

Political Restrictions

A Guide for Managers and Employees

Certain local government employees are debarred, by law, from taking part in public political activity. Those affected are the Chief Executive, Strategic Directors, Heads of Service and any person who is directly accountable or reports directly to the Chief Executive, with the exception of secretarial, clerical or other support staff.

It also includes those who are directly accountable to, or who report directly to, any committee or sub-committee, with the exception of secretarial, clerical and other support staff. Political Assistants are also caught under this list.

Posts are also politically restricted if they involve the following activities,

- giving advice on a regular basis to any formal member bodies (e.g. Council, Cabinet, Committees) including authority any joint committee on which the authority is represented or to individual Cabinet members, or
- speaking on behalf of the authority on a regular basis to journalists or broadcasters

What are Political Restrictions?

Those who are covered by Political Restrictions may not undertake activities linked to political parties or office. This includes:

- Standing for election or becoming a member of a county council, district council, fire and rescue authority, police authority or similar authority as defined by law (town and parish councils are permitted), House of Commons, Scottish Parliament, Welsh Assembly or European Parliament.
- Acting as an election agent or sub-agent for a candidate for election as a member of one of the above.
- Holding office in a political party or any branch of a party.
- Canvassing on behalf of a political party or on behalf of an individual who proposes to stand for election to any of the bodies mentioned in 1.
- Speaking or writing publicly on matters with the apparent intention of affecting public support for a political party.

Identifying Politically Restricted Positions

Whenever a role is created and job description drafted, the nature of the job needs to be considered and political restrictions identified at that stage. Where a position is politically restricted then this will be stated on the job description and clearly explained at the outset of any recruitment campaign. The political restriction will be noted on the new employee's personal file. Where a role is not politically restricted no further action is required.

Appealing or Reviewing Political Restriction Status

All posts at a senior level (Chief Executive, Strategic Directors, Heads of Service etc) cannot appeal against the political restrictions. However, staff in other roles may appeal if they feel that their post should be exempt.

If an employee feels that their post does not involve (or no longer involves) regularly giving advice to committees or speaking on behalf of the authority to the press or media, and this view is supported by their manager, then they should complete and return the Political Restriction Exemption Form.

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This form will be reviewed and the removal of the classification of 'politically restricted' from your post will be considered by the HR Advisory Service.

Once the decision has been made, the manager should write to the individual, providing confirmation of the status being removed, or providing a further opportunity to appeal to the Audit & Standards Committee, as appropriate. The manager should ensure that a copy of this communication is filed on the employee's HRER record.

We are here to help

For assistance please contact the HR Advisory Team;

Email: hradvice@warwickshire.gov.uk or Tel.: 01926 412370

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