



Minute

Minutes of a meeting of the Board of IPSA Thursday 6 February 2014

Present	Sir Ian Kennedy, Chair Sir Neil Butterfield Liz Padmore Anne Whitaker Tony Wright Andrew McDonald, Chief Executive Nick Lee, Head of Board and Chief Executive Office	Mark Anderson, Head of Communications [items 4 – 6b] Belinda Brown, Director of People, Performance and Pay Linda Everet, Head of Internal Audit and Assurance [items 1 – 3] Karen Hennessy, HR Manager [item 6] Philip Lloyd, Director of Finance and Operations [items 1 – 6b] John Sills, Director of Policy and Communications [items 1 – 6b]
Apologies	None.	
Status	As approved for publication at the meeting of the Board on 20 February 2014.	
Publication	For publication no later than 19 March 2014. Section 3 and paragraphs 6.3 – 6.7 not for publication.	

1. Welcome

1.1. The Chair welcomed the Board to the meeting.

Declarations of interests

1.2. There were no new declarations of interest.

2. Minutes of previous meetings and matters arising

IPSA/140206/1 – Minutes of a meeting of the Board, 29 January 2014

Minutes of a meeting of the Board of IPSA, 29 January 2014

2.1. The Board agreed to approve for publication the minutes of a meeting of the Board of 29 January 2014, subject to any further amendments proposed following the meeting.

Board to provide further comments, if any, on the minutes of the meeting of the Board on 29 January 2014.

Nick Lee to arrange for the publication of the minutes of the meeting of the Board of 29 January 2014.

Action list

2.2. The Board noted that the action list would be considered at the meeting of the Board on 20 February 2014.

Matters arising

2.3. There were no other matters arising.

4. Publication of receipts

IPSA/140206/3 + annex A – Upper Tier Tribunal decision: Briefing note

4.1. The Director of People, Performance and Pay introduced a briefing note setting out the decision of the Upper Tier Tribunal (UTT) of 24 January 2014 with respect to the publication of receipts, and the advice IPSA had subsequently received on what options were now open to it.

4.2. The Board noted that:

- the intention of the Freedom of Information Act (FOIA) had always been the right of access to information, rather than documents. While it fell outside the scope of the UTT to consider parliamentary intention in this way, the judgement nevertheless had the effect of undermining that initial intention;
- IPSA had taken a view that there was no public interest in the publication of receipts when the limited additional transparency this might be said to provide would be offset against the significant cost of doing so. There would also be significantly heightened risk relating to the inadvertent publication of sensitive data if receipts were to be published;
- if IPSA chose to appeal and if permission to appeal were granted, there was significant uncertainty as to amount of time it might take for that appeal to be heard by the Court of Appeal– which might not be until early 2015, or later;
- if IPSA chose now *not* to appeal, work would need to begin immediately to prepare for the publication of receipts if it was to mitigate the risk of a small number of requests creating an unmanageable burden on the organisation. It was not possible to have any confidence that IPSA had any protection under section 14 of the Act in such circumstances. This risk would be heightened, in any event, because if IPSA chose not to appeal much of the preparatory work would necessarily be undertaken during or just before the General Election, which would in any case impose a significant burden on the organisation and create its own risk; and
- the cost of complying with the judgement (£3.6m in just the first three years) would be significant.

4.3. The Board agreed:

- to seek leave to appeal against the judgement of the Upper Tier Tribunal. There was a public interest in IPSA's doing so, given the implications of the judgement for IPSA and other public bodies with respect of the right of access to documents, rather than information, under the Act;

- in any event, IPSA needed to consider its own functioning capacity, which would be significantly challenged if IPSA did not appeal, given the likelihood of further requests requiring the redaction of significant volumes of receipts without any protection under the Fees Regulations; and
- that more work was needed to establish (so far as was possible) the meaning of a 'reasonable time frame' in the context of section 22 of the Act, so as to enable IPSA better to plan for the possibility of its not receiving permission to appeal, or of that appeal not being successful.

Belinda Brown to instruct IPSA's solicitors to seek leave to appeal against the judgement of the Upper Tier Tribunal.

Belinda Brown to carry out further work so as to establish, so far as is possible, the meaning of 'reasonable time frame' in the context of section 22 of the Act.

5. Publication policy: Draft consultation

IPSA/140206/4 – Publication policy: Consultation paper

5.1. The Director of Policy and Communications introduced a draft consultation paper proposing changes to the policy on publication. He reported, in particular, that:

- it was proposed that the consultation paper, which built on the discussion at the meeting of the Board in November, be published later that month; and
- IPSA was obliged, by statute, to consult on changes to its publication policy. Part of this policy, the publication scheme, also needed to be agreed by the Information Commissioner's Office (ICO).

5.2. The Board noted that:

- the proposed approach to the publication of details about salaries of IPSA staff and to the publication of details about contracts was consistent with that in central government; and
- IPSA published details of claims repaid by MPs in the interests of transparency and because its approach to publication was intended to be transactional, neutral and non-editorial.

5.3. The Board agreed further to consider whether changes to the publication website should be introduced so as to provide greater context about the claims made by particular MPs.

Mark Anderson / John Sills to consider further possible changes to the publication website.

Publication ahead of and during a General Election

5.4. The Director of Policy and Communications noted that:

- the Freedom of Information Act did not apply any differently during a General Election and so did not provide any basis for IPSA's adopting a different approach to publication during such a period; and
- nevertheless, it was open to IPSA to exercise its discretion so as to ensure its cycle of planned publication did not fall on or immediately ahead of a General Election; and
- to this end, IPSA's existing policy on publication ahead of and during a General Election was to maintain the bi-monthly cycle as normal except if it was due to take

place (a) during the period between the dissolution of Parliament and the day after polling day, or (b) on the polling day for elections to the Scottish Parliament, National Assembly for Wales, Northern Ireland Assembly, London Assembly or European Parliament.

5.5. The Board agreed:

- to maintain the existing policy on publication ahead of and during a General Election; and
- not to alter IPSA's approach to the handling of requests made under the Freedom of Information Act during this period.

Publication of overpayments or sums owed by MPs to IPSA

5.6. The Director of Policy and Communications noted that:

- IPSA already published each year the overall amount written off, as a matter of course, in its *Annual Report and Accounts*; however,
- IPSA did not currently publish any further details as to how these debts had arisen.

5.7. The Board agreed:

- from after the General Election expected to take place in May 2015, to publish details of those debts which IPSA had written off, and to whom they related.

Cycle of publication

5.8. The Director of Policy and Communications noted that the Board had decided, in 2010, to publish data about MPs' claims on a bimonthly basis, based on considerations of cost effectiveness, its intention to make publication routine, and the need to check and redact data before publication.

5.9. The Board agreed not to change the current cycle of bimonthly publication, but to review again in the future.

Data relating to IPSA's employees

- 5.10. The Board agreed to publish each year the pay ranges for each of the grades of IPSA's employees not covered by the publication of salaries over the Senior Civil Service minimum (currently £58,200) and the number of employees in each of these grades.

John Sills to communicate to IPSA staff revised policy on publication of salary data.Reward and recognition payments for MPs' staff

- 5.11. The Board noted that:
- if IPSA were to give MPs discretion with respect of reward and recognition payments, transparency about the level of those payments would be particularly important; and
 - the same approach to the publication of reward and recognition payments would also be taken with respect of IPSA's own staff.
- 5.12. The Board agreed further to consider whether to publish additional data about the level of individual reward and recognition payments made by MPs to their staff, and whether to apply the same policy to IPSA's staff.

Lay members of the Speaker's Committee for the IPSA

- 5.13. The Board noted that:
- owing to an anomaly in IPSA's original scheme of publication, no provision was made for the publication of the details of expenses incurred by Lay Members of the Speaker's Committee for the IPSA despite the fact that these costs were reimbursed by IPSA; and
 - there was no argument for their expenses not being published on the same basis as those for the Board and senior staff of IPSA.
- 5.14. The Board agreed to amend IPSA's publication policy to provide for the publication of the details of expenses incurred by Lay Members.

Consultation: Review of IPSA's publication scheme

- 5.15. The Board agreed to approve the consultation document in principle, subject to further amendments, with a view to its publication later in February/March 2014.

Nick Lee to arrange for Ian Kennedy to sign off final publication scheme consultation paper on behalf of the Board.

Purdah

- 5.16. The Board noted that:

- purdah, which applied to Government departments and agencies, stipulated that no new or controversial initiatives should be announced in the period between an election being called and polling day; and
- this did not apply to IPSA, as a body independent of Government, but this was in any event not relevant to IPSA's policy on publication, which was based on a cycle of publication which already took account of elections and on its commitments under the Freedom of Information Act.

Publication of MPs' business costs and expenses

- 5.17. The Board noted that it had been suggested that IPSA might review its approach to the publication of annualised data to provide more context and so that total expenditure for business costs and personal costs was not presented as a single, amalgamated amount.

Mark Anderson / John Sills to consider further possible changes to the publication website.

6. Any other business**(a) Accommodation**

- 6.1. The Chief Executive reported that:

- he had signed a lease on the fourth floor of 30 Millbank and IPSA would move to this new accommodation by 28 April;

- this was earlier than he had hoped (owing to the tenant for Portland House wishing to take occupation on this date) but the senior leadership team (SLT) had considered this carefully and felt that the risk was manageable; and
- a project manager had been appointed and work was already under way to prepare for the move.

6.2. The Board agreed to note the report of the Chief Executive and to thank the Director of Finance and Corporate Services for his work to identify new office accommodation for IPSA.