

## Wiltshire Council Human Resources

### Politically Restricted Posts Policy and Procedure

This policy can be made available in other languages and formats such as large print and audio on [request](#).

#### What is it?

Certain posts in the council are 'politically restricted' which means that staff employed in these posts may not undertake political activities. Not all posts within the Council are politically restricted.

This policy stems from the long established tradition that local government employees should be seen to observe a policy of political neutrality and to ensure that the public can rely on impartial advice from those employees.

This policy is designed to reflect current legislative provisions in respect of politically restricted posts and is non-contractual.

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#### Who does it apply to?

All council employees performing in a role which is deemed to be politically restricted.

School teachers, head teachers and lecturers are exempt from political restrictions under s2(10) of the Local Government and Housing Act 1989.

### What are the main points?

#### Definition of political restriction

1. If you have a role with the council deemed to be politically restricted, you may not engage in political activity. This means that you may not in addition hold a post as any of the following:
  - a local councillor
  - an MP
  - an MEP
  - a Member of the Welsh Assembly
  - a Member of the Scottish Parliament
2. If in a politically restricted post, you are not permitted to canvas on behalf of a political party or a person who is already, or who seeks to be, a candidate.
3. You may not speak to the public or publish any written or artistic work that could give the impression you are advocating support for a political party.
4. If you wish to undertake any of the activities in points 1, 2 and 3 above, you will be required to resign from your role with Wiltshire Council first.
5. If you are found to be engaging in any of the activities identified in points 1, 2 or 3 above, you will be subject to disciplinary proceedings which may lead to dismissal.
6. Refer also to the [Code of Conduct Policy](#).

#### Political Restriction within the Council

7. There are two groups of politically restricted posts – specified posts and sensitive posts.
8. Specified posts do not have a right of appeal, whereas sensitive posts do have a right of appeal, to the Local Standards Committee: [Appeals Process Local Standards Committee](#).
9. Specified posts are as follows:
  - The Head of the Paid Service ie: Chief Executive;
  - The statutory chief officers ie: Corporate Director DCE, Corporate Director DCS, Chief Financial Officer;

- Non-statutory chief officers ie: all other Corporate Directors;
- Deputy chief officers ie: Service Directors;
- The monitoring officer ie: Head of Legal and Democratic Services;
- Officers exercising delegated powers under Section 100 G(2) of the Local Government Act 1972;
- Assistants to political groups.

10. Sensitive posts are as follows:

A sensitive post is one involving either one or more of the following criteria:

- giving advice on a regular basis to Wiltshire Council itself, to any committee or sub-committee of the council or to any joint committee on which the council is represented;
- giving advice on a regular basis to the executive of the council, to any committee of that executive, or to any member of that executive who is also a member of Wiltshire Council;
- speaking on behalf of the council on a regular basis to journalists or broadcasters.

### Maintaining the list

11. HR maintains a list of politically restricted posts.

### What is my responsibility?

12. You should not allow your own personal political opinions to interfere with your work.

### Line manager responsibilities

13. Managers are responsible, when completing the [Job Evaluation Questionnaire \(JEQ\)](#) and writing the job description, for new or amended posts, for identifying whether the post is deemed to be politically restricted, and if so, how the post should be categorised.
14. Managers may not recruit as a new member of staff someone who has held the role of a local councillor, an MP, an MEP, a member of the Welsh Assembly or a member of the Scottish Parliament, within the previous 12 months.

15. Should an employee undertake political activities within or outside of the workplace, whilst holding a post deemed to be politically restricted, managers will refer to the Disciplinary Procedure to assess whether the employee has committed a disciplinary offence and the appropriate sanction - [Disciplinary Policy and Procedure](#).
16. Managers should discuss a post's political restriction with candidates at recruitment stage and make sure candidates are aware of the implications of taking the post. [Recruitment Policy](#)
17. Further information is contained with the [Manager Guidelines on Politically Restricted Posts](#).

### Further advice and information

18. There are a number of other policies you should be aware of:

- Recruitment
- Code of Conduct
- Secondments
- Appointments Process
- Redeployment
- Disciplinary

### Frequently asked questions

#### **What if I am unhappy that my post is deemed to be politically restricted?**

If your role is on the sensitive list and you feel it has been erroneously applied to this list, you may appeal to the local Standards Committee, using [the Appeals Process](#).

#### **What if I change my post/role? How will I know if my new role is deemed to be politically restricted?**

It is your manager's responsibility to identify if your post is deemed to be politically restricted. You should talk to him/her.

#### **How often will my post be reviewed to ascertain whether it is politically restricted?**

An annual review will be undertaken and you will be informed in writing whether your role is deemed to be politically restricted.

### **My role used to be politically restricted but is not so any longer. Why is this?**

There has been a recent change in UK law which has modified the number of lists which local authorities are required to maintain. Previously the council was required to maintain a list of staff above a certain salary level. The 2009 change in law means local councils are no longer required to maintain this list. It could be that your role was originally one of those on a list by virtue of salary but with the change in law, this has now been updated.

### **May I resign my post in order to undertake political activities and then subsequently be reemployed?**

You may resign your post to take up outside political activity, however you may not be reemployed with Wiltshire Council within a period of 12 months of the cessation of your political activity. Wiltshire Council does not have an obligation to hold your post open nor to give you preferential treatment when applying for a new post.

### **May I view a list of posts deemed to be politically restricted?**

HR holds a list of such posts which are kept updated. You should contact your HR Advisor for more information.

### **Equal Opportunities**

This policy has been Equality Impact Assessed ([link to EIA for policy](#)) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

### **Legislation**

- The Local Government Act 1972;
- The Local Government and Housing Act 1989;
- The Local Government (Political Restrictions) Regulations 1990 (S) 851.
- The Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments and Other Provisions) (England) Order 2001 [SI 2237];
- The Local Democracy, Economic Development and Construction Act 2009.

This policy has been reviewed by an external legal organisation to ensure compliance with the above legislation and our statutory duties.

### **Definitions**

Political restriction	Employees in certain roles are not allowed to hold political office, campaign on behalf of political parties or represent a political party publically.
MP	Member of Parliament within the UK.
MEP	Member of the European Parliament.
Assistants to political groups	Employees who may from time to time be employed to support councillors in their roles.

**Toolkit**

- [Manager Guidelines on Politically Restricted Posts](#)
- [Disciplinary Policy and Procedure](#)
- [Code of Conduct Policy](#)
- [Appeals Process Local Standards Committee](#)
- [Manager Guidelines on Politically Restricted Posts](#)
- [Job Evaluation Questionnaire](#)
- [Recruitment Policy](#)

**For further advice and information**

For further information please speak to your manager, corporate director or contact a member of your local HR Advisor.

Policy author	HR Policy and Reward Team – MCL
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