

# THE ROLE OF THE INDEPENDENT PERSON

## FIVE KEY LESSONS LEARNT

During our recent series of roadshows, we have met with a large number of Independent persons and officers from a cross-section of authorities. We have seen a different state of preparedness and a wide range of different practices.

If we were to have any messages to IPs as a result of these discussions, it would be the following:

### **1. Ensure you have a written contract and description of your role.**

Many IPs are unclear of what it is they are supposed to do or not supposed to do, as they only have limited job descriptions. The role can be very narrow – sticking to bare statutory minimum – or go much wider to look at standards issues generally, but whatever the intention, this should be clear and in writing for all concerned.

Similarly there is a need to have an understanding about what access you have to confidential council papers, IT equipment and officer support and also how you should be contacted and how you can contact the authority.

### **2. Be formal about how you give your views**

The key role is to give views. These views are not binding but will carry weight. You will also want to ensure your views are not misrepresented or ignored unreasonably.

You should therefore always put your views in writing, even if it is a follow-up note later. You should avoid being drawn into ‘off the record’ discussions and will therefore need to ensure that your access to members or the public involved in cases is formally controlled and properly recorded.

When giving views to one party, you should always make clear those views will be formal, in writing and shared with the authority and, if appropriate, other parties in the case.

You should therefore agree a format for recording your view and ensure all parties are clear of your role at the start of a case.

### **3. There should not be a separation of roles within a case**

Some authorities have adopted an approach of having a division of roles for IPs within an individual case – for example, one to support the Mo in reaching decisions, one to give views to the council, one who is the contact point for the subject member, and one who may be a contact point for the complainant.

# INDEPENDENT PERSONS' WORKSHOP

## FIVE KEY LESSONS LEARNT

### **3. There should not be a separation of roles within a case (continued)**

We do not think this is good practice as it risks the IP losing the perception of independence and impartiality and also risks IPs being played off one another or views not being presented in a transparent manner.

We believe that there should only be one IP designated for each case (or if more than one that they work as a team) to ensure a consistent, independent approach.

### **4. Understand your council(s) and your relationship with them**

Each council has a unique culture and way of working. It is important you understand some of that context, for example by attending some meetings as an observer (including t parish level if appropriate).

You should understand some of the history and previous standards issues at your authority and parishes as background to the role.

You should be known to the senior managerial and political leadership, not least so that you know how to raise concerns if you see matters being dealt with inappropriately.

But...

### **5. Don't lose your independence**

Your independence is our key attribute. You must therefore avoid being seen as 'part of the authority' and you should not become too close to individuals. You are there to ensure the fairness of the processes for all concerned, and to act as a guarantor to both the council and the public that standards matters are being dealt with effectively, efficiently and proportionately.