

# Political Restrictions Policy



## Summary

Local Government employees should be seen to be politically neutral, so the public and Members of the Council can rely on them to give impartial advice. Therefore, some posts within the council are designated politically restricted posts.

The politically restricted post regulations are a contractual term of appointment and any infringement will be a breach of contract with the Council.

Individuals who hold these posts are prevented from having any active political role either inside or outside the workplace. Employees covered by this legislation are not barred from membership of political parties but cannot undertake political activity.

## The Legal Background

The Local Government and Housing Act 1989 introduced the principle of politically restricted posts and of restricting the political activities of local authority employees. Politically restricted posts fall into two main categories.

Those which are 'specified' in the legislation and those which are deemed to be 'sensitive' due to the requirements of the role.

## Specified Posts

- Town Clerk and Chief Executive
- Executive Directors
- Directors
- Monitoring Officer
- Officers with delegated decision-making powers

## Sensitive Posts

Officers holding “Politically Sensitive Posts”.

Anyone who either gives advice on a regular basis to the Council, to a Committee or Sub-Committee of the Council or to any Joint Committee on which the Council is represented and/or speaks on behalf of the Council on a regular basis to journalists or broadcasters.

Employees in politically restricted posts cannot:

- stand for election as a Member of Parliament
- stand for election as a Member of the European Parliament
- stand for election as a Councillor in any local authority (although staff may still stand for election to a Parish or Community Council)
- stand for election as a Member of the Scottish Parliament
- stand for election as a Member of the Welsh Assembly
- act as an election agent or sub-agent for a candidate of any of the above
- canvass at elections on behalf of a political party or a person who is or seeks to be a candidate of any of the above
- hold office in a political party where his duties as a member require him to participate in the general management of the party or to act on behalf of the party in dealings with persons other than members of the party or members of another political party associated with the party
- speak or write publicly on matters with the apparent intention of affecting public support for a political party (this does not apply to political assistants and is not to be construed as precluding the appointee from engaging in activities to such an extent as is necessary for the proper performance of his official duties).

# Designation of posts in the Council

Posts within the Council which are politically restricted are flagged as such on IBC.

The decision on whether a post is designated as politically restricted will be taken by the line manager when the post is created on IBC or when there is a change in responsibilities. Advice can be sought from HR. This list will be reviewed by HR on a regular basis.

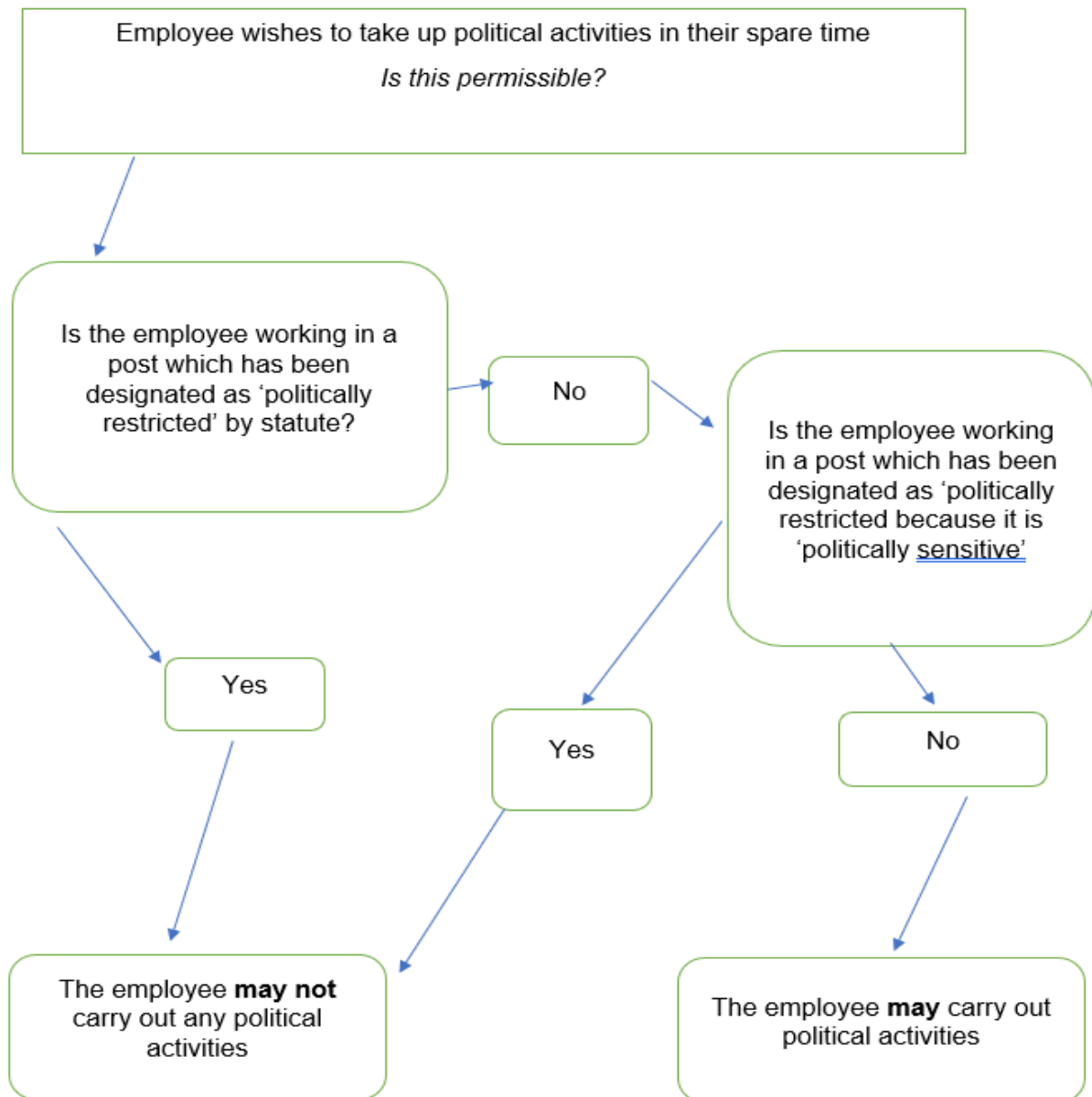
All posts designated as politically restricted will be flagged on IBC.

## Appeals

Officers whose roles have been designated as a Politically Sensitive Post have the right of appeal against this decision on the grounds that they believe the Council has incorrectly applied the criteria.

All appeals should be sent to the Director of HR & OD detailing the grounds of the appeal. The Director of HR & OD will consult the Chief Executive who will consider the appeal and communicate the outcome to the appellant. The decision of the Chief Executive is final.

# Process Map



Last updated: 07/01/2020