

Guidance

**Politically Restricted Posts**

**Introduction**

1. Certain Local Authority posts are deemed to be politically restricted. Legislation imposes restrictions on the public political activities of the local government officers who are employed in these roles.

**Political Neutrality**

1. The Council’s constitution includes an ‘Officers’ Code of Conduct’ which requires all Council employees to be ‘politically neutral’.
2. Political neutrality means that all employees must work with all Councillors equally and impartially, without allowing their own personal or political opinions to interfere with their work.
3. Political restriction is above and beyond this and applies to employees holding a post classified as politically restricted.

**What are Political Restrictions?**

1. Political 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 council’s policies, gives advice to, or speaks on behalf of the council.
2. Anyone employed in a post which is politically restricted is prevented from having a political role either inside or outside the workplace. This restriction forms part of the employee’s Contract of Employment.
3. This does not limit any employee from becoming a member of a political party, but anyone employed in a politically restricted post is not permitted to have any active participation with the party.
4. Those employees employed within a politically restricted post may not:
* Stand for or hold Office as a local councillor; MP; MEP; Member of the Welsh Assembly or Member of the Scottish Parliament.
* Canvass on behalf of a political party or a person who is, or seeks to be, a candidate.
* Speak to the public at large or publish any written or artistic work that could give the impression that they are advocating support for a political party.

**Categories of Politically Restricted posts**

1. Politically restricted posts fall into two categories,
* Those posts that are specified by legislation to be politically restricted
* Those posts that a local authority specifies as politically restricted (after applying the appropriate criteria) and includes on a list maintained by the local authority in accordance with the legislation

**Posts specified by legislation as politically restricted**

1. These posts are automatically subject to restrictions on political activity and therefore, have no right of appeal against such classification. The posts to which this category applies are as follows:
* Head of Paid Service
* Statutory Chief Officers
* Non Statutory Chief Officers
* Deputy Chief Officers
* Monitoring Officers
* Any post directly reporting to Statutory posts.

 **Posts specified by the authority as politically restricted.**

1. It is the duty of every local authority to maintain a list of those posts which it specifies as being politically restricted, as a result of the post duties.
2. This includes 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.
3. Speaking on behalf of the authority on a regular basis to journalists or broadcasters.

**Posts within Cumbria County Council**

1. Cumbria County Council’s list of all Politically Restricted posts is held and maintained by the designated officer who is part of the People Management Service. Employees will be notified personally of any amendments that affect their post.

**Posts Exempt from Political Restrictions**

1. Teachers, Head teachers and Lecturers are all exempt from political restrictions and will not be regarded as holding politically restricted posts, whatever their role involves or their salary level.

**Right of Appeal against the inclusion of a post on the Authority’s Maintained List of politically restricted posts**

1. The holder of any post that is included on the Authority’s Maintained List of politically restricted posts can apply for exemption from political restriction.  Such applications will be determined by the Chief Executive in consultation with the Monitoring Officer.  Applicants will need to demonstrate that the role cannot influence policy or that the authority has incorrectly applied the criteria.  Applicants should submit their application in the first instance to the designated officer in People Management Service.

**Advertising a Politically Restricted Post**

1. When advertising a post, criteria must be used to determine whether or not a post is politically restricted and on what grounds. If the post is politically restricted, this must be included in the role profile and in the employee’s Contract of Employment.

**Employing Members**

1. Local Authorities are restricted from employing, in any capacity, either existing Councillors from their authority or those who have been a member in the previous 12 months.