



POLITICALLY RESTRICTED POSTS

The Local Government and Housing Act 1989 restricts the political activities of certain groups of paid officers.

Employees in such posts cannot become or remain a councillor of a local authority. Such employees cannot: -

- ◆ be a candidate, or prospective candidate for election as an MP, MEP or local authority councillor
- ◆ act as an election agent or sub agent for a candidate for election as an MP, MEP or local authority councillor
- ◆ hold office in a political party
- ◆ canvass at elections on behalf of a political party
- ◆ speak or write in public in a manner that appears to be designed to affect public support for a political party.

The Local Government Officers (Political Restrictions) Regulations 1990 do allow the display of a poster or other document on property occupied by a post holder at their home or on a privately owned vehicle or article.

Definition of Politically Restricted Posts

The three categories of politically restricted posts are: -

- ◆ 'specified posts', i.e. the Chief Executive, Directors, Heads of Service, monitoring officer, assistants to political groups, officers to whom certain powers are delegated, other officers reporting direct to the Chief Executive or directly to the authority and/or its committees, sub-committees or any member groups.
- ◆ Anyone whose remuneration level is or exceeds Spinal Column Point 44. This includes staff whose basic salary grade is less than the SCP, but whose total remuneration package, eg bonus schemes, lease car, etc would take them to or beyond point 44.
- ◆ Staff on salary grades less than SCP44 but whose posts have been listed by their Authority as 'politically sensitive' on the basis that they:
 - ◇ regularly give **advice** to Council committees, sub-committees or any member groups rather than simply providing factual information, and / or
 - ◇ speak authoritatively and regularly to journalists on behalf of the Council rather than simply providing factual information.

Secretarial and support staff who might otherwise meet the above definitions are excluded, as are teachers, (including head teachers) and lecturers. Support staff in education establishments are subject to the provisions of the Act.

Appeals

Employees whose posts are politically restricted can appeal (via their Directorate Personnel Officer) to the Independent Adjudicator for exemption. The appeal must be in writing formally seeking exemption and, in the case of post holders below the remuneration level, giving the reason for disagreeing with the decision to list the post.

Administration

A list of politically restricted posts is held within Personnel Services.

Directors are responsible for identifying those posts that are restricted. They should notify their Directorate Personnel Officer of any changes affecting the political sensitivity of the duties of the post.

Directorate Personnel Officers are responsible for giving notification to employees that their posts are politically restricted and for outlining their appeal rights. This includes increases in salary to reach SCP 44. They will also ensure that the centrally held list is updated.

When a post that is subject to the Act becomes vacant potential applicants must be informed that the post is politically restricted, with an explanatory note being included in application packs.

Candidates should be reminded during the interview that the post they have applied for is politically restricted and the implications explained.

The restrictions form part of the contract of employment for anyone who is in a politically restricted post.