

# Insurance Arrangements for Members, Including Independent Members of the Standards Committee

## Report of the Clerk

For further information about this report please contact Sharon Lloyd, Corporate Services Manager, on 01743 260210 or Jonathan Eatough, Clerk and Monitoring Officer to the Fire Authority, on 01952 383200.

### 1 Purpose of Report

This report outlines the insurance arrangements, which are in place for all Members of the Fire Authority and the four Independent Members of its Standards Committee.

### 2 Recommendations

The Standards Committee is asked to note the insurance arrangements in place for all Members of the Fire Authority and the four Independent Members of its Standards Committee.

### 3 Background

Following an enquiry made recently by one of the Independent Members of the Standards Committee officers felt that it would be helpful to outline to the Committee the insurance arrangements, which are in place for those four Members and the seventeen Members of the Fire Authority (the insured).

### 4 Insurance Arrangements

The Fire Authority has insurance cover in place for the insured in respect of Legal Protection, Personal Accident, Public Liability, Officials Indemnity, and Libel and Slander, brief details of which are given on the following page. There are, of course, a number of conditions and exclusions attached to these covers. Anyone wishing to make a claim under the cover should, therefore, contact the Corporate Services Manager in the first instance to discuss how the matter may be taken forward.

## **Legal Protection**

The Fire Authority has had legal protection cover relating to alleged breaches of its Code of Conduct since January 2006. Following a written allegation that the person insured has failed to comply with the Authority's Code of Conduct our insurers will:

- Represent that person and negotiate for their legal rights throughout an investigation conducted by an Ethical Standards Officer or a Monitoring Officer;
- Represent that person at a hearing of the Standards Committee;
- Defend that person at an adjudication conducted by a Case Tribunal or Interim Case Tribunal; and
- Appeal against a decision to suspend, partially suspend or disqualify the insured person.

One significant condition of this policy is that the person insured must agree to repay any legal costs, if they are found to be in breach of the Authority's Code of Conduct.

As the Committee is aware, more cases will now be dealt with locally in accordance with the Local Government and Public Involvement in Health Act 2007 and the Standards Committee (England) Regulations 2008. As a result some rewording of the policy document may be required, which has been brought to the attention of our insurers.

## **Personal Accident**

At its meeting on 16 July 2008 the Fire Authority agreed that the Treasurer obtain personal accident insurance for its Members, including the four Independent Members of its Standards Committee. The cover took effect in October 2008 and will provide a capital sum of £50,000 in the event of an insured person's death. The policy covers official duties and service on behalf of the Fire Authority on committees of other bodies, provided no other personal accident insurance applies in respect of that service.

## **Public Liability**

The Fire Authority's Public Liability cover includes all Members of the Fire Authority and the four Independent Members of its Standards Committee. It indemnifies the insured for claims made by members of the public arising from accidental injury and accidental damage to property caused by the insured during the course of duty.

## **Officials Indemnity**

The Fire Authority's Officials Indemnity cover includes all Members of the Fire Authority and the four Independent Members of its Standards Committee. It indemnifies the insured for claims arising as a result of a negligent act or accidental error or omission occurring during the course of their duties.

## 5 Financial Implications

The insurance arrangements referred to in section 4 above have been in place for some time. There are, therefore, no direct financial implications arising from this report, which is for information only.

## 6 Legal Comment

There are no direct legal implications arising from this report.

## 7 Equality Impact Assessment

Officers have considered the Service's Brigade Order on Equality Impact Assessments (Personnel 5 Part 2) and have decided that there are no discriminatory practices or differential impacts upon specific groups arising from this report. An Initial Equality Impact Assessment has not, therefore, been completed.

## 8 Appendix

There are no appendices attached to this report.

## 9 Background Papers

There are no background papers associated with this report.

Implications of all of the following have been considered and, where they are significant (i.e. marked with an asterisk), the implications are detailed within the report itself.

|  |  |   |   |
|--|--|---|---|
| Balanced Score Card  |  | Integrated Risk Management Planning     |   |
| Business Continuity Planning   |  | Legal                                   | * |
| Capacity   |  | Member Involvement                      | * |
| Civil Contingencies Act  |  | National Framework                      |   |
| Comprehensive Performance Assessment                                 |  | Operational Assurance                   |   |
| Efficiency Savings   |  | Retained                                |   |
| Environmental  |  | Risk and Insurance                      | * |
| Financial  |  | Staff                                   |   |
| Fire Control/Fire Link   |  | Strategic Planning                      |   |
| Information Communications and Technology                            |  | West Midlands Regional Management Board |   |
| Freedom of Information / Data Protection / Environmental Information |  | Equality Impact Assessment              |   |