

Political Activity

This document outlines the Scottish Prison Service Guidance in relation to Political Activity

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All SPS Employees

Links to Other Policies:

[Special Leave](#)

[Flexible Working](#)

[Occasional Homeworking](#)

[Staff Attendance System Revision 4](#)

[Protecting the Personal Data of Staff Members and Others](#)

Approved by:

Head of HR, in consultation with the Chief Executive

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1.0 Introduction

The Scottish Prison Service (SPS) has a responsibility to make clear to all employees any restrictions on their taking part in political activities. These restrictions are set out at length in the [Civil Service Management Code](#), with which this guidance is compliant.

Where any political activity is paid, this guidance should also be read in conjunction with the SPS guidance on [Secondary Employment](#), to ensure that any such political activity is in accordance with Working Time Regulations and any additional guidance issued at the time of an Election.

This guidance has been developed by SPS Management and the SPS Trade Union Side (TUS) working in Partnership.

2.0 Aim

The aim of this guidance is to ensure employees who wish to undertake political activity have SPS approval, and to ensure that the SPS is compliant with the [Civil Service Management Code](#) and other employment legislation.

3.0 SPS Statement

In order for the SPS to serve successive governments of different political complexions, it is essential that SPS employees' personal views do not cut across the discharge of their official duties.

The intent of the rules governing political activities by SPS employees is to allow them the greatest possible freedom to participate in public affairs without infringing these fundamental principles of the [Civil Service Management Code](#).

4.0 Scope

This guidance applies to all SPS employees, regardless of the nature of their contract of employment.

This guidance is concerned with political activities liable to give public expression to political views, rather than privately-held beliefs and opinions.

5.0 Definitions

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 leaflets and online mediums;
- canvassing on behalf of candidates for election to a local authority or local political organisations.

6.0 Roles and Responsibilities

Director of Corporate Services

- Has overall responsibility to ensure that SPS meets the requirements of the Civil Service Management Code in relation to political activity, and for considering appeals in accordance with this guidance.

Head of HR

- Has the delegated responsibility for considering all applications to engage political activity in line with the Civil Service Management Code.

Head of HR Central Services

- Has the responsibility to ensure that this guidance is kept up to date, communicated to all employees and that a register of interests is maintained centrally for SPS.

Governors and Managers

- Have a responsibility to ensure that their employees are made aware of this guidance.
- Managers who become aware that an employee has acted in breach of this guidance have a duty to investigate the matter promptly and thoroughly

Employees

- Have a responsibility to comply with this guidance and, where applicable, request permission to participate in political activity.
- Employees should note that failure to adhere to this guidance may result in action being taken under the SPS' disciplinary procedures.
- Any employee who is offended by, or concerned about, a colleague's behaviour in relation to political activity or the expression of political opinions at work should raise the matter with management.

7.0 Political Activity

7.1 General Principles

Employees must not take part in any political activity when on duty, in uniform, or on official SPS premises, unless it is a requirement of their role to do so. Employees must not attend (in their official capacity) conferences or functions convened by or under the support of a party political organisation.

If an employee chooses to express a political opinion outside of work, the employee must not:

- Mention SPS' name alongside any political statement or opinion;
- State or imply that SPS endorses any particular political opinion; or
- Say or write anything that might bring SPS' name into disrepute.

As Civil Servants, all SPS employees are disqualified from election to the Scottish Parliament; UK Parliament, European Parliament; and National Assembly for Wales and must therefore resign from the SPS before standing for election.

7.2 Grade / Role Specific Considerations

There are three distinct groups in regard to participation in political activities, as denoted in the [Civil Service Management Code](#), to which HR should refer when considering applications:

- **The Politically Free Group** – This includes all industrial and non-office employees (i.e. all Operational employees in bands C, D, E, and Estates non-office employees) who are completely free to engage in all forms of political activities, both national and local, subject to the observance of the general rules.
- **The Intermediate Group** – This includes all Operational employees in Band F – I, and all office-based employees below Director Level. . Employees in this group must make individual applications for permission to take part in national or local political activities.
- **The Politically Restricted** – This includes all employees at Director Level. Employees in this group are completely barred from national political activities, although employees may seek permission to take part in local political activities.

7.3 Notification Requirements

There are two type of notification forms, depending upon your Civil Service Group:

- **Register of Interests Form** - although 'Politically Free' employees do not require permission to engage in Political Activity, the SPS is required to keep a register of such activities. Any SPS employee in the Politically Free Group are required to register their political activity on the Register of Interest Form.
- **Political Activity Application** – any SPS employee in the Intermediate or Politically Restricted Group outlined above, who wishes to undertake voluntary or paid political activity must complete a Political Activity Application, which will be considered by the Head of HR or nominee. Employees must refrain from engaging in such activity until permission has been gained from the SPS,

Completed forms should be returned to Human Resources and copied to the Employment Relations & Reward Team. Where permission is granted you must follow the code of discretion (section 9) and the General rules when engaging in

political activities. SPS reserves the right to withdraw permission at any time and without prior notice if there is a change in relevant circumstances.

8.0 Limitations on Political Activity

There are two type of notification forms, depending upon your Civil Service Group:

- **Register of Interests Form** - although 'Politically Free' employees do not require permission to engage in Political Activity, the SPS is required to keep a register of such activities. Any SPS employee in the Politically Free Group are required to register their political activity on the Register of Interest Form.
- **Political Activity Application** – any SPS employee in the Intermediate or Politically Restricted Group outlined above, who wishes to undertake voluntary or paid political activity must complete a Political Activity Application, which will be considered by the Head of HR or nominee. Employees must refrain from engaging in such activity until permission has been gained from the SPS.

Completed forms should be returned to Human Resources and copied to the Employment Relations & Reward Team. Where permission is granted you must follow the code of discretion (section 9) and the General rules when engaging in political activities. SPS reserves the right to withdraw permission at any time and without prior notice if there is a change in relevant circumstances.

9.0 Code of Discretion

When permission is given to employees 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. Employees in these groups are accordingly subject to the following code of discretion when engaging in political activities:

- Employees 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 guidance 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.

- Employees 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.
- Permission to participate in local political activities only is granted on condition that employees 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.

If an employee is not in the politically free category and has not been given permission to engage in political activities, they must retain at all times a proper reticence in matters of political controversy so that their impartiality is beyond question.

10.0 Appeals

In the case of a refusal to allow engagement in political activity, appeals should be submitted to the Director of Corporate Services within 7 calendar days of receiving notification of the decision. Appeals should be submitted to the Director of Corporate Services, SPS HQ, copied to the local HRBP.

Appeals will be considered on written evidence provided only, by the Director of Corporate Services and a response will be provided, in writing, normally within 14 calendar days. The decision will conclude the SPS appeal process and there is no further right of appeal, nor any recourse to the Grievance Procedure.

Further appeals can be made against SPS' 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 SPS' decision. Details of the Civil Service Appeal Board can be found [here](#).

11.0 Enquiries about Political Activity

Enquiries relating to this guidance should be directed to local HR Departments.

Further Information:

The SPS recognises that from time to time employees may have questions or concerns relating to Political Activity. In certain situations employees' rights and obligations regarding Political Activity may change. In these circumstances the SPS will abide by any statutory obligations.

The SPS wishes to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. Employees are encouraged to seek clarification on any issues with the appropriate Line Manager in the first instance.

Sustainability

Improving our environmental performance and doing things in a more sustainable way should be seen as integral to our core business practices.

In line with the SPS Sustainable Policy and to demonstrate compliance with the Scottish Government's commitment to improving environmental and sustainable development performance, please be mindful if printing this document – keeping paper usage to a minimum (print only version), printing on both sides, and recycling.

Equality Statement

The SPS is an equal opportunities employer where all employees are treated with dignity and respect. We are fully committed to equality, diversity and human rights and to ensuring our culture, working environment, policies, processes and practices are free from bias. This guidance applies to all employees regardless of protected characteristics, and, subject to any eligibility criteria, length of service, grade, working pattern or operational status.

GDPR

This Policy has been subject to a Data Protection Impact Assessment to ensure compliance with GDPR.

Inclusive Communications

It is our ambition to ensure that SPS documents are readable, accessible and engaging for employees.

In formatting this document, good practice principles around engagement and inclusive communications have been adhered to.

If you require this document in an alternative format please contact Human Resources.

Review and Monitoring

This policy will be reviewed every three years or sooner where applicable to reflect changing business and legislative requirements.

Human Resources Policy and Guidance in SPS

SPS policies take into account current legislation, rules, regulations and best practice guidance from a range of professional and public bodies, including the following:



UK Civil
Service
Management
Code



UK Legislation



EU
Legislation



ACAS



CIPD Best
Practice