

Ealing Council Publicity Protocol

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1. Introduction

1.1 Overview

This protocol sets out how the strategy and engagement department will manage publicity for the council. It also governs how other departments and officers of the council should behave in any activities they undertake that could be considered as publicity.

1.2 Aim and objectives

This protocol aims to ensure council publicity helps build a positive reputation for the council and its services, while always being honest, accurate and politically impartial.

Its objectives are to:

- Show the council is open and accessible and that it listens to residents and partners.
- Present information on the council's policies and services so people are more informed and can take advantage of the services available to them.
- Handle negative issues clearly, honestly and decisively and defend the council from unfair criticism by providing factual information.
- Ensure all publicity is appropriate, cost effective and lawful.
- Improve employees' perception of the organisation by being open and honest with them.

2. Legal Framework

2.1 Local Government Act 1986

The council operates within the legal framework set out in the Local Government Act of 1986, which states that: "A local authority shall not publish any material which in whole, or in part, appears to be designated to affect public support for a political party."

Section 6 of the Act defines publicity as "any communication, in whatever form, addressed to the public at large or to a section of the public."

This protocol therefore includes, but is not restricted to:

- all media relations activities
- all online activities undertaken by the council
- all council publications, such as leaflets, magazines and newsletters
- all paid for advertising and sponsorship activities.

2.2 Code of Recommended Practice on Local Authority Publicity (2011)

The council also works within the Code of Recommended Practice on Local Authority Publicity published in August 1988 and amended in April 2011.

Section 4 (1) of the Local Government Act (1986) requires the council to have regard to the contents of the code in coming to any decisions on publicity.

The code also sets detailed guidance that says all 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 Other relevant laws

The work of the council's Strategy and engagement department will also be affected by several other pieces of legislation, including but not only:

- Contempt of Court Act 1981
- Copyright, Designs and Patents Act 1988
- Children Act 1989
- Data Protection Act 1998
- Defamation Act 1996
- Freedom of Information Act 2000.

3. Principles for Ealing Council publicity

The council is committed to effective communication so that the borough's residents are well informed about council services, the reasons for decisions and the role they can play in shaping future developments. The council will be honest and accurate in all of its communications.

3.1 Political neutrality

- All council publicity, in whatever form, will be politically neutral.
- All publicity will reflect the approved policy or operational activities of the council and not the views of a particular political party.
- The council will neither produce nor contribute to producing any party political publicity.
- The media team will not deal with media enquiries relating to party political issues or provide advice on dealing with political enquiries.

- The council will not take out paid for advertisements in any publication produced by a political party.
- The council spokesperson will normally be the relevant cabinet member, or in their absence the leader or deputy leader of the council.
- Where a spokesperson is quoted in council publicity, the comment will reflect council policy.

3.2 Objectivity and balance

- Publicity will set out the council's position on government policy or proposals and the reasons for that position but will avoid conjecture.
- Publicity on council policy will concentrate on providing facts and giving an explanation for the council's position.

3.3 Value for money

- The council will make maximum use of free and low cost channels of communication and promotion, such as online activities and media relations.
- Where free channels are insufficient or unsuitable, paid for advertising will be used primarily for operational messages.
- The council will give greater priority to publicising services, policies or decisions that affect large numbers of people, or demonstrate a specific council objective or priority.
- Although under the code it is permissible to publicise the work of individual councillors, resources mean it is not possible to publicise the work of all 69 members. In the interests of cost effectiveness and fairness council publicity will therefore concentrate on issues that affect more than one ward or which illustrate a council initiative, policy or priority. This excludes any materials produced by or in connection with the ward forums.

3.4 The period before elections or referendums

- Separate and up to date advice will be issued by the director of legal and democratic services in the run up to each election or referendum.
- It is unlawful for the council to publish or assist in the publication of publicity designed to affect support for a political party or to incur any expense with a view to promoting the election of a candidate.
- Special care in relation to all publicity must be taken during the pre-election or pre-referendum period – sometimes known as the ‘Purdah’ period. Between the publication of a notice of election or referendum and polling day publicity should not deal with controversial issues, or report views, proposals or recommendations in a way that identifies them with individual councillors or groups of members.
- Council publicity must not mention, feature or quote any candidate for the election, nor feature or quote any councillor. The exception is when a lead member comments in an emergency, or on an important event outside the council's control, where there is a genuine need for a council response and it is inappropriate for that response to be given by an officer.
- Particular care will be taken in relation to any public events, press conferences or photograph-opportunities arranged by the council during this period. No such arrangement will be made in respect of any councillor, except where there is a clearly demonstrable reason for believing that the council's interests would be adversely affected by holding the event at another time. The agreement of the chief executive and or the director of legal and democratic services will be obtained for any event that is considered to fall within this exception.
- Media and communications officers will take extra care during the pre-election or pre-referendum period to ensure the media is only given factual information not mentioning individual candidates or councillors. If a political comment is sought the reporter will be given contact details for all political group offices and all candidates.

4. Use of photography, images and video

The strategy and engagement department maintains an electronic library of images taken by members of the department, professionally commissioned photography and purchased stock images.

Images may only be loaded on to the library when all relevant permissions have been obtained. Where there are any stipulations about how an image can be used or where a photographer must be credited, information will be recorded with the image to make that clear.

4.1 Taking pictures of people for publication

- Permission is needed of all the people who will appear in close up in a photograph, or video (including webcam) image before the image can be reproduced. Where possible it is preferable to obtain consent before the image is taken.
- The individual will be told how their image will be used and who might see it.
- Consent is not required from people who are in a photograph of a large crowd in a public place, provided the photograph is reasonably related to the subject matter.
- Photographs will be captioned correctly.
- Care will be taken when choosing an image to go with a story about a controversial issue. It may be more appropriate to purchase a stock image.
- Care is needed when cropping a photograph so the context in which the photograph was taken is not altered.
- Permission to use photographs of people only applies for a limited time (our consent forms specify four years), so they should either be disposed of or permission renewed.

4.2 Photographing children

- A signed consent form must be obtained from the parent, guardian, or carer of any child who is under the age of 18 years. Without this the images cannot be used.
- Particular care should be taken with children with special educational needs. Where photography is taking place in a school, a consent form should be sent in advance to the parents, via the head teacher of the child's school.
- For looked after children the council is the corporate parent. Therefore permission needs to be obtained from the relevant social worker. A cautious approach must be taken and if there is any doubt the child should not be used in photography.
- Parents retain the right to withdraw consent at any stage for images held by the council. This should normally be in writing. The image will then be removed from the council's image library to remove any risk of continued use.
- The council will make every reasonable effort to inform third parties that the permissions have been revoked if images have recently been issued. It will

then be up to the media/third party organisation to decide if they use the image.

- Where group shots are organised and children cannot be identified, the head teacher can give consent. This must be in writing.
- Care must be taken when photographing sporting or swimming events to protect the modesty of the people pictured.
- Requests from the media to take photographs/videos of children and young people at council facilities must be passed to the media team for approval.
- In the case of schools, the head teacher can deal with media filming or photography requests themselves without requiring council permission, but can contact the strategy and engagement team for advice.

5. Publicising prosecutions and court proceedings

Care must be taken to ensure that publicity about court proceedings does not expose the council to legal challenge. In particular:

- The council will not comment on criminal prosecution cases once proceedings are active ie from the time of any arrest to the conclusion of the court case. The council may instead comment in general terms about the usual process for dealing with that particular set of circumstances or explain its policy on the matter.
- The council will not usually comment on any other type of legal case once proceedings are active ie from the time that proceedings are issued to the conclusion of the court case. The council may instead comment in general terms about the usual process for dealing with that particular set of circumstances or explain its policy on the matter.
- Publication of court proceedings must be accurate and contemporaneous (Contempt of Court Act 1981) in order to retain privilege, ie the right to report proceedings without legal challenge.
- All publicity relating to court cases must be checked with the council's legal team and/or officer attending court before publication.
- Any publicity should be published as soon as possible after the conclusion of the case – that is likely to be within a few days for news releases. A case by case decision will be taken for inclusion in council publications.
- The information must contain the date of the court case to make it clear when it took place.

- Details published must be restricted to information read out in open court.
- Once an appeal has been lodged, there are restrictions on what can be published and only basic information can be given i.e. name of defendant, conviction and the fact that an appeal has been lodged.
- Children who are subject to care proceedings must not be identified and details of these cases will not be discussed.
- Victims of sexual offences must not be identified. The council will ensure that it does not identify victims, either overtly or through confirming any details that could lead to identification.
- The media team will seek legal advice where there is concern about a media story that involves the council that could lead to children who are subject to care proceedings or those who are victims of sexual offences being identified.

6. Media relations

6.1 News releases and online features

The purpose of news releases is to attract coverage in independent media in order to inform and raise awareness about council services and functions, explain reasons for particular policies and priorities, and improve local accountability. They need to catch the attention of the media and ensure positive coverage about the council.

Online features (at www.ealingnewsextra.co.uk) are another manner in which to capture positive coverage, and raise awareness, of council services and the council's partnership work/projects within the community. These features' primary aim is to engage and inform local people but they could also potentially attract the attention of independent media.

It is important that news releases and features are always accurate and correctly represent the council's position, so it is appropriate that there is a documented sign-off process.

However, releases and features must also be issued in a timely manner, so the need for a full sign-off process must be balanced against the need to issue quickly, before it loses its news value. There is therefore a two-tier sign-off process, allowing more routine matters to be dealt with expeditiously.

- All council news releases can only be issued by the media and communications team. Features, however, may also be produced by marketing officers, where appropriate.

- Where appropriate, news releases will be tailored for specialist media.
- The final version(s) of the news releases and features will be archived for future reference, together with details of who signed it off.
- All news releases will be sent to all councillors and the local MPs.
- News releases will usually be published on the council's website. The exception is releases which have been tailored for a more specialist audience such as trade publications. Features will be published on www.ealingnewsextra.co.uk
- All news releases and features will also be promoted via the appropriate social media channels.

Full sign-off process - policy, service changes, court cases or politically sensitive matters

- For any matters of policy, including decisions that are going before cabinet, and anything that could be politically or legally sensitive or controversial, news releases should be signed off by the relevant service officer, as well as the head of communications, executive director and cabinet member and/or the council leader.
- If a release is issued concerning a cabinet decision, it will state clearly the decision is subject to call-in.
- Where a news release is about a controversial issue, it will state the facts and make the council's position clear.

Expedited sign-off process - routine business and service delivery

For routine matters, including information about minor events or small service changes such as bank holiday opening hours, the release or online feature will go through an expedited sign-off process as follows:

- They must be agreed in principle by the head of communications, or person appointed to act in their absence.
- They must be checked for accuracy by the relevant head of service or someone more senior if they are not available.
- All quotes must be signed off by the person being quoted.

- They must be signed-off by the head of communications or media and communications manager, or corporate publications manager if appropriate

Social media

The media and communications team proactively uses social media such as Twitter and Facebook to promote events, activities and service changes. For matters where a full sign-off process is not required and it is deemed to be timely and appropriate the media and communications team may choose to use social media rather than issuing a formal release. Where possible the content will refer back to the council's website for further information and may include a quote from the relevant cabinet member.

Media and communications officers may also issue information to social media first and follow-up with a news release in order to be timely in publicising information to the public. For example where it is appropriate to issue a news release after an event has taken place, the media team may promote the activity via social media while it is happening. Further details will then be issued via a news release after the activity, following the correct sign-off procedures.

6.2 Spokespeople

- The relevant cabinet member will usually be used as the spokesperson quoted in news releases and will be given first opportunity for any interviews arising as a result.
- For routine matters, including information about minor events or small service changes such as bank holiday opening hours the release does not require a council quote.
- Online feature stories: On a matter of council policy, the feature will seek to quote the most relevant cabinet member (unless it is *purdah*). Feature can also quote any local person, expert or council officer where appropriate.
- Council officers may be called upon by the media team for media interview if the cabinet member is unavailable, if the subject matter is about an operational issue or expert opinion, or if the interview is required to take place during a pre election or pre referendum period. Media and communications officers will undertake interviews only as a last resort.
- Council officers may be required to provide written or verbal briefings for the cabinet member if they require detailed operational information in advance of a media interview.
- Whenever a reporter or photographer is on council premises for interviews or filming, he/she will be escorted by a member of the media and communications team.

6.3 Media briefings and press conferences

- Media briefings will be used where significant issues are likely to be complex and controversial. A member of the media team will always be present together with the appropriate officers/cabinet members.
- Briefings will be offered to the most appropriate media, as determined by the media and communications team and agreed by the head of communications.
- Press conferences will be used where the council anticipates a high volume of media enquiries, because it allows information to be given out quickly and consistently. They are most likely to be used where the council is dealing with or in the aftermath of a major incident.
- Press conferences will be chaired by the head of communications or the media and communications manager. That person will introduce the panel and control the question and answer session.

6.4 Reacting to media enquiries

The media team will work closely with officers and councillors to ensure an accurate response to requests for information and comment from the media and to ensure that the council does not lose its right of reply.

- The media team will deal with all media enquiries on behalf of the council, apart from anything of a political nature, which will be referred to the relevant group office.
- No members of staff should comment directly to the media without first gaining permission from the media team or head of communications.
- All media enquiries and responses issued will be logged for future reference by the media team.
- Media often have short deadlines, so requests for information from media officers should be dealt with by the relevant service by the given deadline as a priority.
- It is important for media officers to have a full understanding not only of the question, but of any related issue. Media officers may therefore request other information in addition to what is being asked by the journalist.
- If a council officer is asked to supply the media team with information it is important that they also inform them of any related issues or background information.

- The media team will decide who will be the most appropriate spokesperson. This will normally be the relevant cabinet member or the council leader.
- If a journalist calls asking for a response to a quote or news release from an opposition member, the media team can deal with the query as long as it is not a political issue.
- There will be occasions when the media team deems it preferable for an officer to speak directly to a journalist to avoid the need for a very long and complex written response. In such circumstances help and support will be offered.
- In dealing with enquiries, information about individuals will normally only be given in order to correct an inaccuracy or when the individual gives their permission.
- The media team will take care not to breach data protection rules and it may sometimes be necessary to explain a process or policy, rather than comment on an individual case.

6.5 Issues management

- All council officers will advise the media team of any potential negative media stories or issues that are likely to result in future media stories as soon as possible.
- Where the media team is aware of something that might result in media enquiries, the team will seek a briefing on the issue in order to be prepared for any media enquiries.

6.6 Monitoring and responding to media coverage

- The media team will monitor the coverage the council receives and send out regularly a summary of media coverage to all councillors and key council officers.
- If an officer notices a story about their service area that contains inaccuracies, they should ensure the media team is aware.
- Any non-political follow-up letter to the editor, or other response to stories, must be issued via the media team. No other council officers have permission to correspond with the media.

7. Working with other organisations

- When departments enter into any major contracts they must consult the media and communications team to agree an approach for publicising any

joint work, this includes issuing news releases, using social media and dealing with media enquiries or emerging issues.

- References to Ealing Council in news releases by other organisations must be approved by the media and communications team.
- When media enquiries are received about issues that also affect other organisations, the media team will liaise with the relevant body, for example the police, to agree a response.
- The media team should be alerted to the need for partnership releases in good time due to the complexity of needing to obtain clearance from two or more partners.
- Head teachers and schools are at liberty to deal directly with media enquiries but can sign-up for support for crisis communications via the ELP communication offer.
- If necessary the media team will work closely with head teachers and the council on enquiries about individual schools and in difficult circumstances, the media team can handle all media enquiries on behalf of a school.
- For schools not signed up to receive support there will be a charge levied.

8. Related guidance and policies

- Events and VIP visits
- Social media guidance notes
- Advertising and sponsorship
- Corporate identity guidelines
- House style guidance

9. Reviewing the protocol

- The head of communications will monitor the effectiveness of this media protocol in association with the director of strategy and engagement and corporate management team on a regular basis.

