

# Political Activity

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## Introduction

1. Civil servants owe their allegiance to the Crown. In its executive capacity, the authority of the Crown is exercised through the Government of the day. You are therefore required to serve the Government of the day of whatever political persuasion. For the Civil Service to serve successive governments of different political complexions it is essential Cabinet Secretaries, Ministers and the public should have confidence that civil servants' personal views do not cut across the discharge of their official duties. The intent of the rules governing political activities by civil servants is to allow them the greatest possible freedom to participate in public affairs without infringing these fundamental principles. The rules are concerned with political activities liable to give public expression to political views, rather than privately-held beliefs and opinions. Further guidance is issued to staff at the time of an Election.

2. For the purpose of regulating the conduct of civil servants, political activities have been defined as follows:-

### **2.1 National political activities**

- 2.1.1 public announcement as a candidate for the: Scottish Parliament; UK Parliament; European Parliament; or the National Assembly for Wales;
- 2.1.2 holding, in party political organisations, office which impinges wholly or mainly on party politics in the field of the: Scottish Parliament; UK Parliament; European Parliament; or the National Assembly for Wales;
- 2.1.3 speaking in public on matters of national political controversy;
- 2.1.4 expressing views on such matters in letters to the Press, or in books, articles and leaflets;
- 2.1.5 canvassing on behalf of a candidate for the: Scottish Parliament; UK Parliament; European Parliament; or the National Assembly for Wales, or on behalf of a political party.

### **2.2 Local political activities**

- 2.2.1 candidature for, or co-option to, local authorities;
- 2.2.2 holding, in party political organisations, office impinging wholly or mainly on party politics in the local field;
- 2.2.3 speaking in public on matters of local political controversy;
- 2.2.4 expressing views on such matters in letters to the Press, or in books, articles or leaflets;
- 2.2.5 canvassing on behalf of candidates for election to local authorities or local political organisations.

All staff are free to participate in community council affairs provided such activities do not interfere with their official duties.

3. The Civil Service is divided into 3 distinct groups in regard to participation in political activities:

- 3.1 the politically free - those completely free to engage in the activities defined in paragraph 2;
- 3.2 the intermediate group - those eligible to engage in most of the defined activities by permission of the Scottish Government and subject to certain conditions;
- 3.3 the politically restricted - those debarred from engaging in the activities defined as national political activities but free to seek permission from the Scottish Government to engage in the activities defined as local political activities.

### **The Politically Free Group**

4. This includes all industrial and non office staff who are completely free to engage in all forms of political activities, both national and local, subject to the observance of the general rules set out in [paragraph 12](#). However, if you intend to stand for the: Scottish Parliament; UK Parliament; European Parliament; or the National Assembly for Wales, you should take account of [paragraph 13](#) and consult the Human Resources Shared Service Centre (HRSSC).

### **The Intermediate Group**

5. This includes all staff in Bands A and B.

6. If you are in this group you must make individual application for permission to take part in national or local political activities. If permission is granted, you must observe the general rules set out in [paragraph 12](#) and the code of discretion. The Scottish Government reserves the right to withdraw permission at any time and without prior notice if there is a change in relevant circumstances.

7. If you are given permission to take part in local political activities you must inform the Scottish Government if you are elected to a local authority.

### **The Politically Restricted**

8. This includes all staff in Band C and above plus fast streamers.

9. If you are in this group you are completely barred from national political activities, although you may seek permission to take part in local political activities. If permission is granted, it will be subject to the observance of the general rules set out in paragraph 12 and the code of discretion ( paragraph 19). The Scottish Government reserves the right to withdraw permission at any time without prior notice if there is a change in relevant circumstances.

10. If you are given permission to take part in local political activities you must inform the Scottish Government if you are elected to a local authority.

### **General rules concerning political activity**

12. You must not take part in any political activity when on duty, or in uniform, or on official premises. You must not attend in your official capacity outside conferences or functions convened by or under the aegis of a party political organisation.

### **Parliamentary Candidature**

13. Civil Servants are disqualified from election to the: Scottish Parliament; UK Parliament, European Parliament; and National Assembly for Wales and must therefore resign from the Civil Service before standing for election. If you are in the politically free group you are not required to resign on adoption as a prospective candidate but to prevent your election being held to be void, you must submit your resignation before you give consent to nomination in accordance with Parliamentary Election Rules.

14. If you are in the politically free group and resign to stand for election you will be reinstated provided you apply within a week of declaration day if you are not elected. If you are elected you will still be subsequently reinstated if:

- 14.1 you cease to be a Member after an absence from the Civil Service of not more than 5 years;
- 14.2 you have had at least 10 years service before your election; and
- 14.3 you apply for reinstatement within 3 months of ceasing to be a Member.

(The Scottish Government has discretion to consider applications for re-instatement in cases where conditions 14.1 and 14.2 are not met).

15. The Scottish Government also has discretion to reinstate staff who are not in the politically free category following their resignation to stand for election to the: Scottish Parliament; UK Parliament, European Parliament; and National Assembly for Wales.

16. Where staff are reinstated the period of the break will not count for pay or pension purposes nor will salary be payable during the break.

### **Limitations on political activity**

17. If you decide to participate in political activities, you are reminded that such permission is dictated by your post at the time. You remain liable in the usual way to re-assignment to other duties. Within this context and subject to the constraints of your particular circumstances, the Scottish Government will try to meet individual wishes in order that a permitted political

activity may be continued, in the same way that it may be possible to accommodate other individual preferences. This may, however, have the effect of limiting your range of experience. If you move to a post for which permission cannot be granted you will, of course, be required to relinquish your political activities.

18. If you are given permission you are not required to re-apply for it except in the event of a change of band, or a move to another post, or if an extension of your political activities is contemplated.

### **Code of Discretion**

19. When permission is given to staff in the intermediate or politically restricted groups, their political views should not constitute so strong or comprehensive a commitment to the beliefs of one political party as to inhibit or appear to inhibit loyal and effective service to Ministers of another party. Staff in these groups are accordingly subject to the following code of discretion when engaging in political activities:

- 19.1 they should bear in mind that they are public servants working under the direction of Ministers forming the government of the day. While they are not debarred from advocating or criticising the policy of any political party, comment should be expressed in moderation, particularly in relation to matters for which Scottish Government Cabinet Secretaries and Ministers are responsible. Indeed, all comment should be avoided if the issue concerned is controversial. Personal attacks should also be avoided;
- 19.2 they should take every care to avoid any embarrassment to Cabinet Secretaries, Ministers or the Scottish Government which could result, inadvertently or otherwise, from bringing themselves prominently to public notice, as civil servants, in party political controversy;
- 19.3 permission to participate in local political activities only is granted on condition that officers act with moderation and discretion at all times particularly in matters affecting the Scottish Government, and take care not to involve themselves in matters of political controversy which are of a national rather than local significance.

20. If you are not in the politically free category and have not been given permission to engage in political activities, you must retain at all times a proper reticence in matters of political controversy so that your impartiality is beyond question.

- 20.1 Staff in Bands A-C are required to register their political activity where there is the potential for a conflict of interest to arise in the case management section of the eHR self referral facility. Staff in the SCS are required to register all political activity.

### **Appeals**

21. If you have been refused permission to engage in political activities you are entitled to appeal against the Scottish Government's decision before the Civil Service Appeal Board. Notification of the intention to appeal must be received by the Secretary to the Board within 8 weeks of receipt of the Scottish Government's decision. Further details on the appeals procedure may be obtained from the Human Resources Shared Service Centre (HRSSC).

## **Enquiries about political activity**

22. If you have any enquiries relating to this section you should contact the Human Resources Shared Service Centre (0131 244 43334).