YORKSHIRE DALES
National Park Authority

INDEPENDENT PERSON PROTOCOL

1. Introduction

1.1 The Independent Person is a statutory appointment under s28(7) of the Localism Act 2011.

1.2 The Authority has a duty to promote and maintain standards of conduct of Members and to deal with allegations involving Member conduct introduced by the Localism Act 2011.

1.3 This Protocol is intended to make clear how the relationship between the Authority, the Independent Person, the Monitoring Officer and the Standards Committee will interact within the procedures adopted by the Authority for managing the standards of conduct of Members.

1.4 The Protocol is not seeking to be prescriptive but rather to set out the general principles with which all parties will use their best endeavours to comply.

1.5 The Authority has appointed more than one Independent Person. This Protocol applies to all Independent Persons in the same way as they are of equal status.

2. Member contact with the Independent Person

2.1 The views of the Independent Person may be sought by a Member of the Authority whose behaviour is the subject of a written allegation that they have breached the Code of Conduct (a "formal complaint"). The Monitoring Officer will inform the Member about the role of the Independent Person and arrangements for contact should be made through the Monitoring Officer.

2.2 It is the role of the Monitoring Officer, not of the Independent Person, to advise Members on issues of conduct. If a Member contacts the Independent Person before the Independent Person has been notified by the Monitoring Officer of the formal complaint, the Independent Person will refer them to the Monitoring Officer.

2.3 The Independent Person should not discuss a potential or actual complaint directly with the potential complainant and shall refer the complainant to the Monitoring Officer to speak directly about any complaint.

2.4 The Independent Person shall keep a written record of all contacts they have had in relation to complaints, including the date and time of contact, who contacted them, what was reported to them, and what view (if any) they provided.

3. Considering written allegations

3.1 Where the Monitoring Officer is considering a written allegation of a breach of the Code of Conduct by a Member in accordance with the Local Assessment Procedure for complaints against Members, the views of the Independent Person may be sought by the Monitoring Officer when the complaint is assessed. The Independent Person shall provide an objective and impartial opinion which the Monitoring Officer will consider before deciding whether any further action should

be taken on the complaint. The issue at this stage is not whether there has been a breach of the Code of Conduct but rather whether, in the light of the Authority's criteria for assessing complaints, the complaint merits investigation or some other form of action.

3.2 When issuing the decision, the Monitoring Officer will record that the Independent Person has been consulted and that their views have been taken into account. Where the view of the Monitoring Officer and Independent Person differ, the Monitoring Officer will record this, and the Monitoring Officer's reasons for following a particular course. The decision will make it clear that it is the Monitoring Officer and not the Independent Person who is the decision maker.

3.3 Where the Monitoring Officer has referred a complaint for investigation, the Monitoring Officer will provide the Independent Person with a copy of the Investigating Officer's report and will consult with the Independent Person on the findings of the report in terms of deciding the appropriate next steps.

4. Relationship with the Standards Committee

4.1 The Independent Person is not a Member of the Standards Committee and therefore cannot vote on any matters put to the meeting.

4.2 Where a Hearing Panel of the Standards Committee is convened to consider the investigation report in accordance with the Authority's procedure for the determination of complaints, the Standards Committee will seek the views of the Independent Person (both as to whether there has been a breach of the code of conduct and, if so, what action if any should be taken) before reaching its conclusions. The Independent Person will be provided with the agenda and report for the Standards Committee Hearing Panel, and invited to attend the Hearing Panel to convey their views.

4.3 The Independent Person's view will be recorded in any decision notice and, where those views do not reflect the final outcome, reasons will be given. The decision notice will make it clear that it is the Hearing Panel of the Standards Committee and not the Independent Person who is the decision maker.

5. Right of Access to Documentation

5.1 The Independent Person shall have a right of access to such files and other documents in the possession or control of the Authority as are necessary to fulfil their duties and obligations as set out in this Protocol, their role description, and the arrangements adopted from time to time by the Authority for dealing with standards complaints. The Independent Person shall not have a right to undertake a roving commission. Normally access to files and other documents will be through the Monitoring Officer, Deputy Monitoring Officer or other officer appointed on their behalf.

5.2 The Independent Person shall receive public agendas and minutes of all meetings of the Authority and its Committees and shall be entitled to attend such meetings as an observer whilst the meeting is open to the public, or otherwise with the permission of the Chairman of the meeting.

6. Confidentiality

6.1 The Independent Person shall respect the confidentiality of any documents provided to them and shall be responsible for their safe custody.

6.2 The Independent Person should respect the general confidentiality of the Authority's standards process and should not make any comments to the media on any matter relating to the Authority's standards business. Any requests for comments from the media should be referred in the first instance to the Monitoring Officer who may refer these to the Chair of the Standards Committee, or other person within the Authority as appropriate.

7. Role of Other Independent Person

7.1 Where one Independent Person is not available to deal with a particular matter, or where an Independent Person has a potential conflict of interest, or otherwise where it is expedient in the opinion of the Monitoring Officer to do so, another Independent Person may be nominated to deal with the matter. In general, which Independent Person will deal with a particular matter should be determined by the Monitoring Officer at the time a written complaint is received, and a case given to the Independent Person at that stage should stay with that person until its conclusion. Wherever possible, changing from one Independent Person to another, or vice versa, part way through a matter should be avoided.

7.2 The Independent Person shall not have any involvement, nor make any comment (whether to the complainant, the Authority or otherwise) on any case which is being dealt with by another Independent Person, unless the Monitoring Officer so agrees in writing.

8. Other Matters

8.1 The Independent Person has the right to raise any concerns about standards issues with the Authority's Chief Executive, including the right to offer comment on the Authority's performance of its general duty to promote and maintain high standards of conduct.

8.2 The Independent Person will normally be consulted on any proposed changes to the Code of Conduct or Local Assessment Procedure for complaints against Members, and their views will be taken into account when changes are made.

8.3 In addition to the roles and responsibilities referred to in this Protocol, under the provisions of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 at least two Independent Persons must be appointed to a Member Panel set up to advise the Authority on matters relating to the dismissal of a Statutory Officer of the Authority (the Head of Paid Service, the Chief Finance Officer, the Monitoring Officer).

8.4 The Independent Person is considered to be an office holder of the Authority in accordance with the duty under Section 28(7) of the Localism Act 2011, and is therefore entitled to be covered by the Authority's indemnity to Members and Officers, provided that they act reasonably and within the terms of this Protocol and the Role Description.

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