

**Recruitment pack for
Appointment of an
Independent Person**

Appointment of Independent Person – Background Information

Section 28 of the Localism Act 2011 requires the Council to appoint one or more Independent Person(s) to help it discharge its duty to promote and maintain high standards of conduct by helping to deal with complaints about the conduct of its elected councillors and of parish councillors in the borough. You may find it useful to refer to this section of the Act which can be located online via: <http://www.legislation.gov.uk/ukpga/2011/20/section/28>

The Borough Council has adopted a Code of Conduct for Councillors, and most of the 41 parish councils in the borough also adopted the same Code as their local Code.

The role of the Independent Person has been expanded recently by Government to include involvement in disciplinary action against a Council's statutory officers (i.e. Head of Paid Service, Chief Finance Officer or Monitoring Officer). This will involve the appointment of a panel of at least two independent persons for the purpose of advising the Council on matters relating to the dismissal of these officers.

It is intended to appoint up to 2 Independent Persons, (a Primary Independent Person and a Reserve Independent Person) who will deal with complaints on a case by case basis as notified by the Monitoring Officer. It is anticipated that the Council will confirm the appointment of the Independent Person(s) at its meeting on 21 April 2021, and the appointment will be for a term of 4 years, commencing 1 August 2021 until 31 July 2025.

Applications must be received by 5pm on **5 March 2021**. Short-listed candidates will be invited to attend for interview which will take place during the week commencing 29 March 2021.

Copy documents/link

You will find it useful to refer to the Council's Constitution which can be located online via: [Councillors Code of Conduct](#) (Part 4. Council Constitution pages 168-179)

and also via:

[Arrangements for dealing with allegations of misconduct by councillors and co-opted Members](#) (Part 4 Council Constitution pages 180 -205)

Independent Person Selection Criteria

Knowledge		
Essential	Desirable	
<ol style="list-style-type: none"> 1. Good understanding of the ethical standards required of people holding public office and the impact of ethical issues within a local authority context. 2. Understand and comply with confidentiality requirements. 	<ol style="list-style-type: none"> 1. An understanding of the workings of local government or other large complex organisations and awareness of and sensitivity to the political process. 2. Knowledge and understanding of judicial/quasi-judicial or complaints processes. 	
Skills		
<ol style="list-style-type: none"> 1. A calm, rational approach to problem solving which considers detailed evidence to reach a balanced judgement. 2. Good interpersonal skills, demonstrated through a considered, measured and consultative approach when dealing with potentially difficult or complex issues. 3. Sound decision making skills. 4. Good communication skills. 		
Qualifications		
<ol style="list-style-type: none"> 1. High degree of personal integrity. 	<ol style="list-style-type: none"> 1. Experience of working in or with local authority bodies. 	

You should demonstrate in your application how you meet the above criteria as this will assist the short-listing process.

Means of assessment will be by application form and by interview.

Eligibility for Appointment

A person cannot be appointed as an Independent Person if they are or were within a period of five years prior to the appointment:

- (a) a member, co-opted member or officer of Maidstone Borough Council, or another Council
- (b) a member, co-opted member or officer of a parish council in the Maidstone borough area or in the area of another Council;

or if they are a relative or close friend of a person in (a) or (b) above.

A relative is defined as:

- (a) The candidate's spouse or civil partner;
- (b) Any person with whom the candidate is living as if they were spouses or civil partners;
- (c) The candidate's grandparent;
- (d) Any person who is a lineal descendent of the candidate's grandparent;
- (e) A parent, brother, sister or child of anyone in paragraphs (a) or (b);
- (f) The spouse or civil partner of anyone within paragraphs (c), (d) or (e); or
- (g) Any person living with a person within paragraphs (c), (d) or (e) as if they were spouse or civil partner to that person.

Role of Independent Person

1. The Independent Persons will assist in maintaining and promoting high ethical standards in the Borough Council and the parish councils within the Borough. The role of "independent person" was created by the Localism Act 2011. The Act requires all local authorities to adopt a code of conduct for their elected members and to appoint at least one independent person to assist the Council in dealing with complaints that the code of conduct may have been breached.
2. If the Council has decided to investigate an allegation that the code of conduct has been breached then the views of an Independent Person must be sought, and taken into account, before the Council makes its decision on any such allegation. The Council may also seek the views of an Independent Person in relation to allegations where no decision to investigate has been made. In addition any Councillor, who is the subject of a complaint, may seek the views of an Independent Person.
3. It is anticipated that the views of an Independent Person will usually be sought by the Monitoring Officer by e-mail but, on occasions, contact may be by telephone or in face to face meetings.
4. An Independent Person may be invited to attend any meeting of the Hearings Sub-Committee which is considering an allegation of a breach of the code of conduct.
5. The Independent Persons will be encouraged:
 - to develop their knowledge of the code of conduct,
 - to analyse and to exercise fair and impartial judgment on conduct issues,

- to set high standards of ethical behaviour, and develop a sound understanding of the ethical framework
6. The Independent Persons will be expected to provide a view on the conduct of Borough and parish councillors from an external perspective, reflecting the expectations and views of the local community on ethical standards.
 7. The Independent Persons will be encouraged to acquire some understanding of the work of the Borough and parish councils and how they operate, and must be prepared to undertake training and also to participate in training events organised by the Council to promote awareness of the Code of Conduct.
 8. The Council will also invite Independent Persons to be considered for appointment to a panel which will be involved in advising the Council on matters relating to the dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer.
 9. Support will be provided by the Council's Monitoring Officer, who will arrange any necessary training and provide such information and assistance as is necessary to enable the Independent Persons to perform the role effectively.
 10. An Independent Person is not an employee of the Council and the post is not remunerated although an annual allowance of £749 is paid to the Primary Independent Person and travel expenses may be claimed for attending meetings. The Reserve Independent Person will receive an annual allowance of £249, and may also claim travel expenses. The term of office will be for a fixed term expiring in 31 July 2025 and will be subject to the Independent Person maintaining high standards of personal conduct. The Borough Council may terminate an appointment at any time.