



Northern Ireland
Assembly

COMMITTEE FOR JUSTICE

OFFICIAL REPORT
(Hansard)

**Police Ombudsman Investigation Report:
Minister of Justice**

30 June 2011

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Paul Givan (Chairperson)
Mr Raymond McCartney (Deputy Chairperson)
Mr Sydney Anderson
Mr Stewart Dickson
Mr Colum Eastwood
Ms Jennifer McCann
Mr Basil McCrea
Mr Alban Maginness
Mr Peter Weir
Mr Jim Wells

Witnesses:

Mr David Ford)	The Minister of Justice
Mr Anthony Harbinson)	Department of Justice
Mr Peter May)	

The Chairperson:

I invite the Minister to the table. Joining the Minister is Mr Peter May, the director of policing and community safety, and Mr Anthony Harbinson, the director of justice delivery. You are all very welcome to the meeting. The session will be recorded by Hansard. The Minister will give his initial response to Tony McCusker's report, and members will then have an opportunity to ask questions.

Mr Ford (The Minister of Justice):

Thank you very much, Chairperson. I welcome the opportunity to brief the Committee in light of the report that Tony McCusker compiled into allegations of meddling and interference in the operation of the Police Ombudsman's office.

At this point, I put on record my thanks to Tony for his work on the report. I will not rehearse the contents of the report, because the Committee has done that fairly adequately. I will focus on what I intend to do as a result of it. Members will also be aware that Dr Michael Maguire, the chief inspector at Criminal Justice Inspection Northern Ireland (CJINI), explained to me that his review is only at interim report stage and will not be finalised for some weeks. It is perhaps unfortunate that we are not able to take the two today, but I felt that it was appropriate to at least ensure that the Committee was briefed on Tony McCusker's report as early as possible, and I would certainly be happy to meet again. I expect to have the CJINI report before the Assembly resumes in September. We are quite happy to come back to discuss either that report or both reports at a later stage.

I want to say at the outset that I see the office of the Police Ombudsman as absolutely central to the policing architecture that we have, and I am committed to ensuring that the office is able to perform its responsibilities in a full and effective manner and is capable of attracting widespread support. I pay tribute to the work that has been done in that office by Al Hutchinson, Nuala O'Loan and all of those who have worked in the office, in building the office, delivering significant benefits to the people of Northern Ireland and contributing to public confidence in the arrangements.

I also recognise, however, on the foot of the report, that there is much work to be done on governance and sponsorship arrangements for the ombudsman's office to enable it to operate fully effectively. I have discussed those matters with the ombudsman and with Tony McCusker, and I am clear that there is a need to take action in a number of areas.

First, Tony McCusker's report draws out short-term governance issues that need to be addressed and resolved speedily. They include clarifying the roles, responsibilities and grading of the two senior managers in the organisation — those who report directly to the ombudsman — and the accountability arrangements, particularly for the accounting officer role. I have agreed with Al Hutchinson that that work needs to be taken forward urgently and that we should seek to

identify an external source of expertise to work with the ombudsman's office and the Department in taking that area forward.

Secondly, there are longer-term issues to be considered in relation to how the office will be organised in the long term. I intend to produce a discussion paper, which will enable views to be expressed on any longer-term changes needed to the establishment and governance of the ombudsman's office. Those include a point that was just touched on — whether the model for the ombudsman as a corporation sole, with no board to support and challenge the work of the office, is appropriate. Although I recognise that any change to primary legislation will not be straightforward, I intend to keep all of the options open.

I note that the McCusker report makes it clear that there is no suggestion of any interference by the Department in operational matters. I want to emphasise my commitment to ensuring that, no matter what final governance arrangements are arrived at for the ombudsman's office, there should be no interference in the investigative process by any individual or individuals.

The current arrangements place a huge burden on the individual who is ombudsman, and there is no obvious way in which that individual can share that burden without being accused of acting inappropriately. I believe that work can start over the summer on a paper to stimulate public debate. I am clear that it will also need to take account of conclusions reached by Michael Maguire, and the timing will take account of that.

Thirdly, there are important considerations for any future appointee to the role of ombudsman. Until now, the post has been open to those from outside these islands with a policing background. There is a debate to be had about whether that is appropriate, especially as that can mean that two of the three most senior posts in the ombudsman's office are held by those with policing backgrounds, giving rise to significant concerns regarding perception.

The Committee will be aware that, under the devolution arrangements, responsibility for making a recommendation for the appointment of the ombudsman falls to the First Minister and the deputy First Minister. Nevertheless, given my responsibilities in that area, I plan to take views on that matter and offer recommendations to them for future competitions.

There is a wider debate — not for today — about how we tackle the past and, in particular,

how we avoid a focus on a small number of the most contentious cases becoming a major problem for the overall justice system. The CJINI report will, when concluded, address a wider set of issues and provide a basis for public debate at that point.

Fourthly, Tony McCusker's report clarifies the area in which the Department could have performed more effectively. I have noted the criticisms made of the Department in respect of the handling of the five-year review and the grading review. I have also noted that Tony McCusker has not identified any systemic interference by the Department in the work of the ombudsman's office and that there are plenty of examples of good practice.

The most concerning issue relates to the potential unauthorised disclosure of correspondence relating to the chief executive to another senior member of the ombudsman's office. In response to that, the permanent secretary of the Department has set in place a preliminary investigation under the Civil Service disciplinary arrangements to establish the facts. If evidence is uncovered that establishes that the disclosure took place and identifies who is responsible, consideration will then be given to disciplinary proceedings. It is important to follow due process in this area. That investigation has commenced.

In addition, Tony McCusker said that, within terms, the Department should have been more interventionist when the office faced internal difficulties. Although I accept that comment, the debate that has taken place since those allegations were made highlights real difficulties in officials taking such action in respect of a body that has independence as its cornerstone. However, that does not remove from the Department the need to sponsor the office effectively. The actions that I have already set out in respect of governance, when taken together with existing sponsorship arrangements, should address that area.

Fifthly, issues were raised in Tony McCusker's report about the actions of the senior director of investigation. It is for Al Hutchinson, as that person's employer, to consider that matter. It is not appropriate for me to interfere in that due process.

Finally, it is important that we reflect on the core business of the Police Ombudsman and his office, which is to deal with current complaints about, and misconduct by, PSNI officers. It is important to stress — I hope that members from all parties will recognise this point — that the ombudsman's office continues to play a central role in securing public confidence in respect of

current policing. Although the past casts a long shadow over justice for wider society, we must not make the critical mistake of allowing concerns on that front to denigrate the ongoing good work that the office is doing in performance of its statutory requirements, nor should those concerns be used to damage wider confidence in the policing architecture and institutions, in which, I believe, Northern Ireland has every reason to have confidence.

As I hope that I have set out today, confidence does not mean that further change is not needed. The steps that I have set out demonstrate my commitment to ensure that we learn lessons and move forward constructively and with due vigour and energy. The work that is set out is significant in nature and extent. I intend to brief the Committee on progress when we meet to consider the outcome of Michael Maguire's CJINI report. I am happy to answer any questions that members may have.

The Chairperson:

Thank you very much, Minister. What is your response to Mr McCusker's conclusion in his report that the Department of Justice might have intervened more within the terms of the management statement and ministerial responsibility when it became clear that the office was not functioning effectively at senior level?

Mr Ford:

As I tried to outline in my opening statement, there are real difficulties. The absolute cornerstone of the ombudsman's office has to be its independence in carrying out its professional duties. I accept the comment. It is clear that Tony, having reviewed all of the evidence, has concluded that there should have been more early intervention by the Department. However, I ask members to bear in mind the difficulty that would have arisen if it had been thought that we had intervened too early.

Mr B McCrea:

Did you or any of your officials discuss with Tony the drafting of his conclusions?

Mr Ford:

There would have been fact checking by officials. However, the drafting of conclusions was his and his alone.

Mr B McCrea:

I want to widen that out for completeness. Apart from checking of facts, did you or members of your Department have any influence or discussions on the report as presented?

Mr Ford:

No. I did not ask Tony McCusker to carry out an independent review to then tell him, or have officials tell him, what it should say.

Mr B McCrea:

I note that you are slightly irritated by the question —

Mr Ford:

I am sorry if I appear irritated. I will smile at you. I thought that I was just repeating what I had said. *[Laughter.]*

Mr B McCrea:

We are trying to find out whether there was any undue interference. I am just asking you to reassure me that there was not.

Mr Ford:

Chairperson, I will smile at Mr McCrea and repeat that there was no interference by me or my officials whatsoever. I asked Tony McCusker to carry out an independent review. In such circumstances, it is always a matter of checking facts. However, it was not for us to reach those conclusions or, indeed, write his report for him.

Mr B McCrea:

You mentioned that you noted that there was no systemic interference. Do you take the point that has been raised by a number of colleagues that, as regards the terms of reference, there was actual and notified interference?

Mr Ford:

I noticed the point that you and Raymond both made in questioning Tony a few minutes ago. The issue is encapsulated in the importance of the first bullet point, which states that there was no systemic interference. Frankly, the next four bullet points all deal to some extent with allegations

of actual or potential interference. Specifically, the third bullet point refers to the behaviour around the five-year review, although it seems to be more critical of the ombudsman's office than the middle-ranking NIO official. I repeat that it was NIO, not the DOJ, at that point.

The fifth bullet point refers specifically to a serious cause for concern. Now, it does not make at that point, although it is obviously a reference back to paragraph 38 or 39, the suggestion that that might have come from an official in, again, the NIO — although, I think, the report refers to the DOJ at that point.

Mr B McCrea:

My final point is that — this is only an opinion, not a matter of fact — some work needs to be done to convince me that there was no systemic interference. I am not saying that there was or was not any. I am just saying that I think that you have work to do there. The point that I made about the earlier issue is that, in my opinion, the report and the discussion will undermine confidence in the office of the Police Ombudsman. Although I acknowledge the difficulties, as you say, in intervening, do you think that, given where we are now, your Department should have intervened earlier when it first became aware that there was a serious problem?

Mr Ford:

It is clear from Tony's conclusion that we should have intervened earlier. He does not say exactly how much earlier. With respect, when you suggest that it is hard to prove that there was no systemic interference in the same sentence in which you say that we should have intervened earlier, you highlight the difficulty that we had in trying to strike a balance.

Mr B McCrea:

I am not unsympathetic to your point. I am just putting on record that other people, including myself, who have read the report are alarmed and worried that there may yet be systemic interference. That is something that will just have to be resolved.

I think that we agree that this is a regrettable place in which we find ourselves. All I was really asking you was this: given where we are now, might your Department have been seen to be interfering had it taken action earlier, or do you think that it should have done so anyway?

Mr Ford:

Tony's conclusion is that we might have taken action earlier. We are where we are. All I can say is that, following a meeting with Tony last week and a discussion with Al Hutchinson yesterday, we have set in train a pattern of work to be done as soon as possible, rather than just waiting for the CJINI report to come out. We have already started on some of the work to address the points highlighted in Tony's report and some of the points that I referred to in my opening statement to ensure that we start to get things right. I take the point. There was a balance to be struck, and Tony's conclusion is that we did not quite strike the right balance in terms of the point at which we intervened. I use the word "intervened", not "interfered".

Mr A Maginness:

Minister, what are you going to do about the Department of Justice official who made the note from the Department of Finance and Personnel (DFP) officials known to the senior director of investigations?

Mr Ford:

I shall be cautious: as I understand it, it is not yet proven that that is the case, although there is a suspicion. That is why the permanent secretary has already set up an investigation into that, which will, as I said, proceed to disciplinary action, if appropriate. Is there anything that you want to add to that?

Mr Anthony Harbinson (Department of Justice):

That is exactly the position. We have established a preliminary inquiry, and we will check the matters that have been raised and look for the evidence and the facts behind those matters.

Mr A Maginness:

The report is couched in terms of a possibility, but it seems to come to a fairly firm view that there was such a disclosure.

Mr Ford:

I appreciate your point. However, that was an external report that we asked Tony to do. Formal Civil Service procedures require a preliminary inquiry to be done internally, and that may potentially lead to disciplinary action. That is the mechanism that we are required to go through. However, I can certainly assure you and the Committee that, if that is the appropriate line of

action, it will be taken.

Mr A Maginness:

Do you agree that it was a disturbing event and that it represents clear interference?

Mr Ford:

I agree that it was a disturbing event. I am not sure that it is yet proven that it represents interference, although there is clearly strong concern that that might have been case. You are close to inviting me to intervene in personnel matters. I am trying to acknowledge your point while not getting into a dangerous place for a Minister.

Mr A Maginness:

I understand that. It is a sensitive matter that I would not want to prejudice. However, you said that it does not represent clear interference.

Mr Ford:

No. I am saying that it is disturbing that the information clearly appears to have been passed by someone in an inappropriate way. At this point, it is not clear that that was categorically an official from the NIO, as it was at the time. However, an investigation is being set in train, and, if appropriate, that will lead to disciplinary matters.

Mr A Maginness:

I am getting very confused about this. I thought that you were accepting that there was interference. The thrust of the report is that there was interference by an official. That is my understanding of the report. If you are rejecting that, you are rejecting one of the central aspects of the report, unless I am mistaken.

Mr Ford:

I am reading the sentence:

“While the suggestion that the Senior Director of Investigations was made privy to the report from DFP consultants by an DOJ official is disputed”.

With due respect to Tony McCusker, his belief on the balance of probability does not formally establish it in terms of the Civil Service code. I am trying to acknowledge the seriousness of the point. I am not personally in a position to give you the sort of guarantee of disciplinary action

that you seem to want, but I hope that you think that I am agreeing with you on the seriousness of the issue.

Mr A Maginness:

It is more than seriousness; does it represent interference? If this took place and if you were satisfied that it took place, would it represent interference?

Mr Ford:

Yes. If it definitely happened, it was interference. There is no doubt about that. The problem is that the report, although couched in the balance of probabilities, is not firm proof.

Mr A Maginness:

I think that it is the nearest you will get.

Mr Ford:

It is the nearest that we will get from Tony's work. It is the nearest that it was reasonable to expect from that work. That is why we are now proceeding with the formal internal investigation to take it to the higher level that is needed.

Mr A Maginness:

If Mr McCusker was not satisfied, on the balance of probabilities, that it took place, his report would be pretty bare. It is a central point of the report. It is the gravamen of the report. Anyway, I will not go on about that.

Mr Ford:

I do not think that we are in a very different place, but we are expressing it slightly differently.

Mr A Maginness:

I suspect that we might be in a different place.

Mr Ford:

We will see as the internal investigation goes forward.

Mr A Maginness:

One last question: all of this represents a lack of leadership by the Police Ombudsman. The public want to have confidence in the Police Ombudsman. Given this report, which highlights a lack of leadership, can the public continue to have confidence in the Police Ombudsman?

Mr Ford:

To some extent, we need to distinguish between the ongoing day-to-day operations, where it seems to me that there is a high level of confidence in the individual investigations of the ombudsman, and the concerns about the operation of the office, the allegations relating to relationships between leading people and so on. Confidence is there in respect of the job that people expect the ombudsman's office to do in day-to-day investigations.

What we have sought to do — this featured in my discussions with the ombudsman yesterday — is to provide additional external support to assist the ombudsman and the DOJ as we look to the future and seek to resolve some of the points that I raised earlier, whether they concern short-, medium- or long-term issues, and get the office functioning well. That is why we have taken account of those at an early stage, even though we do not yet have the CJINI report.

Mr A Maginness:

I am not so certain, Minister, that there is great confidence in the ombudsman's actual investigations either.

Mr Ford:

I did specifically refer to the current issues. You may well raise issues about some historical points.

Mr A Maginness:

I think that the report exposes the ombudsman's lack of leadership on those housekeeping matters. I know that that is a colloquial phrase, but I suggest that it undermines confidence in him on a wider public level.

Mr Ford:

That is why we are seeking to put in place the structures to support the housekeeping.

Mr McCartney:

Thank you very much, Minister, for your presentation. I admire your confidence when you say that you can speak for yourself and all your officials that none of them in any way would have attempted to influence Tony McCusker. I admire that; it is a very clear statement of fact.

Mr Ford:

It is probably also a statement of my confidence in Tony McCusker's independence.

Mr McCartney:

Absolutely; I am not questioning that. However, when I read the report, the use of the word "systemic" struck me. It appears out of the page. Mr McCusker gave an explanation for that, and I do not doubt it. If someone had said that they have discovered evidence of interference and meddling by DOJ officials, but in no way was it systemic, I could say, "Fair enough". However, I am not happy with the way that it is written. Saying that there is no evidence is not saying that it is not systemic, and I accept that as well.

This report found that important pieces of work were signed off by a middle-ranking official, although I think that Mr McCusker may have alluded to the fact that, somewhere along the line, the person referred to as a junior official was upgraded to a middle-ranking official. It would be interesting to know how that happened. Did no one else in the system ask how it was signed off without their being part of it? We have had an argument about commission and omission. Can you be interfering by not doing your job?

Mr Ford:

In a sense, I have been accused of interference by not intervening recently. Paragraph 10 quotes the resignation letter from the chief executive. Unless my eyes are not catching it, the word "systemic" does not appear in that first sentence or two. However, it seems to me that "systemic" would be a summary of those allegations, and that is why it was fair enough —

Mr McCartney:

That is a perfect explanation. So, you were part of writing the terms of reference. That is the perfect explanation. In your view and that of Mr McCusker, "systemic" is coming out of the page, yet, in your terms of reference, you do not put in whether the report should examine whether officials having interfered or meddled in affairs of governance in office was systemic or

a one-off incident. You are nearly making the point for me.

Mr Ford:

I may be making the point, but I am honestly not sure what difference it makes.

Mr McCartney:

I will tell you what the difference is and why that struck me when I read it. At the times of the Donagh case and the erroneous releases, some Members questioned you as to whether the problem was systemic, and you went to great pains to point out that it was not systemic. That is understandable because systemic implies that it is widespread and that everybody is involved in from top to bottom and from left to right. I am not saying that this was from top to bottom or from left to right, but the lead conclusion left me wondering why we had to rule out that it was systemic when nobody said that it was and the terms of reference did not specify that.

Mr Ford:

As I say, I think that that could be taken as the implication from the early part of what is quoted in paragraph 10. However, I am not sure that we will ever agree on that. You made a fair point to Tony. We are where we are. For me, the key thing is to recognise that Tony has flagged up two specific issues of concern, and we are doing our best to deal with those as they come up.

On the issue of the junior/middle-ranking official, Peter should comment on the signing-off of that five-year review from our side.

Mr Peter May (Department of Justice):

The five-year review was conducted under the auspices of the Northern Ireland Office. A working group was established, with the ombudsman nominating two members and the Department nominating two members. The submission was brought forward as a result of that work. It was fully visible to the appropriate members of the Department; certainly, I recognise that the arrangements were not right in relation to how the final submission went forward. I ought to have ensured that the ombudsman was fully aware and fully sighted. I believed that, as the ombudsman had appointed the senior director, the senior director was acting on behalf of the ombudsman. I think that that is a reasonable assumption to make, in the way that others might nominate me to represent the Department and believe that I was representing the Department's corporate position. However, I accept that it would have been appropriate had that process been

done differently.

Mr McCartney:

Mr McCusker's report states that this has been:

“in my view ... highly damaging to the morale and effectiveness of the Office.”

Mr May:

Which paragraph are you talking about?

Mr McCartney:

It is the bottom bullet point in the conclusions. It brings me on to the wider point, which Jennifer McCann has mentioned. We await —

Mr May:

It was the regrading review that was highly damaging to the morale and effectiveness of the office, rather than the five-year review.

Mr McCartney:

That is not what I am saying. The issues that we are dealing with have, in Tony McCusker's view, been highly damaging to morale and effectiveness. When that is damaged in an office, the ability of the people in that office to do their job is severely undermined. Part of the issue is that we are waiting for the third report, which will come from Michael Maguire's team.

We have seen the report by the Committee for the Administration of Justice (CAJ), and some of the findings around financial arrangements. Are those arrangements contractual? It is astounding reading; someone gets £15,000 a year for flights for himself and his spouse. I do not want to personalise this so I should say that the office gets that. There are tax and National Insurance payments of £13,000, a housing allowance of £12,000 a year, and there were payments in lieu of a pension of £31,000 a year on top of earnings of £140,000 to £145,000. That was not in place until this person came into office. When the question was raised as to whether this was proper, the person asking the question was told in no uncertain terms, and I think that this can be tracked, to take his nose out as it was none of his business. That is what he was told in layman's terms. I do not know who the accounting officer is at this moment in time, but do you think that this is a matter for the Public Accounts Committee?

Mr Ford:

I suspect it might technically be a matter for the Public Accounts Committee at Westminster, given that this was an arrangement carried out by the NIO at that time. However, I may be wrong on that point. We are certainly talking about contractual issues, but they are issues raised by the NIO, not by the DOJ; therefore, I am not sure whether I can take it any further.

Mr McCartney:

It is now part of the DOJ budget.

Mr Harbinson:

The ombudsman started on a fixed-point salary. Part of the package involved trying to attract people from an international background to apply. The candidate who was successful came from an international background: he is Canadian. It is usually standard practice that you would agree some kind of arrangement for housing costs and so on, on top of the normal wage, for someone who is coming from a different location. That is normal, standard practice, and flights would be built into that.

Mr McCartney:

It was also built in that there would be a review. It is on paper that there should have been a review, but the review was not carried out.

Mr May:

My understanding is that the ombudsman has taken a voluntary pay cut and has decided that he will take economy rather than business class flights home. Your point is that the Department could have interfered —

Mr McCartney:

Peter, I say this with the greatest respect: he may have done those things, but that might be because it came into the public domain. We have to be adult about it. A review was built in and the situation should have been reviewed, but it has not been reviewed. How are we, as public representatives, expected to stand over an office that we are told has no morale or low morale, and is subject to report after report? Then, when someone who gets £15,000 for three return flights — £5,000 a flight — changes to economy, we are expected to say, “Hallelujah, this is

great". I cannot be part of that.

Ms J McCann:

I do not want to go into the issues that have been brought up already. In your opening remarks, you said that independence is the cornerstone of the ombudsman's office, along with public confidence. This report and the recent CAJ report totally undermine the confidence that people have in that office. At the previous evidence session, there was no admission of interference. However, if we go through the conclusions, I think that we can see very clear interference. You touched on an example yourself when you referred to the five-year review:

"I am concerned that an agreement appears to have been concluded between the Senior Director of Investigations and a middle ranking official of the NIO without either the imprimatur of the Ombudsman or the knowledge of the Chief Executive."

Mr Ford:

That is an issue for the ombudsman's office; much less so for our side of that discussion.

Ms J McCann:

I understand what you are saying, but I am talking about this report on the back of the other report that came out. In my view, it is a big issue of public confidence. My colleague Raymond has referred to the financial position. I said at the previous session and I will say again that, in my view, the office is in total chaos. It does not give me any confidence, and I am certain that people out there do not have confidence in it either.

Mr Ford:

I have two comments in response to that. First, I have tried to explain some of the measures that we are putting in place to build confidence, and those are things that we will be able to talk about in September when we see the CJINI report. Secondly, when you are talking about financial matters, you are talking about the CAJ report. I have seen it, and I know that there are some issues about the accuracy of some of the detail. I am happy to respond to issues about the allegations in the CAJ report if we come back in September. I am not sighted on that at the moment, so there is no point in my trying to give you an answer at this point.

Ms J McCann:

There is also a recruitment issue in the CAJ report, regarding a criterion that was added after people had applied.

Mr Ford:

Again, I know that that issue is in dispute. I am quite happy to come to it in detail. If we want to add the CAJ report to the agenda in future, I will be happy to address those issues then. I am not in a position to respond to the CAJ report at this stage.

Ms J McCann:

That is fair enough.

Mr Dickson:

Given your statement that the role of the Office of the Police Ombudsman is so important for the architecture of justice and policing in Northern Ireland, can you honestly say that the report, and the actions that you are proposing to take, can genuinely give the public the necessary confidence in the ombudsman and his office, given the comments that you have heard today?

Mr Ford:

The honest answer is that we cannot say that what we are putting into place at this point will provide the full measure of confidence. However, as I indicated, there are longer-term issues, such as how we deal with the issue that the ombudsman as a single person will always be subject to pressures that are different from those of other agencies where there is a board. As I understand it, making changes around some of those points would involve primary legislation. We now need to do the work that we have set in train to bring into account the CJINI report to see whether there are other short-term measures we can take. However, it will also be a matter of putting forward proposals to look at the wider issues of the operation of the ombudsman's office. Indeed, some time ago, we raised with the Office of the First Minister and deputy First Minister the issue of how we look at the operation of ombudsmen generally. There is a lot more to be done than what we are currently committed to, and we are certainly committed to carrying through the lessons from those other reports.

Mr Dickson:

When I was questioning Mr McCusker, I suggested to him that there was a serious role and a serious question mark over the ombudsman as to his overall responsibility. Mr Maginness made the same point, referring to "housekeeping". Whether you describe it as housekeeping, interference or incompetence, did the ombudsman take his eye off the ball with regard to

whatever was going on underneath him in his office? Was he ignoring what was going on? Have you a view on that?

Mr Ford:

The answer is no; I will not take a view on what was happening. I will take a view on what we seek to do to add in the external support to allow the eye to be put back on the ball, or whatever analogy you want to use. It is clear that there is an issue to be addressed. It is not my role to go that far back into what was happening internally in the office, but there is a clear statement from Tony McCusker that we should have intervened more and we will certainly take that on board in order to strengthen the operation of the office.

Mr Dickson:

You can see how this report, which sets out what was going on, has undermined public confidence in this role. It is vitally important that that public confidence is restored.

Mr Ford:

It is vitally important that confidence is restored, to build on what I still believe is seen to be good work from day to day in the core business. However, it is clear that when there are dysfunctional relationships at the top of an organisation, it can never be doing as well as it should be. Tony mentioned the 80/20 rule, and it is clear that we have gone way beyond that position in recent times.

The Chairperson:

Thank you, Minister.