



## **Communications Policy**

### **1. Purpose**

The purpose of this policy is to define the roles and responsibilities within the Council regarding communications. This is a complex area with a considerable amount of relevant legislation. This policy seeks to avoid misunderstandings and ensure that Council, including its Members and Officers, operates in accordance with the law and best practice.

### **2. Scope**

Councillors are provided with a .gov email account and are expected to use only this account for Council business. Personal emails should not be sent from this account. The reasons for this clear guidance are:

- Emails received by the Council's Officers 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 during legal proceedings.
- 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 Parish Councillor or campaigning for election, it may come within the scope of a subject access request to the Member under the 1998 Act.
- If internal emails are defamatory, offensive, or wrongly disclose 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.

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.

### **3. Key principles**

- When writing any official communication it is important to assume that it may have to be disclosed to a court or tribunal or to the Information Commissioner.
- Emails even when they have been deleted can often be retrieved and may be disclosable to a court or the Information Commissioner and so any email should be considered permanent.
- 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. It is therefore important that business language is used at all time in Council emails.

- Information in communications may not be confidential but may be sensitive.
- Always respect the privacy of others and do not write anything in communications that might be construed as offensive or discriminatory.
- Negative comments about an individual, including members of the public, Members, Officer, or business suppliers are not appropriate.

#### **4. Official Parish Council Correspondence**

##### **4.1 Incoming Communications**

Most contact with the Council is electronic. Arising from the legislative protections set out in Section 2, it is therefore necessary there is central point for all communications to the Council in order that a complete record is maintained. Individual Councillors should never be the sole custodian of any correspondence or information received or sent in the name of the Parish Council. The composition of the Council changes from time to time and it therefore imperative there is a central point of correspondence storage. The Clerk's office is permanent and is therefore the primary depository of contact with the Council.

All correspondence for the attention of the Parish Council as a body should therefore be addressed to the Clerk. As there is no way of communicating this requirement to all sources who may approach the Council, if Councillors directly receive correspondence, judgment is required to determine whether the substance of the correspondence is a matter for Council. The following general principles shall be applied to process written contacts.

- Correspondence received by a Councillor from commercial sources, voluntary organisations, the print media, the public beyond Lavenham residents or organisations, should be forwarded to the Clerk for action
- Contact from Officers of Local Authorities about matters pertaining to the Council should be forwarded to the Clerk
- Complaints about the performance or behaviour of the Clerk should be made to the Chair as described in the Complaints policy.

##### **4.2 Outgoing Communications**

- All official correspondence from the Council 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 its official capacity.
- 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. Explicitly blind copying should be avoided to ensure transparency.

##### **4.3 Sharing of Content**

The Clerk receives a high volume of correspondence which will be shared with Councillors as necessary or appropriate; this includes sharing the opinions of members of the public. Councillors do not have a right to obtain confidential information/documentation unless they can demonstrate a 'need to know'.

#### **5. Councillor Contact with External Parties**

Councillors should expect to be contacted by the people they serve. Members of the public can contact Councillors via the email addresses shown on the Parish Council website. These will also be posted on notice boards and Lavenham Life on a periodic basis.

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 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 Clerk to deal with it as appropriate
- Request an item on a relevant agenda provided the Clerk considers it legal
- Investigate the matter personally, having sought the guidance of the Clerk.

Councillors must ensure that all communication with the public on Council related matters reflects the decisions and policies of the Parish Council regardless of the Councillor's individual views on any subject. Should a Councillor have a different opinion to the decision and policy of the Council then they must make it clear that these views are personal.

## **6. Contact with other Councils and Councillors**

Individual Councillors should not approach Officers of other Local Councils or Local Authorities or other Statutory Agencies. This is to ensure that all business matters are processed via the Clerk.

Councillors are empowered to communicate with other Councillors including representatives of other local councils or Local Authorities on a Councillor to Councillor basis. Contact from Councillors whether colleague Parish Councillors or Local Authority Councillors should be regarded as a personal approach from the correspondent. As such the individual Councillor may manage the correspondence personally, providing the substance does not commit the Parish Council to a particular course of action. Where Councillors have doubt the Clerk should be approached for advice.

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. This is to maintain a clear history of issues raised and conclusions reached and to avoid 're-invention of the wheel' at a later date.

## **7. Communications with Parish Council Staff**

### **7.1 Instructions to the Clerk**

Individual Councillors or a group of Councillors may not give instructions to any member of staff, unless authorised to do so by the Council. The Council may not give instructions to the Clerk or to another employee which are inconsistent or conflict with previous Council decisions or arrangements for delegated power unless those arrangements have been varied by a resolution of the Council.

### **7.2 Councillor correspondence with the Clerk**

Instant replies should not be expected from the Clerk who is a single employee with the authority to prioritise the business of the Council. Emails sent out of hours will be responded to within 5 working days. Councillors are asked to be courteous and should respond to emails from the Clerk within the timescale requested by the Clerk when requested to do so. Where timescales are issued by the Clerk this is to ensure that the business of the Council is conducted in a timely manner.

## **8. Contact with the Media (all Forms)**

### **8.1 Approaches from the Media**

- Members and the Clerk should always have due regard for the long-term reputation of the Council in all their dealings with the media.
- The Clerk is the first point of contact for all media enquiries
- Approaches to Councillors from any form of media should be referred to the Clerk.

## 8.2 Approaches to the Media

- Letters or articles representing the views of the Council should only be submitted to the media by the Clerk following specific instruction of the Council. However, on occasions when it is necessary for the public to be informed immediately, the Clerk is tasked to make announcements using Social Media and/or the website and by exception Print Media E.g. Road Closures.
- 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 Chair, is responsible for issuing press releases.
- Unless a Councillor has been authorised by Council or the Chair to speak to the media on a particular issue, 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.
- At no time, should confidential matters be divulged.
- 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.

## 9. Documents for Council and Working Groups

- Agendas and supporting documents should be clear and concise. They should contain sufficient background and details of proposals 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 retain an open mind and avoid comments that might give the perception of having reached a conclusion in advance of the Council meeting.

Implementation Date: 5 April 2024

Review Date: April 2026