CHARITY COMMISSION
FOR ENGLAND AND WALES

Open consultation

Draft guidance: charities and social media

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Applies to England and Wales

Contents

Understand how your legal duties are relevant to your charity's use of social media

Social media can be a powerful communication tool for charities, to raise awareness or better engage beneficiaries.

But it can introduce risks:

- its fast pace can increase the risk of posting content that is inappropriate or, in extreme circumstances, breaches the law
- removing or deleting content can be difficult

This guidance is to help trustees understand how their legal duties apply when their charity uses social media and what to consider if issues and incidents arise.

You do not need to be an expert on social media to think about how your charity can use it effectively, the risks it may bring, and how you can manage those risks by acting reasonably, honestly and responsibly to protect your charity.

If you use social media:

- adopt a social media policy so that you have internal controls in place that are appropriate, proportionate and are clear to everyone at the charity using social media
- ensure you use social media only to help you achieve your charity's purpose (https://www.gov.uk/guidance/charity-purposes-and-rules) (what your charity was set up to do) and in a way that is in your charity's best interests
- comply with relevant laws and regulations
- any campaigning or political activity that you do on social media complies with the rules on political activity and campaigning (https://www.gov.uk/government/publications/speaking-out-guidance-on-campaigning-and-political-activity-by-charities-cc9)
- ensure your processes help you keep people safe online. Read the "Operating online" (https://www.gov.uk/guidance/safeguarding-duties-for-charity-trustees#operating-online) section of our guidance on safeguarding

1. Set a social media policy

If your charity uses social media, you should have a social media policy.

Make sure that trustees, staff and volunteers using social media are familiar with the charity's social media policy.

A policy will help you and your charity understand and explain:

- how your charity uses social media (including how it fits with your charity's purpose)
- your requirements around the conduct of trustees, staff and volunteers
- how you will engage with the public on social media
- who needs to be involved if things go wrong

Depending on how your charity uses social media and its size or complexity, use the headings below to help you understand the areas to cover in your policy. (This list is not exhaustive.)

Doing this will help you set your overall approach and identify the processes to include, and what to consider if something goes wrong.

1.1 How your charity will use social media

- what your objectives are in using social media
- what platforms you will use
- whether you will create private community groups or host discussion forums
- what your policy is on moderating third party content, for example what comments you will respond to and how, and what comments you will like or reshare

1.2 Your oversight and controls around who uses social media on your charity's behalf

- how you manage access to your charity's social media accounts and social media security
- who can post day-to-day content, and about what. For example, routine announcements of the charity's work
- when additional approval is needed, and who is involved. For example, high profile announcements or dealing with a social media crisis
- who is responsible for reviewing and moderating content and how often
- who can delete content, and in what circumstances

1.3 Required conduct for those managing the account

- your rules including compliance with relevant laws and any codes of conduct
- your rules around managing interactions with children and young people and/or with vulnerable people
- how you will ensure your staff and volunteers have the skills and knowledge to use social media appropriately
- how you will check the policy is being followed and act if it is breached

1.4 Relationship to other policies

- how this policy interacts with your policies and processes on safeguarding (https://www.gov.uk/guidance/safeguarding-duties-for-charity-trustees#operating-online), risk (https://www.gov.uk/government/publications/charities-and-risk-management-cc26), whistleblowing (https://www.gov.uk/guidance/report-serious-wrongdoing-at-a-charity-as-a-worker-or-volunteer) and HR

- the charity's policy on personal use of social media that may negatively impact the charity (this could be a signpost to your HR policy)

1.5 Responding to incidents

- who can amend or delete content, and in what circumstances
- when you and/or your senior staff need to be involved
- when issues need to be reported to the full trustee board
- if, when and how you will respond to complaints or criticism on social media
- what to do if you receive abusive messages including how you will support trustees, staff and volunteers if they are the subject of online abuse
- checking if you need to [report a serious incident (https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity)](https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity) to the Commission

You should set a regular review date for your policy. You should also check it is working effectively after any major incident.

A number of organisations provide social media policy templates which may help you develop your own policy.

2. Managing potential risks in posting social media content

People can behave on social media, or respond to criticism they receive on social media, in ways they would not when speaking or writing to the public.

Your social media policy, along with appropriate trustee, staff and volunteer communications and training, should make clear that your charity should not post or share content which is, or which could be regarded as:

- harmful
- inconsistent with your charity's purpose or not in its best interests
- in breach of the law

You should ensure that your social media use is likely to be compliant with any relevant laws, for example:

- UK GDPR rules on publishing personal information or data
- privacy (misusing private information or intruding on a person's right to privacy)
- copyright law
- defamation law
- whistleblower protection
- equality and human rights including discrimination, victimisation, harassment, and freedom of expression

You should also be aware of the rules or any codes of conduct of the platforms you are using. This includes risks associated with spreading false information, particularly if this is shared with intent to mislead.

Publishing certain content can result in a criminal offence, which is a police matter. Examples of criminal offences (https://www.cps.gov.uk/legal-guidance/social-media-guidelines-prosecuting-cases-involving-communications-sent-social-media) include communications which constitute hate crime or are malicious, threatening, indecent or grossly offensive.

If you are using social media in riskier contexts, for example with vulnerable individuals or when campaigning on controversial topics, you may want to consider taking independent advice from a suitably qualified person.

2.1 What to do about problematic content posted or shared by your charity

We expect you to think carefully (https://www.gov.uk/government/publications/its-your-decision-charity-trustees-and-decision-making/its-your-decision-charity-trustees-and-decision-making) about how you will deal with problematic content, including where this has been posted by a trustee. Manage any conflicts of interest, (https://www.gov.uk/guidance/managing-conflicts-of-interest-in-a-charity) for example by asking the trustee who posted the content to leave the meeting where you decide your response.

Where there has been an apparent breach of the law, the charity should act immediately including by deleting or removing the content if that is possible. You should be clear how that breach took place and respond in line with your social media and/or HR policies.

You should also consider whether you need to make corrective public statements. It may be reasonable not to make such statements but you should balance that against any risks of not doing so.

Consider whether to report an incident to the Commission if it has caused significant harm or loss to your charity or the people it helps. Find out more about what we mean by significant harm or loss and about reporting serious incidents (https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity).

2.2 What to do about problematic content posted or shared by anyone connected to the charity

Trustees, employees or volunteers are free to post or share personal content and viewpoints on their own social media accounts.

Sometimes there are risks that an individual's posts are interpreted as reflecting those of a charity. For example a trustee, employee or volunteer could post inappropriate content:

- using a personal account where they can be associated with the charity, either through mixing both personal and professional content or because they list their workplace or role
- using an entirely personal account that could reasonably be linked to the person's role at the charity

As a trustee you are responsible for identifying and managing risks like this, such as by being clear what your rules are, which may be set out in your social media and/or HR policies. This is not intended to prevent general personal use of social media but to help make clear when the charity may have a legitimate concern as the employer.

If personal content has brought negative attention to the charity, consider what actions you may take based on how problematic the content is and what your policy says.

If you work with partner organisations, you should minimise the risks of your charity being unduly associated with comments made by them. Read our guidance about working closely with [non-charitable organisations (https://www.gov.uk/guidance/guidance-for-charities-with-a-connection-to-a-non-charity)](https://www.gov.uk/guidance/guidance-for-charities-with-a-connection-to-a-non-charity).

2.3 What to do about problematic content from third-parties on your social media

Facilitating comments from others on your social media can be a valuable way for the charity to hear directly from and to engage with supporters, beneficiaries and the wider public. Different platforms enable different degrees of control and moderation.

But it also means that others could post inappropriate or illegal content on the charity's social media, or through associated groups and forums.

If someone outside the charity has posted problematic content, you should consider:

- what action you should take, based on how problematic the content is and what your policy says. This will help you comply with relevant laws and with your own rules
- if you wish to report this to the platform to ban or block users from any further engagement with your charity
- taking legal advice and reporting matters to the police where appropriate. For example, if there is a material risk to the personal safety of you, an employee, volunteer or beneficiary
- whether your charity would benefit from using tools (or reviewing the tools you use) that can help you moderate content, including managing who can comment, and settings to hide or delete comments from certain users. This may include moderating comments before publication

3. Engaging on controversial topics

Your charity can engage on emotive or controversial topics if this is a way of achieving its charitable purpose and is in the charity's best interests.

You should plan appropriately, for example consider:

- the risks to the charity, including its reputation, and actions you can take to mitigate these. These include informing key stakeholders of your plans and thinking about how the charity's conduct on social media may help manage potential criticism (for example by acting with tolerance and respect)
- the impact on your resources and staff, for example of receiving significant number of complaints or negative attention
- whether your complaints process is fit for purpose
- other rules or regulations that might apply, for example rules on advertising and broadcasting administered by the Advertising Standards Authority (ASA)

4. Campaigning or political activity on social media

Charities may use social media to engage in campaigning and political activity.

However, campaigning and political activity by charities are subject to additional rules, set out in our guidance on campaigning and political activity (https://www.gov.uk/government/publications/speaking-out-guidance-on-campaigning-and-political-activity-by-charities-cc9/speaking-out-guidance-on-campaigning-and-political-activity-by-charities). So, if you are planning campaigning or political activity on social media, as well as considering the points in the previous section, make sure:

- that everyone involved knows the rules set out in our guidance on campaigning and political activity (https://www.gov.uk/government/publications/speaking-out-guidance-on-campaigning-and-political-activity-by-charities-cc9/speaking-out-guidance-on-campaigning-and-political-activity-by-charities)
- you take extra care around elections

You can use our decision-making (https://www.gov.uk/government/publications/its-your-decision-charity-trustees-and-decision-making/its-your-decision-charity-trustees-and-decision-making) guidance to help you make a proper consideration before you start, and continue to assess the risks. Make sure you keep written records to help show how you reached your decisions.

5. Fundraising on social media

The Code of Fundraising Practice (https://www.fundraisingregulator.org.uk/code) applies to fundraising on social media platforms. The Code outlines both the legal rules that apply to fundraising and the standards designed to ensure that

fundraising is open, honest and respectful. The Commission expects all charities that fundraise to fully comply with the Code.

Read [Charity fundraising: a guide to trustee duties (CC20) (https://www.gov.uk/government/publications/charities-and-fundraising-cc20)](https://www.gov.uk/government/publications/charities-and-fundraising-cc20)

6. Staying safe online

Adopt processes that help you manage access to your charity's social media accounts and manage your social media security, including what to do if someone gains access to the charity's accounts who shouldn't.

Be aware of others creating fake accounts for you or your charity, which can happen whether or not you are using social media. Inappropriate content can be shared from these fake accounts.

Know how to identify and report them to the social media platform.

Read the '[Small Charity Guide (https://www.ncsc.gov.uk/collection/charity)](https://www.ncsc.gov.uk/collection/charity)' and '[Social Media and how to use it safely (https://www.ncsc.gov.uk/guidance/social-media-how-to-use-it-safely)](https://www.ncsc.gov.uk/guidance/social-media-how-to-use-it-safely)' guide produced by the National Cyber Security Centre, which covers various aspects of cyber security.

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