

Standards Committee report



28 January 2021

RECRUITMENT OF INDEPENDENT PERSONS

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Exempt / confidential / not for publication	No
Council Plan reference	Not in Council Plan
Wards affected	All wards

Executive Summary

This report updates the Committee on the appointment and induction of Independent Persons, further to a recruitment exercise undertaken over the summer of 2020. The Council must appoint at least one Independent Person to assist with the following duties:

- To be available to Councillors, or Co-opted Councillors of Milton Keynes Council or of any parishes within the Borough, for consultation, should their behaviour be subject to an allegation of misconduct.
- To be available for the Council to seek advice from and to take into account their views, before making a decision on an allegation it has decided to investigate.

Additionally, the Council is required to invite two Independent Persons onto a panel convened for the purposes of dismissing a statutory officer (Chief Executive, Chief Finance Officer, or Monitoring Officer).

Six individuals were recommended for appointment by the selection panel (the Chair and Vice Chairs of the Standards Committee) and subsequently appointed by Council on 16 September 2020. One of the individuals appointed recently decided not to take up the post for personal reasons.

1. Decisions to be Made

- 1.1 That the Committee consider whether a minimum number of Independent Persons is appropriate any reduction below this number should trigger a fresh recruitment exercise.
- 1.2 That the Committee provide any feedback on the recruitment process and the induction and training of Independent Persons.
- 1.3 That the Committee note the proposed training and induction activities set out in section 2.13 and 2.14 of this report.

2. Why is the Decision Needed?

- 2.1 The Council is required by law to appoint an Independent Person to participate in the complaints arising from the Members Code of Conduct and, from 2015 to appoint at least two Independent Persons to participate in disciplinary action against statutory officers (Localism Act 2011 and the Employment Procedure Amendment Regulations 2015).
- 2.2 The Council embarked on a recruitment exercise for new Independent persons in August 2020 as the term of the (then) remaining three Independent Persons expired in October 2020 after four-year appointments.
- 2.3 There is only a legal requirement for a local authority to appoint two Independent Persons, but the Committee felt that a larger pool would be appropriate, in order to:
 - ensure appropriate cover which is commensurate to a large unitary authority;
 - appoint as diverse a panel as possible; and
 - avoid any prejudicial or preventative factors delaying progress with local standards processes.
- 2.4 Whilst six Independent Person were successfully recruited the process was condensed because of the imminent expiry of the existing appointments. Serving Independent Persons at Milton Keynes Council and those at neighbouring authorities were approached and advised of the vacancy. Only one application was received from an individual with no previous experience of the role.
- 2.5 Since appointment, one of the individuals decided not to take up the appointment for personal reasons.

The Recruitment Process

- 2.6 There is a legal requirement that the position of Independent Person be advertised in a manner likely to bring it to the attention of the public.

- 2.7 A job specification, application form and recruitment pack were prepared with the agreement of the Chair of the Standards Committee and the position(s) were advertised on the Council's website between 10 August - 28 August 2020, supported by a social media campaign.
- 2.8 Seven completed application forms were received before the deadline. A shortlisting process was undertaken by the Monitoring Officer and Chair of Standards Committee, before references were taken up, prior to interview and selection.
- 2.9 Shortlisting and interviews were undertaken in the period 1 September - 11 September 2020. The interview panel comprised the Chair and Vice-Chairs of the Standards Committee.
- 2.10 Given the time pressures, interviews were undertaken remotely, over two evenings and the selection panel felt that six appointments should be recommended, and some potential areas of development / training could subsequently be explored for recommended candidates.
- 2.11 Council approved the appointments on 16 September 2020 and the current panel of Independent Persons is set out in the attached **Annex**.
- 2.12 Whilst the recruitment process was delivered to professional and corporate standard, the limited time available did impact on the number of candidates who applied and put pressure on officers and the selection panel to deliver the process quickly. In future recruitment should be planned to allow more time for advertisement and selection.

The Induction Process

- 2.13 For a variety of reasons there has not been a particularly coordinated or structured induction process. Whilst the current pool all have experience of the role, no formal training has been undertaken, nor has there been any opportunity for Independent Persons to be briefed on the local context of the Borough.
- 2.14 The pool has however been offered access to a National Conference for Independent Persons on 4 March 2021, which is delivered by Hoey Ainscough Associates, who are specialists in the field. This conference will feature issues arising from the new LGA Model Code of Conduct. Take up amongst the pool has been good and places are being booked.
- 2.15 Subject to the agreement of the Committee it is proposed that a Briefing / Networking meeting is arranged and offered to the pool in March 2021. This will feature local context and the council's approach to the new LGA Model Code of Conduct.

Next Steps

- 2.16 If the Committee feel that it would be appropriate that further recruitment is undertaken to add to the size and diversity of the pool then the term offered would need to be aligned with existing appointments.

3. Implications of the Decision

Financial	Y	Human rights, equalities, diversity	N
Legal	N	Policies or Council Plan	N
Communication	N	Procurement	N
Energy Efficiency	N	Workforce	N

(a) Financial Implications

Until this recruitment round the annual payment element of payments was shared between a small number of partner authorities. When the posts were advertised, the position with partner authorities was unclear and so the recruitment was solely for appointment to Milton Keynes Council.

Subsequently some of those recruited agreed to act as Independent Persons for the Buckinghamshire Fire Authority, whilst others did not. This meant that one universal fee could not be shared equally and meant the annual upper bound cost of five appointments to Milton Keynes Council outlined in the report to Council of were realised (5 appointments x £300 = £1,500).

A small increase in numbers of Independent Persons appointed could be accommodated in existing budgets.

A small increase in fee from £50 - £75 was agreed for each case referred to an Independent Person. This was reflective of the often complex and detailed information which is required to be reviewed by Independent Persons and could be accommodated within existing budgets

(b) Other Implications

None.

4. Alternatives

- 4.1 The Council could choose to appoint as few as two Independent Persons, in order to meet its statutory responsibilities. However, to allow for absences, potential conflicts of interest and the practical separation of advice provided to the Monitoring Officer and subject Councillors, a larger pool is considered best practice.

List of Annexes

Annex Biographies of current Independent Persons

List of Background Papers

None.