

Public Accounts Committee

Review of the Falkland College project

**Interim Report
[April] 2021**

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Executive Summary

The Public Accounts Committee (PAC) has a constitutional and statutory role that includes looking into whether or not there has been value for money in public spending. (This includes making recommendations, not just about things that have gone badly and how to stop them happening again, but also about things that have gone well and how to make sure that they do happen again.)

This is an interim report on a review being carried out by the PAC in relation to the construction of the new Falkland College and the refurbishment work being carried out at the former Training Centre. The review is one of three new projects that were included in the PAC's work plan for 2020-21, which was sent to the Governor and Legislative Assembly in August 2020.

The intention is for the review to provide an analysis and evaluation of the project, considering (in terms of economy, effectiveness and efficiency) the benefit derived from the expenditure of public money on the project. (The scope of the review does not include matters of policy, but a common sense approach is being taken about what is policy and what is delivery.)

So far, however, it has been impossible to make more than limited progress with the review, because very little of the information needed to carry it out has been released to the PAC. In particular, there has been an almost total lack of co-operation from the Public Works Department (PWD) over a period of more than 6 months. Also, there are relevant Executive Council papers that have been identified (specific references for some were given more than 6 months ago) but not yet released to the PAC.

It does appear that working with the PAC is not seen as a priority by FIG Departments, in spite of the PAC's constitutional and statutory role. That is a matter of concern.

It is a matter of even greater concern that more than a decade after the PAC was established by the Constitution, it cannot effectively use its legal powers to obtain information because an order that was made in 2010 has still not yet been brought into force.

It is also a matter of concern when it is claimed that information about ongoing projects is not readily available, either because of what appears to be a lack of continuity from one Director of Education to another or because (it is claimed) it is "extremely time consuming" to produce copies of documents stored in the project management system.

It would be premature at this stage for the PAC to make findings or recommendations in relation to the Falkland College project: the PAC does not yet have any information about what the project (as finally approved) was meant to

cost or what it actually did by the end; nor does the PAC yet have any information about the planned life of the building or its expected whole life cost.

All that can sensibly be done for now is to identify lines of inquiry for the rest of the review. Key lines of inquiry will include:

- the cost in time and money of the decision between 2017 and 2018 to change the plans for the College to incorporate the Library (and the cost in time and money of not having made the decision sooner);
- whether there have been effective working relationships between PWD, Morrison/RSK and the Education Department;
- whether there was a clear vision about what the Falkland College project was intended to achieve, so that the actual level of achievement can be measured against that.

None of this is intended to detract from the apparent success of Falkland College, now that it is built and has been operating for over a year. The College Development Manager gave an upbeat presentation on Falkland College at the Education Board meeting on 25 February 2021, in which she described the increased range of activities and participation at the College and claimed significantly increased footfall at the new Library.

However, given that there are two further phases of construction (underway and planned) at the Falkland College site alone, it is unfortunate that the lessons to be learned from the first phase (positive ones, as well as negative) cannot yet be identified. The lessons could have value not just for the next phases of the College project, but also for the much larger set of works likely to be carried out across the Education Estate and for other FIG projects.

About the Public Accounts Committee

The Public Accounts Committee (PAC) was established by section 81 of the Constitution¹ and it is regulated by the Public Accounts Committee Ordinance 2009.²

The PAC's membership

The PAC has five members:

- After consulting Members of the Legislative Assembly (MLAs), the Governor appoints the PAC Chair and two other PAC members.³
- The Legislative Assembly elects 2 MLAs to be the other two PAC members.⁴

The current members of the PAC are:

Andrew Newman (Chair)
Sacha Cleminson (Deputy Chair)
Owen Betts
MLA Teslyn Barkman
MLA Dr Barry Elsby

The work of the PAC is supported by a full time Clerk, Nancy Locke, and it can also engage other people to assist in its work.⁵

The PAC's role

The functions of the PAC⁶ can be summarised as follows:

- to examine and report on public accounts and audit reports, including those of FIG itself, as well as statutory bodies, bodies that receive public money and bodies in which FIG or a statutory body is a shareholder;⁷
- to advise on external audit arrangements and to examine and report on all reports produced by FIG's Internal Audit Department;

¹ <https://www.legislation.gov.uk/uksi/2008/2846/schedule/paragraph/81/made>

² <https://legislation.gov.fk/view/whole/inforce/2021-04-11/fiord-2009-11>

³ None of these can be MLAs nor can the FIG Director of Finance (Financial Secretary) be a member of the PAC - see section 81(1) of the Constitution.

⁴ An MLA cannot serve on the PAC at the same time as being a member of Executive Council nor at the same time as being the Chair or Deputy Chair of the Standing Finance Committee - see section 81(1) of the Constitution and section 5 of the Ordinance.

⁵ See section 81(4) of the Constitution and sections 9 and 9A of the Ordinance.

⁶ See section 81(5) of the Constitution and section 11(1) of the Ordinance.

⁷ The bodies covered by this include Falklands Conservation, FLH, FIDC, FIMCo, the Museum and National Trust, the Media Trust, SAAS, SAERI and Stanley Services.

- to consider and report on the effectiveness of the regulation of bodies that have been granted franchises to provide services of a public nature;
- to consider and report on any other matter that the Governor may refer to the PAC.

When carrying out its functions, the PAC has to look at the value for money derived from the public money that has been spent. It can also look at the arrangements made to manage financial risk.⁸

The Ordinance uses the terms “economy, efficiency and effectiveness”,⁹ which are widely used in relation to PAC activities worldwide. Economy, efficiency and effectiveness can be described as “spending less, spending well, and spending wisely”.¹⁰

One way¹¹ of measuring these involves looking at:

- Inputs, such as staff and buildings vs costs in monetary terms (economy)
- Outputs of a particular good or service vs inputs (efficiency)
- Outcomes in terms of the impact on society vs outputs (effectiveness)

Value for money is the overall relationship between costs and outcomes.

The role of the PAC does not include considering matters of policy: the PAC’s job is not to look at why money has been spent, but how.¹²

However, although the Ordinance provides that the PAC’s functions do not include considering matters of policy,¹³ it does not define what are matters of policy and there is a clear potential for overlap between policy and delivery, particularly when looking at effectiveness.

A common sense approach is being taken in this review to determine what are matters of policy and what are matters of delivery.

⁸ See section 11(3) of the Ordinance.

⁹ Section 11(3)(a)

¹⁰ Joachim Werner, “Best Practices of Public Accounts Committees” (22 November 2002), p8
The paper, originally contributed for the Handbook for Public Accounts Committees commissioned by the Association of Public Accounts Committees (APAC) in South Africa, is published online by the International Budget Partnership at <https://www.internationalbudget.org/wp-content/uploads/Best-Practices-of-Public-Accounts-Committees.pdf>

¹¹ See the Annex “Measures of Achievement” to Kristensen, Groszyk and Bühle, “Outcome-focused Management and Budgeting”, *OECD Journal on Budgeting* Volume 1 Number 4 (2002), pp32-33
The article, cited by Werner in his paper, is available online at <https://www.oecd.org/gov/budgeting/44526575.pdf>

¹² See section 11(2) of the Ordinance.

¹³ Section 11(2)(a)

The Falkland College project

The new Falkland College building was handed over to the Education Department on 16 March 2020 and opened to the public later in the year once COVID19 restrictions were lifted. External works were completed later in 2020 and two further phases of work are planned: a new building for the Shield programme and refurbishment of the original Training Centre workshop.

While the new building was still under construction, the following exchange is recorded in the minutes of an Education Board meeting held on 25 November 2019:

“SW [Sue Wilks] said that the College seems to have been built quickly. CS [Colin Summers] said that it may seem like this but it has been 7 years in the making.”

The background section of the public version of ExCo paper 155/18¹⁴ starts with a statement that funding was approved for the training centre in the 2017/18 Capital Budget.¹⁵

However, the start of the project can be seen as having started in 2013, 2014 or 2015:

- Work had started in 2013 on converting two portacabins to become an OFTEC Centre – however, that work was not completed and there were discussions about the potential of this building to become the Training Centre’s administrative hub, freeing up the main building for additional space to accommodate training needs.¹⁶
- In June 2014, Scintilla was commissioned to produce a Training Needs Analysis¹⁷ and a Training Plan based on this was accepted by Executive Council in 2015 – the recommendations were described as considering “a fairly radical shift in the provision of training in the Falkland Islands”¹⁸ and included creating a new Training Organisation¹⁹ and “on-Island technical and vocational Skills College”.²⁰
- In 2015, the Training Centre workshop had to be closed following an External Quality Sampling Assurance Visit by a City & Guilds assessor that resulted in the imposition of a high level sanction – among other shortcomings, the assessor advised that the workshop did not meet the health and safety requirements.²¹

¹⁴ See Appendix 7.

¹⁵ ExCo paper 155/18, paragraph 4.1

¹⁶ Draft version of ExCo paper 02/16 (at time, numbered 227/15), para 4.13

¹⁷ ExCo paper 129/14

¹⁸ ExCo paper 54/15, para 6.1

¹⁹ para 6.2 – Scintilla recommendation 1

²⁰ para 6.4 – Scintilla recommendation 2

²¹ See Appendix 4 for extracts from the Centre Activity Report.

The first ExCo paper²² about what became the Falkland College project was considered by Executive Council in January 2016²³ and further ExCo papers²⁴ were considered including funding requests made during the 2017, 2018 and 2019 budget processes (for the original design, for the revised design and for external works) and in September 2018 to seek approval to issue a Letter of Instruction to Morrison (now RSK) to carry out the construction of the new building.²⁵

Meanwhile, open minutes of Education Board meetings from 2014 onwards contain references to the fact that class sizes in the Infant and Junior School at that time pointed to a future need for additional classroom space at the Falkland Islands Community School.²⁶ This ultimately led to the decision taken in April 2018 to move the Library from FICS to the new Falkland College Building – however, acknowledged in the public version of ExCo paper 155/18, this decision was taken after the first design for the Falkland College had been approved.

The College Development Manager indicated at an informal meeting in November 2020 that the impetus for the Falkland College project had come from the aftermath of the adverse City & Guilds Quality Assurance visit in 2015.

This is borne out to some extent by the documentation seen so far, but it appears from the open minutes of the Education Board throughout the life of the project from 2014 onwards that there were three different aims for Falkland College:

- Meeting the ambitions of The Training Plan based on the Scintilla Report
- Addressing the issues that resulted in the withdrawal of City and Guilds accreditation for workshop based
- Providing additional accommodation for FICS by releasing space formerly used by the Library

The Education Board minutes suggest that there may have been a lack of clarity throughout the period about which of these aims was the most compelling at any time.

The new College does not yet fully deal with second of these aims (which is claimed to be the most important one) – the new workshop is still not even the next phase of work, since it cannot be started until after the new Shield building has been completed.²⁷

²² ExCo paper 02/16

²³ ExCo paper 02/16 – see Appendix 5 for extracts.

²⁴ ExCo papers 36/17, 78/17, 87/18, 155/18 and 65/19

²⁵ ExCo paper 155/18 – see Appendix 7 for extracts.

²⁶ A trawl through the open minutes of the Education Board indicated that the need for additional space at FICS was first raised no later than at a meeting that took place on 13 March 2014.

²⁷ Presentation given to the Education Board at its meeting on 25 February 2021.

It was stated at the meeting on 10 December 2020 that the building scope for the new workshop had been written and that works should be going ahead in the 2020/21 academic year.

However, according to one of the slides from a presentation given to the Education Board at its meeting on 25 February 2021, it appears that the redevelopment of the workshop cannot go ahead until the facility for the Shield programme has been built. In the meantime, plans for the new workshop have been sent to City & Guilds representative to ensure the measures we have taken meet the Health & Safety requirements expected of a workshop.

As well as the two further phases of work at the Falkland College campus, further work is currently being considered for the rest of the Education Estate, which includes the FICS, the IJS (and the facilities at St Mary's and Stanley House) and Stanley House:

- In 2018, Executive Council approved a feasibility study by Atkins to address the future requirements for school buildings looking to the next 20 years.
- A surveyor and architect from Atkins visited the Islands in February 2019.
- A presentation was given to the Education Board in November 2019, with discussion taking place in both the open and closed sections of the meeting.
- In October 2020, the Education Board was told that the plan for Education Estate for the next decade was ongoing and that work was being carried out with PWD.

In the meantime, however, the open minutes of the meeting of the Education Board on 25 February 2021 indicate that snags with the new Falkland College building were still being fixed by RSK at that time, just short of a year after it had been handed over. Apart from the main doors to the building, it is not clear for now what snagging issues there have been and whether they have yet all been resolved.

The minutes from the 25 February 2021 meeting do specifically state that the main doors were still not working. It was indicated that PWD and RSK were dealing with this, but that they were having to wait for new parts to be shipped from the UK as these were not available locally. During a tour of the building, it was suggested by the College Development Manager that the doors may have been intended for use inside a porch and not directly to the outside.

Positive views of the outcome of the Falkland College project in terms of its impact on society were given in the latest Education Department Annual Report²⁸ and in an upbeat presentation given by the College Development Manager at a meeting of the Education Board on 25 February 2021.²⁹ These describe an increased range of

²⁸ See Appendix 8 for the relevant section of the 19/20 Annual Report.

²⁹ See Appendix 9 for the relevant extract from the open minutes of the meeting. The presentation slides were included in the agenda papers for the meeting but cannot easily be reproduced in this

activities and participation at the College and increased footfall at the Library in its new home.

However, without denying the success of Falkland College, it is worth pointing out that a graph in one of the slides in the College Development Manager's presentation showed that the increase from approximately 250 Training Centre users in 2015 to over 2000 Falkland College users in 2020 had happened over the whole of the 5 year period – although the new building will facilitate future growth in use of the College and the range of training that can be provided, it is inevitably difficult at this stage to quantify either the outputs or the outcomes from the project.

It is also currently difficult (in the absence so far of much of the information that had been requested) to quantify the costs of the project.

A draft version of ExCo paper 36/17³⁰ and the minutes of an Education Board meeting in 2016 show that the original budget allocated for refurbishment of the Training Centre workshop had been £300,000. The options shown in the draft version of ExCo paper 36/17 ranged in cost from £612,100 to £1,325,000.

However, although ExCo paper 155/18³¹ gave a figure for the budgeted cost of the project as finally approved (following a redesign to accommodate the Library), that figure was redacted in the public version of the paper and the unredacted version has not been made available.

No information about the final cost of the project has yet been made available.

document – an electronic version of the presentation has been requested but has not yet been provided.

³⁰ See Appendix 6 for the executive summary in the draft version of ExCo paper 36/17.

³¹ See Appendix 7 for the relevant extract from the public version of ExCo paper 155/18.

Progress made so far in the review

At the start of 2020, the PAC requested expressions of interest for assistance with the work of the PAC on a project basis as consultants. Progress was delayed by COVID19 restrictions in the first half of the year, but meetings took place at the end of July 2020 to discuss the allocation of projects.

Although the notional start of the project was 1 September 2020 and a contract for it was not concluded until 18 September 2020, preparatory work on the project had been done during August and September 2020 (including preliminary research, which identified some of the relevant ExCo papers and other relevant information, and formulating draft Terms of Reference).

A comprehensive request for information was sent to the Directors of Education and Public Works on 29 September 2020³² and the Terms of Reference for the review³³ were formally adopted by the PAC at its meeting the following day.

The response of the Education Department

It would be fair to say that the current Director of Education had been reticent in her initial response to the request for information, appearing not to understand the role of the PAC.

However, following an exchange of emails, an meeting took place with the Director of Education and the College Development Manager for an hour on 18 November 2020 and a tour of the College and Library was given by the College Development Manager the following day.

It appeared from the meeting and tour that the following narrative was being put forward on behalf of the Education Department:

- It was being emphasised that responsibility on the Education side lay with previous Directors of Education.
- However, it was also being suggested – very strongly – that decisions about the Falkland College project were taken by Public Works and not by Education and that there was not a client-contractor relationship.

The current Director of Education claimed not to have any documentation to provide about the Falkland College project, although the College Development Manager was able to provide some documentation about the project.

³² The request for information is set out in full at Appendix 2.

³³ The Terms of Reference are set out in full at Appendix 1.

To some extent, the limitations in the documentation provided by the Education Department could well be consistent with the narrative that decisions about the Falkland College project were taken by PWD. However, they could also be consistent with poor record-keeping and lack of corporate memory within the Education Department.

That there were concerns about lack of continuity between Directors of Education is borne out by a reference in the open minutes of an Education Board meeting in 2018, in which it is stated:

"8.3 KL pointed out that it is very difficult to hold the Director to account for example if Board members are not having sight of important documents such as the Budget, the Self Evaluation Form (SEF) and the School Improvement Plan (SIP). There needs to be an action plan so there is set times for the documents to be provided otherwise it falls apart, especially with the change of directors."³⁴

It had been stated that there was no relevant information to be found in the minutes of the Education Board and minutes of the (then) Vocational Board were provided instead, which did not yield much information. However, following improvements to the FIG website, it was possible during February 2021 for a trawl to be made through the open agenda papers and minutes for meetings of the Education Board from 2014 onwards, which coincides with most of the life of the Falklands College project.

During this process, it was possible to identify some specific items relevant to the Falkland College project that had been discussed during the closed sections of Education Board meetings. A request for the exempt agenda papers and exempt minutes relating to these items has been made (in addition to the general request made as part of the original request for information), but these have not yet been provided.

A follow up request for information about the ongoing snagging issues and the first year's running costs of the new building has been made.

The response of the Public Works Department

After a number of follow up requests had been made to PWD, an email response was finally received from the Director of Public Works on 29 March 2021³⁵ ... but no actual information.

³⁴ Open minutes of the Education Board meeting on 7 June 2018

³⁵ That this was 6 months to the day after the request was made may be pure coincidence or it may reflect an assumption that there seems to be that there is a 6 month time limit for FIG responses to

DRAFT: 28 April 2021

The DPW's response is worth setting out in full in the body of the report:

"Apologies for the delay.

In response to the request for information, dated 29 September, I have the following comments:-

- 1. Request for ExCo papers should be directed to the clerk of the council to ensure the latest version is provided.*
- 2. Standing Finance minutes should be requested from the Financial Secretary.*
- 3. Education board minutes should be requested from the Director of Education.*
- 4. Planning and Building Committee minutes should be requested from Head of Planning and Building Services*
- 5. LOI and Variation orders etc can be provided by the current PM, Cecil Alexander. These are saved to Project in a Box (PiaB).*
- 6. I am not aware of a formal PID for this project as it was started prior to my arrival and pre-dates current PM procedures.*
- 7. Project monitoring was by the PM and Clerk of Works (CoW). There will be CoW diaries and fortnightly meeting minutes and other monitoring documents. These are saved to PiaB*
- 8. Project changes were through the project board and ExCo. Project board info will be in PiaB.*
- 9. Snagging, handover certificates and occupation certificates are saved to PiaB.*
- 10. All variations are recorded within the variation register which is stored on PiaB and is available from Cecil.*
- 11. This information is not formally documented. There are email exchanges between Deputy DPW and education department and these can be made available.*
- 12. Your final request, regarding financial savings and benefits is unclear. Can you please clarify.*

As per our telephone conversation those documents stored/saved to PiaB are extremely time consuming to produce copies. Each document has to be checked out, printed and then checked back into the system. Therefore, I would suggest a more economic use of everyone's time would be for a representative from PAC to sit with Cecil and review the information and then a decision can be made copies of the information is required. Alternatively permission could be given to PAC to access PiaB to review the project files. If this is done I would suggest a meeting to allow Cecil to help navigate the files would be useful.

Regards

*Colin Summers
Director of Public Works
Falkland Islands Government*

The fact that it took exactly 6 months to provide this response suggests in itself that, at best, co-operating with the PAC is not seen as a priority by the Director of Public Works, notwithstanding the PAC's constitutional and statutory role.

If it is true that it is that difficult to extract information from the project management software, then that would raise concerns either that the software is not fit for purpose or is not being used properly.³⁶

Other requests for information

Although a request for ExCo papers and Standing Finance Committee papers and minutes was included in the comprehensive request for information made on 29 September 2020, a specific request for ExCo papers was made to Gilbert House in October 2020.

After a follow up request was made, there was an exchange of emails in February 2021 and the relevant ExCo papers were identified by Gilbert House, including some for which it had not been possible to provide references and some that had not been identified at all. The PAC was asked to provide an explanation of why the ExCo papers were necessary, which was done. However, although it had been understood that the Governor had approved the release of the relevant ExCo papers, these have not yet been provided to the PAC.

A request for documents was made to Planning and Building Service in January 2021 and documents were provided in March after a follow up request was made.

An additional request for relevant Corporate Management Team papers was made in February 2021, but these have not yet been provided and it is understood that there is resistance from FIG (at a senior level) to meeting this and other requests for information.

³⁶ The unattractive alternative would be to conclude that the Director of Public Works has made an untrue claim about the project management software in order to justify a failure or refusal to co-operate with the PAC.

The PAC's powers

Neither section 81 of the Constitution nor the Public Accounts Committee Ordinance 2009 deal with simple requests for information. Section 81(6) of the Constitution and section 19 of the Ordinance deal with the PAC's power to obtain evidence using a summons.³⁷

However, the Objects and Reasons for the 2009 Bill that became the Ordinance had this to say (emphasis added):

*"Clause 19 enables the Committee to issue a formal summons, **if it needs to do so**, to compel a person to appear before the Committee and provide information."*

There is nothing in the Constitution or the Ordinance that stops the PAC from asking for information without issuing a summons nor that stops FIG from providing it without a summons having to be issued. Indeed, it could be argued that part of a healthy relationship between the PAC and FIG would be for issuing a summons to be the exception rather than the rule, but only if that is because information is being provided without the need for a summons to be issued.

However, although issuing a summons should only be an (unnecessary) last resort, the PAC is currently prevented from making use of the powers that both the Constitution and the Ordinance say that it should have if it needs to use them.

Sections 19(2) and (3) of the Ordinance provides that a summons or a warrant enforcing a summons must be in a prescribed form and, although an order prescribing the forms for a summons and a warrant³⁸ was made as long ago as 2010, that order has not yet been brought into force. (It is not explained in the relevant ExCo paper³⁹ why the order included a delayed commencement provision and it is not clear why the order was not brought into force, either at the time or in the 10+ years since.)

To further complicate matters, there is an error in how the form for a summons is shown on the Statute Law Database: the heading on the forms refer incorrectly to the Complaints Commissioner Ordinance instead of the PAC Ordinance – neither this error nor a corresponding error in the form for a warrant enforcing a summons was made in the original version of the order.⁴⁰

³⁷ See Appendix 10 for the full text of these provisions and the relevant subsidiary legislation.

³⁸ The Public Accounts Committee (Form of Summons and Warrant) Order 2010 – see <https://legislation.gov.fk/view/html/inforce/2021-04-25/fisl-2010-20>, but see also below.

³⁹ 217/10, approved on 16 September 2010

⁴⁰ The original versions of the two forms can found in the pdf file of the 2010 Gazettes in the National Archives Online Collection:

The error in the Statute Law Database was first raised with the Statute Law Commissioner in 2019, but it was not appreciated at that time that the order had not yet been brought into force. This issue has now been raised with the Statute Law Commissioner, as well as raising again the issue of the error.

Although the Statute Law Commissioner has indicated that the error will be corrected and the order finally brought into force, it is a matter of concern that the PAC's last resort powers have not been available to it for more than a decade. (It is a separate matter of concern that the PAC is having even to consider using those powers.)

It could be argued that, on its own, the lack of an effective version of an order prescribing the form of a summons has the effect of frustrating or circumventing section 81(6) of the Constitution and section 19 of the Ordinance and is, therefore, both unconstitutional and unlawful.⁴¹ It could also be argued that it has the effect of facilitating the frustration and/or circumvention of those provisions by FIG Departments by acts and failures to act that are themselves both unconstitutional and unlawful.

There are arguments, based on principles of constitutional and administrative law and/or of statutory interpretation, that could be put forward to allow the PAC to use its powers. However, it is unsatisfactory to have to rely on those arguments and the better solution would be for the order to be corrected and brought into force.

It could also be argued that there is no proper basis in the Ordinance for some of the processes that are being put in place by FIG in relation to the provision of information to the PAC and that these too are unconstitutional and unlawful to the extent that they have the effect of frustrating or circumventing the constitutional and statutory role of the PAC.

The only specific limitation on what the PAC **must** be given is evidence covered by a Public Interest Certificate issued by the Governor under section 28(1) of the Ordinance. The grounds on which a Public Interest Certificate can be issued are very limited: one can only be issued if the production of a document or provision of information "is not in the interests of national security, or is likely to adversely affect the Government's relations with the United Kingdom Government or any other government".⁴²

<https://www.nationalarchives.gov.fk/jdownloads/Gazettes%20Proclamations%20Notices/2010.pdf>
- see pages 490 and 491.

⁴¹ See *Padfield and others v Minister of Agriculture, Fisheries and Food and others*, [1968] UKHL 1: <https://www.bailii.org/uk/cases/UKHL/1968/1.html>

⁴² Section 28(2) allows for a Public Interest Certificate to be issued that allows for documents/information to be produced/provided but not published - the grounds on which a section 28(2) certificate can be issued are the same limited ones as those on which a section 28(1) certificate

The process by which the Governor determines whether or not evidence should be covered by a section 28 certificate is not specified, but it is reasonable to expect common sense to be applied and it is necessary for consideration of the public interest (as narrowly defined in section 28) to be both proportionate and timely.

In relation to other evidence that could be described as sensitive,⁴³ there is nothing in the Ordinance that provides that it need not be provided to the PAC. What sections 21 and 23 of the Ordinance do provide is that the evidence must be heard and considered in private and that, unlike other evidence considered by the PAC, it must not be published.

It is true that it is a limitation that the PAC can only use its powers in order to carry out its functions. It is possible to accept that, if it is not immediately obvious why information that has been requested is relevant to the work of the PAC, the PAC could be asked to explain why it is. However, again, it is reasonable to expect common sense to be applied and it is necessary for consideration of relevance to be both proportionate and timely.

However, it could well be argued that the current processes are neither proportionate nor timely:

- It was 6 months after the original request for information was made when the Director of Public Works put forward (unconvincing) reasons for not providing information and documents.
- Unredacted ExCo papers are not being provided even although they have been identified.⁴⁴
- Also, new procedures for dealing with requests for ExCo papers, exempt committee minutes and other information are being created (or, making the very best case for FIG, only now being revealed for the first time) 6 months after the original request for information was made in this review.

Finally, there is an implicit limitation on the PAC's powers that comes from the provision in section 19(4) of the Ordinance that a fine can only be imposed on a person for not complying with a summons without reasonable excuse. That implies that there must be reasonable excuses that would allow a person not to comply with a summons but it does not provide any guidance on what a reasonable excuse might be.

can be issued, but the test is whether disclosure to the PAC that would cause the harm or just public disclosure.

⁴³ This means information covered by a section 28(2) certificate, exempt committee minutes and papers, ExCo information, evidence given by witnesses who have asked to give evidence and private and other secret or confidential evidence.

⁴⁴ Indeed, some of the papers had been identified from publicly available information before the original request for information was made on 29 September 2020.

To take a pair of examples loosely inspired by the current review:

- It might be possible for someone to argue that the work involved in producing a large amount of information at very short notice would be a reasonable excuse for not immediately complying fully with a summons to produce information.
- It would be very difficult to argue that there is a reasonable excuse for producing nothing at all over a 6 month period.

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Lines of inquiry for the rest of the review

As matters stand, it would be premature for the PAC to make findings or recommendations in relation to the Falkland College project:

- The PAC does not yet have any information about what the project (as finally approved) was meant to cost or what it actually did cost by the end
- The PAC does not yet have any information about the planned life of the building or its expected whole life cost.
- The PAC has only limited information about how the project was carried out and only one sided information about the relationship between Education Department and PWD.

It is also difficult to quantify with certainty some of the outcomes of the project – although there are encouraging signs that the new facility is valued.

All that can sensibly be done for now is to identify lines of inquiry for the rest of the review. Key lines of inquiry will include:

- the cost in time and money of the decision between 2017 and 2018 to change the plans for the College to incorporate the Library (and the cost in time and money of not having made the decision sooner, given that the need for additional accommodation at FICS had been identified by 2014 at the latest);
- whether there have been effective working relationships between PWD, Morrison/RSK and the Education Department;
- whether there was a clear vision about what the Falkland College project was intended to achieve, so that the actual level of achievement can be measured against that.

There may be other lines of inquiry that emerge from the information still to be provided.

Once a full set of information is available (and only then), it should be possible to identify what gaps remain and to follow up leads.

It will also then (and only then) be possible to seek evidence in an informed and meaningful way from key individuals who were involved in the project: these will include two previous Directors of Education, the College Development Manager, the Project Manager and the Clerk of Works.

Appendix 1

Terms of Reference for the review of the Falkland College project

The following Terms of Reference for the review were formally adopted by the PAC at its meeting on 30 September 2020:

- Has the project been future proofed? If so, what is its intended life and is it designed for expansion if needed in the future to cope with increased demand?
- Was it value for money?
(ie Was the right amount of money spent in the best possible way?)
- Did the plans have to be changed from original expectation in order to accommodate the library or was that factored in from day 1?
- Does the finished building fit the needs for training and is it physically fit for purpose?
(eg Do electric doors work in the wind? Is there a separate multisex disabled toilet? Does the car park flood)
- Have lessons have been learned from previous FIG projects?
- Have (to the extent possible, bearing in mind timing) recommendations made by the PAC been put into practice?
- Are there any positive recommendations that can be made about good practice to be followed in future FIG projects?

Appendix 2

Request for information sent on 29 September 2020

The following request for information was sent to the Directors of Education and Public Works on 29 September 2020:

I write on behalf of the Chair and Committee of the Public Accounts Committee. The Public Accounts Committee has decided to hold an inquiry into the Training Centre/Falkland College & Library project (“the project”).

The terms of reference for the project have not yet been agreed formally, although this is expected to happen very soon. However, it may be helpful to indicate that among the areas to be covered by the inquiry are whether the project was value for money and future proof, the effect of decisions taken during the course of the project and not only whether lessons have been learned from other projects but also whether there are lessons (not just negative ones, but positive ones as well) that can be learned for future projects.

To this end, I would be grateful if you could provide the Committee with all of the documents and information relevant to the project, including but not limited to the following documents and information:

- * Unredacted versions of ExCo papers relating to the project, including: 54/15, 03/16, 87/18 (Background report 4.11) and 155/18
- * Any agenda papers or minutes (in both cases, including both open and exempt versions) relating to discussions in relation to the project at meetings of the Standing Finance Committee, the Board of Education and the Planning and Building Committee
- * The Letter of Instruction for the project (and, if different, the document referred to in one place in ExCo paper 155/18 as the Letter of Intent)
- * Any variation orders or instructions relating to the project
- * The Project Initiation Documentation and other planning documentation for the project
- * Information about how the project was monitored during its course, including documentation relevant to the monitoring process
- * Information about changes made to the project during its course, including documentation relevant to decisions taken to make these changes (and also about decisions taken not to make other changes)

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- * Information about the acceptance process followed at the end of the project, including documentation relevant to the acceptance process
- * A breakdown of the total cost of the project and variances from the original and amended budgets for the project, together with an explanation of any variances
- * Information about the expected life of the new facilities and ongoing maintenance and running costs
- * Information about financial savings or other benefits achieved because of the project, including documentation relevant to any assessment of these

It may be that lines of inquiry emerge from information contained in these documents and that further requests for documents or information are made at a later date.

In the meantime, I look forward to receiving this information in early course.

Yours faithfully

Nancy

Nancy Locke
Secretary
Public Accounts Committee of the Falkland Islands

Appendix 3

Evidence Base (to date)

Most of the evidence gathered so far has come from publicly available documents, such as public ExCo papers and open agendas and minutes for the Education Board.

Some additional documents have been provided by the College Development Manager, including:

- Some e-mail correspondence relating to the project
- Drafts versions of two ExCo papers relating to the project and post-meeting notes for two ExCo papers
- Minutes of the Vocational Board
- Notes of some team meetings
- Technical drawings
- Draft version of the Project Initiation Document
- Report of 2015 City & Guilds External Quality Assurance Sampling Visit

An informal meeting was held in November 2020 with the current Director of Education and the College Development Manager. The College Development Manager also conducted an informal tour of the College and Library the day after that meeting.

Papers relating to planning permission and building regulations approval have been provided by the Planning and Building Service

The following ExCo papers have been identified as relevant to the Review:

129/14: Falkland Islands Skills and Training Needs Analysis

54/15: The Training Plan

02/16: The Redesign of the Training Centre and Facilities

03/16: Changes to the Training Centre Structure

36/17: Redevelopment of the Training Centre Building

78/17: Training Centre Redesign

87/18: Draft Estimates for 2018/19 and Medium term Financial Plan for the five years to 2022-23 (Background report 4.11 – Falkland College, Community Library and FICS Capacity)

155/18: Training Centre Update

65/19: Draft Estimates for 2019/20 and Medium term Financial Plan for the Five Years to 2023/24 (Background Report 4.1 – Training Centre External Works)

Appendix 4

Extracts from City & Guilds Centre Activity Report following an External Quality Assurance Sampling Visit in April 2015

The sampling visit to the Centre coincides with a systems visit and is performed over a four day period. The duration of the visit was agreed prior to enable site observations to take place and offer suitable guidance to any findings. The visit also coincides with the limited flight times available to the Islands.

The EQA met with the Centre Contact and the Training and Development Manager as planned to discuss the visit and make any alterations to the PA1 if required.

The visit itinerary was slightly amended to suit the Centre and the Learners, due to various work commitments and work experience placements.

The Centre Contact discussed the staff changes with the EQA since the last visit and the updated staff matrix. The EQA remarked that the matrix was slightly inaccurate as an assessor for the 6219 programme was not included. The EQA advised the matrix be updated to include all assessors. The EQA reviewed staff accreditation details for the awards and discussed the details of the Assessment and Internal Quality Strategy and its implementation. The EQA was issued with relevant access passwords for the Learning Assistant and given an induction into the programme. The EQA was given additional paper based portfolios relating to the 6219 programme that currently operates a combination of the electronic and paper portfolio.

The EQA met the various assessors and IQAs throughout the visit and was offered every assistance to perform the sampling required.

The observed session included plumbing tasks where the candidates would use a blowtorch to solder copper joints; using such equipment is not part of the qualification requirements. During the observation, the EQA discovered three plastic drinking bottles wrapped in paper containing the letters A, B and C on a low level shelf within the vicinity of the work area, further investigation found these bottles to contain flammable and explosive liquids. These bottles were also near the inappropriate mobile gas heaters, in use to heat the workshop.

The EQA highlighted the hazards to the Centre Contact for instant removal. The EQA discussed the hazard with the Centre Contact and requested to view the relevant COSHH assessments. The Centre Contact discussed the issue with the appointed health and safety person who unfortunately could not produce any COSHH assessments for the substances or any other substances within the Centre. The EQA requested to view the risk assessments for the workshop activities but unfortunately these were not available either.

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The workshop session for 6219 was often disturbed by other staff and students accessing the toilet facilities and vending machine. The interruptions were common practice as the only toilet facilities within the Centre are located in the practical workshop. The staff and students accessing the facilities did not wear appropriate PPE and often passed candidates using cutting tools.

The EQA discussed the workshop design and location with the Centre Management and gave advice concerning the potential hazards of the working practices. The workshop also contained piles of timber work stacked on benches haphazardly with the potential to cause an accident.

The current layout and design of the workshop is not fit for purpose and is potentially a hazard to the staff and students of the Centre. The EQA recommended the Centre implement a safe walking route to the toilets until suitable actions are implemented.

The EQA discussed the health and safety policy with the Centre Manager and reported it is not being implemented. A lack of health and safety monitoring is apparent and needs immediate rectification. The EQA advised the workshop be closed for all workshop activities until suitable procedures are implemented. The Centre Manager actioned the advice and re-arranged the timetable for the candidates until suitable amendments are implemented.

The workshop is currently only being used for 6219 programme. The EQA further recommended the Centre review their health and safety practices and train the staff of their responsibilities within this area.

It is the opinion of the EQA from the evidence found during the sampling visit that the Centre is currently not suitable for operating the 6219 programme and should be allocated a high level sanction. The workshop is not fit for purpose at present and the health and safety policy is not implemented. There are insufficient, ineffective explicit internal quality assurance procedures currently in place for the 6219 programme. The Centre is currently not meeting the required quality standards expected of the Awarding Body.

The EQA observed hard working staff who have rallied together during recent Centre structure changes and have the best interests of their candidates at the forefront of their minds. The EQA observed several willing and able staff who are working to ensure the Quality of the Centre is maintained whilst under the pressure of recent changes and uncertainty. Unfortunately, evidence sampled during the visit has highlighted many shortcomings.

The EQA recommends an advisory visit be arranged by the Centre to ensure future accreditation.

Feedback was given to the Centre Management team and a discussion held to clear any matters mentioned on this report.

The team was thanked for their hospitality and co-operation during the sampling visit.

Summary of comments on sampling

The EQA sampled portfolios from 6219-03 and found the Learning Assistant files to be virtually void of assessment material or decisions for the current candidates, further investigation through the paper portfolios found very little assessment or training material completed. The last input within the file was dated August 2014 even though the candidates have attended the Centre on a regular basis. The sampled portfolios also contained no sign of tutor input or feedback on theory elements of the qualification. In the sampled portfolios, the theory work appears to cover a range of activities over several sessions. Further research found no tutor marking or feedback to the candidates. The EQA requested to view any planning documents relating to 6219 but unfortunately none was available.

The sampled paper based portfolio contained information relating to induction and registration although the information was difficult to find due to the poor order of the work. The Learning Assistant software confirmed the same details of each learner although contained very little other evidence.

The EQA reviewed the IQA strategy with the Centre Contact concerning the 6219 and discovered it has not been implemented. Further discussions revealed a lack of planning and assessment for the programme was common for all candidates. A Scheme of Work was not available to view.

The EQA discussed the qualification with two candidates who spoke very highly of the staff and their programme. They stated they were very happy at the Centre and felt they had improved in many personal areas since joining the course.

The EQA observed a workshop session with the candidates who were producing a good standard of practical work. Unfortunately, the majority of the work was not related to the 6219 programme.

The tasks that were related to the programme were not documented within the candidate's portfolios.

The workshop has been deemed as an unsafe place of work and not fit for purpose due to health and safety concerns.

The EQA sampled the 6571-01 programme during the visit where several site observations were arranged as requested. The observations were professionally conducted and met the requirements of the Awarding Body. The Assessor appeared

to have a good relationship with the candidates even though the Centre accesses an assessor from the UK. Further observation of this programme included attending an evening session for the candidates. The candidates fully participated in the session and arrangements were made for on-site assessments for the remainder of the assessors visit.

The EQA viewed the candidate's files on Learning Assistant and discovered very good evidence being produced.

The Centre Management discussed some of the issues relating to the programme, mainly concerning appropriate staff. The Centre had implemented TAQA qualifications for several tradespeople within the area to ensure the future of the programme.

The EQA interviewed several candidates on the programme who spoke very highly of the staff at the Centre. They understood the qualification and were fully aware of their progress and what was required to complete the qualification. The Learning Assistant software was new to the candidates and several had not uploaded evidence yet although the work was ready for the process. The EQA found the 6571 programme to be managed effectively at present with all candidates enjoying the experience.

Quality Assurance Requirements

Have all programme operations been complied with?

The 6219-03 has not met the requirements of the Awarding Body.

Is the assessment strategy complied with?

There is very little evidence of assessment taking place within the 6219-03 qualification.

Have all assessments been sampled as planned?

The EQA has had full access to the electronic portfolios and assessment documentation.

Do IQA staff facilitate regular standardisation activities?

Standardisation meetings are held regularly.

Do IQA staff give appropriate feedback to assessors regarding their assessment decisions?

The IQA strategy has not been fully complied with, although evidence was available regarding the IQA performing assessments on assessors.

Do IQA staff maintain appropriate sampling plans in line with CAMERA?

The IQA strategy has not been fully complied with regarding CAMERA.

Are records of IQA activity maintained and made available in line with City & Guilds / ILM requirements ?

IQA records are available although the IQA for 6219-03 has not been fully met due to the lack of assessments.

Do all claims for certificates meet the necessary requirements?

No claims have been made to date for the sampled qualifications

Are there any other risks concerning IQA activity?

The roles of the various staff is confusing and needs reconfiguring. Recent staff changes have left the Centre without suitable assessors/IQA.

Action/Improvement Points

2.2 Update staff matrix to include all assessors (Level of risk: Low)

7.2.2 Review IQA strategy to ensure full compliance with awarding body requirements (Level of risk: High)

3.1.3, 1.7 Prohibit students working in the Centre workshop (Level of risk: High)

3.1.3, 1.7 Ensure workshop is of a suitable design and safe for delivery of accredited qualifications (Level of risk: High)

7.1.1/2 Review and implement suitable staffing arrangements for 6219 programme (Level of risk: High)

3.1.3, 1.7 Review health and safety procedures to ensure they meet relevant legislation (Level of risk: High)

Appendix 5

**Extract from draft version of ExCo paper 02/16 (at time, numbered 227/15) -
The redesign of the Training Centre and facilities**

**REDACTED
Appendix 6**

**Extract from draft version of ExCo paper 36/17 - Redevelopment of the
Training Centre buildings**

3. Executive Summary

REDACTED

DRAFT

Appendix 7

Extract from ExCo paper 155/18 – Training Centre Update

Background

- 4.1 Funding was approved for the training centre in the 2017/18 Capital Budget.
- 4.2 Since then PWD Design Team have been working with the Education Department to produce a fit for purpose proposal. This has changed over time from the initial concept of converting the existing building to include all required facilities to providing a new building for the classroom based activities and converting the existing building for the workshop based activities.
- 4.3 While the design process was taking place the Education Department also highlighted concerns that space becoming short within the Community School. The overall proposal was reviewed and a proposed solution to include the Library within the new training Centre was submitted for discussion. This would free up the existing library space to convert to two additional classrooms.
- 4.4 The revised concept was agreed by the Education Department and a new submission was included within the 2018/19 budget process. This was approved in principal and the additional funding was included in the capital programme with the following meeting note:-

The Minute from the 15/05/18 stated:

1) Training Centre Improvements – 4.11

- (a) An increase to the capital budget **REDACTED** for the proposed Falkland College new-build to accommodate a new library and free up needed educational space at FICS, as set out in option 5.3 and that a further report on the detail of the project should be submitted to EXCO prior to commencement.*
- 4.5 The above submission was based on the layouts detailed in PWD/630/402, PWD/630/301/A and PWD/630/401 (Appendix A) and the cost overview (appendix B).
- 4.6 Through discussions with members works are now being completed to provide a design and costing for the surfacing of the access road and carpark areas and provision of pedestrian access. This work is expected to be completed in November/December 2018 and a capital request will then be submitted to ExCo. Assuming approval is given ahead of the next budget

process the works will be completed in time to coincide with the completion of main works. This is with the exception of the Asphalt works which will be added to the 2019/20 asphalt programme.

- 4.7 The current proposal is for the main building works to commence as soon after the issue of the LOI as possible to ensure that it is completed by September 2019. The building will then be available for occupation which will free up the existing library and the existing training centre for the required refurbishment works. The library works are to be completed in time for the start of the new academic year. The refurbishment of the existing Training Centre building is likely to take 3-6 months to complete and will be completed in early 2020.
- 4.8 The drawings for the Main building, including the Library, were issued to MFL and a revised cost estimate of **REDACTED** was received. This is within the **REDACTED** estimate and the total budget of **REDACTED** and therefore the recommendation is to approve the issue of the LOI to MFL for the works.

Appendix 8

Extract from the Education Department Annual Report 19/20

Falkland College

2019-2020 was not an easy year for the Training Centre, which became Falkland College in September 2019. Building works began in July 2019 on the new College building and were stopped in the first week due to the discovery of unexploded ordinance on the build site. Despite the challenges Falkland College continued to offer courses and examinations with over 700 people using the College over the year. This was significantly reduced from previous years (1,200 in 2018/2019), mainly due to the College closing in January to enable the move to the New Building to be progressed. The new build then being delayed to February and then into March, with the keys to the building being handed over on the 16th March, only for the building and all non-essential services being stopped due to Covid-19.

During lock down, the college was furnished and made ready. The Library was unpacked, having been in storage from December 2019, and rebuilt in the new College Building. Towards the end of lockdown, the Library was able to offer a home delivery service of books and DVD's. The Shield Programme has also gone from strength to strength, the range of goods produced in the enterprise scheme continues to grow and the support from the local community for the Shield programme has been very encouraging.

This year we have also seen the greatest number of new apprentices being given the opportunity to gain workplace skills and the necessary qualifications with 2 apprentices intending to following level 6 courses. The new building has been very well received and is being used by a cross section of the local community.

Appendix 9

Extract from the open minutes of an Education Board meeting on 25 February 2021 – presentation by the College Development Manager

Presentation – Falkland College update

Emma Brook (EB), Falkland College’s Development Manager delivered a presentation outlining Falkland College’s positive changes, growth and development plans.

Key notes from the presentation are as follows:

- Between 2015-2020 the number of people using the college has risen from 250 to over 2000 per annum.
- Currently 31 apprentices under the apprenticeship programme.
- During lockdown in 2020, there was a surge for online courses, in one month over 450 signed up for CPD courses.
- Workshop redevelopment plans are underway but cannot proceed until a facility for the Shield programme has been built. The new workshop will include a kitchen, toilets and a purpose-built changing room. A Workshop Manager post has been advertised.
- The Shield programme currently has 7 full time students and 1 part time student. They are currently in the process of making house signs. All bar 1 have work placements. Planning permission has been granted for the new Shield workshops, hoping their shop can be on the same premises.
- The introduction of the new e-library service “Libby” is up and running.
- Footfall in the library has increased to 520 visits a month (July 2020) in comparison to 120 a month when the library was based at FICS.
- In February 2021, there was 1 person on the Employment Programme and 15 on the Enablement Programme.
- No waiting list for driving examinations and theory tests. In 2020, 160 theory tests and 148 examinations were completed.
- Currently 31 apprenticeships; 27 full sponsored by FIG and 4 privately sponsored.
- Evening classes have proved popular. EB to send MLA’s costings of the classes.

Appendix 10

The PAC's power to summon witnesses – relevant provisions

Section 81(6) of the Constitution

(6) The Public Accounts Committee shall have power—

- (a) to summon any person to appear before it; and
- (b) subject to the provisions of any law, to require any person so summoned to answer questions and to provide information to the Committee.

Section 19 of the Ordinance

19. Summons to witness

(1) The Committee may exercise its powers under section 81(6) of the Constitution, to summon a person to appear before it and to provide information to it, by serving on the person a summons under this section.

(2) A summons under this section is to be in writing in the prescribed form.

(3) If a person on whom a summons is served under this section fails to appear before the Committee on the day and at the time and place specified in the summons; the chairperson may issue a warrant in the prescribed form, authorizing and directing a police officer to detain and bring the person before the Committee.

(4) If, without reasonable excuse, a person on whom a summons is served under this section-

- (a) fails to appear before the Committee on the day and at the time and place specified in the summons; or
- (b) fails to produce to the Committee on that day, and at that time and place, any document or publication that the summons requires the person to produce to the Committee,

he or she is liable to a fine determined by the Committee in accordance with section 30.

(5) Subsection (4) does not apply in respect of a document or publication in respect of which the Governor issues a certificate under section 28(1).

Public Accounts Committee (Form of Summons and Warrant) Order 2010 (NOT YET IN FORCE)

1. Title

This order is the Public Accounts Committee (Form of Summons and Warrant) Order 2010.

2. Commencement

This order comes into force on a date to be fixed by the Governor by notice published in the Gazette.

3. Interpretation

In this order-

"Committee" means the Public Accounts Committee established by section 81(1) of the Constitution;

"summons" means a summons to appear before the Committee served on a person under section 19(1) of the Public Accounts Committee Ordinance; and

"warrant" means a warrant authorizing and directing a police office to detain and bring a person before the Committee issued under section 19(3) of the Public Accounts Committee Ordinance.

4. Form of summons to appear before Committee

The prescribed form for the purposes of section 19(2) of the Public Accounts Committee Ordinance of a summons is set out in Schedule 1.

5. Form of warrant to detain and bring person before Committee

The prescribed form for the purposes of section 19(3) of the Public Accounts Committee Ordinance of a warrant is set out in Schedule 2.

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**SCHEDULE 1
FORM OF SUMMONS**

**PUBLIC ACCOUNTS COMMITTEE ORDINANCE⁴⁵
section 19(1)**

SUMMONS TO A WITNESS

To (insert name, address and occupation of witness)

You are summoned to appear before the Public Accounts Committee.

This summons is served on you under section 19(1) of the Public Accounts Committee Ordinance 2009.

You must attend (insert place where person must appear) at (insert time) on (insert date).

(You must also bring with you the documents and publications in the list attached to this summons.*)

You will be required to give evidence to the Committee and you will be required to remain in attendance until your evidence has been completed.

(You will also be required to produce the documents and publications in the attached list.*)

(insert date)

(Signature),
(Chairperson of the Public Accounts Committee/Secretary to the Public Accounts Committee).

Note: The bracketed words marked "*" may be omitted if the person is not required to produce any documents or publications.

⁴⁵ The version of the Form of Summons that appears at <https://legislation.gov.fk/view/html/inforce/2021-04-25/fisl-2010-20> refers incorrectly to the Complaints Commissioner Ordinance. The version in the Order as originally made and published refers correctly to the Public Accounts Committee Ordinance – the relevant extract from the Gazette (Vol 21 No 10, 30 September 2010, p8) can be found in the National Archives Online Collection: <https://www.nationalarchives.gov.fk/jdownloads/Gazettes%20Proclamations%20Notices/2010.pdf> - see page 490 of 720) of the relevant extract from the Gazette. The Statute Law Commissioner has undertaken to correct the Statute Law Database.

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**SCHEDULE 2
FORM OF WARRANT**

**PUBLIC ACCOUNTS COMMITTEE ORDINANCE⁴⁶
section 19(3)**

**WARRANT TO DETAIN AND BRING PERSON BEFORE PUBLIC ACCOUNTS
COMMITTEE**

To (insert name and rank of police officer to whom warrant is addressed)

(Name, address and occupation of witness was summoned to appear before the Public Accounts Committee at (insert place) at (insert time) on (insert date).

(Insert name of person) has failed to appear before the Committee in accordance with the summons

This warrant is issued under section 19(3) of the Public Accounts Committee Ordinance 2009.

You are authorized and directed to detain and bring (insert name of person) before the Committee.

(insert date)

(Signature),
Chairperson of the Public Accounts Committee.

⁴⁶ The version of the Form of Warrant that appears at <https://legislation.gov.fk/view/html/inforce/2021-04-25/fisl-2010-20> refers incorrectly to the Complaints Commissioner Ordinance. The version in the Order as originally made and published refers correctly to the Public Accounts Committee Ordinance – the relevant extract from the Gazette (Vol 21 No 10, 30 September 2010, p8) can be found in the National Archives Online Collection: <https://www.nationalarchives.gov.fk/jdownloads/Gazettes%20Proclamations%20Notices/2010.pdf> - see page 491 of 720) of the relevant extract from the Gazette. The Statute Law Commissioner has undertaken to correct the Statute Law Database.

Article 4 of the Public Accounts Committee (Maximum Fine) Order 2010

4. Maximum fine under section 30 of the Public Accounts Committee Ordinance

(1) This article prescribes the maximum fine that the Committee may impose under section 30 of the Public Accounts Committee Ordinance.

(2) The maximum fine that the Committee may impose is level 6 on the standard scale.⁴⁷

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⁴⁷ The standard scale of fines is set out in Schedule 8 to the Criminal Procedure and Evidence Ordinance 2014 and level 6 on the standard scale is £10,000.