

# Politically Restricted Posts



## 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

Category 1 The Head of Paid Service
<ul style="list-style-type: none"><li>• The Chief Executive</li></ul>
Category 2 Statutory Chief Officers
<ul style="list-style-type: none"><li>• The Director of Children's Services</li><li>• The Director of Adults' Services and</li><li>• The Director of Finance and Resources</li><li>• The Director of Public Health</li></ul>
Category 3 Non-Statutory Chief Officers
<ul style="list-style-type: none"><li>• Anyone who reports to the Chief Executive</li><li>• Anyone who is required to report directly or is directly accountable to either the Chief Executive, the Council or any committee or sub-committee.</li></ul> <p>(This category does not apply to posts whose duties are solely secretarial or clerical or who have other support functions)</p>
Category 4 Deputy Chief Officers
<ul style="list-style-type: none"><li>• Anyone who reports directly or is directly accountable to a Chief Officer.</li></ul> <p>(This category does not apply to posts whose duties are solely secretarial or clerical or who have other support functions)</p>
Category 5 The Monitoring Officer
<ul style="list-style-type: none"><li>• The Head of Legal Services</li></ul>
Category 6 Assistants to political groups
<ul style="list-style-type: none"><li>• Anyone holding a post as an assistant for a political group</li></ul>
Category 7 Officers to whom powers are delegated
<ul style="list-style-type: none"><li>• Anyone with delegated powers under the City Council's delegation scheme.</li></ul> <p>(This category does not apply to posts of authorised officers who are exercising delegated powers on behalf of a SLT member.)</p>

## Sensitive Posts

Category 8 Officers holding "Politically Sensitive Posts"
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- 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. This is unlikely to be posts below Band 4.

Employees in politically restricted posts cannot:

- stand as a candidate for election to the House of Commons, the European Parliament, the Scottish Parliament, the National Assembly for Wales or a local authority
- act as an agent or sub-agent for a candidate for any of those bodies
- be an officer of a political party or of any branch of such a party or a member of any committee or sub-committee of such a party or branch if his/her duties as such an officer or member would be likely to require him/her to participate in the general management of the party or the branch; or act on behalf of the party or branch in dealings with the persons other than members of the party or members of another political party associated with the party
- canvass on behalf of a political party or a candidate for election
- speak publicly with the apparent intention of affecting public support for a political party (except where this is necessary as part of their official duties)
- publish any written or artistic work which appears to be intended to affect public support for a political party (except where necessary as part of their official duties)

## Designation of posts in the council

The decision on whether a post is designated as politically restricted will be taken by the line manager when the post is created on SAP or when there is a change in responsibilities. If you need advice please contact your HR Business Partner.

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

## Appeals

- **Specified posts** – there is no right of appeal for a post to not be designated as specified.
- **Sensitive posts** – the Chief Executive (as Head of Paid Service) has the authority to grant exemptions from political restrictions. Employees wishing to appeal should write to the Monitoring Officer setting out the reasons they feel their post should not be politically restricted and provide a copy of their job description. The Monitoring Officer will then provide a view on the request to the Head of Paid Service for consideration.

### In This Topic

Summary

The Legal Background

Designation of posts in the council

Appeals

Me and my role