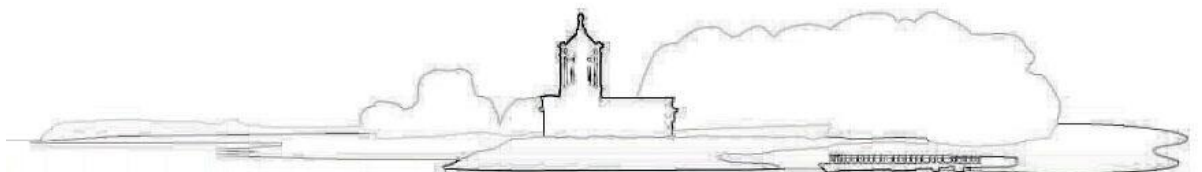




# Rutland County Council

## PROTOCOL FOR POLITICALLY RESTRICTED POSTS INCLUDING PROCEDURE FOR APPEAL

Version Number	Version 1.0 (1.1)
Guardian	Governance/Resources
Date Produced	1 <sup>st</sup> March 2014 (updated October 2014)
Next Review Date	1 <sup>st</sup> March 2017



## **Summary of document**

This Protocol provides a clear framework in which employees, whose posts are affected by this restriction, should operate. It also provides for an Appeal Process, should anyone who is restricted; decide to appeal against that status.

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## 1.1 INTRODUCTION

This Protocol aims to provide a framework for ensuring 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.

It also provides for anyone who is restricted in this way to apply for an exemption against that status in a fair and structured manner.

Certain posts are 'politically restricted', which means that individuals who hold them are effectively prevented from having any active political role either in or outside the workplace. This not only debars post holders from holding or standing for elected office but also prevents them from the following:

- Participating in political activities, publicly expressing support for a political party or undertaking other activities such as canvassing on behalf of a person who seeks to be a candidate; and
- Speaking to the public at large or publishing any written or artistic work that could give the impression that they are advocating support for a political party.

These restrictions aim to prevent politics coming into play where an employee is in a politically influential position. This would be where an employee implements the authority's policies, gives advice to, or speaks on behalf of, the authority.

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

## 2.1 CATEGORIES OF POLITICALLY RESTRICTED POSTS

Posts are considered to be politically restricted if they fall into the following two broad categories:

- Specified Posts – these are automatically subject to restrictions on public political activity and as such, there is no right of appeal.
- Sensitive Posts – this is where a post meets one or both of the following duties-related criteria:
  - 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; or any committee of that executive; or to any member of that executive who is also a member of the authority; and/or

- Speaking on behalf of the authority on a regular basis to journalists or broadcasters.

Teachers, head teachers and lecturers are all exempt from political restrictions under Section 2 (10) of the Local Government and Housing Act 1989 (LGHA 1972) and will not be regarded as holding politically restricted posts, whatever their role.

It is the Council's duty to prepare and maintain a list of politically restricted posts where it can choose to determine which posts are sensitive; posts which are specified cannot be determined by the Council as these are automatically subject to restrictions. This list will be held and maintained by Human Resources and employees will be notified personally of any amendments that may affect their post. For ease, both sets of posts have been included in the following schedules:

<b>Specified Posts</b>	<b>Category (LGH Act)</b>
Strategic Management Team	
Chief Executive (Head of Paid Service)	Head of Paid Service
Director for People/Deputy Chief Executive	Statutory Chief Officer
Director for Resources (& Monitoring Officer)	Statutory Chief Officer
Director for Places (two posts)	Non-statutory Chief Officer
Deputy Director People	Deputy Chief Officer
Assistant Director Finance (& s.151 Officer)	Statutory Chief Officer
People Directorate – direct reports to Chief Officers	
Head of Learning and Skills	Deputy Chief Officer
Head of Safeguarding – Children	Deputy Chief Officer
Head of Early Help	Deputy Chief Officer
Resources Directorate – direct reports to Chief Officers	
Head of Human Resources	Deputy Chief Officer
Head of IT	Deputy Chief Officer
Head of Corporate Governance	Deputy Chief Officer
Head of Welland Internal Audit Consortium	Deputy Chief Officer
Finance Manager (Two posts)	Deputy Chief Officer
Revenues and Benefits Manager	Deputy Chief Officer
Places Directorate – direct report to Chief Officers	
Senior Development Control Manager	Deputy Chief Officer
Planning Policy and Housing Manager	Deputy Chief Officer
Economic Development and Tourism Manager	Deputy Chief Officer
Property Manager	Deputy Chief Officer
Head of Culture and Registration	Deputy Chief Officer
Senior Transport Manager	Deputy Chief Officer
Senior Environmental Services Manager	Deputy Chief Officer
Senior Highways Manager	Deputy Chief Officer
Oakham Enterprise Park Business Manager	Deputy Chief Officer
Corporate Health and Safety Adviser	Deputy Chief Officer

Sensitive Posts	Reason
Corporate Support Team Manager	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; or to any member of that executive who is also a member of the authority.
Corporate Support Team Co-ordinator	
Corporate Support Team Support Officers	
Governance Co-ordinator	
Support Officer (Elections)	
Head of Adult Social Care	
Head of Commissioning, Health and Wellbeing	Others who communicate with the Media.
Strategic Communications Officer	
PA to the Chief Executive	

### **3.0 ADVERTISING A POLITICALLY RESTRICTED POST**

When advertising a politically restricted post, the criteria must be used to determine whether a post is politically restricted and on what grounds it is restricted. If the post is politically restricted this must be included in the job description and in the employee's Contract of Employment. If the post is politically restricted, the implications of this must be discussed with candidates at interview.

### **4.0 POST HOLDERS OF POLITICALLY RESTRICTED POSTS**

This only applies to post holders of politically restricted posts, although all employees are required to observe the Council's Code of Conduct which requires all staff to be political neutral in respect of their employment duties.

### **5.0 APPLYING FOR AN EXEMPTION AGAINST BEING POLITICALLY RESTRICTED**

Officers who will be politically restricted on the basis that it appears to the Council that their post is 'sensitive' have the right to appeal. Any officer wishing to appeal against their political restrictions should contact the Head of Corporate Governance in the first instance, stating their grounds of appeal. The Head of Corporate Governance will refer the matter to the Head of Paid Services who in consultation with the Monitoring Officer will decide whether or not to uphold the original decision.

There may be occasions where an officer feels their post should be politically restricted but it has not been determined as such. In these instances, officers

should follow the same route above, setting out the reasons why they feel their post should be categorised as politically restricted.

**A large print version of this document is available on request**



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