

Report for the Bedfordshire Fire & Rescue Authority - May 2019

1. In 2017 the Chief Fire Officer raised an issue with the Bedfordshire Fire & Rescue Authority (BFRA) Monitoring Officer about the treatment for pension purposes of an allowance he had received whilst he was seconded to Warwickshire in 2009.
2. The Monitoring Officer carried out an immediate review that he shared with the 2017 BFRA Chair and Vice Chair and a decision was made to have an independent review because of, in part, an apparent lack of governance in the BFRA decision-making process between 2009 to 2012.
3. The independent review was conducted by a specialist solicitor and he interviewed the principal BFRA Members involved in the decision making, the CFO and key officers serving at Bedfordshire Fire & Rescue Service (BFRS) during the period 2009 to 2012. The independent investigator found that there had been no wrongdoing or criminality on behalf of the Chief Fire Officer, though he was critical of the manner in which certain decisions about the Chief Fire Officer's pension had been taken. It was recognised that the Chief Fire Officer was not present when these decisions were taken.
4. Records showed that the FRA's external auditors at the time were consulted about the treatment of the CFO's pension. They took legal advice and raised no concerns with the arrangements.
5. The independent investigator's report was shared with the Audit & Standards Committee in September 2018 and with the FRA in October 2018. The FRA asked EY, the current external auditors, to consider whether the FRA's current processes and procedures satisfied the requirements for openness, transparency and the need to demonstrate probity in the conduct of the business of a public authority.
6. At the suggestion of the external auditor, the FRA sought legal advice from specialist Counsel on the lawfulness of the arrangements.
7. From all of the above, the conclusions are that;
 - i. Based on specialist counsel's advice decisions taken in 2009 and 2012 were legal and within the powers of the Fire & Rescue Authority.
 - ii. There was no criminal, unlawful or dishonest behaviour by any Member or officer of the Bedfordshire Fire & Rescue Authority.
 - iii. However, there were governance failings in 2009 and 2012. There is no evidence to show that the decision to treat the allowance received by the CFO during his period of secondment in 2009 as pensionable was referred to members who therefore had no opportunity to consider the options and make an informed decision. This failing in corporate governance has given rise to a potential loss to taxpayers. However, this potential loss is balanced by the savings accrued to the FRA as a result of the decision to abate the CFO's pension/salary.

- iv. Steps have now been taken to significantly improve the governance processes within the Authority. The arrangements for taking decisions in between meetings have been formalised by the establishment of a standing Executive Committee and it is proposed that in future the Executive Committee should be responsible for managing the employment relationship between the Authority and the Chief Fire Officer.
 - v. The Authority believes that matters have been thoroughly examined through the investigations by those outside the Authority with expertise in this area, and by the Audit & Standards Committee, and in noting the conclusions as above, regard this matter as closed. In the event of any FOI request this paper will be produced in response. To do otherwise might breach confidentiality relating to an individual's personal data and affairs.
8. The Secretary/Monitoring Officer will write formally to the Chief Officer, from the Fire Authority informing him of these conclusions and the formal closure of these matters.