

Restrictions on Political Activity - Guidance

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CONTENT	PAGE NUMBER
Policy statement	3
Purpose	3
Scope	3
What does political restriction mean	4
Which posts are politically restricted	4
How do I appeal	4
How do I know if a post is politically restricted	5
May I resign from my post in order to undertake political activities and then subsequently be re-employed	5
Further advice and information	5
Ensuring equality of opportunity	6

Restrictions on Political Activity - Guidance

POLICY STATEMENT

The principle of 'political restriction' in Local Government is based on a long established practice that officers involved in advising Members of an Authority should observe a policy of political neutrality.

This principle is fundamental to a fair and democratic system to ensure:

- Elected Members should receive impartial advice from officers
- Officers should not be influenced by any political party in the implementation of the policy

Carmarthenshire County Council is committed to working in accordance with the legislation concerning Politically Restricted posts. Whilst certain posts in the Council are 'politically restricted' which means that staff employed in these posts may not undertake political activities; employees whether or not politically restricted, must follow every lawfully expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work. When employees are politically restricted (by reason of the post they hold or the nature of the work they do), they must comply with any statutory restrictions on their politically activities.

This guidance defines how the Council applies the requirements for Politically Restricted posts and reflects the provisions of the Local Government and Housing Act 1989.

PURPOSE

The aim of this guidance is to;

- Provide guidance for employees who hold relevant posts on the implications of political restriction and the limitations that apply under current legislation.
- 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;
- Uphold the reputation and integrity of the Council.

SCOPE

This guidance covers all employees (including part-time employees, casual workers and volunteers engaged in approved Council activities) except those employed under the terms and conditions of the School Teachers' Pay and Conditions Document.

WHAT DOES POLITICAL RESTRICTION MEAN?

Certain posts in the Council are ‘politically restricted’ which means that staff employed in these posts may not undertake political activities either in or outside the workplace. Politically restricted employees will automatically be disqualified from standing for, or holding office, and these restrictions are incorporated as terms in an employee’s contract of employment under the legislation.

Post holders designated as being “politically restricted” are therefore disqualified from becoming or remaining an elected member of any County/County Borough Council. This disqualification does not apply to town or community councils. The employee is also disqualified from becoming a Member of Parliament, a Member of the European Parliament or a member of the Welsh Assembly; from holding office in a political party; canvassing at elections and speaking or writing publicly on matters of party political controversy.

The cumulative effect of these restrictions is to limit the holders of politically restricted posts to basic membership of political parties, with no active participation within the party permitted.

Irrespective of whether or not a particular post is politically restricted as defined above all employees should follow the officer’s Code of Conduct and must not allow their own personal or political opinions to interfere with their work.

WHICH POSTS ARE POLITICALLY RESTRICTED?

Posts will only be considered to be politically restricted if they fall into two broad categories known as **specified** and **sensitive** posts. Employees are regarded as holding a politically restricted post with the Authority if they either hold:

- (a) a post where 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 is represented is given or;
- (b) a post where speaking on behalf of the Authority on a regular basis to journalists or broadcasters occurs or;
- (c) a post that is automatically designated as politically restricted. For example, the Head of Paid Service, statutory and non-statutory Chief Officers, deputy Chief Officers, the Monitoring Officer and political assistants.

HOW DO I APPEAL?

The employee whose post has been deemed to be **sensitive** under the legislation, and therefore politically restricted has the right to appeal against their inclusion, if they feel that they cannot influence policy, or that the Local Authority has incorrectly applied the duties-related criteria.

If the employee wishes to appeal s/he should advise the Assistant Chief Executive (People Management) via the Chief Officer of the relevant employing department in advance so that the relevant Certificate of Opinion may be issued.

Appeals should be made in writing to the Independent Adjudicator formally seeking exemption. The appeal should include a Certificate of Opinion signed by the Council's Monitoring Officer which confirms whether the post is or is not politically restricted and a full job description of the post. All documentation should be forwarded to the Independent Adjudicator at:

The Independent Adjudicator to Local Authorities in Wales
c/o Welsh Assembly Government
Local Government Policy Division
Cathays Park
Cardiff CF10 3NQ

HOW DO I KNOW IF A POST IS POLITICALLY RESTRICTED?

The Council maintains a list of posts which have been defined as politically restricted in accordance with the legislation. This list includes both specified and sensitive posts and is reviewed on a regular basis. Job profiles will also confirm whether a post is politically restricted and employees will be notified personally of any amendments that affect them as post holders.

MAY I RESIGN FROM MY POST IN ORDER TO UNDERTAKE POLITICAL ACTIVITIES AND THEN SUBSEQUENTLY BE RE-EMPLOYED?

You may resign from your post to take up outside political activity, however you may not be re-employed into a politically restricted post with Carmarthenshire County Council within a period of 12 months of the cessation of your political activity. The Council does not have an obligation to hold your post open nor to give you preferential treatment when applying for a new post.

FURTHER ADVICE AND INFORMATION

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 and selection policy](#)

Should an employee undertake political activities within or outside of the workplace, whilst holding a post deemed to be politically restricted, you will be subject to disciplinary proceedings which may lead to dismissal. Please see the [Employees-code-of-conduct](#). and [disciplinary-policy](#)

ENSURING EQUALITY OF OPPORTUNITY

All employees are required to adopt a positive, open and fair approach and ensure the Authority's Equality and Diversity Policy is adhered to and applied consistently to all irrespective of race, colour, nationality, ethnic or national origins, disability, religion and belief or non-belief, age, sex, gender reassignment, gender identity and gender expression, sexual orientation, pregnancy or maternity, marital or civil partnership status.

In addition, the Welsh Language Standards ask us to 'ensure that the Welsh language is treated no less favorably than the English language' and this principle should be adopted in the application of this policy and procedure.

If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR Team who will, if necessary, ensure the policy/procedure is reviewed accordingly

If you require this publication in an alternative format please contact People Management on Ext 6184 or email

PMBusinessSupportUnit@carmarthenshire.gov.uk