

DRAFT PROTOCOL RELATING TO THE INDEPENDENT PERSON

SWINDON BOROUGH COUNCIL

This protocol is to make clear the relationships between an Independent Person (IP) and the various parts of the Borough Council 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.

Considering written allegations

1. The Assessment Panel will seek the views of an Independent Person (IP) and take those views into account before reaching a decision on whether any further action should be taken on a written complaint.

Matters under investigation

2. A Borough Councillor or a Town / Parish Councillor who is the subject of a complaint may seek the views of an IP. A member wishing to contact an IP should do so via the Monitoring Officer (MO) who will arrange for contact details to be provided.
3. Where an IP has given views to the subject member, it will be a matter for the subject member and the IP as to whether those views shall be put in writing.
4. 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.
5. The MO may consult an IP at any stage during the process, particularly on matters which relate to the procedures for handling complaints.
6. Where a matter has been referred to a Standards Committee for determination, the Committee must seek the views of an IP before reaching its conclusions. Where appropriate these views will be recorded in the decision notice. However, it must be clear that it is the Standards Committee and not the IP who is the decision-maker.
7. An IP shall not make any comments to the media on any matter without prior agreement of the MO or the council communications team. 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 as appropriate.
8. An IP may be requested by the MO or Standards Committee to assist in mediation or conciliation in order to resolve complaints, where that is considered the most appropriate course of action.

9. An IP may be requested by the MO or Standards Committee to assist in any training on conduct issues as appropriate.

Relationship with the Standards Committee

10. The IPs shall receive agendas and minutes of all meetings of the Standards Committee and can request that an item is added to the agenda with the agreement of the Chair, and to speak at the Committee.
11. 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

12. An IP has the right to raise any concerns about standards issues or implementation of the process with the MO who shall take whatever action he deems appropriate.
13. The Council, through its Standards Committee and MO, is responsible for ensuring that the Council meets its duty to promote and maintain high standards. However, an IP may be consulted on any proposed changes to the Code of Conduct or procedures for handling allegations.
14. An IP has no right of access to any confidential information unless agreed with the MO.
15. The IPs 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.
16. The IPs are to be considered an office-holder of the authority in accordance with the duty under s28(7) of the Localism Act 2011 and are therefore entitled to be covered by the council's indemnity insurance provided they act reasonably and within the terms of this Protocol.
17. The IPs will receive an annual allowance and be entitled to claim for travel, subsistence or childcare expenses associated with their duties. The level of remuneration will be set by the Council, taking into any recommendations of the Independent Remuneration Panel.

Stephen P Taylor, Monitoring Officer
7th March 2013