



West Yorkshire  
Fire & Rescue Service

# Politically Restricted Posts (Green & Grey Book) HRPOL027

## OFFICIAL

Ownership: Human Resources

Date Issued: 08/10/2018

Version: 10.0 Status: Final



## Revision and Signoff Sheet

### Change Record

Date	Author	Version	Comments
10/11/15	Christine Silson	9.0	Transferred into new template, no contents changed
20/08/2018	Debbie Richardson	10.0	Update of policy, to include updated list of applicable posts.

### Reviewers

Name	Version Approved	Position	Organisation	Date
HR Team			WYFRS	29/12/17
Christine Cooper		CHRM	WYFRS	20/04/18
Ian Brandwood		CESO	WYFRS	10/07/18
Michael Barnes		CLGO	WYFRS	10/07/2018

### Distribution

Name	Position	Organisation
All Employees		WYFRS

### Document Properties

Item	Details
Document Title	Politically Restricted Posts (Green & Grey Book)
Author	Administrator
Creation Date	08 February 2014
Last Updated	08 October 2018

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## 1 Part 1 - Policy

### 1.1 Background

This policy is applicable to employees in specific posts.

The Local Government and Housing Act 1989 (LGHA 1989) as amended by the Local Democracy, Economic Development and Construction Act 2009 provides for each local authority to prepare, maintain and publish a list of posts which are specified or identified as “politically restricted.” Fire authorities are considered local authorities for the purposes of the Local Government Housing Act and therefore are covered by the provision of the Act.

### 1.2 Restrictions

These restrictions are incorporated by law into individual contracts of employment, and any breach may render the post holder in breach of their contract of employment. The effect of these provisions is that certain posts are “politically restricted”, which means that individuals who hold them are effectively prevented from having any active political role either inside or outside of 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.

Employees covered by this policy are not barred from membership of political parties but are from political activity. The purpose of this policy is to provide details of which posts are subject to restrictions and the process for challenge if a post is so designated.

Some employees e.g. Chief Fire Officers are automatically subject to restrictions. Others may be by virtue of the duties they actually perform. West Yorkshire Fire and Rescue Service (WYFRS) has, as required by the Act, approved a list of post holders to whom restrictions apply. This list is subject to regular review and revision.

### 1.3 Political Restrictions and Activity

The types of political activities that are prohibited by the Acts include:

- Standing as a candidate for election to
  - A Local Authority
    - [For example: The House of Commons; The European or Scottish Parliament; The Welsh Assembly; Local Council (excludes Parish Councils).]
- Acting as an election agent or sub-agent.
- Being an officer of a political party, or a branch or committee or sub-committee of a political party, if this involves participation in the general management of the party or branch, or dealing with persons (other than members of the party or branch) as a representative of the party or branch.
- Canvassing on behalf of a political party or any candidate for election to the House of Commons, the European Parliament, the Welsh Assembly or a local authority.
- Publishing any written or artistic work of which the officer is an author or editor (either solely or with others) if the work is, or appears to be, intended to affect public support for a political party.
- Speaking to the public with the apparent intention of affecting public support for a political party.

These restrictions do not preclude the display of a poster or other document at the post holder's home or on their vehicle or other possessions.

*This list is not exhaustive and is intended as guide. Employees seeking to become elected to an authority or to take part in political activity may wish to consider independent legal advice.*

## 1.4 List of Politically Restricted Posts

The categories of post covered by these restrictions are as follows:

### Specified Posts

Specified posts are automatically subject to restrictions on political activity and, as such, there is no right to appeal. These posts are:

Statutory Officers and the Chief and Deputy Chief Officers (Deputy for this purpose is anyone who reports directly to a Chief Officer).

Management Board:

- Chief Fire Officer / Chief Executive Officer
- Chief Legal & Governance Officer
- Chief Finance & Procurement Officer
- Deputy Chief Fire Officer / Director of Service Delivery
- Assistant Chief Officer / Director of Service Support
- Chief Employment Services Officer

**Plus:** Officers who report directly to them who fall into the Deputy Chief Officer category including:

- Area Managers
- Non Uniformed Executive Grade Officers including Senior Technical Services Manager, ICT Service Delivery Manager, Head of Corporate Communications, Occupational Health and Safety Manager, Corporate Human Resources Manager, Fire Protection Manager, Senior Finance Manager.
- Any other officer reporting directly with no intervening chain of management to one of the Management Board members not already identified above e.g. Organisational Development Manager, Group Manager Employee Resources, and Corporate Services Manager.

### Sensitive Officer Posts:

A sensitive post is one which meets one or both of the following duties related criteria:

- Officers who regularly represent the Authority in dealings with the media, which includes all staff in Corporate Communications.
- Officers who regularly give advice to Committee.
  - This includes the Committee Services Manager, and other officers who regularly attend committee and give advice.<sup>1</sup>

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<sup>1</sup> The relevant Director needs to make a decision on regularity. If in doubt they should consult the Chief Legal & Governance Officer and invite the Officer to comment before classification.

Officers in the Sensitive Posts category may apply for removal from the restrictions list on the basis that they have been wrongly classified and such applications must be submitted to the Chief Legal & Governance Officer for consideration/determination.

**Other posts:**

Officers similar to those in the Sensitive Officer posts category, whose post has not already been determined as politically sensitive, may be considered for inclusion by the relevant Executive Officer.

## **2 Appeals**

### **2.1 Decision Making**

Each time a new post is established or an existing post changed the Corporate HR Manager shall determine which category, if any, applies to the post.

### **2.2 Appeals Process**

Officers who occupy Specified Posts have no right of appeal.

Officers occupying a post which is included on the list may apply to the Chief Legal and Governance Officer to be removed. Such application should be accompanied by a current description of duties and responsibilities. Grounds for appeal could be:-

- Duties do not involve the giving of advice on a regular basis to the Fire Authority or any committee or sub-committee.
- Duties do not involve representing the Fire Authority, on a regular basis, with the media.