

DRAFT PROTOCOL RELATING TO THE INDEPENDENT PERSON

This Protocol is to make clear the relationships between the Independent Person (IP) and the various parts of the Authority involved in the process of handling standards complaints and wider promotion of standards. Its aim is to ensure that responsibility is clear at each stage of the process and set out the expectations and rights of the IP.

It is written with the following assumptions:

1. There is no separation of roles amongst Independent Persons within a case.
2. The Monitoring Officer is taking the decisions whether or not any further action should be taken on an initial complaint. In cases where a review of the Monitoring Officer's decision has been requested a Sub-Committee of the Standards Committee will decide whether or not any further action should be taken.
3. The IP may be consulted on allegations by the MO before a decision is reached
4. Matters under investigation are referred to the Standards Committee or its Sub-Committee for determination.

Considering written allegations

1. The Monitoring Officer (MO) may seek the views of the Independent Person (IP) before reaching a decision on whether any further action should be taken on a written complaint
2. When issuing the decision letter or communication, the MO will record that the IP has been consulted (in cases where this is the case) and that their views have been taken into account. Where the view of the MO and IP differ, the MO will record the reasons for following a particular course. The letter will make clear that it is the MO and not the IP who is the decision-maker.

Matters under investigation

3. A Member of the Authority who is the subject of a complaint may seek the views of the IP. A subject Member wishing to contact the IP should do so via the MO who will arrange for a meeting to take place or supply the IP's contact details to the Member. These arrangements will be communicated to the subject Member by the MO.
4. Where the IP has given views to the subject Member, those views shall be put in writing and made available to all relevant parties in the case.
5. The IP will need to agree in advance with the subject Member rules of confidentiality but it will be up to the IP to decide whether matters should remain confidential and, even where there is confidential information disclosed to the IP, there should be a public statement that confidential matters were discussed.
6. The MO may consult the IP at any stage during the process, particularly on matters which relate to the procedures for handling complaints.
7. Where a matter has been referred to the Standards Committee or its Sub-Committee for determination, the Committee must seek the views of the IP before reaching its conclusions. The IP's views should be recorded in any decision notice and, where those views do not reflect the final outcome reasons must be given for any differences. However, it must be clear that it is the Standards Committee or its Sub-committee and not the IP who is the decision-maker.
8. The IP shall not make any comments to the media on any matter without prior agreement of the MO. Any requests for comments from media shall be referred in the first instance to the MO who may refer these to the Chair of the Standards Committee or its Sub-Committee as appropriate.

9. The IP may be requested by the MO or Standards Committee to assist in any training on conduct issues as appropriate.
10. Where the IP is unable to act because of a conflict of interest or because they are otherwise unavailable their role will be carried out by the remaining IPs.

Relationship with the Standards Committee

11. The IP shall receive agendas and minutes of all meetings of the Standards Committee and shall be allowed to request for items to be added to the agenda with the agreement of the Chair and to speak at the Committee.
12. The IPs are not members of the Standards Committee and therefore are not part of the formal business of the meeting and cannot vote on any matters put to the meeting. They may be invited to observe confidential matters with the agreement of the Chair.

Other matters

13. The IP may raise any concerns about standards issues or implementation of the process with the MO or Chair of the Standards Committee.
14. The Authority, through its Standards Committee and MO, is responsible for ensuring that the Authority meets its duty to promote and maintain high standards. However, the IP maybe consulted on any proposed changes to the Code of Conduct or procedures for handling allegations.
15. The IP has the right of access to any confidential information required to carry out their role. Access to such information and its storage shall be agreed with the MO.

16. The IP has the right of access to Authority and Fire Service buildings in order to carry out their role. Access should be agreed in advance with the MO.
17. The MO will meet or communicate at least quarterly with the IP to review relevant matters.
18. The IP will agree to sign a Code of Conduct, including a register of interests to be held by the MO and will declare any relevant interests in relation to cases to the MO who will decide whether the interest conflicts them out of involvement in the matter.

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