



# Buckinghamshire & Milton Keynes Fire Authority

<b>MEETING</b>	Fire Authority
<b>DATE OF MEETING</b>	17 December 2014
<b>OFFICER</b>	Graham Britten, Director of Legal and Governance
<b>LEAD MEMBER</b>	Councillor Adrian Busby
<b>SUBJECT OF THE REPORT</b>	<b>Injury Awards: Interim Report</b>
<b>EXECUTIVE SUMMARY</b>	<p>The purpose of this report is to apprise the Authority of:</p> <ul style="list-style-type: none"> <li>i) the investigation that has been commissioned by the Monitoring Officer into the circumstances in which the Authority has been making compensation payments to former employees for "service related injury" from its Firefighters' Pension Fund, rather than from its operating account. The interim report (Appendix 1) explains the progress of the investigation; and</li> <li>ii) correspondence (attached as Appendices 2 and 3) sent to the DCLG requesting confirmation of its intentions in order that the Authority's auditor can issue the audit completion certificate for the 13/14 accounts.</li> </ul>
<b>ACTION</b>	Information.
<b>RECOMMENDATIONS</b>	<p>It is recommended that:</p> <ul style="list-style-type: none"> <li>a) the contents of the Injury Awards: Interim Report be noted.</li> <li>b) the correspondence from the Authority to the DCLG be noted.</li> </ul>
<b>RISK MANAGEMENT</b>	<p>Officers of the Authority identified issues arising from the payments made from the Pension fund in July 2014. There is now provision within its accounts for 2013/14 for the treatment of injury awards charged to the pension fund since 1 April 2006 based on the probability of having to reimburse DCLG for the cumulative relevant expenditure. The accounts were approved as amended in line with a verbal update provided by the Chief Finance Officer at the Overview and Audit Committee meeting on 24 September 2014. The Audit Director has taken the view that he cannot issue a completion certificate until he has an</p>

	assurance that there is statutory authority enabling the Authority to make such a payment. A request for reimbursement has yet to made by DCLG.
<b>FINANCIAL IMPLICATIONS</b>	The barrister is engaged to undertake the investigation at a rate of £80/hour. The total time charged up until 16 November 2014, amounts to £15,893.40.
<b>LEGAL IMPLICATIONS</b>	The investigation has been undertaken in order to assist the Monitoring Officer in the event that he may need to report to the authority if it appears to him that a decision or omission by any person holding any office or employment under the authority has given rise to, or is likely to, or would give rise to a contravention by the authority, by any committee, or sub-committee of the authority, or by any person holding any office or employment under the authority of any enactment or rule of law.
<b>HEALTH AND SAFETY</b>	None arising from the recommendations.
<b>EQUALITY AND DIVERSITY</b>	None arising from the recommendations.
<b>USE OF RESOURCES</b>	<p>The interim report is presented whilst evidence that is needed before the investigation can be completed is still awaited from third parties, and for other procedural issues. The substance of the interim report was completed on 24 November 2014 and has been shared with members of the Overview and Audit Committee.</p> <p>On 25 November 2014 Kieran Timmins Deputy Chief Executive, Merseyside Fire and Rescue Authority and convenor of the Fire Finance Network (a network of chief finance officers from fire and rescue authorities) contacted the author and the Chief Fire Officer with information that he believed that in total there are or have been 17 fire and rescue authorities (including BMKFA) that have been directly affected by the issue, which is a substantial increase in the proportion of authorities affected; and that Essex FRA has set up a national meeting of affected authorities to take place on the 19 December 2014.</p> <p>There are a number of fire and rescue authorities who had yet to respond to BMKFA's direct requests for information. Reminders have been sent to those authorities who have not provided substantive responses.</p>
<b>PROVENANCE SECTION &amp; BACKGROUND PAPERS</b>	The Monitoring Officer was requested by the Chief Fire Officer /Chief Executive to undertake an investigation, who in turn commissioned Tom Ogg. The Terms of

	<p>Reference (Appendix 4) required Counsel to provide:</p> <ul style="list-style-type: none"> <li>• A clear account of how these events transpired.</li> <li>• An account of what happened in other combined fire and rescue authorities and other fire and rescue authorities</li> <li>• Details of the scale and depth of the financial problem and an informed account of what the Authority’s liabilities and future costs might be.</li> <li>• An analysis of the opportunities to uncover this issue that might have been missed and whether due to managerial actions, controls, practices and/or processes and the role and adequacy of internal and external audit.</li> <li>• Other relevant issues relating to the on-going service related injury payments.</li> </ul> <p>Minutes of the meeting of the Overview and Audit Committee 24 September 2014</p> <p><a href="http://bucksfire.gov.uk/files/7914/1682/6936/ADocPackPublic.version0001.pdf">http://bucksfire.gov.uk/files/7914/1682/6936/ADocPackPublic.version0001.pdf</a></p>
<p><b>APPENDICES</b></p>	<p>Appendix 1 – Injury Awards: Interim Report dated 2 December 2014</p> <p>Appendix 2– Letter from BMKFA Chief Finance Officer to Anthony Mooney, DCLG dated 6 October 2014</p> <p>Appendix 3– Letter from BMKFA Chief Operating Officer to Parliamentary Under Secretary of State, DCLG dated 18 November 2014</p> <p>Appendix 4 –Letter of Instruction from BMKFA Monitoring Officer to Counsel dated 15 September 2014</p> <p>Exempt Annex to the Injury Awards: Interim Report</p>
<p><b>TIME REQUIRED</b></p>	<p>15 minutes.</p>
<p><b>REPORT ORIGINATOR AND CONTACT</b></p>	<p>Graham Britten</p> <p><a href="mailto:gbritten@bucksfire.gov.uk">gbritten@bucksfire.gov.uk</a></p> <p>01296 744441</p>