

Dr Edward Cooke Submission

Fiscal Council for Northern Ireland

Dear Sir / Madam

I would be obliged if the NI Assembly Finance Committee could invite the NI Fiscal Council to address the implications and impact of S.75 equality screening failings within the NI University sector and to look to see if similar S.75 screening failings are common in the spending programmes of other NI government departments.

I invite the newly created Fiscal Council, through the Department of Finance and the NIA Finance Committee to treat my concerns as whistle-blowing concerns because throughout 2017-2021 I have been a self-funded research student at QUB.

Copied to Julie Sewell at the Department for Finance

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Kindest regards

Dr Edward Cooke

It appears that one of the duties of the Fiscal Council is to increase transparency within NI arising from the lack of any government opposition. However, given the absence of government within Northern Ireland between 2017 and 2020 and the threat that the NI Protocol presents to the continuation of government in Northern Ireland in the near future, the Fiscal Office's functions may become exponentially important as an office that monitors and audits NI government departments in the absence of any government.

During 2017-2020, I wrote on numerous occasions to the Department for the Economy and the NI Equality Commission presenting both bodies with factual FOI Act data that indicated there had been systemic S.75 equality screening omissions in the award of departmental research scholarships. The amount in question, I believe amounts to around £200 million. Through my investigative research, it became apparent that the Ulster University had disregarded S.75 equality screening in the extension of its existing campuses and the provision of the new Belfast campus. Between 2017-2020, I wrote to the Department of the Economy as a whistle-blower. I was (and still am) a self-funded research student at QUB at a time when there was no sitting NI Assembly / Executive. After proving by way of FOI Act replies that statutory S.75 obligations had not been undertaken by the Department and those charged with S.75 screening auditing and monitoring obligations, the Department declined to address the impact of 18 years of S.75 failures.

My concerns during 2018-19 were presented to Parliamentary Committees at Westminster in the absence of a sitting government / Assembly in NI. When, the Department for the Economy took no action, I then wrote to the NI Audit Office during 2019 and 2020 to invite the Audit Office, the office responsible for ensuring that government funds were spent within the legal requirements of S.75 provisions to address the matter. Throughout the period of the collapse of the NI Assembly, in the absence of any NI Government Ministers or political oversight, the Department and the agents of government treated by whilst-blowing complaints in the same way that the RHI whistle-blowing complaints were treated. My complaints were acknowledged but no corrective action was taken. Paradoxically, during the same period when the Department was being subjected to the scrutiny of the RHI Inquiry Team, the Department treated my complaints in the same manner as the RHI whistle-blowing complaints with no attempt was made to discover the magnitude of the S.75 failings or the

impact of the failings. The RHI Inquiry findings prompted the formation of the Fiscal Council Office as confirmed in the New Decade New Approach Deal of January 2020. The New Deal addresses the lack of accountability within government in NI.

If, I might suggest, the RHI Whistle-blower attempted to show maladministration in public spending in NI that would unfairly advantage one small section of the community and would disadvantage the UK tax-payers. I have attempted to make transparent, systemic and historical public spending failures in the NI university sector that has a major demographic impact in the changing structure of NI and which potentially could help bring about political instability by the ongoing academic marginalisation of the Unionist community. Section 75 screening is of vital importance to monitor, track, audit and if necessary take corrective action to prevent discrimination against any one of the protected groups within NI. In the absence of S.75 monitoring of policy changes, spending programmes or substantial development proposals, government is without the necessary statistical data to ensure that spending is equitably distributed between the different communities within NI. As I understand it, no government department within NI is allowed to direct public spending for major policies or projects that have not first been subject to a S.75 screening assessment. Arising out of the GFA, S.75 screening is a pre-requisite of NI public sector spending and lies at the very heart of stability within NI. That one government department in NI ignored its S.75 obligations for 18 years in the university sector does not bode well for how these obligations were monitored throughout all NI government Departments! For example, in England, as a result of monitoring we find that BEM groups are advancing within the English schools and university sectors; last week it was reported that a comprehensive school in London sends more school children to Oxbridge than any of the English public schools.

In NI, the Unionist working-class community has been forgotten about academically and this presents problems if this community sees itself marginalised and then becomes radicalised. After four years of writing to the Department of the Economy, the NI Equality Commission and the NI Audit Office my whilst-blowing complaints have not yet been fully addressed and no senior government officer wishes to explain how these S.75 failings and public spending malpractices arose or discuss the impact of the failings! In short, the Department of the Economy and the monitoring agencies are protecting themselves; under the New Decade New Approach Deal of 2020 this must stop!

The underperformance and continuing marginalisation of Unionist school children students going to the local universities and thereafter staying within NI is a problem that has been ongoing for over 2 decades. That during this same period, S.75 screening of public spending programmes in the university (and the NI school) sectors has been ignored is disconcerting! When I raised these issues with the DfE, NI Equality Commission and thereafter the NI Audit Office during the period when there was no functioning NI Executive, my concerns were ignored. In 2021, a year after engaging with the newly established NI Assembly, the NI Audit Office finally agreed to examine my complaints. I would also invite the Fiscal Council to monitor the NI Audit Office as it tracks S.75 screening in relation to all government public spending programmes in order to see if any rebalancing is required. The NI Audit Office could no longer fail to address my complaints in the wake of the Ulster University deciding to divert 800 university students from one incomplete UU campus building to another UU campus that is not yet commenced. The UU were only able to take this decision after systemically disregarding S.75 obligations since 2000! I believe that my S.75 whistle-blowing complaints will inform Sir Robert and the new Fiscal Council, how the NI Departments and oversight agencies of NI operate in the absence of Ministerial oversight.

The New Decade New Approach Deal has at the heart of it the opening up NI government. Coming in the wake of the RHI inquiry, an inquiry that demonstrated the closed nature of the NI Departments and the inability of the NI public hold to account departmental officers when they make errors, the New Decade New Deal of January 2020 attempts to address the problems that I report above. The NI Fiscal Council is a manifestation of the New Decade New Approach Deal and recognises that the NI Departments and the NI Executive will not change unless there is an intervention from independent, expert fiscal oversight. The instigation of the new Fiscal Office is evidence to the dysfunctional nature

of the NI government departments, their inability to protect the public purse and the absence of Assembly scrutiny and independent oversight.

The New Decade New Approach Deal commences with the phrase; 'A restored Executive brings with it urgently needed local political oversight and decision-making'.

On page 11-12 of the 'Deal', (Part 2: Northern Ireland Executive Formation Agreement), the NI political parties agree to:

- (1) Undertake further reform to take account of the outcome of the Renewable Heat Incentive (RHI) inquiry;
- (2) Rebuild the trust of citizens in the operation of a future administration;
- (3) Reaffirm their commitment to greater transparency and improved governance arrangements that are aimed at securing and maintaining public confidence;
- (4) Strengthening requirements for record-keeping and the protections for whistleblowers;

and,

- (5) Establish a Fiscal Council to assess and report on the sustainability of the Executive's finances and spending proposals.

I would be obliged, if you could provide me with the contact details of the New Fiscal office in order that I can invite Sir Robert Chote and his team to investigate the allegations of this whistle-blower.

Kindest Regards

Dr Edward Cooke

BA, BSc (Architecture), BSc (Building), LLB (Law and Government)
PGC (Professional and Higher Teaching), PGD (Administration and Law),
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MSc (Construction Management), MSC (Environmental management)
MA (Modern British History), MA (Legislative Studies and Practice)
LLM (Corporate Governance and Public Policy),
LLM (Environmental Law and Sustainability)
PhD (QUB School of Law)
PhD ongoing (QUB School of HAPP)
Ex member by examination of the RICS, CIOB, APS and ClofArb.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/856998/2020-01-08_a_new_decade_a_new_approach.pdf