

Guidance Politically Restricted Posts

Background:

There are certain posts within the authority that are 'politically restricted', which means that individuals who hold them are effectively prevented from having any active political role either in or outside the workplace. The Council is under a duty to draw-up and regularly update a list of those posts which are politically restricted.

Current Categories:

Politically restricted posts fall into two broad categories: specified posts and sensitive posts.

Specified posts:

- the Head of the Paid Service (HoPS) (s4 LGHA)
- the statutory chief officers, (including the director of children's services and director of adult social services in England, and the chief education officer and director of social services in Wales, the director of public health, the chief officer of a fire brigade, the chief finance officer (s.151 LGA 1972)
- non-statutory chief officers (officers reporting to the HoPS excluding secretarial/clerical support staff)
- deputy chief officers (officers reporting to a Chief Officer excluding secretarial/clerical support staff)
- the monitoring officer (s 5 LGHA)
- officers exercising delegated powers, i.e. persons whose posts are for the time being specified by the authority in a list maintained in accordance with s 100G(2) of the LGA 1972
- assistants to political groups

All these post holders are politically restricted without rights of appeal for exemption to the local authority's standards committee (in England) or to the Independent Adjudicator to Local Authorities in Wales.

Sensitive posts:

A sensitive post is one which meets one or both of the following duties-related criteria:

- Giving advice on a regular basis to the authority itself, to any committee or sub-committee of the authority or to any joint committee on which the authority are represented; or where the authority are operating executive arrangements, to the executive of the authority; to any committee of that executive; or to any member of that executive who is also a member of the authority.
- Speaking on behalf of the authority on a regular basis to journalists or broadcasters.

These post holders can appeal to the local standards committee (in England) or the Independent Adjudicator to Local Authorities in Wales to be exempted from the list, on the grounds that the authority has wrongly applied the criteria.

Teachers, Head teachers and lecturers are all exempt from political restrictions under Part 1, s2 (10) LGHA, and will not be regarded as holding 'politically restricted posts' whatever their role or remuneration level.

Employee Implications:

The effect of including an employee in the list of 'politically restricted posts' is to prevent that individual from having any political role either in or outside the workplace.

Employees in politically restricted posts are automatically disqualified from becoming a local councillor and from membership of the House of Commons, the European Parliament, the Welsh Assembly and the Scottish Parliament.

Employees are also restricted from:

- Canvassing on behalf of a political party or a person who is or seeks to be a candidate.
- 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.

Being in a politically restricted post is a condition of employment. If there is any change or review of politically restricted posts, the council will write to you to formally advise you of the change and what it means.