

SOCIAL MEDIA POLICY

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Section 1 – Employee guidance

1.1 Introduction

Scottish Borders Council (SBC) recognises that social media presents opportunities to engage with residents and service users within the Scottish Borders.

Alongside these opportunities it must be recognised that there are risks attached to the use of social media. Distribution of material cannot be controlled. Once posted to an initial target audience, material can be posted anywhere through the networks of each individual in that audience and beyond. This poses potential reputational risks for Scottish Borders Council. It is therefore important that users of social media understand the consequences as well as the benefits of the technology.

The most important thing to remember is that social media is simply another form of communication. As such all of the Council's policies and procedures apply to the use of social media in the same way as they do to any other written or verbal communication. The safest course is to not say or do anything online that you would not do offline.

This policy is closely aligned to the council's E-mail, Internet and Telephony Acceptable Use Policy which highlights that the use of the council's computer network and equipment is monitored and audit logs of all electronic communication are created and examined. SBC reserves the right to examine the content transmitted via its network. Employees found to be abusing their privileges, engaging in unlawful use of the facilities or accessing the internet excessively or inappropriately will be dealt with under the disciplinary policy.

The following policies are also particularly relevant to the use of social media for both personal and business purposes:

- Code of Conduct for Employees
- Policy on Dignity & respect in the Workplace
- Disciplinary Procedures for Misconduct
- Equality, Diversity & Human Rights policy
- Guidance on Politically Restricted Posts and
- E-mail, Internet and Telephony Acceptable Use Policy (as explained above).

An employee's use of social media must also comply with any professional standards which apply to them, such as the SSSC Code of Practice or the GTCS Code of Professionalism and Conduct.

Our aim is to uphold the principles of our [Code of Conduct for Employees](#) and other policies ensuring that our employees behave in a manner which does not cause offence or bring the Council into disrepute.

This applies to employees' use of social media, whether within or outwith working hours and whether through Council or private equipment.

Any breach may be regarded as misconduct and investigated in terms of the Council's Disciplinary Procedure. This may result in a disciplinary sanction being imposed up to and including dismissal.

The policy is set out in more detail below but in summary:

DO remember that communicating by social media has the same effect as communicating verbally or in writing.

DO NOT say anything via social media you would not say directly to a person.

DO remember that anything communicated via social media may result in disciplinary proceedings if the communication breaches Council policies.

DO NOT say or give the impression you are communicating in a professional capacity or on behalf of the Council unless expressly authorised to do so.

DO NOT make inappropriate comments in regards to SBC as your employer. If you have any concerns, these should be raised through the normal channels.

DO be mindful that any social media postings can be accessed by 3rd parties and copied and posted to other forums.

1.2 Purpose and Objective

SBC has developed this policy to help promote the responsible use of social media. It outlines the key principles and conduct expected of all employees when using social media both for business and personal use and whether through council or private equipment.

The policy will help employees to make appropriate decisions regarding their use of social media.

The policy also outlines the obligations of customers when interacting with the council via social media (section 2). Sections 2(1) – 2(4) of this guidance is published on the council website www.scotborders.gov.uk to ensure customers contacting the council via social media are aware of the standards in place.

1.2.1 Objective

The objective of this policy is to protect staff, service users, clients, customers and the reputation of Scottish Borders Council by providing a framework for the effective and safe use of social media.

This policy clarifies the standards required of Scottish Borders Council employees when using social media for both business and personal use.

There are specific safeguarding issues that employees who work closely with children or adults at risk need to be aware of. This is highlighted in section 1.6 of this guidance. It is recommended that any employee with specific concerns regarding these service users seeks further advice from their line manager, both for the protection of the service user(s) and themselves.

1.3 What are Social Media?

Social media are web-based and mobile technologies where users can easily participate in, share and create content. The most common types of social media include:

Social networking - an online based forum that allows users to create a public profile and form relationships with other users of the same site who access their profile. These sites can be used to share personal details, post comments, and share photos and videos with other users world wide. The most popular sites include Facebook, Twitter, Instagram, Snapchat, Pinterest and LinkedIn. This also includes the SBC Yammer platform.

Blogs - online journals, containing entries, appearing with the most recent first. Most blogs are interactive and allow people who access the blog to leave comments and correspond with each other.

Microblogging - a form of social networking where users post small amounts of content online, usually through the mobile phone network. The most popular microblogging site is Twitter.

Content communities – a platform to organise and share particular kinds of content, for example, videos and photos. Examples include YouTube and Flickr.

Wikis - websites that allow people to add content or edit information to them, acting as a communal document. The best-known wiki is Wikipedia.

Forums - online based discussions often around a specific topic or interest.

Chat Rooms - websites, part of a website, or part of an online service such as AOL, that provides a venue for communities of users with a common interest to communicate in real time.

The above list is not exhaustive but intended to provide an example of what is meant by social media. This policy will also apply to any new or emerging technologies or mediums in the future.

1.4 Professional use of social media

Social media sites may be utilised within Council departments and by schools – but these sites must be approved by Corporate Communications. This policy will apply to all existing and future accounts.

Employees who are required to post updates to Social Media sites as part of their job should do so in a professional manner which is consistent with the Council's style guide. When doing this, they should be aware that as well as potentially being personally liable for anything they post, when acting in the course of their work duties the Council may also be liable for the actions of employees.

Social media content must not bring Scottish Borders Council into disrepute and only publicly available information may be disclosed.

Scottish Borders Council requires employees using social media tools on behalf of the council to:

- Access the official Scottish Borders Council accounts/profiles, not personal profiles.
- Identify themselves as working for Scottish Borders Council.
- Ensure they do not conduct themselves in a way that is detrimental to the reputation of Scottish Borders Council.
- Ensure their interaction on these sites does not damage working relationships between employees, partners or any other Scottish Borders Council stakeholder.

- Ensure any information published to these sites has been through the necessary checks to promote accuracy.
- Not post or send confidential information which may breach the **Data Protection Act 2018 or the General Data Protection Regulation**. Consult your manager if you are unsure.

An employee's use of social media must also comply with any professional standards which apply to them, such as the SSSC Code of Practice or the GTCS Code of Professionalism and Conduct.

An example of inappropriate conduct pertaining to professional use of social media is:

Mr Wilson, a secondary school teacher has been using Facebook as a forum to answer questions and guide classroom related discussions despite being advised that Glow and Wikispace are available for that purpose. Comments and questions from the original posting on Facebook start to deviate from the original purpose, and become personal and inappropriate, therefore breaching the professional boundaries. Following this, a parent complains to the head teacher who investigates the matter further. Due to the contents found on Facebook, Mr Wilson is then advised that action will be taken in line with the Disciplinary Policy.

1.5 Personal use of social media

The Council understands that individuals employed by the council are entitled to express themselves freely outside of work. However, employees should be aware that posting certain information or comments in regards to SBC, even in their own time and using their own equipment, may be in breach of the Council's **IT Policy on E-mail, Internet and Telephony Acceptable Use** and/ or other Council policies. This could result in disciplinary action, up to and including dismissal, in accordance with our **Disciplinary Policy**.

When communicating, posting or agreeing to comments electronically, employees should consider the impact this may have on their job or their colleagues, clients, service users or customers. If employees identify themselves as employees of Scottish Borders Council they must not act in a manner which could bring the Council into disrepute or affect colleagues, clients, service users or customers.

Employees using social media **must not**:

- Post comments electronically or distribute by e-mail, anything which could cause offence or that may be considered discriminatory or anything that may be considered as bullying and harassment.
- Post statements which are bigoted, hateful or discriminatory.
- Post or distribute images, videos or messages that may bring the Council into disrepute. For example anything that might be considered indecent, pornographic, obscene or illegal.
- Post or send confidential pupil, client or service user information which may breach the **Data Protection Act 2018 or the General Data Protection Regulation**. Consult your manager if you are unsure.
- Communicate with clients, pupils or service users (whether as friends on Social Networking sites or otherwise) in a way that could be

deemed inappropriate, unprofessional or potentially breach confidence and trust.

- Correspond with clients, pupils or service users from personal email accounts in a way that could be deemed inappropriate.
- Cause interactions or communications on these sites to damage working relationships between members of staff, employer or clients.
- Post expressions of personal anger or abuse against another employee.
- Publish untrue statements about another person which could damage their reputation or working relationships.
- Use the Council's logo unless authorised and only for business-related purposes.
- Post inappropriate comments about the Council or working for the Council.
- Post derogatory comments, in your work capacity, about decisions made by the Council. (This does not apply to employees where they are acting in their capacity as trade union representatives and are communicating the view of their trade union.)
- Make use of any confidential information gained through your work with the Council.
- Comment on behalf of the council unless expressly authorised to do so.
- Behave in any way which could be considered unacceptable or unprofessional.
- Under no circumstance should offensive comments be made about the Council, Members, or colleagues on the Internet. This may amount to cyber-bullying or defamation and could result in disciplinary proceedings as well as criminal or civil court proceedings.

An example of personal use of social media which could result in disciplinary action and lead to dismissal is:

Tracey, a social care worker for the council commented on her personal facebook that she was annoyed she missed her bus home because 'John' her client was held up at a doctor's appointment for a personal condition she was accompanying him to. The following day another employee advises her manager that she has seen comments on Tracey's page which she feels are inappropriate. Tracey is then advised by her manager that a disciplinary investigation will be conducted which could result in disciplinary action.

1.6 Children and Adults at Risk

There are specific issues that employees dealing with children and adults at risk must be aware of when using social media. These employees should not:

- Communicate with clients, pupils or service users (whether as friends on Social Networking sites or otherwise) in a way that could be deemed inappropriate, unprofessional or potentially breach confidence and trust.
- Correspond with clients, pupils or service users from personal email accounts in a way that could be deemed inappropriate.
- Post images of clients, pupils or service users on personal social media accounts.

1.6.1 Teachers

The General Teaching Council Scotland's (GTCS) Code of Professionalism and Conduct (CoPAC) makes it clear that pupil/teacher communication of any kind must be professional, appropriate and justified.

Teachers should be extremely cautious in using any form of technology which might leave them open to any criticism or suggestion that they are unable to maintain an appropriate professional relationship with their pupils and students.

It is worth noting, for example, that the GTCS Disciplinary Sub-Committee has in the past imposed the ultimate sanction of removal from the register on teachers who seriously breached the pupil/teacher boundary using Social Media.

An example which could result in disciplinary action is:

Miss Bell is a secondary school teacher and is sent a Facebook friend request from one of her pupils which she accepts. Her pupil is then able to access images of her and comments on a picture of Miss Bell one of her friends has posted of her on a night out. The pupil's mother sees this on Facebook and makes a complaint to the head teacher. The head teacher finds this is breach of CoPAC and action is taken against Miss Bell in line with the Disciplinary Procedure.

The Scottish Social Services Council Code of Practice informs staff that as a social service worker you must protect the rights and promote the interests of service users and carers. This includes respecting and maintaining the dignity and privacy of service users.

As a social services worker you must uphold public trust and confidence in social services. In particular you must not abuse the trust of service users and carers or the access you have to personal information about them; form inappropriate personal relationships with service users or behave in a way, in work or outside work, which would call into question your suitability to work in social services.

An example of a social care worker using social media inappropriately is:

Leanne, a social care worker in a children's unit has posted pictures online of her recent birthday party. Another member of staff noticed that a 15 year old service user in Leanne's care appears in the photographs. As this breaches the professional standard expected of a social care worker an internal investigation is conducted and action is taken in line with the Disciplinary Procedure. Due to the serious nature of the allegations Leanne's manager also reports the incident to the Scottish Social Services Council.

1.7 Cyber-bullying

Cyber-bullying is when someone or a group of people use a mobile phone or the internet to send or post text or images which may be offensive, intimidating, malicious, humiliating or insulting towards an individual or group of employees. Cyber-bullying can take many forms, for example:

- Someone continually sending messages after being asked not to.
- Sending messages that are threatening or upsetting.
- Setting up profiles on Social Networking sites with the sole purpose of making fun of someone.
- Posing as someone else for the purposes of publishing material in their name to cause offence, ridicule or humiliate others.
- Posting rumours or gossip and instigating others to dislike or gang up on the target.
- Sending abusive text messages, offensive pictures or video by mobile phone or posting them on social media sites.

An example of cyber-bullying which could result in disciplinary action is:

Michael is approached by a colleague who advises him that comments about his sexuality have appeared on another member of staff's social media page. Michael is extremely upset by this and brings this to the attention of his manager. An investigation is conducted and it comes to light that 2 other members of staff have joined in the online discussion about Michael's sexuality. As a result of the investigation action is taken in line with the Disciplinary Procedure.

1.8 Breaching the policy

Any behaviour deemed as unacceptable online or through mobile technology or which is harmful to the Council, brings the Council into disrepute or is harmful or offensive to employees, service users or clients of the Council will not be tolerated.

Incidents of this nature will be considered as a breach of this policy and treated as misconduct. If after investigation it has been found that unacceptable conduct has occurred, disciplinary action may be taken in line with the Council's **Disciplinary Procedure** up to and including dismissal for serious offences.

The safest course is to not say or do anything that you would not do offline.

Similarly, if you believe that anyone associated with the Council is acting illegally, unethically, dangerously, fraudulently or otherwise improperly, you should make use of the Council's Whistle blowing Procedure (contained in the Code of Conduct) and not communicate this through any form of social media.

1.9 Legal issues

1.9.1 Personal Liability

The Council expects employees to be mindful when opening social media accounts that they are agreeing to information being published on a public domain regardless of privacy settings. Employees should be aware that they, as an individual, are potentially legally liable for anything they write or present online. There may therefore be criminal and/ or civil legal sanctions imposed on the individual.

Once something is posted online the author has to assume that it remains in the public domain forever and that they remain responsible for it. For this reason it is recommended that login and password details are kept confidential at all times and appropriate security and privacy settings are in place.

When making personal views public on web pages, blogs, forums, social networking sites or other internet forums, employees are advised to use a disclaimer explaining that the views contained are personal views.

An example of a disclaimer which could be included on a social media page is:

The views expressed on this page are my own personal views, and not those of my employer.

1.9.2 Employer's Liability

There are circumstances under which employers can be held legally responsible for online content published by their employees. This includes action taken as part of their role within the organisation and material published on official organisational channels or somewhere that has been previously sanctioned by the company. It may also include material published privately if it can be linked to your employment. It is therefore important all employees are aware of the potential legal issues as well as the Council's policy on engaging with social media.

1.9.3 Defamation

You should consider whether a statement can be proved before writing or using it, otherwise you may be guilty of defamation. **In law, the onus is on the person making the statement to establish its truth.**

Defamation is the act of making a statement about a person or company that is considered to harm reputation, for example, by lowering others' estimation of the person or company, or by causing them to lose their rank or professional standing. This statement may be made verbally or in writing.

Action can also be taken against anyone repeating defamatory statements from another source, so careful checks are needed before quoting statements from other blogs or websites. This can also apply to linking to defamatory information.

1.9.4 RIPSА/Covert Human Intelligence Source (CHIS)

NB This section of the policy does not apply to all investigations.

In particular it does not apply to investigations under Human Resources policies, for example Disciplinary, Grievance or Attendance Management investigations.

This section only applies to investigations that fall within the scope of the RIPSА legislation. Detailed guidance on when RIPSА applies can be found in the Council's policies on Covert Surveillance and Covert Human Intelligence Sources mentioned below.

Where an officer proposes to make use of Social media during the course of their employment, that use may have implications under the Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSА).

The council has detailed policy guidelines on Covert Surveillance and on the use of Covert Human Intelligence Sources and reference must also be made to those documents.

In conducting an investigation, a regulatory officer may wish to access social media accounts to obtain information. It is vital when doing so that any such officer is aware of the RIPSА regime and, should their activities fall within its ambit, ensure that they seek appropriate authorisations.

For Council purposes, RIPSА applies where it is intended to undertake

covert surveillance for the purposes of a specific investigation in a manner which is likely to result in the obtaining of private information about a person. It also applies where a CHIS is to be established – that is a person intends to establish a relationship with another person for the covert purposes of obtaining information. (Further detail on these matters is contained in the policies detailed above).

Therefore where an officer intends to use social media to either covertly obtain private information in connection with an investigation, or, through social media to create a relationship with another to covertly obtain information, authorisations under RIPSAs will be required.

However not all use of social media will amount to covert surveillance and where it does not do so, no authorisations are required.

In understanding where RIPSAs apply or otherwise consideration should be given to the likelihood of the subject(s) knowing that the surveillance is or may be taking place.

It is also important to consider separate elements:

- The different ways in which social media websites may be accessed by council officers to carry out investigations:
- The differing privacy settings which might apply to social media accounts
- The nature of the information being sought
- The way the information will be gathered and stored

(1) Access to social media can be achieved in the following ways:

- Using the officer's private social media account
- Through an identity created specifically as the department's representative
- Through a covert identity using a false name

(2) The privacy settings of a social media account can include:

- Public – anyone can view
- Friends only – only those who have been accepted as "friends" by the account holder can view
- Customised – only identified individuals (or groups of individuals can view)

Where a social media account whose settings are public is viewed, either through an officer's own account, or a department account clearly in the name of an SBC department, the activity is not covert and no authorisation is generally required.

However, Scottish Government Code of Practice directs that even sourcing this public information can give rise to RIPSAs considerations in certain circumstances. If an officer visits this material on a recurring or systematic basis to gather information for a particular regulatory investigation directed at an individual or group of individuals, a directed surveillance authorisation may be required if personal information is likely to be obtained.

Consideration may also require to be given to whether a CHIS authorisation is required. Where an officer interacts through social media with another party, as part of a regulatory investigation, in circumstances where the other parties could not reasonably be expected to know their true identity (i.e. their position as an Officer of the Council), a CHIS authorisation should be considered.

A CHIS authorisation will not always be required. Where a website or social media account requires a minimal level of interaction (such as sending or receiving a friend request before access is permitted) this may not in itself amount to establishing a relationship. Equally, the use of electronic gestures such as "like" or "follow" in order to react to information posted by others online would not in itself constitute forming a relationship. However, it should be borne in mind that entering a website or responding with these gestures may lead to further interaction with other users. A CHIS authorisation should be obtained if it is intended to engage in such further interaction to obtain, provide access to or disclose information.

Where an interaction is to be sent from a departmental account - and the name on that account **clearly identifies** that the interaction comes from a representative of the Scottish Borders Council the activity may not be covert and may not require authorisation. Advice must always be taken from either the Director – Regulatory Services, or, the Chief Legal Officer before embarking on this course of activity.

Best practice suggests that officers' private social media accounts should not be used to view online material in connection with an investigation. Doing so would create an increased risk to their welfare and security. It further suggests that such activity should be conducted via computer terminals that cannot be attributed to a member of staff or the public authority.

Where a covert account is established using a false name then clearly the need for RIPSAs authorisations will require to be kept under regular review.

Section 2

2.1 Acceptable use policy – guidance for customers

Most online communities have their own rules and guidelines, which we will always follow. We reserve the right to remove any contributions (or ban users) that break the rules or guidelines of the relevant community, or any of the following:

- Be civil, tasteful and relevant.
- Do not post messages that are unlawful, libellous, harassing, defamatory, abusive, threatening, harmful, obscene, profane, sexually oriented or racially offensive.
- Do not swear.
- Do not post content copied from elsewhere, for which you do not own the copyright.
- Do not post the same message, or very similar messages, more than once (also called "spamming").
- Do not publicise your, or anyone else's, personal information, such as contact details.
- Do not advertise products or services.
- Do not impersonate someone else.

2.2 Defamation

Please take care not to make defamatory statements. In law this means a statement that lowers the reputation of a person or organisation in the eyes of a reasonable person. By publishing such a statement we can both get into serious trouble. We will therefore take down any statement that could be deemed to be defamatory.

2.3 Pre-election period

The Council itself, as opposed to its political Administration, must be politically neutral in its communications in accordance with the [Local Authority Publicity Code of Practice](#). Therefore, please do not use any of our pages to promote party political messages or other content.

This is a particularly sensitive issue in the run-up to an election - local, Scottish or general - and we need to be mindful of how content may be perceived (regardless of what was intended).

We will remove any comments that we believe may compromise our obligation to maintain political neutrality.

2.4 Complaints

Please note that you should not rely solely on a social media platform to raise concerns. Not all platforms will be monitored continuously, especially outwith normal working hours. If you have a formal complaint about the council, you must contact us via our complaints process: [Make a complaint | Scottish Borders Council \(scotborders.gov.uk\)](#).

If you have a concern about something posted on a web or social media page that the Council is responsible for, please contact the [Corporate Communications Team](#) who can either deal with your issue or identify and contact the profile 'owner'.

2.5. Council approach to connections on social media

2.5.1 Purpose

We may choose to 'follow', 'like' or otherwise establish connections with other organisations and individuals using social media. This is so that we can maintain contact with what other social media users are saying and, where appropriate, share their content. Sometimes we also need to establish a connection so that we can engage with users, e.g. via direct messages or posting. This is an ever changing area of communications and as such the Council will review and amend its practice continuously.

2.5.2 General approach

The Council has a variety of different social media profiles and the following approach can be taken as applying to them all. There is no fixed approach on who we will have in our network, but as a guide, the connections may include the profiles of the following:

- Scottish Borders Councillors or any other politician commenting on matters of interest to the Scottish Borders and the Council in particular
- public, private and voluntary sector partner organisations
- community organisations and campaigning groups
- media and journalists,
- any other commentators or opinion formers that the Council may want to follow.

We will become aware of new profiles to follow through our own work but may also choose to act when notified of a profile we may be interested in. It is not possible for us to automatically know about social media activity that might be of interest, e.g. if someone relevant to our work creates a Twitter profile. Decisions on who to connect with lie with the manager of the particular Council profile.

2.5.3 Endorsement

We do **not** implicitly or explicitly endorse any individual or organisation merely by creating a social media connection, regardless of the terms used by social media providers such as 'follow' or 'like'. Indeed, we will maintain social media connections with organisations that are critical of the Council and/or have opposing views. Nor do we hold any responsibility for the content of such profiles.

2.5.4 Removal

Once connected, we will not remove a profile from our network unless there is some over-riding reason to do so, e.g. because it poses a significant and material risk to our reputation and credibility, or a significant and material breach of our obligations to maintain political neutrality.

It is not possible to be prescriptive on what would pose such a threat and each case will need to be considered on its own merits.

2.6 Contacting us via social media

Please note that you should not rely solely on a social media platform itself as a method of contacting us. Not all platforms will be monitored continuously, especially outwith normal working hours.

Our responses to replies, comments and direct messages depend on the individual service. Even if we do not reply, we are listening and will act on or pass on your comments as appropriate. In most cases, it will be better to contact the service directly through online contact forms on our website or via our Customer Advice and Support Service.

If you want to make an official complaint, you must contact us via our complaints procedure.

If you want to request information, contact our Information Team: InfoTeam@scotborders.gov.uk.

Our social media platforms are not intended to be used by the media or politicians to contact us:

- If you are a member of the media, please see our [media centre](#).
- If you are an elected representative, not including a Scottish Borders councillor, (for example a community councillor or a board member of a community group or other community organisation) please use established means for contacting the councillor or director that you require. This will typically be email or other written correspondence with the Chief Executive, Council Leader, relevant director or relevant convenor.
- If you are an elected member of the Scottish Borders Council, please use established means for contacting the relevant director or other Council officer you require, either by e-mail or written correspondence.

See our [full contact details](#) and [departmental online contact forms](#).

