

# The Highland Council – Media Protocol

## Introduction:

Local Authority decisions, services and projects are of considerable interest to the media. You only have to open a local paper or view a press website to see the volume of articles which relate to Council business.

The Highland Council deals with around 2500 media enquiries per year and issues some 700 press releases per year on behalf of the Council.

Due to the need for transparency, integrity and political neutrality, it is important that the Council has a way of ensuring that press releases and interviews reflect these values and it is the role of the Communications Office to support this.

## 1.1 The Protocol:

This protocol aims to clarify the identification of appropriate spokespersons for proactive and reactive communications. This includes interviews and quotes in news releases, as well as senior Members responding to media enquiries. The protocol also sets out when, and when not, it is appropriate for a press release to be made on behalf of the Council.

The protocol supports all the objectives outlined in the Council's Corporate Communications Strategy, (2019-22) in particular objective 11 which states:

*“To provide strategic communications advice and training to assist members and officers who have responsibility for communicating Council initiatives, policies and decisions, as well as agreed campaign activities.”*

The purpose of the Corporate Communication Strategy is to support delivery of the Council's programme and to ensure effective communications with Highland people and relevant stakeholders. The strategy seeks to ensure that communications are managed in a planned, consistent and proactive way.

The protocol aims to achieve transparency, fairness and consistency in all decisions regarding media handling and public relations activity, and is in line with the Local Government Act 1986 and the [Code of Practice](#) 1988, which sets out guidance on publicity for Local Authorities.

## 1.2 Political Neutrality:

The Council Communications Office and all Council Staff must remain politically neutral at all times. Only Council news releases which refer to Council related matters, policies, functions, decisions and programme commitments may be issued by the Communications Office. Group or Political Party press releases must only be

issued direct from the Group/Party. Council resources may not be used for party/group political purposes.

The Council actively undertakes lobbying and campaign activities in key areas, where this is agreed as part of the agreed Council's Programme. The Council's communications will however, at all times, remain factual, politically neutral and cannot be used to promote political views, personal opinions or individual ward member interests.

### **1.3 Pre-Election Period**

Prior to an election, referred to as the pre-election period, special care should be taken as there is a period of sensitivity, when specific conduct guidance applies.

During this period there is an obligation:

- to ensure that public resources are not used for party political purposes; and
- not to undertake any activity that could call into question the political impartiality.

In all cases essential business, which includes routine business necessary to ensure the continued smooth functioning of public services must be allowed to continue. During any pre-election periods, there are specific restrictions, as well as national (UK and Scottish Government) guidance governing local authority publicity. The Council may not publish anything which could be perceived as being politically biased.

Particular care should be taken over government announcements, such as any planned launches or initiatives, that could have a bearing on matters relevant to the elections. In some cases, it may be better to defer an announcement until after the elections. Each case should be considered on its merits.

Press releases relating to routine "business as usual" may be issued quoting the appropriate service manager or Director, but will avoid quoting members. In exceptional circumstances, where members are quoted or photographed, there must be cross-party representation.

This specific pre-election guidance for Staff, Members and Schools is issued prior to an election and the Communications Office and Elections Manager will provide advice and guidance.

### **1.4 Media enquiries**

The Communications Office handles around 2,500 media enquiries per year and these are logged together with the response provided. All staff should refer direct media enquiries to the Communications Office to maintain an overview of enquiries and responses.

Factual responses will be provided with the support of the relevant Officers. Requests for comment will be referred to the appropriate Administration member.

Members of the media will often go to local members for comment on matters or incidents of interest in their area. Where this relates to a local council issue, the Corporate Communications Office will endeavour to brief local members with background information and/or lines to take at the earliest opportunity, if these are not covered by a press release. Local members can also refer media enquiries to the Communications Office, or to the appropriate Committee Chair or their Group Leader.

Members should not hesitate to contact the Communications team for advice regarding any media enquiry that is not party political. Officer and staff are not permitted to provide advice or support on party political matters or to use council resources for this purpose. (see section **1.2**)

Press releases are copied to all members by email and are published on the Council website and circulated on social media. If press releases are embargoed to a later date/time, they will be circulated to members and published at that time. Private background briefings may be given to members, as appropriate, where there are sensitive, complex or confidential issues.

There is a joint multi-agency media protocol for managing the communication of high-profile incidents involving schools. (eg. substance abuse, public health matters etc). This protocol enables effective liaison between the agencies, Police, NHS and the Council and joint responses to media enquiries where appropriate. It also assists with decision-making around the content of letters being sent to parents regarding sensitive incidents.

For incidents involving the Police or criminal matters, see section **3.3**.

### **1.5 Filming and recording permissions**

Permission must be sought in advance for all filming and recording requests within council premises or with council employees, through the corporate communications office.

If permission is granted, to film within council premises, media/filming visitors must be badged accordingly and accompanied, by a member of staff, in line with building security and access policy.

No filming or recording within the chamber of a meeting is permitted without the agreement of the Chair. (Filming and recording protocol within meetings is also covered in the Social Media Policy and in the Community Council meeting protocol.)

Specific high profile events such as elections and VIP visits must have media accreditation in place.

Where there is limited space or security/other reasons for restricting media access, a media "pool" will be utilised, with the interested media asked to form a pool and share material.

Requiring permission to film is in line with Ofcom's Broadcasting Code of Practice.

*8.8: When filming or recording in institutions, organisations or other agencies, permission should be obtained from the relevant authority or management, unless it is warranted to film or record without permission.*

#### **Requests to interview members of staff:**

All such requests should be referred to the Corporate Communications Office. Usually any interviews should be carried out by the relevant strategic chair. If the subject requires factual explanation or operational information, (such as the scientific explanation of ice on winter roads or an environmental health matter etc), it may be appropriate for the relevant Head of Service, senior officer or the Chief Executive to be interviewed or to agree an appropriate member of their staff to be the spokesperson. The relevant strategic chair should be kept informed in this case. Interview training and tips should be sought and can be provided by Corporate Communications.

#### **Requests to film staff and or assets as part of a film or documentary:**

Filming in the Highlands is a key part of the Highland economy. Enquiries and approaches to film in a Highland location should be referred to the Film Commission for guidance and support.

However, requests to film staff or assets are not routine media enquiries. All such requests must come through Corporate Communications and must have the agreement of the Chief Executive and Leader. Such requests carry a number of risks and are resource intensive, therefore a clear case of benefit to the Council, through participation, must be demonstrated.

Risks may be that a service is being promoted and by the time the film is aired, that service may have changed or no longer be a priority or be funded in the same way. There may also be other potential uncontrolled reputational risks.

If agreement is reached, a contract must be drawn up (by the Highland Film Commission), which has clear protocols, including the right to preview and authorise content prior to airing.

The Film Commission should be made aware of such requests and the outcome. On approval, the Film Commission will facilitate such requests.

The production company should be referred to Film Commission guidance on filming in the Highlands:

<https://scotfilm.org/wp-content/uploads/2021/07/Code-of-Practice-2021.pdf>

## **1.6 Visits to Schools and children's facilities**

### **Political requests to visit schools (out with the pre-election period)**

From time to time schools will receive requests for a visit by an elected politician.

All such requests from politicians to visit schools or a children's home must be referred to the Corporate Communications office and Executive Officer Education.

See section 1.2 on Political Neutrality. The Council Communications Office and all Council Staff (including teaching staff) must remain politically neutral at all times.

Neither Children and young people in the care of the council, nor council assets (such as school buildings) may be used for party political purposes.

Any requests to visit must be firstly considered by the Head Teacher as to whether they would be non-disruptive on the date requested, and referred to the Executive Officer and Corporate Communications office who will inform the Parliamentary Officer.

The Parliamentary Officer maintains a log of all political visits and requests to the Council. Consideration of requests to visit must be treated in an even-handed and non-political way.

### **Photography:**

Aside from political neutrality, data protection law states that you must take extra care when using children's personal data, to ensure their interests are protected.

The school need to have a valid reason to publish photos or videos of pupils and agreement by parents, or pupils over the age of 12, to do so. These are referred to in data protection law as 'lawful bases'. While parents, who have granted permission, may reasonably expect photos of children to be taken for class photos, school awards etc, they may not reasonably expect photographs to be taken with politicians or by politicians for their own use.

Posting photos or videos to a public account, (such as a politician's social media or blog or newsletter) viewable by an indefinite number of people, is likely to go beyond personal use. In this instance, there would be implications and obligations under data protection law and to consider whether individuals in the photos or videos (or their guardians) would reasonably expect the images to be used in this way.

On this basis, while visits may be considered and permitted, requests by political representatives or political candidates to photograph pupils, or to bring a photographer to take photographs, will be refused.

### **Official visits:**

Outside a pre-election period, photographs may be arranged or permitted by the Corporate Communications office, for an **official** visit to a school of an office-bearing elected politician (whether Council or Government), in an **official** capacity. This may be, for example, to open a new school building, make an announcement, present an award or congratulate students for an attainment or achievement.

The Head Teacher must ensure that appropriate permissions are in place for any pupils and staff photographed during an official visit.

Ref: <https://ico.org.uk/for-the-public/schools/photos/>

### **1.7 Political Requests to visit schools during Pre-election period:**

All such requests from politicians, whether elected politicians or candidates, to visit schools or a children's home must be referred to the Executive Officer and the Corporate Communications office, who will inform the Parliamentary Officer and Elections Manager.

Should visits be permitted to schools, it should be on the basis that there is no disruption to learning. Where it is decided to agree such visits, the key principle is that the same facilities should be available to all candidates, and that there is no disruption to services, and no photography.

Particular care should be taken when publicity is issued immediately prior to an election or by-election affecting the authority's area to ensure that this could not be perceived as seeking to influence public opinion, or to promote the public image of a particular candidate, or group of candidates. Between the time of publication of a notice of an election and polling day, publicity should not be issued which deals with controversial issues, or which reports views or policies in a way that identifies them with individual members or groups of members.

Photographs of candidates with pupils or staff are not permitted.

Photography of a school building is permitted from the public highway, however photographers must avoid photographing images of children or staff.

Ref: <https://www.gov.scot/publications/local-authority-publicity-code-of-practice/>

## **2. Member and committee publicity:**

### **2.1 Spokespersons**

As the Council is a member-led organisation, elected members take the lead role in publicising the priorities, policies and decisions of the Council.

Officers will not usually provide comment in statements or interviews. They will however provide factual information, explanation and clarification for media enquiries, and for the purpose of interview requests in agreement with their Executive Officer or Head of Service. The Chief Executive or Executive Officers may wish to comment on specific issues relating to their field of expertise, professional role, or in exceptional circumstances, with the agreement of the Leader.

**Emergencies and major incidents:** Senior Officers will lead on operational or emergency incident matters. There may be a role for a Civic Leader or Convener, as

part of the response agreed with Emergency partners, in terms of thanking emergency services.

When drafting news releases and statements, Communications Officers will quote Office Bearers/Administration portfolio leads - the Leader of the Council, Depute Leader, Convener, and/or relevant Committee Chairs/Vice-Chairs, Provost, Area Leaders or other portfolio holders where relevant, eg Veterans' Champion.

In some cases, it may be more appropriate to quote, or include a quote from, a senior officer, if the quote relates to technical expertise or a professional role.

In the case of a local issue, the Committee Chair may consider it relevant to permit a quote from a local ward member, speaking on behalf of other ward members. This would be coordinated through the Ward Manager, in agreement with the Committee Chair. The views of individual Ward Members cannot be promoted. (see para **2.6**), however Members are free to directly offer the media their own comments.

Communications Officers will usually draft the quotes, in liaison with the member or in line with their comments at committee, and provide them to members/officers for their approval. In the absence of the above approval or where quotes are needed urgently, they will be approved by the Communications and Resilience Manager or an Executive Officer.

In extremely urgent cases, Communication Officers may use their own professional judgement to provide appropriate quotes or agreed lines to take, as necessary.

The Council will never say "no comment". Sometimes, for legal reasons, or for reasons of employee or customer/client confidentiality, we are unable to comment on a particular issue. Where this is the case, we would usually explain that we are unable to comment and state the reason as part of a statement. (e.g. "we are unable to comment due to ongoing legal proceedings")

Individual quotes should be kept to a minimum in news releases, where possible. Two or three at most is best practice. A pragmatic approach will be taken where quotes from partners for joint press releases need to be included.

Where interviews are requested, these bids will be discussed with the appropriate Member or Officer. Interviews will be considered positively, where appropriate, however only given if the right Administration or Officer spokesperson is available and if appropriate to do so. Support will be provided by Communications Officers in terms of advice and guidance and any media interview training requirements or requests.

Where media opportunities or launches are held in a Ward, the Ward Manager will liaise with Ward Members.

Media interview guidance is available on the Intranet and media training can be provided if required.

Press releases require approval from those quoted and relevant senior officers/report authors. The final draft should be sent for information to relevant Administration Members or relevant Ward Members, who may be asked for comment on a specific topic. All press releases are sent via Vuelio to all Members at time of issue to the media, unless embargoed; and to Senior Community Development Managers, Executive Leadership Team and Corporate Communications Team.

## **2.2. Office-bearing Portfolios**

The Leader, Depute Leader or Convener should be quoted to support major Programme commitments. Where these relate to specific services or committees, the Committee Chair or Vice Chair should be quoted. It may be that a specific “champion” will be nominated to promote a particular project or theme.

For news stories or development projects with an area dimension, for example, The West Link, the opening of a new office, school or a road, it is appropriate to quote the Committee Chair/Vice Chair or Area Leader/Provost. It is recommended that a local lead Administration spokesperson is identified as a lead spokesperson for local projects, where the Committee Chair is not “local”.

It is important to quickly address media enquiries or issues which relate to complaints or have a reputational impact, e.g. housing, children’s’ services. It is appropriate to quote the relevant service Committee Chair/Vice Chair and/or the Service Director.

Issues concerning the UK or Scottish Governments should be responded to by the Leader or Depute Leader or Chair of the relevant Committee.

The Convener will lead on issues surrounding the business of Council meetings and Highland wide strategic civic duties.

Where a Committee Chair is not a member of the Administration, they can be quoted on matters of committee business, however the Vice Chair or other Administration portfolio holder may be quoted on matters of Council policy initiatives, projects and programme commitments and relevant launches.

Key spokespersons for specialist areas, not identified by Council, are agreed with the Administration.

## **2.3 Local Committees:**

The Communications office also supports the work of the Local Committees in promoting items of interest on the agendas and the outcome of any decisions at meetings. Local Chairs will normally be quoted in addition to any relevant portfolio holder for the topic.

It will not always be possible for a press officer to attend a Local Committee and in this case, Ward Managers will provide an update on the outcomes of decisions for

public communication. Communication Officers will liaise with Local Committee Chairs regarding key points of interest.

In instances where the Local Chair is not a member of the Administration, the Communication Office will provide support, but can only publish comments in line with Local Committee's work and decisions.

## **2.4 Area Provosts/Depute Provosts**

Media releases and quotes relating to Civic Lead, Provost or Depute Provost duties will be confined to that civic role\*. Examples are 100<sup>th</sup> birthdays; Diamond Weddings; visits of Cruise Liners; World Mountain Bike Championships; Hogmanay Celebrations, visiting dignitaries etc. (\*Except where the Provost is also Leader/Committee Chair)

## **2.5 Common Good Fund Announcements**

Media releases and quotes relating to Common Good funded projects or awards of funding should quote: Local Chairs/Provosts.

### **2.6.1 Local initiatives/Ward Members:**

The Communications Office can help publicise positive stories about local council or common good initiatives, investments and news, where this helps to promote council priorities and values or is a Council response to a local matter.

The Code of Recommended Practice on Local Authority Publicity sets out clear guidance governing Local Authority publicity.

Ward Members, may be quoted as a group, or one Member on behalf of the group, with the other Members' agreement, in liaison with Ward Managers. The Council cannot promote the views or business of individual Ward Members,

The press office can provide communications advice to councillors, but cannot provide political advice or produce press releases for members on individual ward or party political issues.

Individual Members may provide comment directly to the media or issue their own press releases if they wish to do so, on any matter they choose.

### **Sections 39 to 42 of the Code of Recommended Practice on Local Authority Publicity state that:**

*“The functions of a local authority are discharged by the council corporately. It is therefore inappropriate for public resources to be used to publicise individual councillors. In the interests of public accountability, however, it may be appropriate to give publicity to the views or activities of individual members when they are*

*representing the council as a whole: for example, when the chairman of a council speaks or acts as the first citizen of the whole community, or when a chairman of a committee opens a new scheme or launches a policy approved by the council or by his committee on the council's behalf".*

*(This does not prevent a member of staff of a local authority from responding to questions about individual members, since that is not "publicity" as defined in the 1986 Act.)*

## **2.7 Media inquiries about individual councillors**

The Communications Office will inform councillors as soon as possible after receiving any media enquiries relating to them. In such circumstances, the Communications Office can provide advice and guidance to councillors on non-political matters only.

## **2.8 Planning applications**

The Council does not comment on planning applications ahead of a Planning Committee decision, except to confirm that an application has been received.

Individual councillors may be contacted the advice is to avoid saying anything that could be seen as being prejudicial to the outcome of the application.

Responding to the media in these circumstances may prevent a member from participating in any decision making process related to the application.

If a member wishes to make any comment, the advice is to speak only in general terms and to preface the quote with: "It would be inappropriate to comment on an individual planning application." Advice should be sought from the relevant Planning Officer or the Monitoring Officer.

Members are reminded to comply with the requirements of the Councillors' Code of Conduct when making any public comment (including press and social media) about a planning or licensing application in advance of that application being determined by the appropriate Committee.

## **2.9 Licensing Board**

The Highland Licensing Board is constituted as an independent regulatory body by virtue of Section 5 of the Licensing (Scotland) Act 2005.

The main function of the Board is to regulate premises that sell alcohol to the public.

In general terms, no comments will be made on licence applications ahead of their consideration by the Licensing Board. The fact an application has been lodged can

be confirmed and also that all applications will be judged on their own merits and in relation to the board's policies. Any comment after a decision would come from the Chair or Vice Chair of the Board.

## **2.10 Licensing Committee**

The committee deals with applications for taxi, private hire and street trading licences and sets the taxi tariffs.

In general terms no comments will be made on licence applications ahead of their consideration by the committee. Any comment after a decision would come from the Chair or Vice Chair of the Committee.

## **3. Media reporting**

### **3.1 Media Inaccuracies**

Inaccuracies in reporting should not be ignored. Unless errors are pointed out to the media, they will be unaware of the damage or indeed distortion the report has caused. Any such matters or a suspected breach of the Editors' Code of Conduct should be reported to the Communications Office as soon as possible. A resolution should be sought in the first instance with the editor of the newspaper or website. If this fails, the matter may be considered for a report to the Independent Press Standards Organisation (IPSO) <https://www.ipso.co.uk/>  
The Council has had some success in having a complaint upheld, where there are sufficient grounds to appeal.

### **3.2 Incidents involving other organisations**

The Communications Office maintains close working relationships with other public and private sector organisations. We will liaise with relevant partner agencies before issuing any statements or information which may impact on them. We will always be publicly supportive of partners and will not criticise them through the media.

Specific joint media protocols are usually put in place for long-term or large scale projects, for example, the City-Region Deal or Green Freeport.

The Highland Council works closely with partners on resilience matters through the Local and Regional Resilience Partnerships (LRP and RRP). There is a regional communications strategy for major incidents and emergencies. Police Scotland generally leads on the Response phase and the Local Authority leads on the Recovery Phase of an incident.

The Communication Team will endeavour to circulate received partner press releases (eg NHS, Police Scotland, COSLA) to all Members as soon as they are received.

### **3.3 Incidents involving Police investigations or Crown matters**

We work closely with our partners in Police Scotland where there are criminal investigations relating to or which may impact on council business.

It must be noted that “active” cases are subject to Contempt of Court Act legislation and therefore this restricts what anyone can say.

A case becomes “active” when a person has or is about to be charged, and the case remains active until sentencing.

It is very important to seek advice from the Communications and Resilience Manager prior to commenting on such matters.

### **3.4 Social media**

The Communications Office monitors activity on social media, in particular Twitter and Facebook, in line with the Corporate Communications Strategy and our Social Media Policy. Monitoring is undertaken within a limited resource and capacity, during office hours.

The Policy is to refer enquiries or complaints or requests for service to the website or to the Service Centre. Requests for service via social media are signposted to the formal channels of service provision.

**Social Media Policy** [ow.ly/GSEQp](https://www.highland.gov.uk/report) Report problems [\\_highland.gov.uk/report](https://www.highland.gov.uk/report) Contact us by phone: <https://www.highland.gov.uk/contactus>

All media releases are tweeted (and published on Facebook), with the link to the website new story.

In line with our Social Media Policy, we will generally only retweet messages from partner organisations or other known and recognised non-political organisations, in order to share joint messages or show support for joint initiatives or spread important information.

We will not retweet/share messages of a political nature or which could be perceived to be politically biased in any way.

The Social Media Policy and Guidance is on our website. Specific guidance for members is available on the members’ intranet and further training and advice can be provided if required.

### **3.5 Training**

Media relations and social media training can be provided to Councillors and Officers and training materials and guidance is available.

**Ruth Rountree Provan**

**Communications and Resilience Manager**