

# Swindon Borough Council

## Human Resources & Organisational Development

<b>Title:</b>	<b>Political Restrictions Policy</b>
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<b>Endorsed by:</b>	Cabinet Member for Corporate and Customer Services
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<b>This document replaces:</b>	Political Restrictions Policy May 2016
<b>HR Reference Number:</b>	HR 006

### Policy Statement

Swindon Borough Council is committed to working in accordance with legislation concerning Politically Restricted posts. Local Government employees should be seen to observe political neutrality so the public and Members of the Council may rely on those employees to give impartial advice. This policy defines how the Council will apply the requirements for Politically Restricted posts.

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## Who does it apply to?

This policy applies to all post-holders (including employees who transferred under TUPE regulations) of politically restricted roles, although all employees are required to observe the Council's Code of Conduct which requires all employees to be politically neutral in respect of their employment duties.

School teachers, head teachers and lecturers are exempt from political restrictions under Section 2(10) of the Local Government and Housing Act 1989.

When does it apply?	When does it not apply?
To any role that is deemed to be one that is politically restricted under the Local Government and Housing Act 1989.	School Teachers, Head Teachers and lecturers and exempt from this policy under the Local Government and Housing Act 1989.

## Definition of political restriction

1. Employees who have a role within the Council that is deemed to be politically restricted must not engage in any political activity.
2. The types of political activity which are considered to be restricted can be summarised as follows:
  - Becoming a Councillor, Member of Parliament (within the UK) or a Member of the European Parliament.
  - Announcing candidature for election to a local authority, the House of Commons or the European Parliament.
  - Being an officer of a political party or its branches or a member of its committees or sub-committees where the duties would likely require either participation in the general management of the party or branch or acting on behalf of the party or the branch dealing with non-party members.
  - Canvassing on behalf of a political party or for a person who seeks to be a candidate for election to a local authority, the House of Commons or European Parliament.
  - Acting as an election agent or sub-agent for an individual.
  - Speaking in public where there is an intention to affect public support for a political party.
  - Publishing work which appears to be intended to affect public support for a political party.



3. Posts will be considered to be politically restricted if they fall into one of the two following categories:

- Specified
- Sensitive

### Specified

4. The following posts are **automatically** subject to the restrictions on public political activity:

- The Head of Paid Service.
- Statutory Chief Officers (including the Corporate Director of Adult Services and the Corporate Director of Children's Services).
- Non-Statutory Chief Officers.
- Deputy Chief Officers.
- The Monitoring Officer.
- The officer holding Section 151 responsibilities, normally the Chief Financial Officer.
- Officers exercising delegated authority i.e. persons whose posts are for the time being specified by the Council in a list maintained in accordance with S 100G(2) of the LGA.
- Assistants to political groups.

### Sensitive

5. These are posts that are involved either one or more of the following criteria:

- Giving advice on a regular basis to the Council itself, to any committee or sub-committee of the Council or to any joint committee on which the Council is represented.
- Giving advice on a regular basis to the Administration of the Council, to any committee of that Administration, or to any member of that administration who is also a member of the Council.
- Speaking on behalf of the Council on a regular basis to journalists or broadcasters.

## Recruitment

6. All roles that are deemed to be politically restricted must be stated in **all** the recruitment documentation. It is important that recruiting managers discuss the political restriction on the role with applicants to ensure they are made aware of the implications of accepting the role. Applicants can be provided with a link to the policy which is available on the Council's [website](#).



## Conduct

7. Employees who allegedly undertake political activities within or outside of the workplace, whilst holding a post deemed to be politically restricted, may be subject to an investigation under the Council's [Disciplinary Policy](#) and the [Code of Conduct](#).

## Trade Union Officials

8. Trade Union officials can lobby and campaign but they need to be mindful that the Council's Code of Conduct still applies. The Council is aware that Trade Union Officials will discuss politics as part of their role.

## Appeal

9. Employees who hold a specified role have no right of appeal against their political restrictions.
10. Employees who hold a sensitive role do have the right to appeal against their political restriction on the grounds that the Council has wrongly applied the criteria of a sensitive post.
11. An appeal will need to be made, in writing, and to include a copy of the employee's role profile to the Head of Paid Service, Civic Offices, Euclid Street, Swindon SN1 1JH.
12. If the Head of Paid Service is satisfied that the role is not regarded as politically restricted, then Human Resources & Organisational Development will arrange for the role to be removed the list.

## Monitoring and Review

13. It is the responsibility of managers to identify whether any roles in their team are deemed to be politically restricted and to inform [HR Advice and Admin](#) if there are any.
14. A review of politically restricted roles are undertaken on an annual basis and employees will be informed, in writing, if there are any changes of restriction to their current role.



## Data Protection

15. As part of an employee's employment with the Council, the Council collects and processes personal data relating to its employees in accordance with its [Privacy Notice Policy \(for employees\)](#) and the Council's [Retention & Disposal Policy](#) which are available on the intranet. In particular, data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of ensuring employment information is kept up-to-date.
16. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's incident reporting and management process immediately. It may also constitute a disciplinary offence, which will be managed with under the Council's [Disciplinary Policy](#).

## Equality

Equality monitoring will be undertaken to ensure the fair application of this policy. This analysis will take place and be reported annually.

A Diversity Impact Assessment (DIA) has been undertaken in relation to this policy in order to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups. No adverse impacts were identified for any protected characteristic group.

## Legislation

- The Local Democracy, Economic Development and Construction Act 2009
- Data Protection Act 2018

This policy has been reviewed by Legal Services to ensure compliance with (the above legislation and) our statutory duties.

## Contacts and further information

If you require help in accessing or understanding this policy you should contact your line manager or trade union representative if you are a member. If, due to the nature of your query, it is not appropriate to contact your line manager you should contact your head of service who will nominate an appropriate manager or colleague to help you.



There are a number of related policies and documentation that should be read in conjunction with this policy:

- [Disciplinary Policy](#)
- [Code of Conduct](#)

For further information please speak to your supervisor, manager, head of service or contact HR Advice and Admin. Trade Unions members can also contact their Branch.

### **Contacts:**

#### **HR Advice and Admin**

E-mail: [HRAdviceandAdmin@Swindon.gov.uk](mailto:HRAdviceandAdmin@Swindon.gov.uk)