



Northern Ireland
Assembly

Committee for Health, Social Services and
Public Safety

OFFICIAL REPORT (Hansard)

Northern Ireland Fire and Rescue Service:
DHSSPS Briefing

13 March 2013

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Ms Sue Ramsey (Chairperson)
Mr Roy Beggs
Ms Paula Bradley
Mr Mickey Brady
Ms Pam Brown
Mr Gordon Dunne
Mr Kieran McCarthy
Mr Conall McDevitt

Witnesses:

Mr Colin Evans	Department of Health, Social Services and Public Safety
Dr Andrew McCormick	Department of Health, Social Services and Public Safety
Ms Julie Thompson	Department of Health, Social Services and Public Safety

The Chairperson: I welcome Dr Andrew McCormick, Ms Julie Thompson and Mr Colin Evans from the Department of Health, Social Services and Public Safety (DHSSPS). I apologise for keeping you waiting; the previous presentation took longer than it should have.

We will go straight to questions and answers. I appeal to members to ask their questions without a big lead-in, and I appeal to the witnesses to get straight to their answers. I assume that a lot of members want to ask questions, and I have a couple of my own.

My first question is for Mr Evans. Your team's investigation into stores management and stock control was prompted by allegations that were made by a whistle-blower. Was that whistle-blower interviewed by your team during that investigation?

Mr Colin Evans (Department of Health, Social Services and Public Safety): Yes, he was. I spoke to the whistle-blower on three separate occasions.

The Chairperson: On the back of that, was Mrs Ford interviewed by your team as part of the investigation?

Mr Evans: We took a decision very early on not to interview Linda unless it was absolutely necessary. We took that attitude because we knew that she was off sick — or, rather, on suspension. We were aware that she was off work and were also told very early on that she was upset and distressed by the whole suspension issue, which was totally understandable.

We took a decision not to cause Linda any further distress or pressure. Our attitude was that we should gather as much relevant information as we needed and that we would speak to Linda if we needed to. As the investigation went on, however, it became apparent that we were substantiating a lot of her allegations and felt that we did not need to speak to her at that stage.

The investigation took until the end of February, and the report was written up at that point. We asked Linda to come in for a discussion in May. She did so, and we told her about our findings. We looked at eight of the 13 allegations and were able to tell her that two were fully substantiated, three were largely substantiated, and two were partly substantiated.

One allegation was not substantiated, and we asked her specifically about it. That was allegation 4, on the advertising contract. We asked Linda whether she had any further information, but she told us that she did not, so we went on ahead. She was then interviewed by the public safety unit (PSU) in August, and following that, she got a copy of the draft report for comments. We got responses from Linda in September and made 17 changes to the report based on what Linda had told us.

The Chairperson: You made the decision not to annoy Linda, based on the fact that she was suspended, and then asked her to be interviewed.

Mr Evans: That was certainly one of the things —

The Chairperson: Did you make that decision?

Mr Evans: Yes. I discussed it with my team and had two very senior auditors carrying out the investigation. We met regularly throughout the three months that they were in the Northern Ireland Fire and Rescue Service (NIFRS), and we always raised the question of whether we needed to speak to Linda.

The Chairperson: I am sorry; on the basis that Linda was off?

Mr Evans: Not only that. Linda had provided very detailed allegations that contained a lot of information. There were a lot of pointers as to where we should be looking for information. She was off, and we did not want to cause her any further distress. Also, the allegations had sufficient information, we believed, to lead us —

The Chairperson: In hindsight, do you not think that not interviewing her might have caused her stress?

Mr Evans: I have now read what had gone previously, and that may be the case. We had to take a decision based on what we were getting. The results of our investigation were that her allegations were being substantiated. As I said, seven out of the eight allegations were totally, largely or partly substantiated.

The Chairperson: I appreciate that, but I am talking about the process. When you then decided to interview Linda, when the draft report was written up, why ask to interview her then, when a draft report was on the table, but not as part of the process to get to the draft report? Had anything changed? She was still under suspension.

Mr Evans: We contacted our PSU at the time, before we went there, and asked them to contact Linda because we wanted to speak to her about the draft report and check that it was OK, which is what we did.

The Chairperson: The point that I am trying to make is that you and your team made a decision not to interview Linda Ford as part of the accusations that led to this report. Had anything changed from point A to point B, when the draft report was on the table, and then, whatever way it was done, you decided to talk to Linda?

Mr Evans: The only thing that had changed was that we were able to tell Linda that her allegations had been substantiated.

The Chairperson: Regardless of the outcome of the report, it does not seem to me that that was the right way to go about it: someone makes an accusation and is not interviewed as part of that process, but when a draft report is on the table, you talk to that person about the outworkings of the allegations.

Mr Evans: It was even before the draft report. We asked Linda whether she was able to come in and have a discussion with us, and we discussed our findings with her then. We were able to tell her what we had found, and we asked her whether everything was OK.

The Chairperson: The whistle-blower who made the allegations about stores management was interviewed three times, but Mrs Ford was never interviewed. Can you not see that that could be seen as treating both whistle-blowers differently?

Mr Evans: Yes. The decision to interview the second whistle-blower was taken because the allegations were not very detailed and because we had to explain to that person that we could not investigate some of those allegations, namely those that involved dealings between one private company and another.

The third aspect of interviewing the second whistle-blower was that that person was at work, so we were able to make contact. It was not quite the same —

The Chairperson: Mrs Ford was not off work through choice; she was suspended.

Mr Evans: Yes, I know.

The Chairperson: I am a simple person; I like to get things worked out in my head. Are you suggesting that if I come to you with a dossier of information, and because I am giving you detailed information, you do not believe that I should be interviewed, whether you believe that information to be correct or not?

It does not seem right to me that Mrs Ford was suspended, and, as part of the inquiry into all that stuff around it, was not interviewed, but another whistle-blower was interviewed.

Dr Andrew McCormick (Department of Health, Social Services and Public Safety): I will come in on this. The point here is that Colin was leading a team that was investigating on my behalf. He worked within standard principles of conduct of internal audit investigations and is very experienced in that regard.

The point that Colin is making, and which I support strongly, is that what guided the team as to what discussions to have was following the threads of the investigation. When there was a need to clarify a point in the investigation, the team spoke to Linda.

There were other issues in the case of the other whistle-blower. In order to conduct a complete investigation, the criterion is whether a discussion is necessary in order to provide a satisfactory analysis of the evidence and to come back with a proportionate and appropriate analysis.

The Chairperson: However, it is not fair, Andrew, to throw into the mix that you did not want to add any more stress. Mrs Ford was suspended.

Dr McCormick: That was a pragmatic point. Had Colin's team needed more information in order to fulfil the investigation, they probably would have needed to speak to Linda anyway. There was a bit of sensitivity involved, but the fundamental point is functional and utilitarian: what works here? They got the information that they needed and were able to substantiate most of the allegations. To me, that represents sensible conduct of an investigative process.

The Chairperson: With hindsight, based on what you have, would you have interviewed Mrs Ford right away?

Mr Evans: Knowing that not interviewing her would cause her more distress, we would have.

The Chairperson: Were you ever given any instructions about whom to interview and who not to interview?

Mr Evans: No.

The Chairperson: You were not given any instructions? OK.

Dr McCormick: I asked for this to happen. The point of using Colin as my internal auditor is to ensure that the investigation is independent of the NIFRS and that it is done on the basis of clear objective principles and without any impediment to an investigation. Colin can go anywhere that I want him to go across the health and social care system or into any part of the Department or its arm's-length bodies. That is how it works.

The Chairperson: However, on the back of Mrs Ford being issued with an apology by you, Andrew, and being awarded damages, can you see how the treatment of Mrs Ford and the other whistle-blower could be regarded as unequal?

Dr McCormick: I can understand that perception. The point that we are making is that this is about getting a job done in the most effective and sensible way. I have no quarrel with what Colin is saying at all.

Mr McCarthy: Mrs Linda Ford advised the Committee that she was given sight of the draft report in August 2012 and that she provided comments. However, she was disappointed to read statements in the report such as:

"The Whistleblower has expressed an objection to the inclusion of this paragraph... However, the Whistleblower has not provided clarification or additional relevant evidence for consideration by the Investigation Officers."

Do you think that such statements give the impression that Linda Ford was being unhelpful to the auditors? Linda Ford went on to tell the Committee that she was never asked to provide additional evidence. Why was she not asked?

Mr Evans: I disagree with that statement. Before we sent out our draft report, during our discussions with Linda Ford in May 2012, we discussed our findings. As I mentioned, we asked specifically about allegation 4. That is just an example; we asked whether she had any further information that could help us to substantiate that allegation, because we were not able to do so.

When she was given the report, there was an expectation, perhaps, rather than a requirement that she would respond to it, and she did. As I said, we made a total of 17 changes to the report based on what Linda told us.

Mr McCarthy: So are you saying that she was asked to provide additional information or evidence but did not give it?

Mr Evans: I am saying that she certainly was asked to provide that in May. She was asked whether she had any specific further information on allegation 4, and she said no. The draft report was then issued for comments, and that is when people come back to say what is right or what is not right. That is the stage at which people can provide further information if they have it.

Mr McDevitt: I want to bring Ms Thompson back to the evidence that she gave to the Committee on 28 November 2012 on this same issue. You were asked on several occasions during that meeting whether you believed that Linda Ford had been interviewed. In reply to me, you said:

"With the second whistle-blower, there were ongoing discussions with the investigators. There were also conversations with the first whistle-blower towards the end of the process to clarify issues."

Do you want to correct that remark now, in light of what Mr Evans has said?

Ms Julie Thompson (Department of Health, Social Services and Public Safety): What I said is consistent with what Mr Evans has said, in the sense that there were ongoing discussions with the second whistle-blower. I think that he said that those discussions took place three times throughout

the process. The discussions with Linda were towards the end of the process, as Colin has just described.

Mr McDevitt: So when you said:

"there were conversations with the whistle-blower towards the end of the process"

and I was asking you:

"To be clear, are you saying that the whistle-blowers were interviewed by both investigating teams?"

you deliberately did not answer my question?

Ms Thompson: I answered it truthfully, based on the knowledge that I had of the process and reflecting the basis of those conversations. The discussions happened, as I said before and will say again, consistent with what Colin is saying, towards the end of the process. Clarifications were asked for, as Colin said, on allegation 4 in particular, which was the only unsubstantiated allegation in the work that Colin was doing. Clarification was sought through those meetings.

Mr McDevitt: I asked you a very specific question:

"To be clear, are you saying that the whistle-blowers were interviewed by both investigating teams?"

Ms Thompson: I am saying that the discussions happened. The meetings in May were with Linda to advise her of the findings. Within that, there was a discussion, and a clarification was sought on allegation 4.

There were further conversations, as Colin said, around August, when the public safety unit met Linda, and again in September. There were also conversations about allegation 6, which was investigated by the Finance Department. Those discussions also happened in August and September. Whether you describe those as interviews or discussions seems to be the issue.

Mr McDevitt: I think that there is a reasonable interpretation of interviews. We have discussed this issue previously, as recorded in the Hansard report for 24 October 2012, and if you look back at it, you can see that there was quite a period of exchange between you and the Committee. You said:

"I assure the Committee that over 400 documents were looked at and almost 60 staff were interviewed in connection with the first whistle-blowing report."

You are quite clear in your mind when an interview is an interview. Mr Evans appears to be exceptionally clear in his mind about when an interview is an interview, except when I ask you whether Ms Ford was interviewed, and you give me a very confused answer — one that would have led me to reasonably believe that she was.

Ms Thompson: There were questions asked of Linda at that time —

Mr McDevitt: So you are saying that she was interviewed, Ms Thompson?

Ms Thompson: The only thing that I would like to correct is the figure of 60 staff. I had a list of 60 people who were interacted with through the investigation, but those 60 were not necessarily unique people because they could have been interviewed several times over different allegations. For the record, I can correct that —

Mr McDevitt: So there were 60 interviews?

Ms Thompson: Yes — 21 individual staff —

Mr McDevitt: So you know for a fact that 21 staff —

Ms Thompson: Had conversations, interactions, discussions, interviews.

Mr McDevitt: — were interviewed, such that 60 interviews took place, but you are now telling us that none of them was with Linda Ford.

Ms Thompson: None of those was, no.

Mr McDevitt: Therefore, in your mind, you are clearly able to distinguish between an interview and the conversation that was had with — you clearly are, Ms Thompson. If you got it wrong on 28 November, just say so, and we can move on, but if you are going to continue to try to argue that you accurately answered the question in light of what Mr Evans said, I am going to be pedantic back to you, because that is not what you gave us the impression was happening on 28 November.

Ms Thompson: If I can clarify: the 60 interviews of 21 staff were done as part of a process through the workings out. As I described on 28 November, when it got towards the end of the process, there were engagements with Linda, and that process was right at the point at which there was a draft report. There is a distinction in my mind between an interview that is part of the process of the original investigation and a discussion towards the end of the process where, yes, further clarifications were sought, but they were different in my mind. I have made them different from that perspective.

Mr McDevitt: So the answer to my question of 28 November, which was:

"To be clear, are you saying that the whistle-blowers were interviewed by both investigating teams?"

is actually no?

Ms Thompson: Not as part of the ongoing process, but there was certainly a discussion at the end of the process, as I said.

Mr McDevitt: In hindsight, do you think that that was a mistake?

Ms Thompson: I reflected what had actually happened. I told the Committee what had happened.

Mr McDevitt: Rather unclearly.

Ms Thompson: I answered the question, and, to my mind, the difference between the two approaches is because the interviews were part of a process, and the other ones were discussions towards the end. There was clarification within those conversations as well.

The Chairperson: On the question that I asked Colin, can you see, in answer to Conall, how it could be regarded as unequal treatment? Twenty-one people were involved in 60 interviews, and Linda Ford was not interviewed. The conversation was at the end, when the draft report was on the table. Conall is right. We could be here all day. What we want to do is to get to the bottom of it, learn the lessons, do what the Minister says and move on, but if we are being given evidence to show that a key person, Linda Ford, was not interviewed as part of a process, in hindsight, do you think that that was wrong?

Ms Thompson: It goes back to the functionality of the evidence that was looked at, and the evidence was substantiating her allegations, so I can understand the approach that was taken. I can equally understand, if that was causing difficulties for Linda, as she described to the Committee, that that is something that needs to be taken into account.

The Chairperson: Even as an ally, given her information, allegations and evidence, and as somebody who could back up your report? She is a key person who is saying, "Yes; this did happen". Why was she not interviewed?

Ms Thompson: It gets back to substantiation again. The allegations were being substantiated through the work.

Dr McCormick: I was the client. I commissioned this report. I am satisfied that it and the process were thorough and satisfactory. We had to make some judgements as to the balance of the approach to the investigation. However, we have conclusions that are difficult but for which the evidence is there, and they bear out strongly the vast majority of what Linda said. Therefore, I see no reason not to be satisfied. I am satisfied with the process. I think that she can take a lot of satisfaction from the process, and we are grateful to her for what she did. That is part of what comes out of this. I assure the Committee that the whole process of bringing all the threads together is now being taken very seriously and that we are seeking, as you said, to learn the clear lessons and move on. We will not hesitate to pursue shining the light —

The Chairperson: I will ask you the same question. I appreciate that it is sometimes hard to answer, particularly when your boss is sitting there. Do you believe that how Linda Ford was treated in the investigation could be seen as unequal treatment? With hindsight, would you do it that way again?

Dr McCormick: With hindsight, as Colin and Julie have said, had it been helpful, it would have been better to give her more time to discuss the allegations. I do not think that it fundamentally undermines the conclusions that were reached or the —

The Chairperson: Were it to happen again, would the whistle-blower be a key component of the investigation?

Dr McCormick: We will judge that on its merits. The question for me is what investigatory process works. This worked. We had our evidence. It was sufficient to reach the main judgements that we have, except, as was explained, in the case of allegation 4. So, as we look at it, let us keep it at a level of functionality. There is no question: I do not accept that there is any issue around unequal treatment.

The Chairperson: She is not the only person who said that they were not interviewed. I will let Roy come in with his question.

Mr Beggs: I want to follow up a little on what has been said. Certainly, most of her allegations were substantiated.

Ms Thompson: Yes.

Mr Beggs: In case she could have pointed you towards other key issues, did you not think that it would at least have been worthwhile to interview her for further clarification of some of the allegations that have been put down as being partially substantiated?

Mr Evans: We certainly considered that again. Although, if you look at the allegations that were partially or largely substantiated, I honestly do not believe that speaking to Linda would have got us the further information that was necessary. I mean, you know —

Mr Beggs: But we do not know.

Mr Evans: I will give you an example. We largely substantiated allegation 5, which concerned the Charles Hurst Land Rover. However, we could not fully substantiate it because it was alleged that the Land Rover was held at the farm of a member of NIFRS staff or at another NIFRS location. The Land Rover was actually held by Ardmore Advertising in a lock-up that it owned. So you can see where we are going there. If I could have said to Linda —

Mr Beggs: Those that are largely substantiated are near enough proven, so we have got there. However, I was using the ones that are down as being only partially substantiated as an example of where, perhaps, further information from the whistle-blower might have been useful. You said that you did not wish to cause her additional stress. Do you not think that assisting a whistle-blower to get to the bottom of things might remove their stress and enable them to return to work sooner?

Mr Evans: We wanted to get this done as expediently as possible. We wanted to get to the bottom of these allegations. We felt that doing so would enable Linda to get back to work. Allegation 13 was one of those partially substantiated, and two allegations were unsubstantiated. The reason why it was partially substantiated was that Terry McGonigal did not have system administrator access rights.

That, in turn, was provided to the agency resource. That, again, was the gist of the allegation and that was a fact. I do not know whether by interviewing Linda Ford she could have provided anything more.

Dr McCormick: You established a point of fact that demonstrates that what she was saying was only partially substantiated. That seems to me to be a sufficient, appropriate and proportionate investigatory process. That seems fair to me.

Mr Beggs: The Committee took evidence from three former Chief Fire Officers, and Mr Gillespie, a former chair of the board, who are connected in the report as being involved at that time in the allegations, and so on. Mr Lammey, Mr Jones and Mr Gillespie told us that they were not interviewed in the production of the report. Why were some of the key players not interviewed?

Mr Evans: They were not interviewed; that is quite correct. However, we did view documentation and statements from Colin Lammey through board minutes, and similarly for Bill Gillespie and Louis Jones through board minutes, remuneration committee minutes and e-mails that they had submitted. We felt that there was enough evidence. We had to make a judgement call, and we felt that there was sufficient information there that we did not have to interview those people, who had long left the NIFRS.

Mr Beggs: Sometimes titbits, nuances and things that may have been missed come out in conversations. As such, you would have allowed that additional direction to be given if it were needed to ensure that correct conclusions were arrived at. Do you not appreciate that that would have been useful for that purpose alone?

Mr Evans: Sometimes it is useful to carry out those interviews. Take the example of Bill Gillespie. He was involved in allegation 1. Linda's allegation was that the bonus payments were irregular. The first thing we did was to check the payment documentation, and those payments were not included in the pay remit documentation that goes to the Department and on to the Department of Finance and Personnel (DFP). So that allegation was immediately substantiated. Was there any need to take that further? Was there any need to take that up with Bill Gillespie? We then looked at individual bonus payments. As I said, there was sufficient information from not only the board minutes but the remuneration committee minutes, e-mails from Bill Gillespie to the Department and e-mails from the Department to Bill Gillespie. So if we felt that interviews could have added anything, we would have done that.

Mr Beggs: Perhaps you would clarify for our benefit that there were three amounts of about £5,000 whose cumulative value of £15,000 would have breached the limits. However, there was certainly a thinking that the individual values did not breach the limits. What is the right answer, and why is there doubt about it?

Dr McCormick: There is no doubt as far as we are concerned, and I think that the Minister confirmed that in a letter today to the Committee. The limit applies to the group. The £5,000 belonged to the group. It is absolutely crystal clear in the rules on the pay remit, and why Colin, as he just said, was able to come to a straightforward conclusion on that. We disagree with the evidence given by the former chairman on that point. It is crystal clear.

The Chairperson: You analysed e-mails and minutes, and that is fair enough if you are doing a forensic investigation. I do not want to give you a hard time, but if you are doing a forensic investigation, it is important to look at all that. The point that Roy was making — you mentioned the Land Rover — is that if you had interviewed Mr Lammey, who was the Chief Fire Officer in and around that time, he could have told you specifically what he said.

Mr Evans: It was in the minutes.

The Chairperson: I know that, but nothing beats an interview with people who are involved. I know that some of these investigations are different, but we have four key players who have not been interviewed: Linda Ford, Mr Lammey, Mr Jones and Mr Gillespie. With hindsight, do you think that they should have been interviewed?

Mr Evans: With hindsight, and given the position that Linda was in and knowing now that she felt that she should have been interviewed and was upset about not being interviewed, I would have interviewed Linda Ford.

The Chairperson: That is fair enough. To come back to the Minister's statement, we need to learn lessons. I am not going to crucify you because you have accepted that, with hindsight, it should have been done.

With regard to stores management and stock control, the report states:

"The tragic death of the Stores Manager meant it was difficult to get a full understanding of some of the processes involved in stores management at that time. It also raised the question as to "Where do we go from here?" Even if we had uncovered evidence of wrongdoing in NIFRS stores, it is difficult to see where that would lead us."

Reading that as a layperson, it appears that you and your investigation team had given up on discovering any wrongdoing on the basis of the sad passing of the stores manager. Was that the case?

Mr Evans: That was not the case. Obviously, it was very regrettable that the stores manager was deceased, but we looked at a number of things. We looked at the stores system, we talked to the head of internal audit, we talked to a stores manager who was there, we spoke to the new group commander in charge of stores, and we talked to admin people in stores. We took all of that into consideration. We also took into consideration what had happened before with the stores. In 2008-09, the stores manager initiated an exercise to identify how much was in the stores and how much was wrong, and we took that into consideration. The replies came in to someone who was in the NIFRS for only a couple of months, so we could not see that that person was working alongside him. We also took into consideration the controls assurance standards that were satisfactory at the time, and we took into consideration the internal audit reports that were satisfactory at the time.

Given all the information that we put together, we had to decide how far we could take this, and we could not take it very much further because the controls in the stores system were not good. The stores system was showing people with five tunics. In that case, the question that you might ask is this: is that not a bit suspicious? However, when we looked at the exercise initiated by the stores manager, we found that he had written out to people and told them that the system was showing that they had five tunics and asked them whether that was correct. He went through every piece of uniform and personal protective equipment. I looked at the responses and there were 2,000 responses. There were 2,000 people in there, and I looked through a large selection of the responses, in particular, where people had as many as five tunics. The answers that came back were: "Yes, I used to own that tunic, but I sent it back and got a new tunic." If there had been any foul play and if anyone was trying to hide tunics with other people, those people would not have responded in that way.

We took everything into consideration, and we decided that that was as far as we could take it. It involved a lot of private companies, so it was very difficult for us to do anything. At the end of the day, it is important for us now to ensure that sufficient controls are in place so that anything like that cannot happen again.

The Chairperson: I appreciate that. However, if you are saying —

Dr McCormick: I think that it is important to set this in context. This is not a forensic investigation. It is an internal audit and if —

The Chairperson: Apologies for my words, but when you are talking about analysing e-mails, to me, that is a forensic approach.

Dr McCormick: The point that I am trying to make is this: it is to provide, as Colin has just said, assurances on lessons learned in relation to how systems are working. If the evidence presented to Colin's team had given prima facie evidence of something worse, I would have had the responsibility to take it up a level and to send in fraud investigators. That is the point. I want to put this into context for the Committee. That is the nature of the work that I had asked Colin to do; it is standard and it is straightforward. The approach that he took was normal practice for the level of investigation that we are talking about. If it had shown a need to go deeper, he would have gone deeper. We got to the point where we had established a view on each of the allegations and a view on the appropriate action to take in light of those findings.

The Chairperson: Why add the line:

"Even if we had uncovered evidence of wrongdoing in NIFRS stores, it is difficult to see where that would lead us."

If you know the process, as Andrew explained, why add that line?

Mr Evans: From talking to the whistle-blower at the time, the whistle-blower was keen that we take it a step further. He suggested maybe going to the private companies to ask them about their dealings with NIFRS and with Benco. We could not do that.

The Chairperson: Why?

Mr Evans: We could not do that because I have no right to go to a private company, especially when they are dealing with Benco, as they were on these occasions, to ask about —

The Chairperson: Could you make that decision, Andrew?

Dr McCormick: If we had strong reason to do so, we would call in counter fraud or, if need be, the police. There is a hierarchy.

The Chairperson: Did you make the suggestion to your line manager that there was a possibility that that was going on with private companies?

Mr Evans: No, I did not. We were talking about a period of four years prior to the investigation. We came to the conclusion that there was nothing else that we could do.

Dr McCormick: A fair conclusion.

Mr Evans: We have to ask what was really important. The whistle-blower did well. He submitted allegations, and those allegations were largely substantiated and pointed out weaknesses in the system.

The Chairperson: I am not for one minute making this allegation: I am trying to tease out information. At that time, did you not want to find out whether any other employees were involved in any of that stuff?

Mr Evans: Yes.

The Chairperson: I know that the session is being recorded, and I am not for one minute suggesting that.

Mr Evans: We did ask. One of the first questions —

The Chairperson: If it were me, I would have been very nosy and would have wanted to find out.

Mr Evans: We were talking about it, and we talked about it for some time. We talked about the stores manager, and I asked the whistle-blower whether he was particularly friendly with anyone else. The whistle-blower's response was that he was friendly with everyone. He was very well liked in the place, he was very friendly —

The Chairperson: Did you not get hungry and say, "Well, if he was friendly with everyone, maybe, or maybe not, there could be others involved?" If somebody is involved in an investigation, would you not think that you should look at the matter further, and then go up the line to your line manager? I know that a lot of this is hindsight.

Mr Evans: The question is this: how far could we have possibly taken it? If you are talking about fraud here, you have to be fairly sure before you call in a fraud investigation team or the police. We did not think that there was fraud at the time. Given the information that I have, I have to ask myself

why that guy — or any person at all — would instigate an exercise that identified uniforms in the place and then ask someone to say, "Why have you got five tunics?" There would be no point in doing that, because those responses were coming back to a lady who had only started in NIFRS, so there were no contacts there. Those responses were saying that members of staff had the uniform or had the tunics, but they were sent back on such and such a date. It appeared to me that those tunics were being sent back in or other gear was being sent back in, but they simply were not being taken off the store system.

The Chairperson: Why were Mr Lammey or Mr Jones, as Chief Fire Officers, not interviewed on this issue?

Mr Evans: We did not think that there was a need to interview them. We interviewed Peter Craig at the time, we interviewed the group commander, and we interviewed the head of internal audit. We interviewed the new stores manager or the interim stores manager at the time. There was a lot of information about that, and we did not feel the need to interview Colin Lammey on something that had happened four years previously. I do not know what we could have added.

Mr Brady: Andrew, you said earlier that you were grateful to Linda Ford for what she had done, yet when she came to the Committee, she said that when she went back to work, she was treated like a criminal. What kind of message does that send out to other potential whistle-blowers about duty of care, healthcare and public safety, taking into account the way that she has been treated?

Dr McCormick: From my point of view, in support of what the Minister wrote some time ago, the general message is to be very supportive of whistle-blowing and to affirm their statutory rights and the need for good practice to be applied. The relationship between her and her employer is a matter for her employer. They have responsibilities, a duty of care and a need to manage those responsibilities in the fact that there are still issues under investigation in relation to Linda. The issue in relation to data protection remains outstanding. Innocent until proven guilty applies with the appropriate precaution that can and should be applied by an employer. That needs to be done even-handedly, sensitively and faithfully, but there is an outstanding issue to be addressed, and we await the Information Commissioner's view on that point. That creates a limit on what the employer can appropriately do.

I cannot accept and there is no question of supporting someone being treated as a criminal. That is her perception of how she is being treated, and it is no doubt sincere. I regard actual victimisation as totally unacceptable. If the employer has to take legitimate precautions, they need to take them, but they need to explain them in a sensible, rational and fair way. It is not a simple issue. They, as an organisation, have to wait for a ruling from the Information Commissioner and behave responsibly in the meantime.

Mr Brady: There is the issue of how a person should be treated and how they are actually treated. You talk about perception. There is an old saying that sometimes perception is everything. In this case, maybe that needs to be addressed.

Dr McCormick: I understand the point that you are making.

Ms P Bradley: My next few questions are directed to you as well, Andrew. When Mrs Ford came to the Committee last October, she stated that she had requested a meeting directly with you, but you had declined that offer. We know from the letter that you sent to Mrs Ford that you had written that it was clear that the Department could and would learn lessons from the event. Do you feel that one of the lessons that you have learned is that you probably should have listened to what Mrs Ford had to say?

Dr McCormick: We learned a key lesson from what happened when she initially wrote to me and the approach that we took to that. The judgement that I have to make on these occasions is to what extent is it appropriate for the allegations that have been made to be investigated within the organisation concerned, or, when is it necessary for me to say that I need to take that into my responsibility and have an investigation, as in this case, which is commissioned by me and is independent of the organisation.

There have been other occasions separate from this context all together where the judgement that I have had is to say "let us ask the accounting officer of that arm's-length body to investigate and report

back to me". That is another way to approach the issue. I have to judge that carefully. The learning that I take from what happened here is to be very sensitive to that and to have to trust people to some extent. There is also a question of trying to say "let us not overly trust the chief executive to look after that". I have to be clear that the process is as safe and as independent as it needs to be.

On the actual issue of what happened, there was a need to be clear as to the reasons for Linda's suspension. That is where a major lesson has been learned for me personally. The letter that issued to Linda suspending her dealt with two issues: it dealt with the issue of her having been a whistle-blower; and it dealt with the data protection point that I have made. In fact, the larger part of the letter was on the latter of those issues. The judgement that I looked at based on the correspondence and on consideration within the team was that, on the face of it, the main reason for the suspension was in relation to the data protection issue. That was a matter between her and the employer and a matter for the employer to deal with.

I later learned that before she got the letter, the conversation happened, and the conversation was to the effect that the reason for her suspension was because she had come to me. To me, that was totally unacceptable. That is what led to the apology. By the way, that was not disputed when I put that point back to the Fire and Rescue Service. It did not dispute that that had happened, but I was not aware of it until the time of the apology.

A major lesson learned there is to understand what is happening properly and to make sure that we act fairly and proportionately. Those are significant issues. It does not make the total picture straightforward at all, but, as I said in response to Mickey, whistle-blowing should not be necessary, but if the culture of an organisation is such that it becomes necessary, all the more reason to make sure that it is protected and honoured and that people are treated properly.

The Chairperson: Did you make the decision yourself that you would not meet her? Was it solely your decision?

Dr McCormick: At that time in October, I was in the US, and I asked Julie to speak to Linda on my behalf. The day that the conversation was requested was a day when I just did not have spare time in the course of my day in the US, so I asked Julie to speak to her on my behalf. *[Inaudible.]* That was not satisfactory to Linda, and I understand that and recognise that. In general, I think that there is value in preserving some degree of detachment from the process because I can never foresee when I might need to take a judgement where I need to be totally detached. I suppose that I have a general hesitation. There are other cases where I have not engaged directly or met with or spoken to — *[Inaudible.]*

The Chairperson: So, based on Julie's advice, you declined to meet Linda.

Dr McCormick: No. It was my decision. At the time, it was an element of simple practicality. In her e-mail to me, Linda said that she was happy to talk on the phone at any time of day or night. I understand that. That was physically difficult for me because my day was very full. The next day was rather quieter but, by that time, it was too late because the reports had been published. That is a purely practical point.

I also have a general point of preferring not to talk directly because I do not know at what stage I might need to be in some form of appeal role or whatever. So, in principle, my methodology generally is to ask for investigation by a team. I have used Colin or his predecessor to investigate things on my behalf, and my clear view of that is that they need to take account of the whistle-blower's evidence. Again, I trust their judgement as to how they go about that, because that is how we do these things.

Ms P Bradley: Chair, can I continue on? I want to follow on from that and from Mickey's point as well. Mickey's point was about perception, but there is something that is absolute fact. When Linda Ford returned to her place of work, she was instructed not to speak to any member of the finance department, as far as I am aware. We also know that because, when the Committee wrote to Jim Wallace, he sent us back a detailed letter stating that it was actually the members of the finance team that had requested that Linda Ford should not speak to them, not the management. Whether that was because there was an ongoing investigation or because she was a whistle-blower — whatever the reason might be, that was extremely difficult for Linda Ford when she went back. There were members of a team that she had worked with and she had been instructed that she could no longer speak to those people and must stay away from them. We know that, when you wrote to her, you said that you hoped that she could resume her career, that her personal and professional integrity was

intact, and all those things, but do you think it is acceptable that someone should be told that they should not speak to members of a certain team?

Ms Thompson: I can maybe help with this one. Mr Wallace wrote to the Committee on 20 February on that particular issue and clarified it from the organisation's perspective. He referred to the fact that Linda had said that she was told verbally by the interim Chief Fire Officer that she was not to talk to any of the finance staff, but Jim says that that is incorrect and that, basically, from the finance directorate team's point of view, they had genuine concerns about talking to Linda because of the context of the investigations. The interim Chief Fire Officer had not said that she was not to talk to any of the finance staff, so the clarification was there from Jim as to what was actually happening. The finance staff were basically saying that they did not want to engage with Linda because of the context of what was going on. It was not that Linda was told not to talk to them. There is quite a detailed letter from Jim reflecting that, because, obviously, he is more au fait with what was actually happening in the organisation. That is in the letter dated 20 February.

Ms P Bradley: So she was not told that?

Ms Thompson: Not by the interim Chief Fire Officer.

Ms P Bradley: Who was she told it by?

Ms Thompson: All I can do is quote from the letter. What Jim said is that the issue referred to relates to:

"members of the Finance Directorate expressing what we perceive to be genuine concerns about professional contact with Ms Ford about financial matters, while the issues of grievances and full return to normal work are outstanding."

So it is a perception that that they did not wish to engage, as opposed to an instruction to Linda not to engage.

Dr McCormick: There is damage and a perception of difficulty among more than one individual in the Fire Service team. It is a very unfortunate breakdown in internal relationships. That is for Jim Wallace and his team to manage. We need to resolve the grievance. He needs to work with the people affected to get the grievance issues resolved, to move towards normality and to make sure that everything is handled sensitively and appropriately. We have a very difficult breakdown of relationships, on which there is more than one point of view. I have nothing like sufficient information to judge all the rights and wrongs of it. It is highly complex and highly sensitive, and the obligation on the employer is to handle that as sensitively as possible, to look to manage relationships, and actually to get the job done. Things have moved on, even since 20 February, but it is a difficult context.

Ms P Bradley: I can understand that, and I can understand about perception. It is how we feel and how we perceive things. I can fully understand that, but we, as a large organisation, have heard the Minister say over and over again that we should value whistle-blowers and take on board everything they say. Her perception of how she was treated was abominable. I believe that a lot of the factual information that is here would contribute to allowing someone to feel that way. There is something very wrong in our system if she has gone back to work but feels that she cannot speak to people or is being made to feel that she is a criminal. There is also something wrong in a Department that allows someone who is giving it information to feel that way.

Dr McCormick: I am not sure how much more we can do about that. As far as the individual is concerned —

The Chairperson: Sorry; I want to come in on this. I think that Paula is absolutely right to say that we have a duty of care. You have a duty of care. The Fire Service has a duty of care to an employee. Would you allow a similar situation to happen in your Department, Andrew?

Dr McCormick: I have not dealt with anything this severe, but I have dealt with the kind of situation where there is a breakdown of either confidence or trust. It is normally hard to deal with such a situation without moving people from one job to another —

The Chairperson: Which is fair enough.

Dr McCormick: — and I have done that. That has happened. It is difficult —

The Chairperson: It strikes me that it is bullying in the workplace.

Dr McCormick: Yes.

The Chairperson: It strikes me as similar to what happens in a schoolyard, and we have all done a campaign around this, where a group is standing around that may not be doing anything physically but it is doing a lot mentally. So, do you think that the chief executive moved quickly enough to deal with this?

Dr McCormick: I believe that he is seeking to progress the issues on the grievances as —

The Chairperson: In what sense?

Dr McCormick: —quickly as possible by dealing with all the individuals who are affected and giving them the opportunity to make their points to him and to deal with the process. Jim is dealing with that as fast as he can. It is a demanding process, but I have full confidence that he is pursuing that, and given the opportunity, he will move the process forward in line with good HR practice.

The Chairperson: Can we find out what exactly he has done? How long has this gone on for — four or five months? You need to be a very tough person to be able to take that, to have people in your department or office not talking to you or requesting anything. If that has been going on for four or five months, there is a certain level of responsibility on all of us —

Dr McCormick: That is right.

The Chairperson: — to ensure that it does not continue.

Ms Thompson: In May, there were 11 grievances related to this matter. I understand that seven of those remain but that Jim is working actively — as Andrew described — to try to deal with those, so —

The Chairperson: I appreciate that, Julie, but the letter from Mr Wallace specifically states that they say that they have requested not to be contacted by her, as distinct from management advising Mrs Ford not to talk to them.

Ms Thompson: Yes.

The Chairperson: So what has been done about that? What has been done about a group of people in an office saying that they are not talking to her, after Linda was given a full apology and substantial damages? Has Mr Wallace done anything about that in the four or five months that it has gone on?

Ms Thompson: All I know is that he is trying to resolve the grievance issues. He is discussing those with Ms Ford and the other related parties and is trying to reach a satisfactory conclusion on all of them.

The Chairperson: Will you, as a matter of urgency, get me an update by tomorrow on where that sits?

Dr McCormick: Grievances?

The Chairperson: On the specific issue that they have requested not to deal with Mrs Ford, to whom, by the way, a full apology and damages were given. Kieran, is your question on this issue?

Mr McCarthy: No; it was a follow-on question from what Paula said. I totally agree with her being flabbergasted by the response. Linda Ford told the Committee that she was told not to speak to these people, and you are saying here that nobody told her that. Somebody —

The Chairperson: It is in a letter from Mr Wallace that we will deal with.

Dr McCormick: It was not an instruction from management. She was asked not to speak to certain individuals, but that was as a result of what they, as individuals, were saying. They are the ones saying, "We don't want Linda to talk to us". I cannot control that. Jim Wallace cannot control that. That is about broken relationships. There are some broken relationships in there, and that is difficult to manage,

The Chairperson: That is why I want an urgent update on what is happening. Sometimes in management, you have to make management decisions and say to people that some things are not going to be permitted.

Mr Beggs: It is like dancing on the head of a pin. They have requested not to be contacted by her. It has the same effect as their saying that there should be no conversations between the two parties. I do not see how any effective work unit can have an individual in a situation where that person is not allowed to talk to someone else. In a work situation, you have to talk to some people whom you like and some people whom you do not like, and it would be unprofessional to —

The Chairperson: We do it every day up here. *[Laughter.]*

Mr Beggs: I find it very strange that that is acceptable in the workplace.

Dr McCormick: I am not saying it is acceptable, but it is a fact.

Mr Beggs: Has a grievance been taken against those who issued this instruction or this request?

Ms Thompson: When he was here, Chris Kerr was talking about the fact that Linda is working under his command at the moment. Obviously, that is not a satisfactory position for anybody.

Mr Beggs: Is that not an unprofessional position for anybody to put themselves in — that they do not wish to talk to someone else?

Ms Thompson: It is a very difficult situation; we do not disagree with that.

The Chairperson: That is why I would appreciate having an urgent update on where things are sitting; it has been going on for four or five months.

Mr Dunne: I want to ask Andrew about the reasons why Linda Ford was suspended. When Mr Wallace was with us, he gave us the impression that she was suspended for accessing files. That was his understanding. Your Department's audit report tends towards the view that she was suspended for whistle-blowing. Can you clarify that, please?

Dr McCormick: Both reasons were given in the letter that Peter Craig sent to her about her suspension. The issue of unauthorised access to information is genuine and serious, but it is not resolved. Part of the difficulty of getting back to full normality, and part of the reason why it has taken so long to resolve these issues, is because that issue is now with the Information Commissioner. Until the Information Commissioner pronounces as to whether what she did was acceptable or not acceptable, that is a cloud that is hanging over us all at this point. It is a limit on what we can do. If that was all that had happened, it is possible that the Fire and Rescue Service would have had grounds to suspend her. I am not making a judgement on that.

Mr Dunne: Would have?

Dr McCormick: That is possible. It is a possibility because it is a serious issue.

The fact of the matter is that that is not all that happened. When someone phoned her to say that she would be getting a letter suspending her from work, she was told that it was because of her whistle-blowing. Whatever about the data protection issue, I apologised because that reason was so unacceptable. For someone to be suspended for whistle-blowing is, to me, a very grave and wrong thing. It means that the other issue is, from my point of view, secondary. That became the big and wrong issue, which I had to fix immediately by whatever means. That was just so blatantly wrong and gave such a totally unacceptable signal to others who might be considering whistle-blowing.

Given all that is coming through in a range of public inquiries, we have to support whistle-blowers and ensure that they get protection from any victimisation and that they are listened to. That does not mean that everything that they say is right, or even that each and every case is coming from the best of motives. We have to be wise about these things, but we have to apply the rules carefully and be sensitive.

To cut to the chase: there were two reasons, both of which are important. One is outstanding, and we do not know the answer to it, and the other was totally unacceptable.

Mr Dunne: What did the letter that was issued to her say about the reasons for her suspension?

Dr McCormick: On the fact that she had come to me, Peter Craig said:

"I am disappointed and concerned that you did not raise these matters directly with me as accounting officer, nor via our whistle-blowing policy."

At one level, you could say that she should have done more in relation to Peter Craig, but she had the right, and her judgement was that that was not going to work, so she came to me. I should have acted on that; I am accepting that.

The second point in the letter referred to her alleged access to financial information without permission and her having shared that information with a third party. If that was proven, Peter Craig said, it was potentially a serious breach of policy and procedures and may well have been in contravention of the Data Protection Act.

That was the second and very serious element to the reason for her suspension. So, Jim Wallace was speaking quite reasonably in what he said. What came through within the Fire and Rescue Service was that that was a main reason or the main reason for her suspension. Both factors are in the letter. Importantly, however, as I understand it, and no one has disputed this, the only one explained to her when she was spoken to was her coming to me, and that, to me, is totally unacceptable.

Mr Dunne: Is the issue of the breaches of the IT systems still outstanding and yet to be clarified?

Dr McCormick: Yes.

The Chairperson: Andrew, you said it is important that people are listened to. Linda Ford was never interviewed. It is very hard to listen to somebody when they are not interviewed as part of a process. On the point —

Dr McCormick: Everything she said was acted on.

The Chairperson: If somebody makes an accusation or allegation, by listening to them, you talk to them, interview them, guide them and help them if you want to get to the bottom of the matter. Linda Ford told us that she was never interviewed as part of that allegation. In his reply, Mr Wallace said:

"It was on the basis of these allegations and other information that Mrs Ford was suspended by CFO Craig in August".

Is the other information what you just spoke to Gordon about?

Dr McCormick: Yes.

The Chairperson: OK. I know that you part-answered that. The audit report concluded that Mrs Ford's allegation that she was suspended for whistle-blowing was largely substantiated.

Dr McCormick: That is correct.

The Chairperson: Are you concerned now that Mr Wallace seems to disagree with the findings of the report? He is suggesting that she was suspended for accessing files.

Dr McCormick: The issue of accessing files remains and it is a serious issue. I stand over Colin's conclusion. It was important that that was investigated and important that Linda was exonerated on that point. I am sure that Jim fully understands the position, and I am happy to make sure that there is nothing between us on that point. If that requires a conversation with him, I will have that conversation.

The Chairperson: Prior to that, Louis Jones raised the issue that other information was coming in and that was not acted on either, with Linda Ford being suspended. He told us that there were other allegations regarding another individual.

Mr Evans: Yes, the other whistle-blower made allegations shortly before Linda Ford made her allegations. Louis Jones sought advice and said that if this was the second of the allegations against Terry McGonigal, he should be suspended. That went to the board but was never carried out. Then Peter Craig took over.

The Chairperson: And Linda Ford was suspended then.

Mr Evans: She was suspended but he did not suspend Terry McGonigal.

The Chairperson: It does not sit right, does it?

Ms Brown: I want you to clarify a couple of points, Andrew. Will you confirm that you were aware that the Committee was informed, by a letter dated 20 February, that Mr Wallace had upheld Mr McGonigal's grievance against Ms Ford?

Dr McCormick: Yes, I am aware of that fact.

Ms Brown: OK. I think that you mentioned that that information has been submitted to the Information Commissioner.

Dr McCormick: Yes. That is where it stands. It is important that that takes its course. That reveals the complexity and sensitivity of the whole set of issues, and why we need to walk a fine line in being fair to all parties in that context.

The Chairperson: On the back of that and for my information, are you aware whether the Information Commissioner would generally interview people when stuff is brought to him?

Dr McCormick: I do not know.

The Chairperson: OK; it was just to clear it in my mind.

Dr McCormick: The commissioner has not interviewed me.

The Chairperson: OK.

Mr McCarthy: When Mr Wallace and Dr McKee attended the Committee in December 2012, they stated that the board would be coming to a position on whether the information contained in the four reports that were published by the Department in October would merit disciplinary action.

Dr McCormick: Yes.

Mr McCarthy: An independent piece of work that had been commissioned was due before Christmas. Are you aware of whether the board has decided that disciplinary action should be taken against anyone?

Dr McCormick: Yes; my understanding is that the board has had that issue thoroughly and independently investigated by Mr Sweeney and Mr Torrie, who are very experienced senior people in the context of Scotland's Fire and Rescue Service. They have provided the written report, which we have seen, that has been very carefully considered by the Fire and Rescue Service board. The recommendation and the board's conclusion is that there are no grounds to discipline any individual.

That is the result of an evidence-based process carried out by senior people who are wholly independent of Northern Ireland Fire and Rescue Service. I think that it is appropriate that we support that conclusion.

Mr McCarthy: OK. That answers my question.

The Chairperson: Andrew, you said that you supported their conclusion, but having been caught up in all of this, are you happy that the outcome is that there will be no disciplinary action?

Dr McCormick: I do not think that my happiness is at all an issue here. I must judge what it is appropriate to do. In light of the evidence in front of me, as it was presented and considered, I have no reason to dispute that conclusion. As I said in a previous evidence session here, we need to move on. Part of some of the issues was that we could say, "Yes, it would be possible to pursue things to the nth degree, but it is better to draw a line and move forward". That is still our aspiration. It is the reason why Jim, Chris and I are entrusted with leading and managing the service and working forwards. Yes, we need to resolve past issues as clearly and appropriately as possible, but it is better now to move on. It is their responsibility as the employer. I am not the employer. My role in the context of an arm's-length body such as this is to satisfy myself that proper procedure has been followed and that the issues have been looked at in a thorough and defensible way. If there was some blatant culpability, we would be in a different situation.

The Chairperson: OK. Let me ask you this. We recently had people retire, resign or leave the service. If some of those people had still been in position, would there be disciplinary action?

Dr McCormick: Again, the Sweeney and Torrie report advises against. The Fire and Rescue Service, as an employer, had come to that view anyway. It asked for it to be reviewed independently, that conclusion was reached, and I support it.

The Chairperson: It is hard to move on when the perception is that nobody has been disciplined and there has been no action.

Dr McCormick: I think I said before that the standard of proof is beyond the kind of investigation that is carried out in audit. The standard of proof has to stand up in an industrial tribunal or a judicial process.

The Chairperson: Not when you do not interview people who bring you information. It would be very hard to stand over that if they give you the wrong information.

Mr Dunne: I will make just a couple of points. Colin, I understand that you are head of internal audit. Is that the Department?

Mr Evans: That is for DHSSPS.

Mr Dunne: The entire Department. Do you have a dedicated team in relation to the Fire and Rescue Service?

Mr Evans: No, it is just for DHSSPS. It is not for the Fire and Rescue Service.

The Chairperson: Do you need it? We will get you a new Department of your own.

Dr McCormick: The way it works is that each arm's-length body has to have an internal audit service, so Fire and Rescue Service has its own internal audit. There is a central internal audit service that provides that advice and systems audit support to the health and social care organisations. They have that as a shared service. I have Colin and his team as my resource.

Mr Dunne: For assurance.

Dr McCormick: Yes. I am the accounting officer for the entire range of responsibilities, including the Fire and Rescue Service and the majority of health and social care. I rely on Colin having a working relationship with the heads of internal audit in the arm's-length bodies —

Mr Dunne: Within the Fire and Rescue Service?

Dr McCormick: Including the Fire Service and the rest. We need to do Colin's work with them and other external review processes. Each accounting officer needs to be satisfied that they have got an internal audit service that is fit for purpose and satisfactory. There are processes of peer review that are well established. It happened in Colin's team recently. There is a process by which we make sure that services are fit for purpose. The extra dimension, as I said earlier, is that if I have a concern about any aspect of my responsibilities, Colin is my resource. If I have got a doubt about an area of assurance, I can commission an investigation, so we did that. Derek Anderson, Colin's predecessor, investigated the irregular payments, and Colin has investigated this one. That is the way we do things.

All of that formal process comes to this Committee. The reports that Colin produces are seen by the Northern Ireland Audit Office (NIAO), so there is a very close working relationship between internal and external audit. If it is clear that NIAO has an interest, it will pursue it, hence the report that it is producing on that set of issues and the further investigation and evidence session on 24 April with the Public Accounts Committee. The system has those different layers of challenge and assurance, which are designed to provide checks and balances that protect the public purse. That is our responsibility, and particularly my responsibility as accounting officer. We have to make sure that those are being fulfilled in an appropriate and proportionate way.

Mr Dunne: How can we be assured that those are effective, when we see the evidence that has been produced about how the Northern Ireland Fire and Rescue Service has been managed over recent years? Colin, have you had any evidence from the internal audits that have been carried out? Were any of those issues flagged up to you during your review? I take it you look at it more from an assurance point of view. Your people are not actually carrying out the audits within the Fire and Rescue Service, are they?

Mr Evans: No, we are not.

Mr Dunne: Have you any evidence of any non-compliance raised to you through your officers about how the Northern Ireland Fire and Rescue Service has been managed over recent years?

Mr Evans: What I see are limited assurance reports from the Fire and Rescue Service.

Mr Dunne: Are they worth anything, in light of what we have seen? Has this set alarm bells ringing in your Department, Andrew? Do you not think it is time to revisit how audit is carried out in the Northern Ireland Fire and Rescue Service?

Mr Evans: It is under review — how the internal audit service for the NIFRS is carried out. Every internal audit team also has to go through what is called an external quality assessment every five years. That was done in 2009 for NIFRS, so there is one due again next year. When that was done, it came out as satisfactory.

Mr Dunne: That was five years ago though. Or it will be five years.

Mr Evans: Yes, it is due in 2014. The reports that I looked at were well written. That is when I was looking at the stores. They —

Mr Dunne: You gave us evidence earlier that the stores system was not working in relation to the tunics. There was little or no internal control in relation to that, so the system was not working. It goes back to you, Andrew. The audit system that was put in place by the Northern Ireland Fire and Rescue Service, accounting back to the Department, was not working effectively or efficiently. There was little or no assurance. There are major gaps. I have said this from the start: there seems to be a major gap between the Northern Ireland Fire and Rescue Service and the Department in the day-to-day management of business in that organisation, and that gap needs to be closed. How are you going to close that gap? That is important.

We were told that a departmental official sits in on board meetings. To me, that officer probably has a limited role. From my experience of boards, he is probably a team member but is not a major participant. How are we going to close that gap? How are we going to re-establish credibility with the public in relation to the management of the Northern Ireland Fire and Rescue Service?

At the end of the day, they are reporting back to the Department and to the Minister. Those gaps need to be addressed, Andrew.

Dr McCormick: I accept everything that you are saying, and I agree strongly. A series of concerns have emerged that compound each other and need to be addressed by a proper plan. Jim Wallace is absolutely central to that plan, and Joe McKee and I discussed the idea of bringing Jim in quite some time ago. It took us some time to find someone suitable and willing to take responsibility in the way in which Jim is now doing.

A lot depends on having an effective accounting officer in place. If a system depends on an accounting officer having sufficient controls, the quality of that leadership is critical in the context that we are in. That is an absolutely central part of the plan.

With the series of issues that had arisen, there were too many gaps in the senior leadership team. That needed to be addressed and is being addressed. People are being appointed to the key posts; an HR director is going in and an interim finance director is in. There is a need for expert support in a range of areas, including functions such as procurement.

The root cause issues need to be addressed and we need to have assurance that the systems that are now in place, for example, in relation to stores, are effective. That is part of what I have to oversee in my responsibility as steward over this area of public expenditure. We need to reinforce and strengthen the work of the organisation and make sure that the board is effective.

I agree with what you are saying. We put too much reliance on attendance at board meetings given that the problems that we are covering now would never come near a board. There is no reason why that would happen, especially if there is a breakdown between the leadership of the organisation and important central functions such as financial management, and where there are question marks, as Colin said, over the internal audit system.

There is a combination of issues and, therefore, we need a comprehensive plan to address that. If it is to get back on the rails, getting Jim in to sort that stuff out and get things organised will be critical. That is central, from my point of view, at present.

Mr Dunne: Do you think that external audit should not be ruled out? An input from external auditors can often give a great sense of assurance to everyone involved. We now have external and internal audit processes in local government working together.

The Chairperson: OK, Gordon. A couple of members need to be out of here by 6.00 pm and we still have business to get through.

Mr Dunne: Thanks, Chair.

The Chairperson: You are welcome.

Mr Beggs: In written evidence to the Committee, Dr Doros Michail said:

"Mr Craig did not instigate a formal investigation, as he rightly should have done, before suspending Ms Ford. Neither did he discuss the matter of 'my apparent involvement' in this matter with me. Ms Ford and I were therefore not given the opportunity to formally hear and refute these allegations. This continues to be the case, despite Mr Craig leaving NIFRS in June 2012."

I am seeking reassurance that proper natural justice is being carried out, that all the evidence is being presented and that those involved have an opportunity give their point of view. I am very much of a mind about one issue, which is that a senior official gained IT access via the software suppliers, so, therefore, to a certain extent in my mind, no one could be certain that you would have logged on at any one time once issues like that had arisen. I am seeking reassurance that you have spoken directly to both individuals to ensure that you are getting first-hand information.

Ms Thompson: The issue being raised is around the data protection issue that was mentioned by Mr Dunne. That issue is still subject to the review by the Information Commissioner. That office is

looking at that and will take a view on whether there has been a particular difficulty there or not. That is where that is at the moment.

Mr Beggs: My point is that I hope that the individuals have had an opportunity to directly engage and present their point of view in the process and not be reliant on purely a hard evidence base, which, to my mind, there are degrees of doubt about.

Dr McCormick: The evidence-based process is a matter for the Information Commissioner. It is up to that office to go about its business, but I —

Mr Beggs: As long as it is aware of all the issues.

Dr McCormick: I am happy to go away and seek an assurance that there has been a fair process with regard to Doros Michail and Linda on that issue. The Information Commissioner needs to be looking at the facts. I trust its process, but let us just ask the question.

Mr Beggs: There is a degree of uncertainty in my mind as to who would have logged on at any one time because of inappropriate access having been gained to the system and authorities.

Dr McCormick: — *[Inaudible.]*

The Chairperson: Is the original grievance against Terry McGonigal finished, completed, done and dusted?

Dr McCormick: Whose?

The Chairperson: The original one against Terry McGonigal and then Linda Ford.

Ms Thompson: There are several grievances between three individuals, and my understanding is that one set of those has been resolved. However, Linda Ford's set of grievances is still outstanding. When I was describing —

The Chairperson: What about the third?

Ms Thompson: When I described that seven were outstanding, that reflected Linda's issues.

The Chairperson: Is there a report on the one that is complete?

Ms Thompson: As I understand it, the person concerned is back in their substantive post now.

The Chairperson: Is there a report on that grievance?

Ms Thompson: I do not have the details of that. I am simply reflecting what the Fire and Rescue Service said.

The Chairperson: Can you check that out?

Ms Thompson: I will certainly check that out.

The Chairperson: I asked for a copy of all the reports, and I would like to see it. I did not get some outstanding reports, so I would like to check that out.

I know that some people have to go. Just briefly, Andrew, you and the Minister have said that we need to draw a line in the sand, move on, or whatever words were used. Colin, are you doing the new investigation that is taking place around the wood?

Mr Evans: No, we are not.

Ms Thompson: That is being done by the Department for Social Development corporate investigations unit.

The Chairperson: Where is that sitting?

Ms Thompson: It is sitting with the unit at the moment and it is nearing conclusion. We hope to have something out from it in the next few weeks.

The Chairperson: OK. Thank you very much for your time. We will come back to you on some other issues as part of this.