



Foreign &
Commonwealth
Office

Finance Directorate
Foreign and Commonwealth Office
King Charles Street
London SW1A 2AH

07 November 2016

Website: <https://www.gov.uk>

Dear

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: FOI 0947 - 16

Thank you for your email of 10 October 2016 asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

- 1) *The number of fruitless* payments in excess of £30,000 made by or paid for by your department in the following financial years: 2013/2014, 2014/2015, 2015/2016.*
- 2) *What each payment was for*
- 3) *The value of each payment*
- 4) *The reason why the payment was made*
- 5) *The reason why the payment was classified as fruitless*
- 6) *Whether any disciplinary action was taken as a result of the payment (If there was any disciplinary action, please specify what the action was)*

I am requesting this information in an electronic format, preferably in table form.

**Defined as 'a payment for which liability ought not to have been incurred, or where the demand for the goods and service in question could have been cancelled in time to avoid liability.'*

I can confirm that the Foreign and Commonwealth Office (FCO) does hold information relevant to your request. This is presented in the following table:

Year	1) The number of fruitless* payments in excess of £30,000 made by or paid for by the FCO	2) What each payment was for	3) The value of each payment	4) The reason why the payment was made	5) The reason why the payment was classified as fruitless	6) Whether any disciplinary action was taken as a result of the payment (If there was any disciplinary action, please specify what the action was)
2013-14	2	i) Information already in the public domain – see FCO Annual Report and Accounts 2013-14 Page 121 published online at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/325896/FCO_Annual_Report_2013-14.pdf	£820,552.92	i)Information already in the public domain -see FCO Annual Report and Accounts 2013-14 Page 121 published online at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/325896/FCO_Annual_Report_2013-14.pdf	The payment was deemed fruitless because the FCO made payment that brought no benefit to the FCO.	No disciplinary action was taken as there was no breach of the Civil Service code of conduct. No costs were incurred by the taxpayer since the payment was made to another government department.
		ii) Consultancy Fees incurred for Bratislava Residence-Mission Project which was later abandoned.	£253,034.88	We commissioned design work with plans to scale down the Embassy in Bratislava. We subsequently re-assessed that the savings identified in the original business case could no longer be achieved, and therefore the proposed works were not undertaken from that point. The design works may be implemented at a later stage.	The payment was deemed fruitless because the FCO made payment that brought no benefit to the FCO.	No disciplinary action was taken as there was no breach of the Civil Service code of conduct. However, we have introduced a more robust process for scrutinising and challenging all high value capital projects – through a Global Asset Management Plan - and require more detailed analysis of plans and assumptions.

Year	1) The number of fruitless* payments in excess of £30,000 made by or paid for by the FCO	2) What each payment was for	3) The value of each payment	4) The reason why the payment was made	5) The reason why the payment was classified as fruitless	6) Whether any disciplinary action was taken as a result of the payment (If there was any disciplinary action, please specify what the action was)
2014-15	1	<p>Information already in the public domain on the Gov.uk website – see 'FOI release: fruitless payments over £50,000' at:</p> <p>https://www.gov.uk/government/publications/foi-release-fruitless-payments-over-50000</p>				

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2015-16	2	i) Royal Bank of Scotland (RBS) charges incurred between 10 th March 2015 and 4 th March 2016 for late payment of expense and procurement card statements.	£124,970.08	The Foreign and Commonwealth Office (FCO) has a contract with Royal Bank of Scotland (RBS) to supply expense and procurement cards. Late settlement of the bill in full led to an interest charge allowable under the terms of the contract. However, the FCO receives regular rebates from RBS under the contract which have saved the taxpayer a sum very many times the value of this charge over the last five years.	. The payment was deemed fruitless because the FCO made payment that brought no benefit to the FCO.	<p>We can confirm that an independent investigation took place and that appropriate action was taken.</p> <p>To prevent a reoccurrence of this issue, immediate action was taken – the FCO now has payment by Direct Debit for all its RBS expense and procurement cards, and our card payments control has been further strengthened by implementing two new additional monthly checks.</p>
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2015-16 - Continued		2) What each payment was for	3) The value of each payment	4) The reason why the payment was made	5) The reason why the payment was classified as fruitless	6) Whether any disciplinary action was taken as a result of the payment (If there was any disciplinary action, please specify what the action was)
		ii) Underpaid Pension contributions and tax liability for FCO Staff. Of this, £192,410.36 was paid to the Cabinet Office and £17,971.12 payable to HMRC for the benefit in kind tax liability.	£210,381.48	During 2014-15 the FCO discovered a historical inaccuracy in the way it had been calculating employees' contributions to the Principal Civil Service Pension Scheme in respect of a small number of allowances paid with salary. FCO and HMT agreed that in light of legal advice that there would be considerable practical and legal difficulties in seeking to recover these contributions, and the likely cost of recovery (which in many cases would exceed the sum sought) it should not seek to recover these costs.	The payment was deemed fruitless because the FCO made payment that brought no benefit to the FCO.	The FCO has a policy that in all cases of material financial loss, such as this, there is an internal independent investigation as to whether disciplinary action is required. We can confirm that an independent investigation took place and that appropriate action was taken.

To note:

- under Section 21 of the Act, we are not required to provide information in response to a request if it is already reasonably accessible to you.
- the government's Managing Public Money guidelines, used in Foreign and Commonwealth Office accounting, define a Fruitless Payment as: "a payment which cannot be avoided because the recipient is entitled to it even though nothing of use to the department will be received in return." While we are not able to review all transactions against an alternative definition, we are not aware of any items other than those disclosed that would meet the alternative definition you have used in your FOI request.

Once an FOI request is answered, it is considered to be in the public domain. To promote transparency, we may now publish the response and any material released on [gov.uk](https://www.gov.uk) in the [FOI releases](#) section. All personal information in the letter will be removed before publishing.

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Yours sincerely,

Business Planning Team
Finance Directorate



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