

Briefing Paper Using Social Media in Investigations

Overview

This should be read in conjunction with the document '**Using Social Media in Investigations**'

As agents of the local authority, any searching and checking of social media for information about a parent or child is regulated under the Regulation of Investigatory Powers Act 2000 (RIPA). The Human Rights Act – Article 8 provides a basic right to privacy and as representatives of a public body we need to be respectful of this basic right.

Children services must comply with current legislation, as all others in the council should. This protocol is about protecting both the families we work with from misuse of powers in this sensitive area and protecting staff and the council from unnecessary complaints.

Social workers who need to search social media for legitimate purposes should not be put off by the need to complete relevant forms to do so. Social media has a wide range of uses and should be seen as providing valuable assistance, such as to help trace an absent parent as part of proceedings or within s20; to ascertain risks to children or to locate children missing.

It is not felt that the impact on staff will be significant; although at times social media is searched for information it is not undertaken routinely on a day-to-day basis. Children subject to SEMAP (high risk) should have social media monitored and checked as part of safeguarding by the police. In this respect requests for access may be required in only a handful of circumstances and not used routinely in day-to-day practice.

Any searches made of social media must be recorded and permission granted before undertaking the search. SWLFP have provided documents that have been slightly adapted for children's services use (see below).

Process – Quick Guide

Please see document '**Social Media request process for children service**' / '**Request for access to social media for children services**'

- Under the guidance, you can look once for information but not repeatedly check the same accounts i.e facebook, Instagram etc.
- Repeated viewing of any client's social media may amount to direct surveillance that will require RIPA authority either for a short period agreed through the SWLFP or by a magistrate or designated officer (Chief Executive/Director of Finance).

- Open accounts (anyone can access) are still within the legislation as it is the act of searching and viewing that is controlled.
- As it is the process of council staff searching any social media platform, any additional powers granted under the Children Act do not apply.
- Foster carers are exempt as they are not directly employed staff; they are also likely to be in a role with a young person as an accepted part of the child's social media network.
- Searches must be agreed at service manager level rather than team manager level.
- Relevant forms to request permission to search would be best placed on a child's record within MOSAIC, as this will ensure data compliance.
- Only access or search social media using a Council-registered social media account, never using a worker's personal account.
- Service managers will need to log relevant staff in to a relevant social media account. An organisational profile protects staff and provides an audit trail for all searches completed and ensures that we are operating in compliance with legislation.
- **One-off viewing** - will require management approval beforehand.
- **Repeated viewing** - may amount to surveillance so authority from the Senior Responsible Officer and a Magistrate will be required.
- The Surveillance Commission will inspect the access made by public officers to social networking sites during their inspections. Service managers will be responsible for keeping a record of cases that have required social media access.

SWLFP Social media - Register of searches / access

Date	Case Ref	Officer requesting	Officer completing	Authorisation Date / Manager	Details of authorised search & Access of accounts	Other searches & access	Copies made of accounts

Do's	Don'ts
Obtain approval from your service manager via your line manager	Use your own private accounts to view the social networking accounts of other individuals
Gather evidence in a way that is legal and useful	"friend" individuals on social networks as doing so openly could put you at risk
Keep an audit trail	Keep viewing open profiles – this is surveillance
Ensure paperwork stored within	Take everything you see and

