.

9.2 Failure to comply with the code can result in:

- Complaints through the Council formal complaints procedure
- Complaints to the Local Government Ombudsman alleging maladministration
- Complaint to the external audit service over the Council's expenditure
- Judicial review of the Council's decision
- Damaging and unwanted media attention over unlawful publicity
- Reference to the Council's Overview and Scrutiny Committees for a possible investigation