

By: Alex King, Deputy Leader
Geoff Wild, Director of Governance and Law

To: Selection & Member Services Committee – 25 July 2012

Subject: Recruitment of an Independent Person to support the Standards Committee and the Independent Members of the Remuneration Panel

Classification: Unrestricted

FOR DECISION

SUMMARY

The Selection and Member Services Committee is asked to agree the advertisements and recruitment process for the recruitment of the Independent Person to work with the Standards Committee in relation to the revised ethical Standards regime, and also the Independent Members of the Independent Remuneration Panel whose term of office expires on 31 October 2012.

1. Introduction

(1) The terms of reference of the Selection and Member Services Committee provide for the committee to appoint a panel of three people (not Members of the Council) to make a recommendation to the County Council on the appointment of the Independent Person to work with the Standards Committee (approved by the County Council on 19 July 2012) and the Independent Remuneration Panel which comprises three Independent Members.

(2) The Independent Remuneration Panel has responsibility for making recommendations to the Council on a scheme of allowances and expenses for County Council Members and for reviewing that scheme in whole or in part as required by law or requested by this committee. At its meeting in November 2007, when the existing Independent Members were initially appointed, the County Council agreed that Independent Members may serve no more than two consecutive four year terms before standing down. All of the current Independent Members are eligible for re-appointment, having served only one term.

(3) At its meeting on 20 October 2011, the County Council agree to extend the appointment of the Independent Members on the Independent Remuneration Panel from 1 November 2011 until 31 October 2012.

2. Recruitment Process

(1) Attached are the advertisements for the recruitment of:

(a) the Independent Person to work with the new Standards Committee

(b) the three Independent Members who comprise the Independent Remuneration Panel.

(2) Also attached is a draft person specification for the Committee's views and endorsement.

(3) The Committee is reminded that the County Council agreed on 19 July 2012 to work with the Kent and Medway Fire and Rescue Authority (KMFRA) with the aim of appointing one Independent Person each to serve the County Council and the KMFRA. Should that Independent Person not be able to act for their host authority because, for example, they are on holiday, ill or conflicted, the Independent Person of the other authority would act as a substitute.

(4) In respect of the remuneration package for the Independent Person, the committee will be aware that the County Council agreed to a £500 per annum retainer fee plus £100 per day (or pro rata for part of a day), standard mileage allowance and full indemnity insurance. The Committee's views on the remuneration package for the Independent Members of the Member Remuneration Panel are now sought.

(5) The Committee is asked to nominate the membership of the appointment panel. Bearing in mind that the panel cannot comprise Members of the Council, it is proposed that the appointment panel should recruit both the Independent Person for the new standards regime and the Independent Members of the Remuneration Panel. One suggestion might be that the panel should comprise of three Honorary Aldermen (one each nominated by the three Group Leaders).

(6) A proposed timeframe for the recruitment process is as follows:

(a) Week commencing 30 July 2012: advertisements published and any interested person written to and advised that the recruitment process has started.

(b) Closing date for applications: 17 August 2012.

(c) Week commencing 20 August 2012: candidates shortlisted by Director of Governance and Law in consultation with the three Group Leaders.

(d) 31 August and 3 September 2012: reserved dates for the Appointment Panel.

(e) 13 September 2012: County Council receives the recommendation of the Appointments Panel.

3. Recommendations

The Committee is asked to:

(a) agree the advertisements and recruitment process for the Independent Person to support the new standards regime and the

three Independent Members for the Independent Remuneration Panel;

- (b) determine the remuneration package for the three members of the Independent Remuneration Panel; and
- (c) authorise the Director of Governance and Law in conjunction with the three Group Leaders to nominate three Honorary Aldermen to serve on the Appointments Panel to recommend to the County Council on 13 September 2012 the appointment of the Independent Person to support the new standards regime and the Independent Members to serve on the Independent Remuneration Panel.

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ADVERT

Kent County Council

Member of Independent Remuneration Panel

Kent County Council (KCC) invites applications from people interested in serving as an independent member on its Independent Remuneration Panel.

The Independent Remuneration Panel exists to advise KCC on the allowances and expenses its councillors should be paid.

You must not currently be a councillor or employee of any local authority; nor have been a KCC councillor or employee in the past 5 years; nor be a relative or close friend of a current KCC councillor or employee.

Further details and an application form may be obtained from the Head of Democratic Services, Peter Sass, on 01622 694002; by e-mail to peter.sass@kent.gov.uk or in writing to Sessions House, County Hall, Maidstone ME14 1XQ.



**Kent and Medway
Fire and Rescue Authority**



Appointment of an 'Independent Person'

Localism Act 2011

Kent County Council (KCC) and Kent and Medway Fire and Rescue Authority (KMFRA) invite applications from any person who wishes to take on the new role of 'Independent Person' to assist the two authorities in their duty of promoting and maintaining high standards of amongst their elected Members (County Councillors in the case of KCC; County and Medway Councillors in the case of the KMFRA) and co-opted Members and to assist in dealing with complaints about alleged breaches of their jointly adopted Code of Conduct for Members.

KCC and the KMFRA will each appoint a separate Independent Person, but each Independent Person will act as a substitute for the other in situations where the appointed person is unable to act, for example if they are on holiday, ill, or have a conflict of interest. The two appointments will be for four years, or one year until 30 June 2013 if KCC or KMFRA decide to appoint a former independent member of their Standards Committee.

Under the Localism Act 2011, KCC and KMFRA are required to put new procedures in place with effect from 1 July 2012 for handling complaints about the conduct of councillors. These procedures include the involvement of at least one person independent of KCC or the KMFRA, who will be called upon to attend meetings and/or participate in discussions in cases where a complaint is received in order to consider whether, and if so what, action should be taken, and also to represent and give their views during any formal hearing that takes place if it is decided to investigate a complaint.

We are looking for someone who has a keen interest in matters of probity and integrity in public life and who is independently minded, impartial and objective, possesses good communication skills and is able to work as part of a team.

The Independent Person will need to be able to devote time to the work as meetings will normally be held during the daytime. In addition to being called upon to give a view on matters which have been investigated, the Independent Person may also be invited to attend meetings of KCC's Standards Committee (which meets at least four times a year) and to attend meetings of KMFRA's Audit and Governance Committee at least once a year.

The issue of remuneration is to be decided, there is a proposal to pay an annual retainer of £x plus a daily rate of £x (plus travel expenses) when the Independent Person is required to undertake any duties.

If you are interested in these appointments please contact xxxxxx on xxxxx xxxxxx, who will be pleased to send an information pack and application form. If you wish to discuss the matter first, please contact at KCC or,at KMFRA.

The closing date for receipt of completed applications will be xxx 2012 and interviews will be held during xxxx 2012.

Kent County Council (KCC)/ Kent and Medway Fire and Rescue Authority (KMFRA)

Job Description: Independent Person

Directorate:

Unit/Section:

Location: Maidstone

Remuneration: £x per annum plus £x per day (plus travel expenses)

Responsible to: The Kent County Council & Kent and Medway Fire and Rescue Authority

Purpose of the Job:

Help promote and maintain high standards of conduct by elected and co-opted Members of KCC and KMFRA, in accordance with the provisions in the Localism Act 2011 and the two authorities' jointly-adopted Member Code of Conduct.

In accordance with Section 28(7) of the Localism Act, to fulfill the following statutory responsibilities:

- To advise KCC and/or KMFRA on any allegation of breaches of the Member Code of Conduct by elected or co-opted Members that it has decided to investigate
- If required, to be consulted by either authority in respect of allegations in other circumstances
- If required, to be consulted by any elected or co-opted Member of either authority who is the subject of an allegation

Main duties and responsibilities:

The role of the Independent Persons appointed by KCC and KMFRA will be:

1. To assist KCC and KMFRA generally in discharging their duty to promote and maintain high standards of conduct by their Elected Members and Co-opted Members.
2. To advise the Monitoring Officer in connection with the assessment and post-investigation stage of complaints against Elected and Co-opted members.
3. To advise KCC's Standards Committee and KMFRA's Audit and Governance Committee in connection with complaints and potential sanctions where a failure to comply with a code of conduct has been established.

4. To advise their view, where sought, to an Elected or Co-Opted Member who is the subject of an allegation that their behaviour has breached a Code of Conduct.
5. To reach balanced and reasoned conclusions having considered complex material and applied an impartial and fair approach to all of the written and oral material provided.
6. To undertake any training arranged by the Monitoring Officer (or authorised representative) to enable the Independent Persons to perform their role effectively.
7. It is envisaged that the views of the Independent Persons will normally be sought by the authorities (through the Monitoring Officer or authorised representative) in writing, either by letter or email, or at a meeting organised for the purpose of seeking such views. Where the Independent Persons' views have been sought in writing, either by letter or email, it is expected that the response will be provided in the same way. However, advice may be sought by telephone from time to time.
8. In reference to paragraph 4, the Independent Persons should not give advice to Members of KCC or KMFRA, in circumstances where no complaint about a Member's conduct has been received. Where such advice is required, it should be sought by Members from, or via, the Monitoring Officer or their authorised representative.
9. The Independent Persons will be selected from a list of appointees prepared following public advertisement; those persons will be expected to add the necessary element of independence and objectivity to the authorities' consideration of complaints against their Members..
10. The persons appointed as an Independent Person must:
 - be committed to the need for high standards in public life
 - demonstrate that they can remain independent in their thinking and decision making
 - be able to make judgments based on evidence or information presented
 - have questioning skills
 - be assertive
 - be able to work within an area of public life which is open and transparent
- 11.. The Independent Persons will be expected to undertake training in procedures and processes, especially monitoring and ensuring compliance with Codes of Conduct, Complaints Procedures, etc and where appropriate including case studies.
12. To attend meetings of KCC and KMFRA when required.
13. To participate in any forum established for Independent Persons.

14. Meetings are normally held in the daytime.
- (a) KCC and KMFRA will meet travel and subsistence expenses in accordance with its set rates. The provision of any other allowance is subject to further discussion.
- (b) The Independent Persons MUST NOT
- (i) be, or have been during the last 5 years, a member, co-opted member or officer of KCC or KMFRA, although this restriction does not apply to those who have served as independent members of either authority's Standards Committee^[1]; or
 - (ii) A relative or a close friend of a member, co-opted member or officer of KCC or KMFRA.
 - (iii) A person is defined by the Localism Act 2011 as a relative if they are:
 - The spouse or civil partner or living as if they were a spouse or civil partner;
 - A grandparent;
 - A lineal descendant of a grandparent;
 - A parent, sibling or child;
 - The spouse or civil partner of a grandparent, lineal descendant of a grandparent, or a parent, sibling or child; or
 - Living with a grandparent, lineal descendant of a grandparent, or a parent, sibling or child as if they were a spouse or civil partner.of a member, co-opted member or officer of KCC or KMFRA.

^[1] This paragraph must be read subject to the provisions of The Localism Act 2011 (Commencement No.6 and Transitional Savings and Transitory Provisions Order 2012 [SI 2012 No.1463] which permit the appointment of a person as an independent person notwithstanding that he has been an member or co-opted member of a standards committee at any time during the 5 years ending on 30 June 2012, provided that he is not a member or co-opted member of a standards committee on 1 July 2012. The exemption provided by the Order only applies to appointments made before 1 July 2013.

Kent County Council / Kent and Medway Fire and Rescue Authority

Person Specification: Independent Person

The following outlines the Minimum and Desirable criteria for this post. Applicants who have a disability and who meet the minimum criteria will be shortlisted.

Applicants should describe in their application how they meet these criteria.

	MINIMUM	DESIRABLE
EXPERIENCE	<p>Experience of serving in or working for local or national government, the legal system, tribunals or other quasi-judicial bodies.</p> <p>Experience in dealing with difficult issues which need constructive and sensitive solutions.</p> <p>Experience of partnership working, where politically or ethically sensitive issues have had to be considered.</p> <p>Experience of dealing with issues of ethical conduct in employment or public service.</p>	
SKILLS AND ABILITIES	<p>Ability to critically assess written and oral evidence to reach a balanced and objective decision.</p> <p>Ability to absorb key information from complex reports.</p> <p>Ability to communicate effectively with a wide range of people, including councillors and council officers.</p> <p>Demonstrate excellent listening, problem solving and evaluation skills.</p> <p>Demonstrate tact, diplomacy and impartiality.</p>	

<p>KNOWLEDGE</p>	<p>Knowledge of how a local authority operates and an awareness of the role of elected members.</p> <p>Good understanding of the ethical standards required of people holding public office and the impact of ethical issues within a local authority context</p>	<p>General understanding of the principles of the Members' Code of Conduct and standards regime.</p> <p>An understanding of the workings of Kent County Council and the Kent and Medway Fire and Rescue Authority and their aims and objectives.</p>
<p>BEHAVIOURS</p>	<p>Personal Integrity.</p> <p>Commitment to upholding high standards.</p> <p>Independence of mind – ability to form a view on the basis of facts and act objectively. and not to be swayed by others</p> <p>Commitment to confidentiality in appropriate circumstances.</p> <p>Ability and willingness to work with Members of other councils, their committees/panels and officers.</p> <p>Reliable and committed.</p> <p>Need to attend various meetings with fluctuating frequency and sometimes at short notice.</p> <p>Need to be available for and respond to consultation as and when required, and sometimes at short notice</p> <p>Attend training events and other forums as and when required.</p>	

Kent County Council

Our services affect the daily lives of residents, workers and visitors to the county and include:

- maintaining Kent's network of roads
- disposing of more than half a million tonnes of rubbish and recycling almost 250,000 tonnes of household rubbish every year
- educating more than 200,000 children in primary, secondary and special schools and pupil referral units each year
- lending 9 million items from our libraries (including mobile libraries) every year and managing art galleries in 22 libraries
- running a wide range of adult education courses from 22 adult education centres and 300 other adult education sites
- delivering a youth service in 28 centres across the county, backed up by detached youth projects, mobile units, vocational training centres, residential and outdoor centres and a campsite
- helping older people to live at home and supporting older people in residential and nursing care
- providing care packages to adult clients, including older people and adults with a physical or learning disability or mental health need
- looking after 'looked after children', with a high proportion in foster care rather than residential care.

How does the Council work?

- Kent County Council works closely with 12 district councils, one unitary authority (Medway Council) and more than 300 town and parish councils. Each has specific responsibilities and some are shared, but all work in partnership to ensure the citizens of Kent are well-presented overall.
- The County Council has elected councillors who each have a dual role, attending to countywide concerns as well as to the local needs and interests of their constituents. The Lead of Kent County Council is Paul Carter.
- The council operates under five separate directorates:

- **Education, Learning & Skills**

This Directorate provides education services to Kent's children, young people, their families and communities. It delivers services to ensure children and young people are inspired, motivated by school and living healthy and fulfilled lives.

Responsible for services including Standards and School Improvements, Attendance and Behaviour, Educational Psychology, Admissions and Transport, Special Education Needs, Specialist Services, Governor Services, Connexions and information and support for parents.

- **Families & Social Care**

This Directorate provides social care services to Kent's adults, children, young people, and their families. Providing, Social Care Services for the people of Kent to live safely and independently in their local communities. The core objectives are to support people with particular needs to live as independently and fully as possible. Access advice, information and services easily, support with help where needed.

Responsible for services that include Adult Social Care, Childrens Social Care, Adoption and Fostering, Children and Young People Disability Services, Assessment and Enablement.

- **Customer & Communities**

The Customer & Communities Directorate reflects our commitment to delivering quality services at the heart of local communities, working with communities to keep in touch with the people of Kent at a local level.

Responsible for services that include Gateway Delivery, Libraries & Archives, Registrars & Coroners, Adult Learning, Community Safety, Trading Standards, Supporting Independence, Volunteering, Youth Service, Youth Offending Service, Public Rights of Way and Country Parks

- **Enterprise & Environment**

This Directorate looks after Kent's natural and built environment while encouraging better economic performance, development planning and transportation strategy. They take the corporate lead on regeneration and conservation, working with others to make a real difference to communities across Kent. Working to make Kent a better place to live, work and visit – the services that we provide, and the future that we help to shape affects every household in Kent.

Responsible for services that include Transport and Development, Countywide Improvements, Tourism, Commercial Services, Development Planning, Planning Applications, Natural Environmental & Coast, Heritage Conservation and Kent Downs AONB.

- **Business Strategy & Support**

This Directorate supports the work of the directorates by providing specialist expertise. The department also leads and co-ordinates major change and organisational developments. Responsible for services that include Human

Resources, Finance & Procurement, Governance and Law, Property and Infrastructure, Business Strategy and Information Technology.

- Our Public Health Department works with the NHS to improve public health in Kent.

Kent and Medway Fire and Rescue Authority

Kent and Medway Fire and Rescue Authority (KMFRA) manages the Kent Fire and Rescue Service, which is responsible for the provision of fire and rescue services in the Kent County Council and Medway Council areas. The KMFRA comprises 25 members: 21 appointed by Kent County Council from among its elected Councillors and 4 appointed by Medway Council from among its elected Councillors. However, the KMFRA is a separate local authority in its own right.

- **Tips for applying...**

We have a recruitment and selection policy that is based on merit and ensures that our selection criteria are clearly relevant to the job and free from bias.

Your application form is the most important document in helping us to decide whether to invite you for an interview. We only use the information on your application form to make our decision to shortlist.

Here are some tips to help your application stand out in the shortlisting process:

- You can apply for a job on-line, complete a Word version to email to us or if this is not possible you can print a copy to fill in by hand to post to us
- Read the job description and person specification so that you know what we are looking for
- Tell us how your skills, knowledge and experience match what is required. It doesn't just have to be work-based; voluntary work and activities outside work often provide valuable experience and skills that can be applied to a job.
- Fill in all of the form. If there are some sections that do not apply to you, then please write 'not applicable' in that section.
- If you are completing your application by hand, please write clearly.
- Make sure that we receive your application form by the closing date – we cannot accept it after this date.

We would like you to complete our Equalities Monitoring Form to help us understand whether our Equality and Diversity Policy is working effectively. This information is confidential and is removed prior to the selection process – it is not seen by recruiting managers. If you decide not to complete some or all of the form, we will record that your choice is to 'not declare'. Similarly, the information given on the Disability Statement is used only to ensure that we are aware of any particular requirements you may have for the interview process and that we meet our 'Two Ticks – Positive About Disabled People' commitment. This guarantees that all disabled applicants who meet the minimum requirements for the job, will be given an interview. This information is not seen by the recruiting manager, although they will be made aware of any requirements you have for the interview process.

IF YOU NEED THE APPLICATION FORM IN ANY OTHER FORMAT, PLEASE CONTACT OUR RECRUITMENT LINE ON 08458 247 904 OR EMAIL RECRUITMENT.LINE@KENT.GOV.UK
