



Minute

Minutes of a meeting of the Board of IPSA Tuesday 20 November 2012

Present	Sir Ian Kennedy, Chair Sir Scott Baker Ken Olisa Isobel Sharp Andrew McDonald, Chief Executive Peter Davis, Compliance Officer [item 8] Mark Anderson, Head of Communications [items 1 – 8] Belinda Brown, Head of Performance and Assurance [items 1 – 5, 7 – 10]	Bob Evans, Director of Finance and Corporate Services [items 1 – 11] Philip Mabe, Acting Director of Finance and Corporate Services [items 1 – 11] John Sills, Director of Policy [items 1 – 7] Briony Carew, Assistant Policy Manager [item 6] Susan Logan, Finance Manager [item 6] Nick Lee, Head of Board and Chief Executive Office
Apologies	Jackie Ballard	
Status	Final for publication.	
Publication	Final for publication – as approved by the Board of IPSA for publication.	

1. Welcome

1.1. The Chair welcomed the Board to the meeting and, in particular, welcomed Philip Mabe as IPSA's new acting Director of Finance and Corporate Services.

1.2. There were no new declarations of interest.

1.3. The Head of Board and Chief Executive Office reported that a number of papers had been tabled, including:

- the Board's forward agenda and schedule of meetings;
- the monthly operational performance report;
- a presentation setting out the options with respect to the recent decision by the Information Commissioner; and
- a table setting out, in detail, the figures supporting the paper with respect to the decision on the need for a supplementary estimate.

1.4. The Chair noted that:

- exceptionally, a number of papers had been circulated late or had been tabled; and
- this reflected the high workload of IPSA's staff, not least as a consequence of the recent increase in the amount of work that was required with respect to requests made under the Freedom of Information Act.

1.5. The Board agreed to record its thanks to the Director of Finance and Corporate Services, whose last day at IPSA would be 30 November 2012.

2. Minutes of previous meetings and matters arising

IPSA/201112/1A – Minutes of a meeting of the Board of IPSA, 16 October 2012;

IPSA/201112/1B – Minutes of a meeting of the Board of IPSA, 22 October 2012;

IPSA/201112/1C – Minutes of a meeting of the Board of IPSA, 6 November 2012;

IPSA/201112/2 – Action list

Minutes of a meeting of the Board of 16 October 2012

2.1. The Board approved the minutes of the meeting of the Board of 16 October 2012 for publication subject to a number of minor amendments.

Nick Lee to make arrangements for outgoing members of the Board and those nominated to sit on the Board from 11 January 2013 to meet.

Nick Lee to make arrangements for the publication of the minutes of the meeting of the Board of 16 October 2012.

Minutes of a meeting of the Board of 22 October 2012

- 2.2. The Board approved the minutes of a meeting of the Board of 22 October 2012, subject to a minor amendment.

Minutes of a meeting of the Board of 6 November 2012

- 2.3. The Board approved the minutes of a meeting of the Board of 6 November 2012, subject to a minor amendment.

Action list and matters arising

- 2.4. There were no other matters arising.

3. Freedom of Information: Information Commissioner's ruling on release of receipts
IPSA/201112/X – Release of receipts

Information Commissioner's ruling on release of receipts

- 3.1. The Board noted that:

- as reported at the meeting of the Board on 6 November 2012, the Information Commissioner (ICO) had recently published a decision notice (DN) requiring IPSA to release receipts rather than information in response to requests under the Freedom of Information Act (FOI); and
- this decision had a potentially significant impact on IPSA's business model.

- 3.2. The Chief Executive reported that:

- the deadline for lodging an appeal against the DN was on the day of the meeting, 20 November 2012. If the Board decided not to appeal, the three receipts that were subject to the request would need to be released by 27 November;
- the DN was effectively a test case, determining whether or not IPSA would be required to release images of receipts in the future. It was not a dispute about the

use of exemptions under the Act or the information released, but about the form in which that information is released;

- if, as a consequence of the DN, the Board adopt a policy of proactive and/or retrospective publication of receipts, the changes to IPSA's business model and mode of publication would take some six months. The backlog of receipts would take longer to deal with;
- as a consequence of the recent upturn in the number of requests under FOI, there was already considerable pressure on IPSA's resources; and
- counsel's advice had been obtained in relation to the DN and an Appeal. Counsel had raised concerns about the potential copyright implications of proactive publication, but there was no practical means to avoid this difficulty and the risk of challenge was slight.

3.3. The Board noted that:

- to deal with FOI requests for receipts on a case-by-case basis would make planning and resourcing impossible;
- an appeal, if sought, would be expected to be heard within three-to-six months; and
- a decision not to appeal might emphasise IPSA's credentials as a transparent organisation but would also immediately create additional costs and open it to criticism about its lack of cost effectiveness.

Impact on IPSA's Estimate for 2012/13

3.4. The Board noted, with respect to IPSA's Estimate for 2012/13 and the potential for additional operational expenditure that:

- IPSA was, and was likely to remain, well within the control totals for its 2012/13 Estimate;
- expenditure under subhead B, however, would be higher than budgeted, whatever decision was taken with respect to the DN, as a consequence of the substantial increase in the volume of requests made under FOI;
- it would, therefore, be important for IPSA to decide whether to request a change to IPSA's Estimate by means of a supplementary estimate. This would need to be put to the Speaker's Committee for the IPSA (SCIPSA) for consideration as soon as possible; and

- IPSA's Board had authority to spend the money within the control totals in its Estimate but it had explicitly said that it would not transfer money from subhead A to subhead B without SCIPSA's agreement.

3.5. The Board noted that:

- IPSA would, regardless of what decision it made, exceed its subhead B as a consequence of the increase in the number of FOI requests, which had not been included in the budget; and
- the need to respond to the DN would further increase expenditure on subhead B.

Approach to ICO decision notice

3.6. The Board agreed that, in summary:

- IPSA's existing approach already provided a high degree of transparency about MPs' claims, in a format that was searchable and accessible;
- it would not be proportionate or cost effective for IPSA to provide images of receipts in response to FOI requests;
- to publish receipts would significantly increase the security risks associated with the protection of sensitive personal data when claims were published; and
- its decision to appeal to the ICO's DN reflected practical concerns and a dispute over the form of the data to be released, rather than any concern about the release of the data themselves.

Next steps

3.7. The Board agreed that:

- an appeal should be lodged with respect to the decision notice, not least given the immediate cost implications of IPSA's not doing so;
- the SCIPSA should be notified immediately that IPSA would be seeking a supplementary estimate for 2012/2013;
- the supplementary estimate should accommodate additional in-year costs of around £250,000 to reflect the costs of dealing with the increased number of FOI requests, the in-year costs of an appeal and scoping work to consider IPSA's business model for handling FOI requests;

- the Executive should begin work immediately to identify the costs and the work needed to prepare for proactive publication, should an appeal be unsuccessful;
- further legal advice should be sought as part of the appeal process; and
- planning should begin in preparation for a public consultation with respect to IPSA's approach to publication.

Belinda Brown to arrange for IPSA to lodge an appeal with respect to the ICO's decision notice.

Philip Mabe to begin work to prepare for the submission of a supplementary estimate.

Belinda Brown to begin further work to identify and explore the work and costs arising if IPSA needed to implement a policy of proactive publication of receipts.

John Sills to begin planning to prepare for a public consultation on IPSA's publication policy.

4. Freedom of Information: Landlords' names

4.1. The Head of Performance and Assurance reported that:

- following the discussion at the meeting of the Board on 16 October 2012, data relating to the names of MPs' landlords and agents had been released; and
- of the 321 MPs who claimed for the cost of rental accommodation under the Scheme, the names of 51 landlords had been withheld where the MPs or landlords concerned had either shown that release would clearly identify the full address of the property in question or where they had enhanced security concerns supported by the relevant authorities.

4.2. The Board noted that:

- the work that had needed to be undertaken with respect of this request had been significant; and
- IPSA's response to this FOI, and to FOI requests in general was an important part of IPSA's approach to transparency.

4.3. The Board agreed to:

- record its thanks to the team who had carried out the work with respect to this and other recent FOI requests;

- record its thanks to the Head of Communications, for his work with respect to recent FOI requests and recent media coverage; and
- review, as part of its next consultation with respect to publications, its policy on the publication of MPs' postcodes.

5. Appointments to the Board of IPSA

5.1. The Chair reported that:

- the Speaker's Committee for the IPSA (SCIPSA) had met the previous day, and he expected them to endorse later that week the names that had been put forward by the appointments panel; and
- the names of those appointed were expected to become public knowledge in the w/c 26 November, when a motion to appoint them would be tabled in the House of Commons.

6. Review of MPs' pay and pensions: Draft consultation document

6.1. The Director of Policy and Communications introduced a presentation setting out the findings emerging from the ongoing consultation on MPs' pay and pensions, and possible approaches to the report on the consultation, due for publication in early January 2013. He reported, in particular, that:

- a number of positive and constructive meetings had been held with interested parties as part of the consultation process, and there were a number of further meetings with representative groups of MPs over the coming weeks; and
- the joint IPSA-Institute for Government seminar on 19 November, had been a success.

6.2. The Board agreed that:

- given the change in the composition of the Board on 14 January 2013, it would be inappropriate for the Board to put forward definitive proposals in its report on the consultation;
- it would be important, nevertheless, for that document to set out the intellectual framework for IPSA's work on pay and pensions, taking into account questions such as affordability;

- the document would need to provide scope for the Board, from 14 January 2013, to make some definite proposals in the white-paper style consultation due for publication in spring/summer 2013; and
- it might be helpful if the report also tentatively ruled out some approaches that the Board did not consider to be feasible or practical.

John Sills to circulate note of Institute for Government seminar (19 November 2012).

7. Supplementary estimate 2012/13

IPSA/201112/3 – Supplementary estimate for 2012/13

7.1. The Acting Director of Finance and Corporate Services introduced a paper setting out the arguments in favour of IPSA's seeking a supplementary estimate for 2012/13.

Subhead A – MPs' pay, pensions, staffing, costs and expenses

7.2. The Board noted that:

- the most recent forecast suggested a £16m underspend on subhead A;
- the size of this underspend was, however, relatively unpredictable and represented some 10% of the full year budget; and
- in particular, there was some uncertainty as regards expenditure by MPs on staffing.

7.3. The Board agreed not to change the Estimate with respect of subhead A.

Other amendments

7.4. The Board noted that:

- the current forecast of expenditure in the current year did not take account of recent developments relating to FOI requests;
- when the forecast was reported to the SCIPSA, it would be made clear that it did not take account of these developments, which were likely to have a significant impact on IPSA's outturn in 2012/13;

- both with respect to the current high rate of FOI requests and the DN on the publication of receipts, expenditure would necessarily be incurred before SCIPSA could consider changes to IPSA's Estimate and these had been secured; and
- IPSA's Main Estimate for 2013/14 would need to include additional costs relating to FOI requests, to be determined by work due to be carried out through to the end of the current financial year.

7.5. The Board agreed that, in the supplementary estimate it put to SCIPSA, it would:

- establish a new subhead D to meet additional costs arising from FOI requests, allowing IPSA to continue to demonstrate savings on a like-for-like basis within subhead A of its expenditure;
- transfer funds from subhead A to the new subhead D of its Estimate and to change the ambit of IPSA's Estimate to make provision for rental income arising from the sublet of its accommodation; and
- amend the Estimate so as to change IPSA's net cash requirement in the light of other changes already agreed.

8. Report of the Compliance Officer

IPSA/201112/4 – Report of the Compliance Officer

8.1. The Compliance Officer introduced his monthly report to the Board.

8.2. The Board agreed to note the report of the Compliance Officer.

9. Finance report

IPSA/201112/5 + annex A – Finance report

9.1. The Acting Director of Finance and Corporate Services introduced his monthly report to the Board.

9.2. The Board agreed to note the report of the Acting Director of Finance and Corporate Services.

10. Chief Executive's report

IPSA/201112/6 + annex A – Chief Executive's report; IPSA/201112/7 + annexes A – D – Board Update

Meeting of the IPSA-MP liaison group

10.1. The Head of Board and Chief Executive Office reported that:

- the date that had initially been agreed for the next meeting of the IPSA-MP liaison group had been postponed because of the non-availability of members of the group; and
- work would be carried out to identify a further date and schedule a meeting, but this had been put back as a consequence of other commitments.

Nick Lee to schedule the next meeting of the IPSA-MP liaison group

Board forward agenda

10.2. The Board agreed to consider the question of changes in MPs' pension contribution rates in 2013/14 at the meeting of the Board on 19 December 2012.

Nick Lee to make arrangements for the Board to consider the question of changes in MPs' pension contribution rates in 2013/14 at the meeting of the Board on 19 December 2012.

Operational performance

- 10.3. The Board noted that IPSA had achieved all of its operational performance targets in October 2012, in spite of IT problems with respect to the validation of claims.
- 10.4. The Board agreed to record its thanks to the Validation team for its work to achieve its performance target in October 2012.

11. Any other business

Bank accounts

IPSA/201112/X – Commercial bank accounts

- 11.1. The Director of Finance and Corporate Services reported that, as a result of the arrangement in place to sublet IPSA's accommodation, IPSA would need to hold the deposit relating to this arrangement in a commercial bank account. The interest on the deposit would be held in a separate commercial bank account.
- 11.2. The Board agreed that authority should be provided to open the two bank accounts necessary to allow such an arrangement to be put in place.