

APPENDIX A

Forest Heath & St Edmundsbury councils



West Suffolk
working together

Politically Restricted Posts –
Guidance for Officers

March 2015



Forest Heath
District Council



St Edmundsbury
BOROUGH COUNCIL

What does it mean to be Politically Restricted?

1. Introduction
 - 1.1 Certain posts are 'politically restricted', which means that while individuals who hold them may belong to a political party they are effectively prevented from having any active political role either in or outside the workplace. This not only debars post holders from holding or standing for elected office (specifically a county, borough or district councillor, an MP, a Member of the European Parliament or a Police and Crime Commissioner), but also excludes them from the following:
 - 1.2 Participating in political activities, such as publicly expressing support for a political party or being an officer of a political party, or undertaking other activities such as canvassing on behalf of a person who seeks to be a candidate; and
 - 1.3 Speaking to the public at large or publishing any written or artistic work that could give the impression that they are advocating support for a political party.
 - 1.4 The cumulative effect of these restrictions is to limit the holders of politically restricted posts to bare membership of political parties, with no active participation within the party permitted.
 - 1.5 These restrictions aim to prevent politics coming into play where an employee is in a politically influential position. This could be where an employee implements the authority's policies, gives advice to, or speaks on behalf of, the authority.
 - 1.6 These restrictions do not prevent the holders of politically restricted posts being elected as parish/town councillors, or being involved with a parish/town council where that does not involve allegiance to any political party or group.
2. Legislation Update
 - 2.1 With effect from 12 January 2010, the Local Democracy, Economic Development and Construction Act 2009 changed the approach to identifying posts which are politically restricted under Section 2 of the Local Government and Housing Act 1989 (LGHA).
 - 2.2 Originally posts were deemed to be politically restricted if they were earning above spinal column point 44 (£37,206 pa), at 31 March 2010. Section 30 of the 2009 Act has now removed the concept of political restriction by salary level.

3. Categories of Politically Restricted Posts
 - 3.1 Posts will now only be considered to be politically restricted if they fall into the following two broad categories:
 - Specified Posts
 - Sensitive Posts
 - 3.2 Specified Posts
 - 3.3 Specified posts are automatically subject to restrictions on public political activity and as such, there is no right of appeal. These posts are listed as follows:
 - The Head of Paid Service (Section 4 LGHA)
 - The statutory Chief Officers
 - Non-statutory Chief Officers (Directors and Heads of Service)
 - Deputy Chief Officers (where applicable)
 - The Monitoring Officer (Section 5 LGHA)
 - The Chief Finance Officer (Section 5 151 LGA)
 - Officers exercising delegated powers, i.e. persons whose posts are for the time being specified by the Council in a list maintained in accordance with S 100G(2) of the LGA
 - Assistants to political groups
 - 3.4 Sensitive Posts
 - 3.5 A sensitive post is one which meets one or both of the following duties-related criteria:
 - 3.6 Giving advice on a regular basis to a Council itself, to any committee or sub-committee of the authority or to any joint committee on which the authority are represented; to the Cabinet, to any committee of the Cabinet; or to any member of the Cabinet; and / or
 - 3.7 Speaking on behalf of the authority on a regular basis to journalists or broadcasters.
 - 3.8 It is the Council's duty to prepare and maintain the list of politically restricted posts. This list will be held and maintained by Human Resources and employees will be notified personally of any amendments that affect their post.
 - 3.9 All Service Managers (SMT as at 1 March 2015) are considered to be employed in politically restricted roles as a result of 3.6 above.
4. Advertising a Politically Restricted Post
 - 4.1 When recruiting to a new post, the criteria must be used to determine whether the post is politically restricted and on what grounds it is

restricted. If the post is politically restricted this will be included in the job pack and be stated in the employee's Contract of Employment.

4.2 If the post is politically restricted, what this means must be discussed with candidates at interview.

5. Holders of Politically Restricted Posts

5.1 The primary objective of this policy is to ensure that employees in politically restricted posts do not allow any perception to arise that their own personal or political opinions may have influenced or improperly interfered with their work.

5.2 This policy only applies to post holders of politically restricted posts, although all employees are required to observe the Councils' Code of Conduct which requires all staff to be politically neutral in respect of their employment duties.

5.3 Holders of politically restricted posts will be notified of their restricted status.

6. Restrictions on Speaking and Writing in Public

6.1 The regulations also address the post holder's conduct outside his/her employment in far wider terms. Post holders are not permitted to speak in public where there is an apparent intention to affect public support for a political party. Similarly, such post holders are not permitted to publish any written or artistic work whether as author or editor, nor can they authorise or permit another person to publish such work if the work appears to be intended to affect public support for a political party.

6.2 This includes writing or 'speaking' on social media for example on blogs, on-line forums, Facebook and twitter, where the work appears to be intended to affect public support for a political party. However, this prohibition does not preclude the display of a poster or other document at the post holder's home or on his or her car or other personal possessions. These restrictions are to be interpreted so as not to prevent the officer from carrying out their official duties.

7. Appeal Procedure

Officers who will be politically restricted on the basis that it appears to the Council that their post is 'sensitive' have the right to appeal. Any officer wishing to appeal against their political restrictions should contact the Head of Human Resources, Legal and Democratic Services (HRLDS) in the first instance, stating the grounds of their appeal.

The HRLDS will then consult with the Monitoring Officer, who will then make arrangements to consider the appeal.

Date	Author	
March 2015	Karen Points	Guidance created from new