

Terms of reference for an independent investigation into social media use by council staff

Introduction and background

1. In July 2022 concerns were raised about the use of social media by council staff and the Council's legal team were asked to carry out an investigation by the then Chief Executive. A report on the findings was presented to the Audit Committee and then to People Scrutiny Commission on the 26 September 2022.
2. Subsequently members voted in a golden motion to Full Council on the 18 October 2022 to request the then Mayor to commission an independent investigation, however this was not taken forward. Bristol has since moved to a committee model and no longer has a Mayor or Cabinet.
3. Since then, ongoing concerns have been raised that the matter was not fully addressed through an independent investigation, leaving uncertainty about the extent of social media use by staff. There have been continuing requests for an external investigation and in July 2025 in the Children and Young People (CYP) Committee the request was again made in public forum to consider an independent investigation.
4. In August 2025, the CYP committee voted to undertake the external investigation and to ask officers to develop Terms of Reference (ToR) and nominate an investigator. It was noted that the investigation should focus on the period from September 2021- August 2022 but should take into account any other evidence of social media misuse by Council staff that a contributor feels provides context and that the Investigator regards as relevant to the ToR.

Scope of the Investigation

5. To provide an external and independent assessment of the accessing or reviewing of online content by or on behalf of Bristol City Council SEN and disabled children's services during the period September 2021 – August 2022. This includes, but is not limited to, social media accounts, business or professional pages, and other online platforms relating to parents, carers, families, and individuals engaged with SEND services. This will take into account the requirements under UK GDPR, Data Protection Act 2018 and/or Human Rights Act 1998.
6. If there are any concerns about any inappropriate behaviour relating to inappropriate use of social media by or on behalf of any services up to the present day this should be raised immediately with senior managers and will be investigated.
7. The investigation will examine:
 - a. Evidence of what activity, as described above, took place;

- b. whether such activity was an appropriate use of Council time, equipment, and resources;
 - c. whether it was authorised through proper channels and consistent with policy and law;
 - d. the impact of such activity, including any consequences for the Parent Carer Forum's independence and functioning, and for individual parents and families whose information was accessed — for example, if any SEND support or provision was altered, withdrawn, or influenced.
8. The investigator will be provided with documents as set out in Appendix A.
9. It is anticipated that the investigator will invite to interview officers, relevant politicians and any parents known to be affected and those representing the Parent Carer Forum. The investigator will make a call for evidence from other potential witnesses including any who have since left the Council.
10. The Council will assist the investigator by providing contact details of and facilitating contact with the list of witnesses at 9 above and, on request, with other potential witnesses identified by the investigator.
11. The investigator will be expected to interview up to 20 witnesses. Where it becomes clear that interviews will exceed this number, the investigator will discuss with the commissioning officer any further resources needed.
12. Should it become apparent in the course of the investigation that the Terms of Reference should be extended, this may be done by agreement with the commissioning officer who will update the CYP Committee as necessary.
13. The report of the investigation will set out clear findings and recommendations on which senior leadership may consider further action.
14. The investigation will also provide recommendations on how Bristol City Council and its partners should resolve issues of this kind in the future, including recommendations about:
 - a. establishing safe and lawful approaches to addressing concerns about parents or forums;
 - b. ensuring families can raise issues about services without fear of reprisal, and;
 - c. creating clear policies and procedures to prevent recurrence.

Who is in scope

15. Time has passed since the events in question occurred. The investigation will take all reasonable and practical steps to engage on a confidential basis with parents and carers as well as relevant elected officials, and staff employed by BCC at the time in question where the investigator regards this to be relevant

to the TOR.

16. The investigator will be asked to establish channels for any interviewees not wishing to be interviewed to make representations and/or provide information relevant to the investigation confidentially.

Appointing an investigator

17. The investigation will be conducted by an independent barrister; Aileen McColgan KC of 11 KBW.
18. The investigator is external to Bristol City Council and any of its commissioned SEND services or legal services and has had no prior involvement in the matter under investigation. The investigator will report to the Executive Director of Children's and Education services who is commissioning the investigation

Timescale

19. The timescale for completion of the investigation should be sufficient to consider the available evidence. The call for evidence will run until the 19th December in the first instance though the investigator may accept or seek additional witness evidence after that time depending on the scale of engagement and evidence forthcoming. We would expect the investigation to be completed by the Spring of 2026.

Outcome of the investigation

20. The investigator will be asked to produce a written report to include both findings and recommendations addressed to the Executive Director: Children and Education. The report will be submitted to the Executive Director for Children and Education, which will be shared with the Chair of the CYP Committee, with a public version (redacted only as necessary to protect personal information and confidentiality) made available to the public.
21. Bristol City Council will provide a suitable indemnity to the Investigator in connection with the publication of the report.
22. The Executive Director: Children and Education will present the public report to the Children & Young People's Committee.

Costs

23. The costs of the investigation will be met from the Council's general fund, specifically the SEND budget.

Procedure

24. The investigator will carry out the investigation in line with Bristol City Council's policies and procedures including the Code of Conduct on Investigations, Employee Code of Conduct and relevant Information Governance Procedures will be provided.

Methodology

1. The investigation will be undertaken in line with the Council's Code of Practice on Investigations.

The Council will assist the investigator in making a call for evidence.

2. Witnesses will be encouraged to participate in the investigation on a named basis with evidence attributed to them as appropriate.
3. However the Investigator may, where necessary, interview witnesses under conditions of anonymity, or under condition that evidence is not attributed to them in her report.
4. The Investigator will be responsible for all record keeping and note taking through the interview process.
5. The Investigator may record interviews, with interviewees' agreement, for the purposes of creating a note of the interview.
6. The Investigator will confirm with interviewees their agreement to the note of the interview. The process for this will be determined by the Investigator dependent on the preference of the interviewee and may be through a written copy of the notes being shared or a read through of notes taken. Where a note of the interview has been agreed only it will be retained, with any recording and/or transcript of the interview to be destroyed unless the interviewee requests that it be retained.
7. Interviewees will retain the right to request that any recording of their interview is deleted at any time during the investigation including before a note has been agreed.
8. The Investigator will hold the notes of interviews, which may be anonymised at the request of the interviewee. The investigator will only provide these to Bristol City Council (1) if and to the extent that such is required in order to ensure fairness of any subsequent disciplinary proceedings; and/or (2) disclosure is required in the event of legal proceedings. The Investigator may have to disclose elements of such notes in the event of a data access request.
9. The Investigator may conduct interviews in person (at a neutral, non Council venue to be identified by Bristol City Council with consideration being given to any arrangements necessary to prevent interviewees from being identified when visiting the venue), online or by phone. She will attempt to accommodate the preference of interviewees as to the mode of interview. Interviews may take place in Council venues only where the interviewee expresses a preference for this.

10. The Investigator will make reasonable adjustments where necessary to accommodate the needs of witnesses.
11. If the Investigator considers it is needed, appropriate translation/interpreter support will be arranged by Bristol City Council.
12. The interviews will be conducted in a supportive and safe way to encourage individuals to attend and provide any information they feel is relevant. Whilst there is no right to representation, individuals can be accompanied by a TU representative, or a friend or family member not employed by the Council. The limits on the identity of potential companions is to protect the confidentiality and integrity of the interview process.
13. The Investigator will share such information as she regards as necessary with interviewees for the purposes of conducting her investigation.
14. The Investigator will make clear to interviewees whether and under what circumstances she will share information provided by them for the purposes of conducting her investigation.
15. If the Investigator considers, as the Investigation progresses, that she needs access to specific further documents or witnesses, she should let the Commissioning Manager know in the first instance.

Support for Interviewees

16. Interviewees will not suffer any detrimental treatment as a result of raising a genuine concern through this investigation in accordance with the Council's whistleblowing procedure.
17. Interviewees will be given access to support through the Council's Employee Assistance Programme or appropriate external support on request.

Appendix A – Documents provided to the Investigator

1. <https://democracy.bristol.gov.uk/documents/s114712/Social%20Media%20Update%20Report%20August%202025.pdf> CYP Committee report 28 August 2025
2. [3. SEND Fact-finding report - Amended 13.10.22 Redacted.pdf](#) 22 August 2022