

Arrangements Defining the Role of the Independent Person(s) and Their Involvement in the Investigation of Complaints

This protocol is to make clear the relationships between the Independent Person (IP) and the various parts of South Ribble 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 and sets out the expectations and rights of the IP.

This document shall be read in conjunction with the Investigation and Hearing Procedure.

For the sake of clarity the council has two Independent Persons. Reference in this document to the IP applies to whichever Independent Person is taking part in the consideration of a particular complaint or whichever Independent Person is fulfilling a particular role. Generally speaking it will be for the Monitoring Officer to decide on which Independent Person to liaise with on a particular complaint. This will normally be decided on the basis of availability and the desire to share the burden of the work evenly between the two Independent Persons.

Considering written allegations

1. The Monitoring Officer (MO) will seek the views of the ~~Independent Person (IP)~~ before reaching a decision on whether any action should be taken on a written complaint.
2. When issuing the decision letter, the MO will record that the IP has been consulted and that their views have been taken into account.

Arrangements for contact with Independent Person – Summary

3. All requests for contact with the IP should be made (if possible in writing) to the MO.
4. The MO will then decide whether an appointment is required.
5. If an appointment is deemed necessary arrangements will be made and notified to those concerned.
6. A contemporaneous note will be made of any conversations.
7. This note will be disclosed to any appointed investigator and may form part of any Committee papers (if appropriate) if a hearing becomes necessary.

Matters under investigation

8. A member of South Ribble Borough Council or a member of any town or parish council within this borough who is the subject of a complaint may seek the views of the IP. A member wishing to contact the IP should do so via the MO as outlined above.
9. Where the IP has given views to the subject member, the general expectation is that those views shall be put in writing and made available to all relevant parties in the case.

10. ~~It will only be in highly exceptional circumstances (to be decided upon by the IP) that any views expressed by the IP to the subject member should remain confidential. 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.~~
11. The complainant may also seek the views of the IP. As with the subject member, contact should be arranged through the MO and the expectation is that any views expressed should be made available to all relevant parties in the case. Again it would only be in highly exceptional circumstances (to be decided upon by the IP) that any views so expressed should remain confidential.
12. The MO may consult the IP at any stage during the process, particularly on matters which relate to the procedures for handling complaints and vice versa.
13. Where a matter has been referred to a Standards 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 and not the IP who is the decision-maker.
14. The IP shall not make any comments to the media.
15. The IP may be requested by the MO to assist in mediation or conciliation in order to resolve complaints where that is considered the most appropriate course of action.
16. The IP may be requested by the MO to assist in any training on conduct issues as appropriate.
17. The IP shall inform the MO as soon as possible after becoming aware of any conflict of interest.

Relationship with the standards committee

18. The IP shall receive agendas and minutes and be invited to all meetings of the Standards Committee.
19. The IP is not a member of the Standards Committee and ~~therefore is not part of the formal business of the meeting~~ and cannot vote on any matters put to the meeting. However, he is entitled to contribute to any debate and provide advice accordingly.

Other matters

20. The IP has the right to raise any concerns about standards issues or implementation of the process with the MO.
21. 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, the IP will be consulted on any proposed changes to the Code of Conduct or procedures for handling allegations.

22. The IP will be provided with any relevant information required to carry out their role. Such information shall be treated as confidential at all times.
23. The IP has the right of access to council buildings in order to carry out their role.
24. The IP is to be considered an office-holder of the authority in accordance with the duty under s28(7) of the Localism Act 2011 and is therefore entitled to be covered by the council's indemnity insurance provided they act reasonably and within the terms of this Protocol.
25. The MO, in consultation with the Chair of Standards Committee, may amend these arrangements at any time. Any changes will be brought to the next Standards Committee meeting for information.

The IP has been consulted in the relation to the production and revision of this document and agrees to abide by its terms.

C. Implementation and Review

The protocols are intended to act as a guide for both members and officers. Any difficulties of interpretation which arise should be referred to the Chief Executive (or other designated officer) for resolution.

The protocols will be reviewed from time to time in line with the Council's Constitution to ensure they are up-to-date and appropriate.