

The blurred lines of personal and professional on social media

Lynne Clark asks Sarah Buxton for her advice for employers and employees when it comes to posting on social media sites...

When you're quickly updating your personal Facebook or Instagram pages, do you stop and think about the potential consequences it could have for your job or practice?

The chances are that you don't. As more and more of us have social media accounts and keep them updated regularly – there are 293,000 status updates on Facebook every 60 seconds* – it becomes second nature and not something we spend a long time contemplating.

However, depending on what you post there can be very real consequences for your employment or, if you're a practice owner, for your business.

This is especially so when you consider that the GDC has specific guidance on using social media and includes it in its professional standards.

For example, the regulator says: "You must not post any information or comments about patients on social networking or blogging sites. If you use professional social media to discuss anonymised cases for the purpose of discussing best practice you must be careful that the patient or patients cannot be identified."

To find out more about the legal dos and don'ts of using social media for both members of the dental team and practice owners, I spoke to HR and employment law solicitor Sarah Buxton...

Lynne Clark (LC): In what way can your posts on social media lead to consequences for your employment?

Sarah Buxton (SB): It depends on what the policy of your practice is. It may be that you are allowed the occasional personal use of social media during working hours as long as it does not involve unprofessional or inappropriate content and does not interfere with the employee's responsibilities or productivity.

However, if you are not allowed to use personal social media or go over and above occasional use, this can have the consequences of the employee being subject to a disciplinary, and in some serious cases, dismissal.

Furthermore, if the social media communications could damage the business interests or reputation, even indirectly, again this could lead to a disciplinary or in some serious cases dismissal.

And, if the employee is GDC registered they do have to bear in mind the consequences of not acting with honesty and integrity, and any misuse of social media may lead to a report to the GDC.

LC: What should you consider, as an employee, before posting to social media?

SB: It's important to consider whether the post may defame or disparage your employer, other members of staff, patients or any third party; whether it is a form of harassment, bullying or may unlawfully discriminate against staff or



third parties or may damage the business interest or reputation, even indirectly, as this could have dire consequences for your employment.

LC: As an employer, what action can you take if you feel your employee's personal social media postings are negatively affecting your business?

SB: If you have a social media policy in place, then any breach of the policy may result in disciplinary action up to and including dismissal. You can also require the employee to remove any social media content that you consider to be a breach of the policy and any failure to comply with such a request may in itself result in disciplinary action.

It's important to have a social media policy in place as this will set out if, as an employer, you have the right to monitor employees and their personal accounts. Some key considerations for monitoring are:

- It should be proportionate, meaning that an employer must consider any less obtrusive alternatives.
- Employees should be provided with certain details about the purpose of the monitoring and how it will be carried out.
- Employers need to carry out an impact assessment which is designed to balance the needs of the employer against employee rights to privacy.

LC: What steps can you take as an employer to try and avoid your employees' personal social media accounts impacting your business in the first place?

SB: It's important to have a social media policy which includes the following guidelines:

1. You should make it clear in social media postings, or in your personal profile, that you are speaking on your

own behalf. Write in the first person and use a personal email address.

2. Be respectful to others when making any statement on social media and be aware that you are personally responsible for all communications which will be published on the internet for anyone to see.

3. If you disclose your affiliation with your employer on your profile or in any social media postings, you must state that your views do not represent those of your employer (unless you are authorised to speak on their behalf). You should also ensure that your profile and any content you post are consistent with the professional image you present to clients and colleagues.

4. If you are uncertain or concerned about the appropriateness of any statement or posting, refrain from posting it until you have discussed it with your manager.

5. If you see social media content that disparages or reflects poorly on the practice, you should let them know straight away.

LC: How can you make sure your practice's social media presence is managed appropriately?

SB: The key is to have a clear social media policy that is communicated to the staff so they know what is expected of them. In these circumstances, if someone breaches that policy you can consider what (if any) formal action you may wish to take.

LC: Thank you for sharing your advice Sarah. It sounds like having a social media policy in place and making sure everyone is familiar with it is key. ■

*<https://zephoria.com/top-15-valuable-facebook-statistics/>

About the author

Lynne Clark is a Regional Support Manager at Practice Plan, the UK's leading provider of practice-branded patient membership plans, and has 27 years' experience in the dental industry, including 19 years in practice. Our team of experienced professionals has supported over 1,500 dental practices to transform the profitability of their business through the combination of a well-populated plan and personalised support including marketing, business advice, events and training. If you're looking for more from your provider, please call 01691 684165 or visit practiceplan.co.uk



About the author

Sarah specialises in acting exclusively for dentists, dental managers and dental practice owners in all aspects of HR and Employment Law, and is a Director at FTA Law. Sarah often advises dental practices on managing and motivating their staff, dealing with sickness absence, assisting with making changes to employment contracts and, if needed, how to bring the employment relationship to an end. Sarah also has in-depth knowledge of the NHS Regulations and of the Care Quality Commission and how these effect the employment relationship in a dental practice.

