

Role Description for Independent Person appointed by Tyne and Wear Fire and Rescue Authority (the Authority) for Standards of Conduct Issues affecting the Authority

1. The Authority is to appoint an individual to carry out the role of “Independent Person”, which is a role created under Section 28(7) of the Localism Act 2011. The Authority has a duty under that Act to promote and maintain high standards of conduct for its elected and co-opted members and to make arrangements for the consideration of complaints of breaches of its members' code of conduct.
2. The statutory role of the Independent Person arises where the Authority has received an allegation that one of its members has breached the Authority's Code of Conduct for Members.

In those circumstances:

- (a) if the Authority decides to investigate the allegation, the Authority **must** consult the Independent Person, and take their views into account, before making a decision on that allegation; and
 - (b) the Authority **may** seek the views of the Independent Person about any other aspect of the allegation, whether or not it decides to investigate; and
 - (c) the member of the Authority who is the subject of the allegation **may** also seek the views of the Independent Person at any time.
3. When a complaint has been investigated, the Independent Person will receive a copy of the investigation report from the Authority and be asked for his or her view on it and any views he or she may have upon how the Authority should determine the allegation. These views will then be taken into account in the final decisionmaking process. The final decision may be made by the Monitoring Officer where the investigation has concluded that there has been no breach of the Code, but otherwise is likely to be made by a committee of elected members after a hearing.
 4. The views of the Independent Person may be sought by the Authority at other stages in the process, for instance by the Monitoring Officer to assist in deciding whether a complaint could be resolved informally.
 5. It is envisaged the views of the Independent Person will usually be sought by the Authority (through its Monitoring Officer) in writing, either by letter or e mail, and that the response of the Independent Person will usually be conveyed in the same way. On occasions however advice may be sought by telephone or at a meeting.
 6. Any Independent Person is likely to be expected to attend any hearing which is held by the Authority to decide whether there has been a breach of the Code of Conduct. If it is decided at that hearing that there has been a breach, the Independent Person will be asked for his or her view as to what action, if any, should be taken as a result.

7. As part of the statutory role, the Independent Person will also be available for consultation by any Authority member who is the subject of an alleged breach of the Code of Conduct. Such consultation may be sought at any time during the process and may be carried out by telephone, written correspondence (e mail or letter) or at a meeting (including at a final hearing).

(This advisory role to an individual Authority member will only arise where the member is subject to an alleged breach of the relevant code of conduct. An Independent Person will not be expected – and should decline - to give advice to Authority members in any other circumstances. Where such advice is required, Authority members will be expected to seek it from the Monitoring Officer, or some other appropriate Authority officer).

8. In addition to this statutory role, the Independent Person may from time to time be asked for his or her views about other aspects of the Authority's standards arrangements, for instance the suitability of the Authority's Code of Conduct or the procedures which the Authority adopts for the handling of any allegations of member misconduct. The Independent Person may be invited to attend committee meetings for this purpose.
9. An Independent Person will be encouraged to acquire some understanding of the work of the Authority and how it operates. Support will be provided by the Authority's Monitoring Officer, who will arrange any necessary training and the provision of such information which is considered necessary to enable the Independent Person to perform the role properly.