

POLITICAL ACTIVITY RULES

We owe our allegiance to the crown ¹

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 rules governing political activities by civil servants exist to allow you the greatest possible freedom to participate in public affairs without infringing these fundamental principles.

Who does the policy apply to?

It applies to all colleagues in the Scottish Government.

The rules are concerned with political activities liable to give public expression to political views, rather than privately-held beliefs and opinions.

For the purpose of regulating the conduct of civil servants, political activities have been defined as national or local political activities. And the Civil Service is divided into three distinct groups:

- **the politically free** - those completely free to engage in the national and local activities
- **the intermediate group** - those eligible to engage in most national and local political activities with the permission of the Scottish Government and subject to certain conditions
- **the politically restricted** - those debarred from engaging in national political activities but free to seek permission from the Scottish Government to engage in local political activities.

Further guidance on political activities and groupings is set out below .

What are the key requirements?

- 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.
- Colleagues in Bands A-C are required to register their political activity where there is the potential for a conflict of interest.
- Senior Civil Servants are required to register all political activity.

¹ 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.

- Civil servants do not need permission to take part in activities organised by their trade unions².
- Where you have been given permission to take part in political activities you must give these up if you move to a post where permission cannot be granted.
- Permission to participate in political activities may be withdrawn at any time and without prior notice if there is any change to relevant circumstances.
- 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.
- 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.
- HR Help can provide advice if you have Enquiries about political activity

Last Review

This policy was last reviewed in November 2015. No amendments were made.

Related policies

This policy should be read in conjunction with any current guidance issued at the time of an Election.

² Elected trade union representatives may comment on Government policy when representing the legitimate interests of their members, but in doing so they must make it clear that they are expressing views as representatives of the union and not as civil servants.

Guiding principles

In exercising discretion over participation by civil servants in the political activities as outlined above, the Scottish Government will pay regard to the following principles:

- permission should normally only be refused where you are employed in sensitive areas in which the impartiality of the Civil Service is most at risk. Permission may be granted to individuals or groups to undertake either only national or only local political activities;
- permission should normally be granted in all other circumstances, provided the Scottish Government is satisfied that you are aware of the need to observe the principles set out above and the other rules governing the conduct of civil servants, including those relating to the use of official information.

In applying these principles, the Scottish Government will regard posts as being "sensitive" if:

- they are closely engaged in policy assistance to Scottish Ministers (or to non-departmental Crown bodies) such as tendering advice or executing immediate Ministerial directives;
- they are in the private offices of Scottish Ministers or senior officials or in areas which are politically sensitive or subject to national security;
- they require the postholder regularly to speak for the Scottish Government (or Agency) in dealings with commercial undertakings, pressure groups, local government, public authorities or any other bodies;
- the postholder represents the Scottish Government in dealing with overseas governments; or
- the postholder is involved in a significant amount of face to face contact with members of the public who may be expected to know of the postholder's political activities and makes, or may appear to make, decisions directly affecting them personally.

The Scottish Government will apply as helpful a postings policy as possible to you if you wish to become or remain politically active, provided you understand that this may have the effect of limiting the range of posts for which you may be eligible. If you move to a post for which permission cannot be granted you will, of course, be required to relinquish your political activities

Code of Discretion

Where permission is granted, your 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. You are therefore subject to the following code of discretion when engaging in political activities:

- you should bear in mind that you are a public servant working under the direction of Ministers forming the government of the day. While you 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;

- you should take every care to avoid any embarrassment to Cabinet Secretaries, Ministers or the Scottish Government which could result, inadvertently or otherwise, from bringing yourself prominently to public notice, as a civil servant, in party political controversy;
- permission to participate in local political activities only is granted on condition that you act with moderation and discretion at all times particularly in matters affecting the Scottish Government, and take care not to involve yourself in matters of political controversy which are of a national rather than local significance.

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.

Process

1. Check which Civil Service grouping you fall within and determine whether you need to apply for permission to participate in political activities.
2. If you require permission this should be sought through HR Help, who will consult both you and your manager when considering your application.
3. Where permission is granted you must follow the code of discretion and the General rules when engaging in political activities.
4. You must record your political activity in eHR.
 - Colleagues in Bands A-C are required to register their political activity where there is the potential for a conflict of interest.
 - Senior Civil Servants are required to register all political activity.
5. If you later change post, change the duties of your current post or your circumstances otherwise change, you must re-apply for permission if you wish to continue in your political activities.

Parliamentary Candidature

Other rules, in addition to the requirement to resign before standing for election, will apply depending on the group you belong to:

The Politically Free group

1. 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.

2. Where you are a candidate for election you must complete your last day of service before your adoption papers are completed.
3. If you resign to stand for election and are not elected, you will be reinstated provided you apply within a week of declaration day.
4. If you are elected you will still be subsequently reinstated if:
 - you cease to be a Member after an absence from the Civil Service of not more than 5 years;
 - you apply for reinstatement within 3 months of ceasing to be a Member.

The Scottish Government has discretion to consider applications for re-instatement where the first condition above is not met.

The Intermediate and Politically Restricted group

1. You must not issue an address to electors or in any other manner publicly announce yourself or allow yourself to be publicly announced as a candidate or prospective candidate for election to the Scottish Parliament, UK Parliament, European Parliament; and National Assembly for Wales.
2. You must resign from the Civil Service on your formal adoption as a Parliamentary candidate or prospective candidate in accordance with the procedures of the political party concerned.

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.

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.

Recording political interest

Colleagues in Bands A – C must record interests in eHR which may give rise to a conflict of interest.

Senior civil servants must report all interests.

Appeals

Where you have been refused permission to participate in political activities, where prior permission has been withdrawn or where permission has been granted subject to certain conditions, you will be given a full explanation of the reasons for the decision.

You are entitled to appeal against the Scottish Government's decision to the Civil Service Appeal Board. Notification of the intention to appeal must be received by the Secretary to the Board within eight weeks of receipt of the Scottish Government's decision. Further details on the appeals procedure may be obtained from HR Help on 0131 244 8500.

SUPPORT

Guidance

Political activities

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

National political activities

- public announcement as a candidate for the: Scottish Parliament; UK Parliament; European Parliament; or the National Assembly for Wales;
- 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;
- speaking in public on matters of national political controversy;
- expressing views on such matters in letters to the Press, or in books, articles and leaflets;
- 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.

Local political activities

- candidature for, or co-option to a local authority;
- holding, in party political organisations, office impinging wholly or mainly on party politics in the local field;
- speaking in public on matters of local political controversy;
- expressing views on such matters in letters to the Press, or in books, articles or leaflets³ ;
- canvassing on behalf of candidates for election to a local authority or local political organisations.

You are free to participate in [community council](#) affairs provided such activities do not interfere with your official duties.

Civil service groupings

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

The Politically Free Group

³ expressing views on such matters in letters to the Press, or in books, articles and leaflets" includes online activity such as blogs and forums and social media sites

- 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.
- 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 the guidance on Parliamentary Candidature and consult HR Help

The Intermediate Group

- includes all staff in Bands A and B (excluding those within the Politically Free 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 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.
- 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

- includes all staff in Band C and above plus fast streamers.
- 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 and the code of discretion The Scottish Government reserves the right to withdraw permission at any time without prior notice if there is a change in relevant circumstances.
- 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.