

## Appendix

### **Kent County Council (KCC)/ Kent and Medway Fire and Rescue Authority (KMFRA) Job Description: Independent Person (Standards)**

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Directorate:	Governance, Law and Democracy
Unit/Section:	Democratic Services
Location:	Maidstone
Remuneration:	£500 per annum plus £100 per day (plus travel expenses)
Responsible to:	The Kent County Council (KCC) & Kent and Medway Fire and Rescue Authority (KMFRA)

#### 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 fulfil 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.

NB: The recruitment is being carried out by Kent County Council. However, there is a reciprocal arrangement in place whereby the Independent Person of the Council may be consulted by the KMFRA when their Independent Person is unavailable.

#### Main duties and responsibilities:

1. The role of the Independent Persons appointed by KCC and KMFRA will be:
  - a) 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.
  - b) To advise the Monitoring Officer in connection with the assessment and post investigation stage of complaints against Elected and Co-opted Members.
  - c) 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.
  - d) To provide 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.
  - e) 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.

- f) To undertake any training arranged by the Monitoring Officer (or authorised representative) to enable the Independent Persons to perform their role effectively.
- 2. 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, usually email, or at a meeting organised for the purpose of seeking such views. Where the Independent Persons' views have been sought in writing, it is expected that the response will be provided in the same way. However, advice may be sought by telephone from time to time.
- 3. 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.

Person Specification:

- 4. Persons appointed as an Independent Person must:
  - a. Be committed to the need for high standards in public life.
  - b. Have the ability to critically assess written and oral evidence to reach a balanced and objective decision.
  - c. Demonstrate tact, diplomacy and impartiality.
  - d. Be able to demonstrate a good understanding of ethics and probity in public services.
  - e. Be able to provide advice when requested in a timely manner consistent with KCC or KMFRA's procedure for handling complaints, sometimes at short notice.
  - f. Have experience of serving in or working for local or national government, the legal system, tribunals or other quasi-judicial bodies.
  - g. Have experience of dealing with issues of ethical conduct in employment or public service.
- 5. 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.
- 6. To attend meetings of KCC and KMFRA when required. Meetings are normally held in the daytime.
- 7. To participate in any forum established for Independent Persons.
- 8. KCC and KMFRA will meet travel and subsistence expenses in accordance with set rates. The provision of any other allowance is subject to further discussion.
- 9. The Independent Persons MUST NOT be:

- a. A Member, Co-opted Member or Officer of KCC or KMFRA, or have been such during the last five years, although this restriction does not apply to those who have served as Independent Persons of either authority's Standards Committee; or
- b. A relative or a close friend of a member, co-opted member or officer of KCC or KMFRA. (See section 12).

10. A person is defined by the Localism Act 2011 as a relative if they are:

- a. The spouse or civil partner or living as if they were a spouse or civil partner;
- b. A grandparent;
- c. A lineal descendant of a grandparent;
- d. A parent, sibling or child;
- e. The spouse or civil partner of a grandparent, lineal descendant of a grandparent, or a parent, sibling or child; or
- f. 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.