

Public Accounts Committee

Report on the NIFRS: An Organisational Assessment and Review of Departmental Oversight and Report on Accounts 2011-2012

**Together with the Minutes of Proceedings of the Committee
Relating to the Report and the Minutes of Evidence**

**Ordered by The Public Accounts Committee to be printed 25 September 2013
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**REPORT EMBARGOED UNTIL
00:01 am on 16 October 2013**

Public Accounts Committee

Membership and Powers

The Public Accounts Committee is a Standing Committee established in accordance with Standing Orders under Section 60(3) of the Northern Ireland Act 1998. It is the statutory function of the Public Accounts Committee to consider the accounts, and reports on accounts laid before the Assembly.

The Public Accounts Committee is appointed under Assembly Standing Order No. 56 of the Standing Orders for the Northern Ireland Assembly. It has the power to send for persons, papers and records and to report from time to time. Neither the Chairperson nor Deputy Chairperson of the Committee shall be a member of the same political party as the Minister of Finance and Personnel or of any junior minister appointed to the Department of Finance and Personnel.

The Committee has 11 members including a Chairperson and Deputy Chairperson and a quorum of 5.

The membership of the Committee since 23 May 2011 has been as follows:

Ms Michaela Boyle³ (Chairperson)

Mr John Dallat (Deputy Chairperson)

Mr Trevor Clarke⁸

Mr Michael Copeland.

Mr Alex Easton¹²

Mr Paul Girvan

Mr Chris Hazzard¹⁰

Mr Ross Hussey

Mr Dathí McKay⁷

Mr Adrian McQuillan¹

Mr Seán Rogers⁶

- 1 With effect from 24 October 2011 Mr Adrian McQuillan replaced Mr Paul Frew
- 2 With effect from 23 January 2012 Mr Conor Murphy replaced Ms Jennifer McCann
- 3 With effect from 02 July 2012 Ms Michaela Boyle replaced Mr Paul Maskey as Chairperson
- 4 With effect from 02 July 2012 Mr Conor Murphy is no longer a Member and his replacement on this committee has not yet been announced
- 5 With effect from 07 September 2012 Mr John Dallat replaced Mr Joe Byrne as Deputy Chairperson.
- 6 With effect from 10 September 2012 Mr Seán Rogers was appointed as a Member
- 7 With effect from 10 September 2012 Mr Daithí McKay was appointed as a Member
- 8 With effect from 01 October 2012 Mr Trevor Clarke replaced Mr Alex Easton
- 9 With effect from 11 February 2013 Mr Sammy Douglas replaced Mr Sydney Anderson
- 10 With effect from 15 April 2013 Mr Chris Hazzard replaced Mr Mitchel McLaughlin
- 11 With effect from 07 May 2013 Mr David McIlveen replaced Mr Sammy Douglas
- 12 With effect from 16 September 2013 Mr Alex Easton replaced Mr David McIlveen

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List of Abbreviations Used in the Report

| | |
|----------------|---|
| the Committee | Public Accounts Committee |
| C&AG | Comptroller and Auditor General |
| NIFRS | Northern Ireland Fire and Rescue Service |
| the Department | Department of Health, Social Services and Public Safety |
| ICO | Information Commissioner's Office |
| KPIs | Key Performance Indicators |
| ALB | Arms-Length Body |
| DSD | Department for Social Development |

Executive Summary

1. The Committee applauds the commitment and professionalism of our fire-fighters. It is the fire-fighters and the Service's support staff who have suffered most from the extremely poor leadership provided by senior management in the past. The Committee wants to see the Department, the NIFRS Board and senior management work together to move the Service to a position where its main focus can be on improving performance rather than dealing with the legacy of past mismanagement.
2. In July 2011, a whistleblower, Ms Linda Ford, made a number of allegations of wrongdoing in Northern Ireland Fire and Rescue Service (NIFRS) on a range of financial issues. In August 2011, Ms Ford was suspended by the then Chief Fire Officer Peter Craig, following an allegation that she had breached data security. Her suspension lasted almost a year and she has only recently returned to her former post. The Committee is in no doubt that the decision by Mr Craig to suspend Ms Ford was directly related to her whistleblowing and it was clearly wrong. As a result of his actions Mr Craig has caused both reputational damage and financial loss to the Service, as well as injury to an individual who had properly raised her concerns.
3. It seems to the Committee that Mr Craig was, at best, indifferent as to whether the suspension was justified or in accordance with proper procedures, since he acted against legal advice to consult HR. The Committee finds that Mr Craig's attempts to justify his decision to suspend Ms Ford are entirely unconvincing and reprehensible.
4. The NIFRS Chair was also involved in the appalling treatment of the whistleblower. He knew that Mr Craig had cited Ms Ford's whistleblowing letter to the Accounting Officer of the Department of Health, Social Services and Public Safety (the Department) in the letter suspending her and should have been alert to the possibility of victimisation. Instead he wrongly decided that this was a purely operational matter in which he would not intervene.
5. The alleged data security breach was notified to the Information Commissioner's Office (ICO) in July 2012, almost a year after Ms Ford's suspension. The issue was not finally resolved until May 2013 when the ICO confirmed it would not be pursuing the investigation further. The Committee finds it completely unacceptable that NIFRS allowed the investigation into the alleged data protection breach to continue for as long as it did. The Committee considers that it is deplorable that a member of staff should have a potentially serious disciplinary matter hanging over their head for such a lengthy period: this would place anyone under intolerable pressure.
6. Ms Ford submitted two grievances against Mr Craig in July and August 2011. These were not heard by an independent person as would be expected. Instead Mr Craig personally responded to the first and was involved in responding to the second. The Committee considers that in responding in this way Mr Craig was setting aside due process to an extent that was totally improper. The Chair admitted he had discussed Ms Ford's grievance with Mr Craig and that Mr Craig had told him that he intended to discuss the matter with her. The Chair should have known this was improper and should have ensured this contact did not take place. The Chair also decided to stall hearing Ms Ford's grievances until the investigation into the alleged data security breach was concluded, contravening NIFRS Disciplinary Policies.
7. It was not only Ms Ford's grievance that was badly handled. In October 2011 Dr Carol Ackah completed her independent external investigation of a separate complaint of harassment against a NIFRS director. Dr Ackah commented on unacceptable delays in concluding the investigation which had started in May 2010 and the impression she had of a lack of management momentum in driving the process forward. Dr Ackah also put on record her concern that Mr Craig, who had become CFO shortly after her appointment, had decided to deal with the report himself. Mr Craig had previously ruled himself out of hearing the grievance as he, and other senior officers, had knowledge of the allegations that "could potentially be seen as prejudicial".

8. Dr Ackah upheld the complaint of harassment and provided her report to Mr Craig. A copy was also received by the NIFRS Chair, but he regarded any action arising from the report to be an executive matter and accepted that Mr Craig would deal with it. It appears that little has happened since that point. There are still ongoing discussions about how to deal with the Ackah report.
9. The Committee finds the handling of this case to have been totally unacceptable. It is now over three years since the complaint was made and over 18 months since the investigator's report was received. It is disgraceful that a member of staff who has had a complaint of harassment upheld should have had to wait so long for the matter to be resolved. The Committee finds it concerning that both Mr Craig and the Chair had not acted on Dr Ackah's questioning of Mr Craig's involvement.
10. In 2001 the Public Accounts Committee reported on NIFRS's predecessor body, the Fire Authority for Northern Ireland. The Committee made specific recommendations on maintenance and checking of vehicle logs and best practice in recruitment. This was an extremely critical and hard-hitting report and it is shocking that many of the concerns the Committee had at that time have been raised again in the recent investigations into NIFRS. The Committee can only express its exasperation that 12 years' on it is again addressing these same issues.
11. The Committee welcomes the Department's admission that oversight of NIFRS was deficient. The Committee considers that oversight by the Department seems to have done little to bring about necessary change in NIFRS. All the usual accountability mechanisms were in place, and it may have appeared they were working. However, in reality, this was far from the case. The Audit Office's 2011 recommendations¹ to improve oversight by appointing a specialist fire service adviser and develop key performance indicators (KPIs) to allow for systematic monitoring and reporting of NIFRS performance against comparable fire and rescue services have yet to be implemented.
12. The Committee considers that the Department failed to intervene to address the extremely high turnover in NIFRS at senior management level and prolonged absences of key staff members. As a result of these vacancies, important work was put on hold including introducing key strategies to develop the workforce and to implement the recommendations of external reviews. In 2010, all four senior operational (uniformed) officers were in acting positions. In an organisation with as many significant personnel issues as NIFRS, the failure to substantively fill the HR Director post for more than two years amounts to negligence on the part of all involved.
13. The Committee considers that the Board and its sub-Committees were extremely weak: they failed to challenge senior management and were slow to act. The Committee's view is that where Board members are found to lack the skills and the resourcefulness required to properly challenge management and escalate problems to the parent department, the solution is that they should be removed. The Chair has acknowledged past mistakes. He has also provided assurances that the Board is now providing a proper challenge to the Corporate Management Team.
14. Internal Audit in NIFRS has been under-resourced and under-performing. The responsibility for this lies initially with management and to an extent with the Department, which has a specific oversight role in relation to internal audit. But it is the Audit Committee which is charged with oversight of the audit strategy and audit plans, confirming internal audit is adequately resourced and addressing the key areas of risk. It is clear to the Committee that the NIFRS Audit Committee has not been performing these functions effectively.

1 'Northern Ireland Fire and Rescue Service: An Organisational Assessment and Review of Departmental Oversight', Northern Ireland Audit Office, 20 December 2011

15. In November 2009, Mr Craig, then Assistant Chief Fire Officer, accepted a Land Rover under a sponsorship arrangement. When the then Chief Fire Officer, Colin Lammey, became aware of the arrangement, he instructed Mr Craig to return the vehicle to the supplier. Despite Mr Lammey's instructions, Mr Craig did not return the vehicle to the supplier. Instead it was stored at the premises of NIFRS's media supplier and brought back to NIFRS premises when Mr Craig became Chief Fire Officer. It is clear to the Committee that Mr Craig defied the instructions of the Chief Fire Officer and undermined his authority. The Committee finds it worrying that Mr Craig maintains that accepting the vehicle was the right thing to do despite it being clear to others, from the outset, that this action would create a perception of wrongdoing that was likely to be extremely damaging to NIFRS. The Committee considers that Mr Craig's behaviour demonstrated a lack of understanding of the responsibilities of an Accounting Officer and the standard of conduct expected of someone in that role.
16. The Committee considered a number of cases where very senior officers in NIFRS failed to recognise and properly handle significant conflicts of interest in relation to procurement and recruitment. During the 2011 NIFRS recruitment exercise an appeals process was introduced which resulted in the unfair treatment of some candidates and, potentially, the advantageous treatment of others. The Assistant Chief Fire Officer, who introduced the process without the approval of the Chief Fire Officer or Board, was also a member of the appeals panel, and his son was one of the initially unsuccessful candidates appointed following a successful appeal. In addition, overtime and subsistence payments were made to NIFRS staff involved in the recruitment without regard for safeguarding public funds.
16. The investigation report commissioned by the Department recommended that disciplinary action be considered in this case. However, no disciplinary action was initiated even though the Health Minister told the Assembly that "it would be a travesty" if disciplinary procedures were avoided. The Assistant Chief Fire Officer managing the recruitment exercise retired on ill-health grounds in May 2013. The Committee finds the decision to allow this individual to leave the organisation without having been held to account via a disciplinary process to be negligent.
17. In October 2012, the NIFRS Interim Chief Executive commissioned an overview of the investigation reports published by DHSSPS. This found little evidence to support disciplinary action against individuals referred to in the reports. This Committee considers that any report which considers disciplinary action must be credible and demonstrably independent.

Summary of Recommendations

Recommendation 1

The Committee recommends that Departments ensure that, if whistleblowing concerns are passed on to an Arm's-Length Body (ALB), these are properly and promptly investigated. Departments should establish clear protocols in such cases, setting fixed deadlines (20 days would be appropriate) for a meaningful response. The quality of the ALB response and the appropriateness of any recommendations should be reviewed at a senior level in the Department. The outcome of the investigation should be reported back to the individual who raised the initial concerns explaining, where appropriate, what action has been taken as a result. However, where the whistleblowing allegations relate to senior members of staff in the ALB the Department should retain ownership of the investigation.

Recommendation 2

The Committee recommends that public sector guidance on the conduct of investigations into whistleblower allegations should require Departments to maintain frequent contact with the whistleblower throughout the course of the resulting investigation unless there are compelling reasons not to do so.

Recommendation 3

The Committee recommends that all outstanding grievance cases are brought to a conclusion as soon as possible. A timeline for this to happen should be provided to the Committee.

Recommendation 4

The Committee recommends that the Department oversee more effectively by bringing people into its team who have the necessary skills and seniority to properly challenge NIFRS senior management and provide effective support to the NIFRS board. In particular, it should implement the recommendation of the NIAO's December 2011 report and appoint a specialist fire service adviser.

Recommendation 5

The Committee considers that proper succession planning in NIFRS has been completely ignored for too long. The Committee recommends that the Department, the Board and NIFRS senior management work together to identify barriers to recruitment and draw up an action plan to ensure the organisation is well placed to attract quality internal and external candidates for future senior management vacancies. The Committee would like to see a progress report on this in six months' time.

Recommendation 6

The Committee recommends that the investigation into charity vehicles is completed as soon as possible and reported to the Committee. A copy of the report should also be provided to the Assembly's Health Committee.

Recommendation 7

The Committee recommends that the Department undertake an assessment of the Board and its sub-Committees, with a view to ensuring that only those who comprehend their responsibilities and are equipped to fulfil them continue in that role.

Recommendation 8

The Committee considers that the Internal Audit function within NIFRS must be strengthened and that it is the responsibility of the Department to ensure this happens. The Committee recommends that, as a matter of urgency, NIFRS internal audit is fully resourced and utilised, if necessary using departmental resources as an interim measure. The full internal audit programme must be completed for 2013-14 together with any audits deferred from previous years. Longer-term arrangements for internal audit in NIFRS are under consideration. As an interim measure, audits completed by NIFRS internal auditors should be subject to quality control by the departmental internal audit function.

Recommendation 9

The Committee recommends that, as a point of principle, no public body should accept sponsorship from a company with whom it has a commercial relationship.

Recommendation 10

The Committee recommends that NIFRS and other public bodies ensure that all staff who are involved in procurement and recruitment decisions, or other sensitive posts, are required to declare any potential conflicts of interest. Management must ensure that appropriate action is taken to manage or avoid potential conflicts when these are recorded. It is for DFP to ensure that this is reflected in guidance.

Recommendation 11

The Committee recommends that the question of further action against senior officers is revisited. A review should be undertaken which is professional, independent, properly supported by HR and legal expertise, and free from any perception of a conflict of interest.

Introduction

1. The Public Accounts Committee (the Committee) met on 24 April 2013 and 12 June 2013 to consider the Comptroller and Auditor General's reports '*Northern Ireland Fire and Rescue Service: An Organisational Assessment and Review of Departmental Oversight*' (20 December 2011) and '*Northern Ireland Fire and Rescue Service, Report by the Comptroller and Auditor General to the Northern Ireland Assembly on the 2011-12 Accounts*' (8 April 2013). The witnesses were:
 - **Dr Andrew McCormick**, Accounting Officer, Department of Health, Social Services and Public Safety;
 - **Ms Julie Thompson**, Deputy Secretary, Department of Health, Social Services and Public Safety (the Department (DHSSPS));
 - **Mr Jim Wallace**, Interim Chief Executive, Northern Ireland Fire and Rescue Service (NIFRS);
 - **Mr Peter Craig**, former Chief Fire Officer, NIFRS;
 - **Dr Joe McKee**, Chairman, NIFRS;
 - **Mr Kieran Donnelly**, Comptroller and Auditor General (C&AG); and
 - **Ms Fiona Hamill**, Treasury Officer of Accounts.

The Committee was provided with further information by the Department on 24 May and 29 May 2013. NIFRS provided further information on 19 June 2013.
2. The C&AG's Report on the 2011-12 NIFRS Accounts summarised the findings of a number of investigations into whistleblowing allegations undertaken by the Department. The report also identified key strategic issues for NIFRS and the Department to address, particularly the need for a consistent, fully-staffed and cohesive senior management team committed to the promotion of expected standards of conduct.
3. As part of its December 2011 report on NIFRS, the Audit Office asked the Audit Commission to conduct an Organisational Assessment of the service. The Audit Commission conducts annual performance assessments of English fire services and scores their performance on a scale from '1' (poor) to '4' (excellent). The Audit Commission scored NIFRS's performance as a '2', in that it "*performs adequately: [it is] an organisation that meets only minimum requirements*". The Audit Commission judged that the leadership in NIFRS, at that time, had no track record for delivering improvement and that prospects for future improvement were poor. The Audit Office report called for a number of measures to improve performance and governance arrangements including the systematic monitoring and reporting of NIFRS performance against other fire and rescue services.
4. In July 2011, a whistleblower (Ms Linda Ford) made a number of allegations of wrongdoing in NIFRS on a range of financial issues. In August 2011 Ms Ford was placed on precautionary suspension by the then Chief Fire Officer Peter Craig. The suspension has been linked by Mr Craig to an allegation that Ms Ford had wrongly accessed personal data but Ms Ford was told that her suspension was in fact a consequence of her whistleblowing allegations. Ms Ford's suspension was lifted in July 2012 and she has received an apology from the departmental Accounting Officer for the poor treatment she received. She has also received financial compensation of £20,000 from NIFRS through an Industrial Tribunal case.
5. In October 2012, DHSSPS published four reports, dealing with the whistleblowing allegations raised by Ms Ford; allegations about stores management raised by a second whistleblower; and with concerns raised internally and by public representatives about the 2011 fire-

fighter recruitment exercise. NIFRS has developed an action plan to take forward the 129 recommendations contained in the four reports. The reports were as follows:

- a) an Investigation into Ms Ford's allegations, conducted by DHSSPS Internal Auditors. This investigation largely substantiated her allegations, including the allegation that she had been suspended for whistleblowing;
 - b) an Investigation into Allegations of Irregularities in Stores Management and Stock Control, conducted by DHSSPS Internal Audit, which confirmed poor control and poor record keeping within stores and a weakness in managing conflicts of interest;
 - c) a Review of the NIFRS 2011 Recruitment Campaign, conducted by officials from the London Fire Brigade under the direction of the Chief Fire Advisor to the UK Government, Sir Ken Knight. The late introduction of an appeals process was found to have resulted in the unfair treatment of some candidates and the advantageous treatment of others; and
 - d) an Investigation of Overtime and Expenses Claims linked to the 2011 Recruitment Exercise. This investigation was conducted by the Central Investigation Service of the Department of Agriculture and Rural Development. It found that the whole exercise had disregarded financial accountability and the proper management of public funds.
6. Since the initial whistleblowing allegations were made public, a number of further allegations about the misuse of NIFRS assets have been brought to public representatives. These allegations have been investigated by the Corporate Investigations Unit of the Department for Social Development (DSD). Its report, published on 16 April 2013, found no evidence to support allegations of misuse or theft of NIFRS assets, but did identify a number of significant weaknesses in controls designed to safeguard these assets. DSD also reported on the under-resourcing of the NIFRS Internal Audit Unit and the limited extent to which the Annual Audit Plan reflected key risks to the Service.
 7. In October 2012 the NIFRS Interim Chief Executive commissioned an External Overview of the four reports, by the Chief Inspector of the Scottish Fire and Rescue Authorities and the Chief Officer of Strathclyde Fire and Rescue Service. The Overview report concluded that there have been significant failings in governance, financial control systems and the HR function in NIFRS and identified significant gaps in organisational policy, procedures and processes. The External Overview found little evidence to support disciplinary action and it found that the failings identified in the Investigation reports were acts of omission not commission.
 8. The Assembly's Committee for Health, Social Services and Public Safety has closely monitored developments in NIFRS since the reports were released in October 2012, taking eight briefings from current and former officials and Board members. The Health Committee provided this Committee with a list of issues which it considered warranted further scrutiny. This has been very helpful to our inquiry.
 9. In taking evidence, the Committee explored four broad themes:
 - handling of whistleblowers' complaints;
 - departmental challenge;
 - governance, accountability and financial controls; and
 - learning and leadership.

Handling of Whistleblowers' Complaints

The decision to suspend the principal whistleblower was wrong

10. In July 2011, Ms Ford wrote to the departmental Accounting Officer expressing her concerns about NIFRS's handling of a number of financial matters. Ms Ford had raised the same concerns in April 2011 during a grievance case and the then Chief Fire Officer Peter Craig had been told of her concerns at that time. The departmental Accounting Officer referred Ms Ford's whistleblowing letter to NIFRS for investigation. In August 2011 Ms Ford was suspended by Mr Craig. His letter cited an allegation that Ms Ford had breached data protection legislation. It is significant that Mr Craig also referred to Ms Ford's whistleblowing letter:

"I am disappointed and concerned that you have not raised these matters directly with me as accounting officer nor via NIFRS whistle-blowing policy....This would appear to be a serious breach of your obligation to NIFRS and to me." In the telephone call informing Ms Ford of her suspension she was told by the HR Manager that the decision resulted from her letter to the Departmental Accounting Officer.

11. The Committee has been told that, although Mr Craig passed a draft of the suspension letter to a legal advisor for comment, he had failed to follow the advice given, which was to involve HR. The Acting Head of HR was not informed of the decision to suspend Ms Ford until five minutes before the suspension came into effect. HR did inform Ms Ford that her suspension was due to her whistleblowing, yet Mr Craig continues to maintain, that the suspension was solely related to the data protection issue, despite evidence to the contrary.
12. Having weighed up all the evidence, the Committee is in no doubt that the decision by Mr Craig to suspend Ms Ford was directly related to her approach to the departmental Accounting Officer, and it was clearly wrong. As a result of his actions Mr Craig has caused both reputational damage and financial loss to the Service, as well as injury to an individual who had properly raised her concerns. It seems to the Committee that Mr Craig was, at best, indifferent as to whether the suspension was justified or in accordance with proper procedures. The Committee finds that Mr Craig's attempts to justify his decision to suspend Ms Ford are entirely unconvincing and reprehensible.
13. The Chair now accepts that it was wrong to suspend Ms Ford. He knew that Mr Craig had cited Ms Ford's whistleblowing letter to the departmental Accounting Officer in the letter suspending her, and should have been alert to the possibility of victimisation. Instead, he wrongly decided this was a purely operational matter in which he would not intervene.

The Investigation into allegations against the whistleblower has been totally mishandled

14. The Department's Internal Audit report of October 2012 found a series of serious weaknesses in the NIFRS investigation into the allegation that Ms Ford had breached data protection requirements:
- the allegation was made by a director against whom Ms Ford had taken a grievance case and it was not independently corroborated before her suspension;
 - Mr Craig failed to ensure there was a prompt and thorough investigation. There were no terms of reference for the investigation and only one person was interviewed (in October 2011);
 - Ms Ford has never been interviewed about the allegation made against her;
 - the suspension continued for a prolonged period without the regular four-weekly reviews required under NIFRS guidance; and
 - although Ms Ford allegedly obtained information on the instruction of a director in NIFRS, the director was not suspended. Mr Craig told this Committee that suspending the director who allegedly issued the instruction was "not warranted".

15. The alleged data security breach was notified to the ICO, but not until July 2012, almost a year after Ms Ford's suspension and in the same month in which she returned to NIFRS, although not to her original post. The issue was not finally resolved until May 2013 when the ICO confirmed it would not be pursuing the investigation further and that the case was now closed. The Committee finds it completely unacceptable that NIFRS allowed the investigation into the alleged data protection breach to continue for as long as it did. The Committee considers that it is deplorable that a member of staff should have a potentially serious disciplinary matter hanging over their head for such a lengthy period: this would place anyone under intolerable pressure.
16. The Committee understands that the Information Commissioner expects serious data security breaches to be brought to the attention of his office. The Committee however considers that referral to the ICO should not be used to pursue an internal disciplinary case by other means. In this case, the onus was on NIFRS to conduct a proper investigation and to come to its own view, based on the evidence, whether there had been a breach. While an internal investigation was initiated in April 2010 it does not appear to have been completed.

The Department was too slow to intervene in what it wrongly considered an internal personnel matter

17. The departmental Accounting Officer has explained that the decision to suspend Ms Ford was put to him as principally relating to a potential breach of the Data Protection Act, and that he was not aware that Ms Ford had been told her suspension was directly related to her whistleblowing letter. It was this unacceptable treatment which prompted the departmental Accounting Officer's apology to Ms Ford. The Committee appreciates the departmental Accounting Officer's frank acknowledgement of his error in this case and welcomes his readiness to apologise for his actions.
18. The Committee does not accept however, the departmental Accounting Officer's view that suspension of any individual in an ALB is always a matter for the employer not the Department. The Committee would have expected an Accounting Officer, in the circumstances where a whistleblower was suspended within weeks of writing to him, to have been more alert to potential victimisation. The Committee was shocked to learn that the departmental Accounting Officer only found out about the true reason for Ms Ford's suspension as a result of a Freedom of Information request from the Irish News. Nor do we accept the departmental Accounting Officer's wider point that HR issues are not the Department's concern. A departmental Accounting Officer should be alert to the possibility that problems which present themselves as purely personnel matters (such as grievance cases, bullying and harassment, and low morale) may be symptomatic of much more fundamental failings.
19. The departmental Accounting Officer passed on the whistleblower's complaint to NIFRS for action in July 2011, but failed to set deadlines for a response or to ensure the concerns were followed-up promptly. Little appears to have happened before the Department took over the investigation in November 2011.
20. Ms Ford has expressed to the Health Committee her distress that she was not interviewed by the DHSSPS Internal Audit investigators looking at her allegations. The initial findings were however discussed with her and this discussion did feed into the final report. The C&AG made the point, in his February 2013 Review of the Department for Regional Development's Investigation of a Whistleblower Complaint, that it is best practice for investigators to liaise frequently with a whistleblower throughout an investigation.

Recommendation 1

The Committee recommends that Departments ensure that, if whistleblowing concerns are passed on to an Arm's-Length Body (ALB), these are properly and promptly investigated. Departments should establish clear protocols in such cases, setting fixed deadlines (20

days would be appropriate) for a meaningful response. The quality of the ALB response and the appropriateness of any recommendations should be reviewed at a senior level in the Department. The outcome of the investigation should be reported back to the individual who raised the initial concerns explaining, where appropriate, what action has been taken as a result. However, where the whistleblowing allegations relate to senior members of staff in the ALB the Department should retain ownership of the investigation.

Recommendation 2

The Committee recommends that public sector guidance on the conduct of investigations into whistleblower allegations should require Departments to maintain frequent contact with the whistleblower throughout the course of the resulting investigation unless there are compelling reasons not to do so.

Grievances raised by the whistleblower were extremely badly handled

21. Ms Ford submitted two grievances against Mr Craig in July and August 2011. The first related to denial of access to financial systems and the second to his decision to suspend her. These were not heard by an independent person as would be expected. Instead, Mr Craig personally responded in August 2011 directly addressing her first grievance, which had been sent to the NIFRS Chair. The Committee considers that Mr Craig's explanation for his intervention; that he was writing in "*an open and friendly way*" and in "*the spirit of trying to resolve those issues*", lacks credibility. Mr Craig also wrote to Ms Ford in September 2011 advising how enquires relating to her alleged breach of data protection were being taken forward and confirming the terms of her suspension: both matters directly related to her second grievance. The Committee considers that by responding in this way Mr Craig was setting aside due process to an extent that was totally improper. The Chair has admitted he had discussed Ms Ford's grievance with Peter Craig and that Mr Craig had told him that he intended to discuss the matter with Ms Ford. The Chair should have known this was improper and should have ensured this contact did not take place.
22. Although Ms Ford was promised in September 2011 that the Chair would shortly nominate a board member to hear her grievances, these were never heard. Only five days after that initial undertaking, Ms Ford was told that a formal grievance hearing would not be held until after the investigations into the alleged data protection breach had been concluded. The decision to stall the grievance process was made by the Chair in clear contravention of NIFRS Disciplinary Policies. The Chair has told the Committee that he made his decision on the basis of HR advice. There was advice from HR that; "*part of the ongoing grievance might not be able to be progressed until the investigation into alleged breach of data protection is completed*". The Committee considers this to be a very weak basis on which to set aside the organisation's own disciplinary policies.
23. It is a concern to the Committee that the NIFRS Chair, who was charged with handling these grievances, not only discussed the case with Mr Craig but acquiesced in the Chief Fire Officer's involvement and in the resulting breach in NIFRS procedures.

This Committee commends Linda Ford for bringing these serious failings to light – at great personal cost

24. The Committee has, in a number of reports over recent years, emphasised the value of information provided by whistleblowers and stressed that all public bodies should have robust whistleblowing arrangements in place. This case has reinforced the value of this approach. Ms Ford has brought to public attention significant failings in NIFRS that would otherwise never have come to light. The Committee would like to take this opportunity to thank her and express our regret at the appalling treatment she has received as a result.

A second grievance case was subject to unacceptable delays and mishandling by NIFRS management

25. In May 2010, a formal complaint of harassment was made against an NIFRS director by a member of his staff. The former Acting Chief Fire Officer, Louis Jones, decided, in view of the seniority of the alleged harasser, to appoint an independent external investigator, Dr Carol Ackah. Dr Ackah's report was completed in October 2011. Aside from dealing with the substances of the allegations, the report commented on the unacceptable delays in concluding the investigation which had made it difficult, if not impossible, to ensure natural justice for both parties. Dr Ackah found there was nothing inevitable about the delay and that she had the impression of a lack of management momentum in driving the process forward to resolution. Dr Ackah told the Committee that on a number of occasions between May 2010 and October 2011 she had expressed her concerns to NIFRS regarding the timescale for completing her investigation, and what she perceived to be at best a lack of urgency and at worst obstruction and a lack of co-operation.
26. Mr Craig, as Acting Chief Fire Officer (from July 2010) and then as Chief Fire Officer (from February 2011) became involved in this case. In October 2010, and again in May 2011, he proposed replacing the independent investigator, on the first occasion with an internal review and on the second with a mediation process. However, on HR advice the investigation proceeded. Legal advice supported this process on the basis that an independent investigation "*protects all parties*".
27. Mr Jones told the Health Committee in February 2013 that his intention in commissioning the report was that it would be considered by the Chair of the NIFRS Board. In August 2011, Dr Ackah was advised her report would not go to the Board when completed but that Mr Craig intended to deal with it himself. Dr Ackah recorded her concern at this step, given that Mr Craig had ruled himself out of hearing the grievance in December 2010 on the grounds that all those with "*seniority to hear the complaint* [including himself] *had constituent knowledge*" of the allegations that "*could potentially be seen as prejudicial*". Dr Ackah was concerned that the Chief Fire Officer could, following this admission, still feel it appropriate to make a decision on any management or disciplinary action arising from her report.
28. Dr Ackah found, on the balance of probabilities, that the complainant had been subject to harassment and provided her report to Mr Craig in October 2011. The Chair told the Committee he had received a copy of the report from Mr Craig, but he regarded any action arising from the report to be an executive matter and Mr Craig said he would deal with it. It appears that little has happened since that point. The Interim Chief Executive told the Committee that there were still ongoing discussions about how to deal with the Ackah report, but that it might still go to the Board. A decision has yet to be taken.
29. The Committee finds the handling of this case to have been totally unacceptable. It is now over three years since the complaint was made, and over 18 months since Dr Ackah's report was received. It is disgraceful that a member of staff who has had a complaint of harassment upheld should have had to wait so long for the matter to be resolved. The Committee finds it concerning that both Mr Craig and the NIFRS Chair had not acted on Dr Ackah's questioning of Mr Craig's involvement.
30. In the past decade NIFRS has dealt with 126 grievance cases (80 of these related to a collective grievance on pensions entitlements for retained staff): 22 cases are outstanding, nine of these are in headquarters.

Recommendation 3

The Committee recommends that all outstanding grievance cases are brought to a conclusion as soon as possible. A timeline for this to happen should be provided to the Committee.

Departmental Challenge

DHSSPS failed to ensure that the recommendations of the Public Accounts Committee's 2001 Report on the Fire Service were properly implemented

31. In 2001, the Public Accounts Committee reported on Fleet Management in NIFRS's predecessor body, the Fire Authority for Northern Ireland (together with matters arising from the 1998-99 and 1999-2000 Accounts). This was an extremely critical and hard-hitting report and it is shocking that many of the concerns the Committee had at that time have been raised again in the recent investigations into NIFRS. For example, in 2001 the Committee wanted to see properly maintained log books for all NIFRS vehicles. DHSSPS accepted this recommendation and undertook to monitor compliance with it. The Department also told the Committee in 2001 that internal audit would carry out regular inspections to ensure that proper vehicle records are maintained. The review conducted by DSD's Corporate Investigations Unit (published 16 April 2013) could not properly investigate claims of misuse of NIFRS vehicles because log books were not being properly maintained and Internal Audit had not been undertaking regular audits in this area.
32. In 2001, the Committee also recommended, and DHSSPS accepted, that the criteria for recruitment and selection of applicants to the Fire Service should be transparent, so that applicants were judged equally and given a fair chance of selection. The London Fire Brigade Review of the NIFRS 2011 Recruitment Campaign found that late, unannounced, changes to the appeals process had resulted in the unfair treatment of some candidates and the advantageous treatment of others. Had the Committee's earlier recommendations been properly implemented, DHSSPS and NIFRS could well have avoided some of the serious failings that have undermined public confidence in the organisation. The Committee can only express its sense of exasperation that 12 years on from the first PAC report it is again addressing these same issues. The NIFRS Chair told the Committee that he accepted work had to be done to rectify the lack of corporate memory where issues had been identified in the past. This work must be completed; the Committee does not want to find itself reporting on these same issues in another 12 years.

Oversight by DHSSPS has failed to bring about necessary change in NIFRS

33. Northern Ireland is the only part of the UK in which a fire service is under the control of central and not local government: its governance arrangements are therefore unique. The mechanisms by which the oversight function is discharged include: quarterly Accountability meetings between senior NIFRS and departmental officials; DHSSPS staff attending all NIFRS Board and Committee meetings as observers; and DHSSPS review of the NIFRS Internal Audit function and all NIFRS Internal Audit reports. NIFRS Board members are appointed by and are accountable to the Minister. This is, at first sight, an intensive oversight regime. All the usual accountability mechanisms were in place and there may have been an appearance they were working however, in reality, this is far from the case.
34. NIFRS is the only ALB sponsored by the Department which is not linked to the health and social care sector. NIFRS accounts for approximately 2% of the Department's expenditure and employs around 2,200 staff. This suggests to the Committee that NIFRS was likely to have been fairly low on the Department's list of priorities and probably received less attention from senior people in the Department than was warranted. The Committee notes that the Department sent observers to 94 NIFRS Board and Committee meetings between February 2009 and October 2012. The Department's staff attending were, in most cases (72 meetings) middle-ranking officials (mainly at Deputy Principal level).

The Department tightened oversight arrangements following qualification of the 2008-09 accounts

35. The C&AG qualified the 2008-009 NIFRS Accounts due to irregular salary payments of almost £51,000 to three non-uniformed Directors between them. At the time, the C&AG expressed concern that the systems of corporate governance in NIFRS had been unable to prevent these payments, even though they had been made without DHSSPS approval and without referral to the Board or its Remuneration Committee.
36. The departmental Accounting Officer has told the Committee that following qualification of the accounts oversight arrangements were tightened and Accountability Meetings for example, were held more frequently. The Committee notes that the Audit Office's December 2011 Organisational Review found DHSSPS had improved its oversight of NIFRS since 2009 but considered that more needed to be done. The Audit Office recommended that DHSSPS strengthen its oversight by the appointment of a specialist fire service adviser who would provide strategic advice and guidance on the structure, organisation and performance of NIFRS and ensure the Department acted as "*an intelligent client*". No such appointment has been made. The Audit Office also called for the systematic monitoring and reporting of NIFRS performance against comparable fire and rescue services. In compiling his Report on the 2011-12 Accounts, the C&AG asked what progress has been made against his December 2011 recommendations. DHSSPS confirmed that it was still working with NIFRS to develop a small number of high-level Key Performance Indicators (KPIs) which would allow NIFRS to measure its performance against services elsewhere.

Recommendation 4

The Committee recommends that the Department oversee more effectively by bringing people into its team who have the necessary skills and seniority to properly challenge NIFRS senior management and provide effective support to the NIFRS board. In particular, it should implement the recommendation of the NIAO's December 2011 report and appoint a specialist fire service adviser.

The departmental Accounting Officer accepts there were deficiencies in oversight – the warning signs were there and these should have been acted upon

37. The Committee welcomes the departmental Accounting Officer's admission that oversight of NIFRS was deficient and we accept his point that his role requires some delegation of responsibilities to those reporting to him, including the NIFRS Accounting Officer and Internal Auditors. The Committee notes the Department's point that DHSSPS attendance at Board and Committee meetings were not picking up the underlying problems because these issues were not coming to the Board. The Committee also accepts that the Department was reliant on the work of NIFRS Internal Auditors and the capacity and capability of this unit is a concern. However, there were also significant problems facing NIFRS of which the Department was well aware, particularly around turnover at senior management level. The Department could have acted to address these problems but it failed to intervene.
38. It should have been obvious to the Department that no organisation could continue in the long term with such a high turnover of senior staff, and given the prolonged absences of key staff members which afflicted NIFRS. Since 2010 there have been four Chief Fire Officers/ Acting Chief Fire Officers. There have also been a number of long-term vacancies at senior levels. In 2010, all four senior operational (uniformed) officers were in acting positions. At the time of the Committee's evidence session two top management posts were vacant: Director of Planning and Corporate Affairs (since April 2012) and Director of Finance and Performance (since March 2013). A new Director of Human Resources was appointed from March 2013; the post had previously been vacant for more than two years.

39. NIFRS support services are seriously under-resourced at every level. There are currently 73 posts which are substantively vacant, almost a quarter of the total number of support service staff. While 46 posts are filled by agency staff or temporary contractors - 27 are unfilled. In the HR Directorate alone, 7 posts are unfilled. The situation is even worse in the Finance Directorate where 10 posts are vacant. The Committee considers that the level of staffing in support services must be examined as soon as possible.
40. The C&AG's report on the 2011-12 Accounts describes the impact that the lack of a permanent top team has had on NIFRS: decisions had been put on hold including key strategies to develop the workforce and to implement the recommendations of external reviews. For example, in 2009 the DFP's Delivery and Innovation Division undertook a review of the relationship between NIFRS and the Department, which included financial management and corporate governance relationships. The departmental Accounting Officer told the Committee that of the review's 85 recommendations 'only' 17 were still outstanding. If the Department considers this is an achievement, it is mistaken. It is unacceptable that 4 years after the review was completed 20% of its recommendations have yet to be implemented.
41. NIFRS, working with the Department, intended that a HR Director would be appointed when a planned HR Strategic Review had been completed, but it appears that the Review could not proceed because there was no HR Director in place to do the work. In an organisation with as many significant personnel issues as NIFRS, the failure to substantively fill the HR Director post for more than two years amounts to incompetence on the part of all involved. While there was a responsibility on the part of the NIFRS Accounting Officer and the Board to bring such matters to the Department's attention, the Department should have been alert to the risks to the organisation of under-resourcing a key business area and ought to have intervened.

Recommendation 5

The Committee considers that proper succession planning in NIFRS has been completely ignored for too long. The Committee recommends that the Department, the Board and NIFRS senior management work together to identify barriers to recruitment and draw up an action plan to ensure the organisation is well placed to attract quality internal and external candidates for future senior management vacancies. The Committee would like to see a progress report on this in six months' time.

Investigations must be completed thoroughly and professionally

42. In the wake of publicity surrounding the initial whistleblowing allegations, a number of further allegations about the misuse of NIFRS assets were brought to public representatives. These allegations were investigated by the Corporate Investigations Unit of DSD. Its report, published on 16 April 2013, found no evidence to support allegations of misuse or theft of NIFRS assets, but did identify a number of significant weaknesses in controls designed to safeguard these assets. The Committee has serious concerns that those controls were limited and that investigations have been completed without referral to the police. The departmental Accounting Officer assures us that, had internal audit found evidence of fraud, further investigations would have been commissioned. However, internal auditors are not forensic investigators, and the Committee would caution Accounting Officers against placing undue reliance on their work in this area.
43. The C&AG's report on the 2011-12 Accounts also refers to further problems relating to charity vehicles. It will be important, if public confidence in the management of NIFRS is to be restored, that this outstanding matter is thoroughly investigated.

Recommendation 6

The Committee recommends that the investigation into charity vehicles is completed as soon as possible and reported to the Committee. A copy of the report should also be provided to the Assembly's Health Committee.

Governance, Accountability and Financial Controls

NIFRS has a history of poor governance which in the past has resulted in the payment of unauthorised salary payments to senior staff

44. In 2008, the NIFRS Board agreed to make one-off bonus payments to all four senior uniformed officers in NIFRS: the payments totalled £15,200. DHSSPS approval was needed for these payments as they were above the delegated limit for NIFRS approval, but this approval was not obtained. Unfortunately this was not an isolated incident. In 2009, the C&AG identified that the then Chief Fire Officer, Colin Lammey, had awarded salary increases to the three non-uniformed directors in NIFRS. Once again the payments, and the job evaluation exercise which led up to them, were not notified to, or approved by, the Department. Although the Chief Fire Officer informed the then NIFRS Chair of the award, it was not brought to the attention of the Board. The total value of these unauthorised payments was £50,840. The payments have not been recovered and part of the amount paid is subject to an ongoing legal process. This was a disturbing incident which led to the breakdown in the relationship between the Department and the then Chair. The Committee notes that, following this second incident, the NIFRS Board and Chair were replaced.
45. The C&AG qualified NIFRS's 2008-09 Accounts because of irregular pay awards to the three non-uniformed directors. He considered there was, at least, a perceived conflict of interest for the three directors in that they stood to benefit from the job evaluation process while, at the same time, being a key source of advice on whether proper procedures were followed and value for money achieved.
46. This single incident illustrates many of the concerns the Committee has about governance arrangements in NIFRS: lack of commitment at senior levels to proper process; failure to recognise and deal with potential conflicts of interest; and officials withholding information from the Board. The Committee considers that when pay awards to senior staff are being considered, it is particularly important that proper procedures are followed, that Board and departmental approvals are obtained and that any perception of a conflict of interest is avoided. The Committee welcomes the Department's assurances that measures have been introduced to prevent future unapproved salary payments and that these procedures are as tight as they can be.

The NIFRS Board has not always received the information needed to fulfil its scrutiny role but it has presided over a series of significant management failings

47. NIFRS Board members are appointed by, and are accountable to the Department. Their responsibilities include providing NIFRS with leadership and strategic direction and ensuring NIFRS maintains high standards of corporate governance. The Department has attributed weaknesses in governance to the fact that it had put too much reliance on attendance at Board meetings and information was not coming to the Board. It is clear to the Committee that information was withheld from the Board. For example, the Board was not told about late changes to the recruitment process it had approved in 2011. However, the Board is not there to passively receive information provided by management. It is the Board's responsibility to ensure it has the right information to discharge its governance responsibilities.
48. The Committee considers that even where the Board had relevant information it did not take appropriate action. The Board failed to appreciate and resolve the difficulties the severe under-resourcing of support services (particularly HR and Internal Audit) were causing the organisation. However, the Committee is aware that the Department was also at fault in this regard.
49. The Board must ensure it has the necessary training and skills, including financial skills, to fulfil its scrutiny role. Board members are after all remunerated for the work they do, members are paid £5,845 per annum and the Chair receives £25,195 per annum. The

Department has explained the comprehensive training made available to Board members since their appointments in 2010 – training does not appear to be the issue.

50. The Committee considers that the Board, and its sub-Committees, were dangerously weak: they failed to challenge senior management and were slow to act. For the Committee, there remains a significant question mark over the performance of the Board and their understanding of their role given that they have presided over many of the serious management failings identified in the investigation reports.
51. Following publication in April 2013 of the DSD Report into further allegations made against NIFRS, the Health Minister told the Assembly that he had asked the departmental Accounting Officer to clearly explain to the NIFRS Board and committee members their roles and responsibilities. This is welcome. The Chair announced in August 2013 that he would be retiring at the end of the year. Two other Board members will shortly be standing down when their fixed term appointments end. The Committee wants to see the Department use this opportunity to strengthen the Board and address areas of weakness.

Recommendation 7

The Committee recommends that the Department undertake an assessment of the Board and its sub-Committees, with a view to ensuring, only those who comprehend their responsibilities and are equipped to fulfil them continue in that role.

The role played by a Board member in a grievance investigation

52. The Committee was concerned to learn that the director who was the subject of the grievance complaint investigated by Dr Ackah was accompanied to two interviews with the investigator by a representative of the Fire Brigades Union, who is also a member of the NIFRS Board. Dr Ackah sought assurances that the Board member would recuse himself from any discussion or decision should the matter come to the Board, as he could not now be considered impartial. Dr Ackah states that the view was expressed to her that this was not a matter which required the attention of the Board but would be considered by the Chief Fire Officer.
53. The Chair has assured this Committee that that Board member would not be involved should Dr Ackah's report eventually come to the Board. While this assurance is welcome, it seems to the Committee that the Board has failed to grasp the key point: the Board member's attendance at these meetings was inappropriate at best and may have created a perception that the Board was taking sides in a significant grievance case which could have called into question the Board's impartiality in handling such cases.

The Committee is concerned by the actions of the current NIFRS Chair

54. The relationship between a Chief Executive and a Chairman is crucial to any organisation, and the Chair will naturally wish to be supportive – that support should not, however, be unquestioning. The current Chair failed to challenge the former Chief Fire Officer's decision to suspend the whistleblower; he was also involved in the mishandling of the grievance complaints brought by the whistleblower against the former Chief Fire Officer, and in the case investigated by Dr Ackah.
55. Unlike the departmental Accounting Officer, the Chair has failed to apologise to the whistleblower for her suspension. He told the Committee he had apologised but it emerged that was only for the delay in processing her case. Only when he was pressed by the Committee did he concede that she should never have been suspended. The Chair told the Committee he had not apologised to the second member of staff until the week of the Committee's Evidence Session.

56. The Committee accepts that the Chair has acknowledged he had made mistakes. For example, he accepts it was an error of judgement to have discussed, with Mr Craig, the whistleblower's grievance against him. The Chair has provided assurances that the Board is now providing a proper challenge to the Corporate Management Team.

NIFRS Internal Audit has been significantly under-resourced and has failed to complete agreed programmes of work

57. The Committee consider that many of the issues raised in the various investigation reports, including poor controls over procurement, stock management and NIFRS assets, should have been brought to light by the usual management checks and by internal audit in the normal course of their work. The October 2012 investigation into Stores Management by DHSSPS Internal Audit showed that procedures and stock records were very poor. It appears there was no way of checking whether requisitioned goods made their way into the store – they could have been directed elsewhere. Internal Audit carried out audits on stores in 2009-10 and 2011-12 but they failed to identify these serious weaknesses in control. NIFRS Annual Accounts for 2011-12 records that Internal Auditors undertook 14 audits in the year but did not record a single 'limited assurance'² opinion or raise a single 'Priority 1'³ issue: in light of what we know of NIFRS in this period this is astonishing. The Committee finds the failings on the part of internal audit at that time to be very troubling. The Committee notes that in the 2012-13 NIFRS annual accounts, Internal Audit recorded 13 limited assurance opinions from 14 audits. Also, 41 priority one recommendations were made.
58. NIFRS has had two internal auditors in post for some time. The Committee was told that the complement was reduced from three to two by the previous Board. One of the two internal auditor posts has been vacant and filled by agency staff since January 2008. The current agency worker has filled the post since January 2009. As a result of under resourcing, internal audit has consistently failed to complete its planned programme of work within the timeframes agreed in the NIFRS Audit Needs Assessment. The responsibility for the under-resourcing and under-performance of internal audit lies initially with NIFRS management and to an extent with Department, which has a specific oversight role in relation to internal audit. But it is the Audit Committee which is charged with oversight of the audit strategy and the annual audit plans. It is also responsible for seeking confirmation that the audit function is adequately resourced and that audit coverage is addressing the key areas of risk. It is clear to the Committee that the NIFRS Audit Committee has not been performing these functions effectively.
59. The C&AG's report on the 2011-12 Accounts raised concerns not only about the resourcing of internal audit but also wider concerns about the position and status of Internal Audit within NIFRS. NIFRS is currently reviewing the provision of internal audit services within the organisation. The outcome of this review will be a report to the Audit Committee with options for the future provision of internal audit. Following publication in April 2013 of the DSD Report which considered audit coverage in the areas under investigation, the Health Minister told the Assembly that he had asked the Department to develop an action plan to address the issues raised in the review. He also asked for a report from the Department on how it intends to progress the ongoing internal review of the NIFRS Internal Audit function.

2 A limited assurance opinion is given where the auditor's opinion is that there is considerable risk that the system will fail to meet its objectives and prompt action is required to improve the adequacy and effectiveness of risk management, control and governance.

3 A 'Priority 1' issue requires urgent management decision and action without which there is a substantial risk to the achievement of key business/system objectives, to the reputation of the organisation, or to the regularity and propriety of public funds.

Recommendation 8

The Committee considers that the Internal Audit function within NIFRS must be strengthened and that it is the responsibility of the Department to ensure this happens. The Committee recommends that, as a matter of urgency, NIFRS internal audit is fully resourced and utilised, if necessary using departmental resources as an interim measure. The full internal audit programme must be completed for 2013-14 together with any audits deferred from previous years. Longer-term arrangements for internal audit in NIFRS are under consideration. As an interim measure, audits completed by NIFRS internal auditors should be subject to quality control by the departmental internal audit function.

Learning and Leadership

There is evidence of a disregard for proper procedures within NIFRS starting with individuals at the top of the organisation

60. In November 2009 Mr Craig, then Assistant Chief Fire Officer, accepted a Land Rover under a sponsorship arrangement with Charles Hurst. The vehicle was to be used to support a road safety education programme for school age children. This arrangement was made without the knowledge or approval of the then Chief Fire Officer, Colin Lammey. When Mr Lammey became aware of the arrangement in December 2009 he instructed Mr Craig to return the vehicle to the supplier. Mr Lammey was rightly concerned about possible perceptions of favouritism as other firms had not been given an opportunity to apply for a sponsorship deal.
61. The sponsorship arrangement also contravened DFP guidance⁴ in several respects. DFP required that a range of firms should have the opportunity to provide sponsorship. The guidance also calls for a written agreement to set out the benefits the sponsor could expect in return for their support. There was no written agreement between NIFRS and Charles Hurst. DFP guidance also stated that there should be no sponsorship with firms involved in significant commercial negotiations with the sponsored body. At the time the sponsorship arrangement was set up Charles Hurst had submitted a tender for the NIFRS replacement tyre contract. NIFRS obtains replacement tyres under a framework contract set up by DFP's Central Procurement Directorate: NIFRS staff were not involved in the contract award. Charles Hurst is the major supplier of tyres to NIFRS under the contract. The Committee is in no doubt that the sponsorship deal Mr Craig set up in 2009, which he reinstated following his appointment as Accounting Officer, was in breach of DFP guidance on handling such arrangements.
62. Despite Mr Lammey's instructions, Mr Craig did not return the vehicle to the supplier. Instead it was sent to the NIFRS media consultant (Ardmore Advertising) who had arranged the sponsorship, with the instruction that it be placed in storage but remain at NIFRS's disposal. Mr Craig wrongly told the consultants that no definitive decision could be taken on the future of the vehicle until a new substantive Chief Fire Officer had been appointed (Mr Lammey was due to retire in February 2010). At some point after Mr Craig was appointed Chief Fire Officer (he was appointed to the substantive post in February 2011) he authorised the return of the vehicle to NIFRS: it was in use by May 2011.
63. The Chair was made aware of the circumstances in which the Land Rover was acquired after he had travelled in the vehicle with Mr Craig to Rathlin Island for the annual inspection of the volunteer crew. The Chair said he considered Mr Craig had made a major error of judgement and told him to return the vehicle. It was returned to Charles Hurst in June 2011. It had travelled some 600 miles during the 20 months it was with NIFRS and in storage.
64. Although there is no evidence of personal gain in this case, the fact that Mr Craig defied the instructions of the Chief Fire Officer and undermined his authority is extremely worrying. What is equally concerning is that Mr Craig still maintains he had followed Mr Lammey's instructions. The Committee has examined Mr Lammey's memo instructing Mr Craig to return the vehicle and we are completely satisfied that there is no possible ambiguity on the matter: Mr Lammey intended the vehicle to be returned to Charles Hurst. The Committee also finds it worrying that Mr Craig maintains that accepting the vehicle was the right thing to do despite it being clear to others, from the outset, that this action would create a perception of wrongdoing that was likely to be extremely damaging to NIFRS.
65. The Committee considers that Mr Craig's behaviour demonstrated a lack of understanding of the responsibilities of an Accounting Officer and the standard of conduct expected of someone in that role. The Committee also considers that the quality of evidence provided by Mr Craig, both in relation to this incident and his handling of the whistleblower case, was very poor.

Recommendation 9

The Committee recommends that, as a point of principle, no public body should accept sponsorship from a company with whom it has a commercial relationship.

Retirement of Senior Officers shortly after their promotion creates a perception that private gain is being placed before the public interest

66. The Firefighters Pension Scheme allows for retirement on full pension at the age of 50 if the officer has 25 years' service. Mr Lammey retired as Chief Fire Officer in February 2010 after 7 years in post. Louis Jones retired in July 2010 after serving 5 months as Acting Chief Fire Officer. Mr Craig retired in June 2012 after serving 6 months as Acting Chief Fire Officer and 16 months as Chief Fire Officer. While these officers retired in line with the pension rules, each having more than 30 years' service, there is a danger that short-term appointments to the Chief Fire Officer post could give rise to the perception that this was a short-stay job to improve pension entitlements prior to retirement.
67. The Committee considers that, if there is a culture of promoting people before they retire, the risks to public money would be a significant concern. The high turnover of senior staff had created that perception and this is a further reason to ensure the difficulties in succession planning in NIFRS are resolved.

A conflict of interest in Stores Management was mishandled

68. A former NIFRS Stores Manager while employed by NIFRS was involved in a family business which supplied protective clothing to other fire authorities. Although there is no evidence that his connection to this business had any impact on his work in NIFRS, it did constitute a conflict of interest. The Stores Manager had not been required to complete the Register of Interests. However, his involvement in this business appears to have been widely known in the organisation. The C&AG has said that "*if senior [Fire Service] officials did not know that this conflict of interest existed, it is evidence of a poor standard of supervision. If they did know, then it would appear they failed to address the issues*". Mr Lammey, the former Chief Fire Officer, told the Health Committee that he was aware of this connection but said that he could "*never see or point to a conflict in those two areas of [the Stores manager's] life*". It is a matter of concern to the Committee that the Chief Fire Officer could not see a conflict of interest where there clearly was one.
69. The Committee considers that it is extremely important that significant potential conflicts of interest are recognised as such by senior management and dealt with in accordance with well-established good practice. This Committee finds this is one of a number of examples where very senior officers in NIFRS have failed to recognise and properly handle significant conflicts of interest, particularly in relation to procurement and recruitment.

The management of the 2011 recruitment exercise demonstrated a failure to identify potential conflicts of interest and safeguard public funds

70. The 2011 NIFRS Recruitment Exercise was the first in NIFRS led by operational staff and not by the HR function. The recruitment process agreed by the Board was materially changed when the Assistant Chief Fire Officer leading the exercise introduced an appeals process part way through the exercise, without approval from the Board or the Chief Fire Officer. The Assistant Chief Fire Officer told this Committee that he provided the Chief Fire Officer with verbal updates on all aspects of the recruitment including the appeals process. A Review by the London Fire Brigade found the operation of the appeals process resulted in the unfair treatment of some candidates and, potentially, the advantageous treatment of others. The Assistant Chief Fire Officer not only established the appeals process, but was a member of the Appeals Panel; and his son was one of the initially unsuccessful candidates appointed following a successful appeal. The Assistant Chief Fire Officer told the Committee that when he became aware his son was an applicant he had declared an interest and was not present when his son's appeal was heard. The Review, surprisingly, found no direct evidence of

nepotism, but found there was no evidence of a clear separation of personal interest from decision-making. The Committee considers that any potential conflicts of interest relating to the recruitment exercise should have been formally declared, recorded and dealt with at the outset.

71. The public, quite rightly, expects recruitment to the fire service to be fair, open and based on merit. But there is more at stake here than equality – recruitment to the fire service should be concerned with appointing those best able to protect our lives, homes and places of work. The possibility that public officials have put their own private interests before public safety is unacceptable. The Committee would have expected the conclusions of the London Fire Brigade investigation to have led to a radical change in NIFRS's approach to recruitment. However, the Committee has been made aware of a number of possible issues relating to more recent recruitment exercises. This Committee wants to make it very clear to those involved that past recruitment practices cannot continue: all recruitment carried out by NIFRS must comply with best practice.
72. DARD's Central Investigation Service investigated the £126,000 in overtime and subsistence payments made to staff involved in the 2011 recruitment exercise. The investigation reported that payments were made to NIFRS staff without regard for safeguarding public funds. The payment arrangements established, by the Assistant Chief Fire Officer, effectively meant that staff were instructed to claim payments, including overtime, in excess of the hours worked. For example, overtime was claimed for the 2011 August Bank Holiday even though no recruitment sessions were held that day. NIFRS had no policy or guidance on the payment of overtime outside operational situations. The Report concluded that NIFRS managers had not ensured proper use of public funds and suggested disciplinary proceedings be instigated.
73. In March 2013, during Ministerial Questions, the Health Minister was asked about disciplinary action arising from the investigation reports commissioned by the Department. He told the Assembly⁵ that there was a recommendation for disciplinary proceedings in one report and *"it was very clear that discipline was the expected outcome. Sometimes, people can use the system to avoid disciplinary procedures. It would be a travesty if that were the case in this instance, and the Board would be snubbing the House if that happened. That is something that it should reflect on and be very careful about."*
74. The Committee finds the failure to hold this person to account by a disciplinary process for his actions in leading the 2011 recruitment exercise before the individual left the organisation to be negligent. In the Committee's view, public bodies must realise that if they fail to deal properly with disciplinary cases, particularly when senior officers are involved, they are often just passing the problem on for others to deal with. This is unacceptable.
75. The Committee considers it important, if the public are to have confidence in public recruitment exercises, that good governance arrangements are in place; that the HR function is fully involved; that any potential conflicts of interest are identified and managed; and that there is proper regard for public funds. The C&AG, in his report on the 2011-12 Accounts, asked the Department what progress it had made in implementing the Public Accounts Committee's 2008 recommendation⁶ that ethical training be introduced for all staff in public bodies. The Department told the C&AG that a pilot ethical decision-making model was introduced to headquarters in July 2012 and this would be rolled out to all operational staff in May 2013. This response suggests to the Committee that not only NIFRS but the Department have failed to take ethical training within NIFRS seriously. This is extremely worrying to the Committee given the extent to which the reputation of NIFRS has been damaged by poorly handled conflicts of interest.

5 Official Report, Volume 83, No 3, page 50, column 1

6 Report on Northern Ireland Tourist Board – Contract to Manage the Trading Activities of Rural Cottage Holidays Limited, June 2008

Recommendation 10

The Committee recommends that NIFRS and other public bodies ensure that all staff who are involved in procurement and recruitment decisions, or other sensitive posts, are required to declare any potential conflicts of interest. Management must ensure that appropriate action is taken to manage or avoid potential conflicts when these are recorded. It is for DFP to ensure this is reflected in guidance.

The Review into possible disciplinary action in NIFRS was flawed

76. In October 2012, the Interim Chief Executive commissioned an overview of the four investigation reports published by DHSSPS. The Review was to consider the organisation-wide implications contained in the recommendations of the reports. The Review also considered the potential for disciplinary action against individuals referred to in the reports – although this was not part of its original terms of reference. The Review report found little evidence to support disciplinary concerns and reported that *“the failings were acts of omission not commission”*. The Committee finds this conclusion difficult to reconcile with the actions of senior officers set out in the investigation reports. The Committee would also question the basis for this judgment given the Review was a desk-exercise, based on a review of reports which were not drawn-up for a disciplinary purpose and which were unlikely to contain all the information required to come to a view on disciplinary matters.
77. The Committee is concerned at the complete absence of disciplinary action given the serious deficiencies in the process. This Committee considers that any report which considered disciplinary action must be credible and demonstrably independent.
78. The Overview report also found that there was not a disciplinary concern because individual behaviours were *“a consequence of broader cultural issues”*. This statement appears to suggest that if individuals are immersed in a dysfunctional culture, it is unfair to hold them personally responsible for their conduct. The Committee finds this view to be unacceptable. There were deep-rooted cultural problems in NIFRS, but those individuals involved in the matters raised in the investigation reports were senior, experienced, public officials who knew, or ought to have known, the standards of conduct expected of them. There were and are many good people in NIFRS who do recognise their personal responsibility to do the right thing.

Recommendation 11

The Committee recommends that the question of further action against senior officers is revisited. A review should be undertaken which is professional, independent, properly supported by HR and legal expertise, and free from any perception of a conflict of interest.

NIFRS Corporate Management Team and the Board need to tackle the prevailing culture and restore damaged relationships in HQ

79. The October 2012 DHSSPS Internal Audit report into NIFRS whistleblower allegations describes *“ongoing and significant tensions”* within NIFRS headquarters. The report refers to *“an absence of trust undermining cohesiveness”* and the need to effect a *“step change in the dominant culture”*. Mr Craig told the Committee that, as Chief Fire Officer, he had to deal with difficulties in staff relationships at a senior level and described an organisation in which *“people will not work with one another”*. The Chair described to the Committee a *“toxic environment”* in NIFRS headquarters which had been at the root of so many of the problems the organisation faced.

80. The Committee finds this state of affairs to be appalling. The dysfunctional culture operating in NIFRS headquarters cannot be allowed to continue. The departmental Accounting Officer told the Committee that NIFRS needs to move to a culture that is more modern, responsive and accountable. The Interim Chief Executive told the Committee of the need to build openness, transparency, trust and confidence. The Committee agrees with both these views and accepts that this cannot be done easily or quickly. NIFRS must establish a culture in which individuals have the confidence to blow the whistle if they see a problem, without fear of punishment. For the Committee, three things have to happen to address the dreadful culture in NIFRS: there must be effective leadership to drive up standards; good management to ensure that the right procedures are in place and are applied; and appropriate disciplinary action when failures occur.
81. The Committee applauds the commitment and professionalism of our fire-fighters. It is the fire-fighters and the Service's support staff who have suffered most from the extremely poor leadership provided by senior management in the past. The Committee is aware that there are areas where performance could be improved. The 2010 independent assessment, conducted by the Audit Commission, found NIFRS was providing "*an effective emergency response*". However, the review assessed NIFRS as "*performing adequately overall*" which the Audit Commission defined as "*meeting minimum requirements only*". The Committee wants to see the Department, the NIFRS Board and senior management work together to move the Service to a strong governance position where its main focus can be on improving performance rather than dealing with the legacy of past mismanagement.



Northern Ireland
Assembly

Appendix 1

Minutes of Proceedings of the Committee Relating to the Report

Wednesday, 10 April 2013

Room 29, Parliament Buildings

Present: Ms Michaela Boyle (Chairperson)
Mr John Dallat (Deputy Chairperson)
Mr Trevor Clarke
Mr Michael Copeland
Mr Paul Girvan
Mr Daithí McKay
Mr Mitchel McLaughlin
Mr Adrian McQuillan

In Attendance: Miss Aoibhinn Treanor (Assembly Clerk)
Mr Phil Pateman (Assistant Assembly Clerk)
Mrs Danielle Saunders (Clerical Supervisor)
Mr Darren Weir (Clerical Officer)

Apologies: Mr Sammy Douglas
Mr Ross Hussey
Mr Séan Rogers

2:15pm The meeting opened in public session.

3:07pm Mr Copeland left the meeting.

3:17pm Mr Copeland entered the meeting.

3:25pm Mr McQuillan left the meeting.

3:40pm Mr Copeland and Mr McKay left the meeting.

7. Briefing on NIAO Report on 'Northern Ireland Fire and Rescue Service: An Organisational Assessment and Review of Departmental Oversight' and 'Report on Accounts 2011-2012'

Mr Kieran Donnelly Comptroller and Auditor General; and Joe Campbell, Audit Manager came to the table.

The Committee considered the above report on 'Northern Ireland Fire and Rescue Service: An Organisational Assessment and Review of Departmental Oversight' and 'Report on Accounts 2011-2012'.

3:47pm Mr Clarke and Mr Girvan declared an interested stating that they know an individual named within the report.

Ms Louise Mason, Assistant Auditor General; and Ms Jacqueline O'Brien, Audit Manager; briefed the Committee on the report.

3:54pm The meeting went into closed session.

Mr Donnelly, Ms Mason and Ms O'Brien answered detailed questions from Committee members on the report.

4:17pm Mr McLaughlin left the meeting. The meeting was inquorate for decisions.

4:45pm Mr McKay entered the meeting.

4:46pm Mr McKay left the meeting.

4:58pm Mr Girvan left the meeting.

4:59pm Mr Girvan entered the meeting.

5:03pm Mr Clarke left the meeting. The meeting was entirely inquorate.

5:19pm Mr McKay entered the meeting.

[EXTRACT]

Wednesday, 17 April 2013

Room 29, Parliament Buildings

Present: Ms Michaela Boyle (Chairperson)
Mr John Dallat (Deputy Chairperson)
Mr Trevor Clarke
Mr Paul Girvan
Mr Ross Hussey
Mr Daithí McKay
Mr Seán Rogers

In Attendance: Miss Aoibhinn Treanor (Assembly Clerk)
Mr Phil Pateman (Assistant Assembly Clerk)
Mrs Danielle Saunders (Clerical Supervisor)
Mr Darren Weir (Clerical Officer)

Apologies: Mr Michael Copeland
Mr Sammy Douglas
Mr Chris Hazzard
Mr Adrian McQuillan

2:02pm The meeting opened in public session.

2:06pm Mr Girvan entered the meeting.

2:07pm Mr McKay left the meeting.

2:08pm Mr McKay entered the meeting.

2:21pm The meeting went into closed session.

4. Preparation Session on Northern Ireland Audit Office Report on 'Northern Ireland Fire and Rescue Service: An Organisational Assessment and Review of Departmental Oversight' and Report on Accounts 2011-12

The Committee explored core issues arising from the Audit Office reports in preparation for its forthcoming evidence session on 25 April 2013.

2:30pm Mr Dallat and Mr Girvan left the meeting.

2:33pm Mr Dallat entered the meeting.

2:34pm Mr Girvan entered the meeting.

3:02pm Mr Clark left the meeting.

3:07pm Ms Boyle left the meeting.

3:10pm Ms Boyle entered the meeting.

3:20pm Mr Hussey left the meeting.

3:21pm Mr Clarke entered the meeting.

3:26pm Mr Hussey entered the meeting.

3:29pm Mr Girvan left the meeting

3:30pm Mr Girvan entered the meeting.

3:40pm External advisers entered the meeting.

4:22pm Mr Clarke and Mr Rogers left the meeting.

4:25pm Mr Clarke entered the meeting.

4:30pm Mr Dallat left the meeting

4:31pm Mr Rogers entered the meeting.

4:44pm McKay declared an interest stating that he was a former member of the board of the Northern Ireland Fire and Rescue Service.

4:45pm Mr Dallat entered the meeting.

4:50pm Mr McKay left the meeting.

4:53pm Mr McKay entered the meeting.

[EXTRACT]

Wednesday, 24 April 2013

The Senate Chamber, Parliament Buildings

Present: Ms Michaela Boyle (Chairperson)
Mr John Dallat (Deputy Chairperson)
Mr Trevor Clarke
Mr Michael Copeland
Mr Sammy Douglas
Mr Paul Girvan
Mr Chris Hazzard
Mr Daithí McKay
Mr Seán Rogers

In Attendance: Miss Aoibhinn Treanor (Assembly Clerk)
Mr Phil Pateman (Assistant Assembly Clerk)
Mrs Danielle Saunders (Clerical Supervisor)
Mr Darren Weir (Clerical Officer)

Apologies: Mr Ross Hussey
Mr Adrian McQuillan

2:07pm The meeting commenced in closed session.

2:15pm The meeting commenced in open session.

2:15pm Mr Copeland left the meeting.

2:17pm Mr McKay declared an interest stating the he was a former member for the Northern Ireland Fire and Rescue Service.

4. Evidence on the Northern Ireland Audit Office Report ‘Northern Ireland Fire and Rescue Service: An Organisational Assessment and Review of Departmental Oversight’ and C&AG’s report on NIFRS Accounts 2011-12.

The Committee took oral evidence on the above report from:

- Dr Andrew McCormick, Accounting Officer, Department of Health, Social Services and Public Safety (DHSSPS);
- Ms Julie Thompson, Senior Finance Director and Deputy Secretary, Department of Health, Social Services and Public Safety (DHSSPS);
- Mr Jim Wallace, Interim Chief Executive, Northern Ireland Fire and Rescue Service (NIFRS); and
- Mr Peter Craig, Former Chief Fire Officer, Northern Ireland Fire and Rescue Service (NIFRS).

2:57pm Mr McKay left the meeting.

2:58pm Mr McKay entered the meeting.

4:18pm Mr Douglas and Mr Girvan left the meeting.

4:18pm The meeting was suspended.

4:31pm The meeting recommenced in public session.

4:37pm Mr Dallat left the meeting.

4:39pm Mr Dallat entered the meeting.

4:58pm Mr Rogers left the meeting.

5:16pm Mr McKay left the meeting.

5:18pm McKay entered the meeting.

5:31pm Mr Dallat left the meeting.

5:32pm Mr Dallat entered the meeting.

The witnesses answered a number of questions put by the Committee.

Agreed: The Committee agreed to write for follow-up information after the session.

6:05pm The meeting went into closed session.

[EXTRACT]

Wednesday, 1 May 2013

Room 29, Parliament Buildings

Present: Ms Michaela Boyle (Chairperson)
Mr John Dallat (Deputy Chairperson)
Mr Trevor Clarke
Mr Paul Girvan
Mr Chris Hazzard
Mr Ross Hussey
Mr Daithí McKay
Mr Adrian McQuillan
Mr Seán Rogers

In Attendance: Miss Aoibhinn Treanor (Assembly Clerk)
Mr Phil Pateman (Assistant Assembly Clerk)
Mrs Danielle Saunders (Clerical Supervisor)
Mr Darren Weir (Clerical Officer)

Apologies: Mr Michael Copeland
Mr Sammy Douglas

2:02pm The meeting opened in public session.

2:03pm Mr Girvan, Mr Hazzard and Mr McQuillan entered the meeting.

2:05pm Mr McKay left the meeting.

2:07pm Mr McKay entered the meeting.

2:28pm The meeting went into closed session.

5. Inquiry on 'Northern Ireland Fire and Rescue Service: An Organisational Assessment and Review of Departmental Oversight' and Report on Accounts 2011/12

The Committee considered and developed an issues paper relating to the evidence session held on 'Northern Ireland Fire and Rescue Service: An Organisational Assessment and Review of Departmental Oversight' and Report on Accounts 2011/12.

3:11pm Mr McQuillan left the meeting.

Agreed: The Committee agreed to write to the media supplier referred to the during its evidence session to clarify some information; and to pose further written questions to the Department.

[EXTRACT]

Wednesday, 15 May 2013

Room 29, Parliament Buildings

Present: Mr John Dallat (Deputy Chairperson)
Mr Trevor Clarke
Mr Michael Copeland
Mr Paul Girvan
Mr Chris Hazzard
Mr Ross Hussey
Mr David McIlveen
Mr Daithí McKay
Mr Seán Rogers

In Attendance: Miss Aoibhinn Treanor (Assembly Clerk)
Mr Phil Pateman (Assistant Assembly Clerk)
Mrs Danielle Saunders (Clerical Supervisor)
Mr Darren Weir (Clerical Officer)

Apologies: Ms Michaela Boyle (Chairperson)
Mr Adrian McQuillan

2:01pm The meeting opened in public session.

2:04pm Mr Girvan entered the meeting.

2:06pm Mr Copeland entered the meeting.

2:10pm Mr McKay entered the meeting.

2:21pm The meeting went into closed session.

Inquiry on 'Northern Ireland Fire and Rescue Service: An Organisational Assessment and Review of Departmental Oversight' and Report on Accounts 2011/12

2:41pm Mr Copeland left the meeting.

Correspondence from Ardmore Advertising

The Committee noted correspondence from Mr John Keane, Managing Director, Ardmore Advertising acknowledging its request for information relating to its NIFRS inquiry.

Correspondence from Ms Linda Ford

The Committee noted correspondence from Ms Linda Ford regarding the Official Report of its evidence session on 'Northern Ireland Fire and Rescue Service: An Organisational Assessment and Review of Departmental Oversight' and Report on Accounts 2011/12.

Agreed: The Committee agreed to factor the information into its draft report for consideration at a future meeting; and to give a right of reply to persons mentioned in the letter.

2:52pm Mr Copeland entered the meeting.

[EXTRACT]

Wednesday, 29 May 2013

Room 29, Parliament Buildings

Present: Ms Michaela Boyle (Chairperson)
Mr John Dallat (Deputy Chairperson)
Mr Trevor Clarke
Mr Michael Copeland
Mr Chris Hazzard
Mr Paul Girvan
Mr Daithí McKay
Mr Adrian McQuillan
Mr Seán Rogers

In Attendance: Miss Aoibhinn Treanor (Assembly Clerk)
Mr Phil Pateman (Assistant Assembly Clerk)
Mrs Danielle Saunders (Clerical Supervisor)
Mr Darren Weir (Clerical Officer)

Apologies: Mr Ross Hussey
Mr David McIlveen

2:28pm The meeting opened in public session.

2:30pm Mr Rogers entered the meeting.

2:33pm Mr Copeland entered the meeting.

2:43pm Mr McQuillan left the meeting.

2:45pm Mr Hazzard entered the meeting.

2:53pm Mr McQuillan entered the meeting.

2:57pm Mr McKay entered the meeting.

3:17pm Mr Rogers left the meeting.

3:28pm The meeting went into closed session.

3:55pm Mr Dallat left the meeting.

4:00pm Mr Dallat entered the meeting.

4:18pm Mr Clarke left the meeting.

4:20pm Mr Clarke entered the meeting.

4:20pm Mr McQuillan left the meeting.

4:20pm Mr Clarke left the meeting.

4:21pm Mr Clarke entered the meeting.

4:40pm Mr Copeland left the meeting.

4:43pm Mr McQuillan entered the meeting.

4:55pm Mr Girvan left the meeting.

4:51pm Mr Hazzard left the meeting.

4:56pm Mr McQuillan left the meeting.

5:02pm Mr McKay left the meeting.

5:02pm The meeting was inquorate.

5:05pm Mr Girvan entered the meeting.

5:07pm Mr McKay entered the meeting.

The meeting was inquorate.

3:25pm Mr McQuillan left the meeting.

3:40pm Mr Copeland and Mr McKay left the meeting.

7. Inquiry on 'Northern Ireland Fire and Rescue Service: An Organisational Assessment and Review of Departmental Oversight' and 'Report on Accounts 2011-2012'

Correspondence from Ardmore Advertising

The Committee noted correspondence from Mr John Keane, Managing Director, Ardmore Advertising providing the additional information sought by the Committee following its evidence session on 25 April 2013.

Agreed: The Committee agreed to factor the information into its draft report for consideration at a later date.

Correspondence from Charles Hurst

The Committee noted correspondence from Mr Surgernor, Chairman, Charles Hurst providing the additional information sought by the Committee following its evidence session on 25 April 2013.

Agreed: The Committee agreed to factor the information into its draft report for consideration at a later date.

Correspondence from Mr Peter Craig

The Committee noted correspondence from Mr Peter Craig, Former Chief Fire Officer in response to its offer of a right to reply to correspondence sent to it by Mrs Linda Ford.

Agreed: The Committee agreed to factor the information into its draft report for consideration at a later date.

Correspondence from the Department of Health, Social Services and Public Safety

The Committee noted correspondence from Dr Andrew McCormick, Accounting Officer, Department of Health, Social Services and Public Safety providing the additional information sought by the Committee following its evidence session on 25 April 2013.

Agreed: The Committee agreed to invite Mr Joe McKee, Chairman, Northern Ireland Fire and Rescue Service to give further oral evidence at the meeting of 12 June accompanied by the relevant Accounting Officer(s).

Correspondence from the Department of Health, Social Services and Public Safety

The Committee noted correspondence from Dr Andrew McCormick, Accounting Officer, Department of Health, Social Services and Public Safety in response to its offer of a right to reply to correspondence sent to it by Mrs Linda Ford.

Agreed: The Committee agreed to factor the information into its draft report for consideration at a later date.

[EXTRACT]

Wednesday, 12 June 2013

3rd Floor Management Suite. Northland Campus, North West Regional College

Present: Ms Michaela Boyle (Chairperson)
Mr John Dallat (Deputy Chairperson)
Mr Trevor Clarke
Mr Michael Copeland
Mr Paul Girvan
Mr Chris Hazzard
Mr Ross Hussey
Mr Seán Rogers

In Attendance: Miss Aoibhinn Treanor (Assembly Clerk)
Mrs Danielle Saunders (Clerical Supervisor)
Mr Darren Weir (Clerical Officer)

Apologies: Mr David McIlveen
Mr Daithí McKay
Mr Adrian McQuillan

2:23pm The meeting opened in public session.

4. Evidence session on the Inquiry into NI Fire and Rescue Service: An Organisational Assessment and Review of Departmental Oversight and Report on Accounts 2011-12

The Committee took oral evidence on the above inquiry from:

- Mr Jim Wallace, Interim Chief Executive, NI Fire and Rescue Service (NIFRS); and
- Dr Joe McKee, Chairman of the NIFRS Board.

The witnesses answered a number of questions put by the Committee.

3:05pm Paul Girvan left the meeting.

3:50pm John Dallat left the meeting.

3:55pm Michael Copeland left the meeting.

3:58pm John Dallat re-entered the meeting.

3:59pm Paul Girvan re-entered the meeting.

4:01pm Chris Hazzard left the meeting.

4:20pm Chris Hazzard re-entered the meeting.

4:20pm Seán Rogers left the meeting.

4:40pm Ross Hussey left the meeting.

4:51pm Ross Hussey re-entered the meeting.

Agreed: The Committee agreed to write for follow-up information after the session.

5:02pm The meeting moved to closed session.

[EXTRACT]

Wednesday, 19th June 2013

Rooms 54 and 29, Parliament Buildings

Present: Ms Michaela Boyle (Chairperson)
Mr John Dallat (Deputy Chairperson)
Mr Trevor Clarke
Mr Michael Copeland
Mr Paul Girvan
Mr Chris Hazzard
Mr Ross Hussey
Mr David McIlveen
Mr Daithí McKay
Mr Adrian McQuillan
Mr Seán Rogers

In Attendance: Miss Aoibhinn Treanor (Assembly Clerk)
Mrs Hilary Bogle (Assistant Assembly Clerk)
Mrs Danielle Saunders (Clerical Supervisor)
Mr Darren Weir (Clerical Officer)

Apologies: None

1:00pm The meeting opened in closed session in Room 54.

1:42pm Audit Office officials joined the meeting

2:03pm Mr McIlveen left the meeting.

2:05pm The meeting was adjourned to re-convene in Room 29.

2:12pm The meeting re-convened in public session in Room 29.

2:35pm Mr McIlveen returned to the meeting.

2:38pm Mr Hussey joined the meeting.

2:55pm The Committee moved into closed session.

3:00pm Mr Copeland and Mr Dallat left the meeting.

3:05pm Mr Dallat returned to the meeting.

3:07pm Mr Copeland returned to the meeting.

6. Inquiry into NI Fire and Rescue Service: An Organisational Assessment and Review of Departmental Oversight and Report on Accounts 2011 – 2012

Members noted that the tabled paper would contribute to the draft report on this inquiry.

The Chairperson invited the C&AG, Ms Jacqueline O'Brien and Ms Louise Mason, NIAO to brief the Committee on this issue.

Following discussion the members went through the issues paper paragraph by paragraph.

Paragraph 1 - read and agreed.

Paragraph 2 - read and agreed as amended.

Paragraph 3 - read and agreed.

Paragraph 4 - read and agreed.

Paragraph 5 - read and agreed.

Paragraph 6 – not agreed.

4:18pm Mr McQuillan left the meeting.

Agreed: The Committee agreed to write to the Health Committee in relation to the issue in paragraph 6 of the draft issues paper to ensure that the undertaking made is followed up.

4:21pm Mr McQuillan returned to the meeting.

Agreed: The Committee agreed to consider the draft report on this inquiry next Wednesday, 26th June 2013 at 1.00pm (with lunch available from 12.45pm).

[EXTRACT]

Wednesday, 26 June 2013

Room 115 and The Senate Chamber, Parliament Buildings

Present: Ms Michaela Boyle (Chairperson)
Mr John Dallat (Deputy Chairperson)
Mr Trevor Clarke
Mr Michael Copeland
Mr Paul Girvan
Mr Chris Hazzard
Mr Mr Daithí McKay
Adrian McQuillan
Mr Seán Rogers

In Attendance: Miss Aoibhinn Treanor (Assembly Clerk)
Mrs Roisin Donnelly (Assistant Assembly Clerk)
Mrs Danielle Saunders (Clerical Supervisor)
Mr Jonathan Watson (Clerical Officer)

Apologies: Mr David McIlveen
Mr Ross Hussey

1:18pm The Deputy Chairperson opened the meeting in closed session in Room 115.

1. Inquiry into NI Fire and Rescue Service: An Organisational Assessment and Review of Departmental Oversight and Report on Accounts 2011-2012 – consideration of draft report

1:18pm Audit Office officials joined the meeting.

The Deputy Chairperson invited the C&AG, Ms Jacqueline O'Brien, Ms Louise Mason and Mr Joe Campbell to brief the Committee on this issue.

Following discussion the Members considered paragraphs 1 to 30 of its draft report.

1:56pm Mr Copeland entered the meeting.

The Committee considered the draft report paragraph by paragraph.

Paragraphs 1 – 11 read and agreed.

Paragraph 12 read, amended and agreed.

Paragraphs 13 – 19 read and agreed.

Paragraph 20, recommendation 1 and recommendation 2 read, amended and agreed.

Paragraphs 21 – 24 read and agreed.

Paragraph 25 read, amended and deferred subject to legal advice.

Agreed: The Committee agreed to seek legal advice on the proposed amendment to paragraph 25.

Paragraphs 26 – 30 read and agreed.

Agreed: The Committee agreed to resume consideration of the draft report at its next meeting.

[EXTRACT]

Wednesday, 11 September 2013

Room 29, Parliament Buildings

Present: Ms Michaela Boyle (Chairperson)
Mr John Dallat (Deputy Chairperson)
Mr Trevor Clarke
Mr Michael Copeland
Mr Paul Girvan
Mr Chris Hazzard
Mr Ross Hussey
Mr David McIlveen
Mr Mr Daithí McKay
Mr Adrian McQuillan
Mr Seán Rogers

In Attendance: Miss Aoibhinn Treanor (Assembly Clerk)
Mr Oliver Bellew (Assistant Assembly Clerk)
Mrs Danielle Saunders (Clerical Supervisor)
Mr Darren Weir (Clerical Officer)

Apologies: None

2:09pm The meeting opened in public session in Room 29.

2:56pm Mr Hussey left the meeting

3:10pm Mr Copeland left the meeting

3:15pm Mr Girvan left the meeting

3:16pm Mr Copeland returned

3:19pm Mr Hazzard left the meeting

3:24pm Mr Girvan re-joined the meeting

3:31pm the meeting moved into closed session in order that the Committee receive legal advice

3:38pm Mr Hazzard returned

3:46pm Mr McIlveen left the meeting

3:52pm Mr Clarke left the meeting

3:55pm Mr Clarke re-joined the meeting

4:07pm Mr Dallat left the meeting

4:10pm Mr Copeland left the meeting

4:12pm Mr Copeland re-joined the meeting

4:14pm The Committee agreed to suspend the meeting

4:29pm The meeting resumed in closed session

4.30pm Mr Dallat re-joined the meeting

6. Briefing on the Northern Ireland Audit Office Report on 'NI Fire and Rescue Service: An Organisational Assessment and Review of Departmental Oversight' and 'Report on Accounts 2011-2012'

The Chairperson welcomed the C&AG and NIAO officials Jacqueline O'Brien; Louise Mason; and Richard Emerson, and invited them to brief the Committee on further correspondence received in relation to the inquiry.

4:38pm Mr McQuillan left the meeting

4:54pm Mr McKay left the meeting

5:02pm Mr McKay re-joined the meeting

5:06pm Mr Copeland left the meeting

Members considered the Committee's draft report.

Paragraph 31 Read and agreed

Paragraph 32 Read, amended and agreed

Paragraph 33 Read, amended and agreed

Paragraph 34 Read, amended and agreed

Recommendation 4 Read, amended and agreed.

[EXTRACT]

Wednesday, 18 September 2013

Room 29, Parliament Buildings

Present: Ms Michaela Boyle (Chairperson)
Mr John Dallat (Deputy Chairperson)
Mr Trevor Clarke
Mr Michael Copeland
Mr Alex Easton
Mr Paul Girvan
Mr Chris Hazzard
Mr Daithí McKay
Mr Seán Rogers

In Attendance: Miss Aoibhinn Treanor (Assembly Clerk)
Mr Oliver Bellew (Assistant Assembly Clerk)
Mrs Danielle Saunders (Clerical Supervisor)
Mr Darren Weir (Clerical Officer)

Apologies: Mr Ross Hussey
Mr Adrian McQuillan

2:07pm The meeting opened in public session in Room 29.

The Chairperson welcomed Mr Alex Easton to the Committee and thanked Mr David McIlveen for his work on the Committee.

2:11pm The meeting moved to closed session

2:12pm Mr Girvan joined the meeting

2:15pm Mr Hazzard left the meeting

2:47pm Mr McKay joined the meeting

2:58pm Mr Copeland left the meeting

3:00pm Mr Copeland re-joined the meeting

3:06pm Mr Hazzard re-joined the meeting

3:09pm The external advisers left the meeting

3:30pm Mr Clarke left the meeting

3:34pm Mr Copeland left the meeting

3:39pm Mr Clarke re-joined the meeting

3:50pm Mr Copeland re-joined the meeting

3:58pm The external advisers re-joined the meeting

4:03pm Mr Girvan left the meeting

4:05pm Mr Girvan re-joined the meeting

6. Northern Ireland Audit Office Report on 'NI Fire and Rescue Service: An Organisational Assessment and Review of Departmental Oversight' and 'Report on Accounts 2011-2012' – Consideration of Draft Report

Alex Easton MLA declared an interest as the Private Secretary to the Minister for Health, Social Services and Public Safety.

4:22pm Mr Easton left the meeting

4:23pm Mr Dallat left the meeting

4:26pm Mr Dallat re-joined the meeting

Members considered the Committee's draft report.

Paragraphs 34 - 36 Read and agreed

Paragraph 37 - 38 Read, amended and agreed

Paragraph 39 - 40 Read and agreed

Paragraph 41 - 43 Read, amended and agreed

Paragraph 44 Read and agreed

4:50pm Mr Girvan left the meeting

5:00pm Mr McKay left the meeting

Agreed: The Committee agreed to seek an additional draft paragraph as discussed.

5:00pm Mr Clarke left the meeting

5:01pm Mr Copeland left the meeting

[EXTRACT]

Wednesday, 25 September 2013

Senate Chamber, Parliament Buildings

Present: Ms Michaela Boyle (Chairperson)
Mr John Dallat (Deputy Chairperson)
Mr Trevor Clarke
Mr Michael Copeland
Mr Alex Easton
Mr Paul Girvan
Mr Daithí McKay
Mr Adrian McQuillan
Mr Seán Rogers

In Attendance: Miss Aoibhinn Treanor (Assembly Clerk)
Mr Oliver Bellew (Assistant Assembly Clerk)
Mrs Danielle Saunders (Clerical Supervisor)
Mr Darren Weir (Clerical Officer)

Apologies: Mr Chris Hazzard
Mr Ross Hussey

2:04pm The meeting opened in public session in the Senate Chamber.

2:25pm Mr Rogers joined the meeting

2:27pm Mr McKay joined the meeting

3:08pm Mr Dallat left the meeting

3:09pm Mr Dallat re-joined the meeting

3:19pm Mr Girvan left the meeting

3:20pm Mr Copeland left the meeting

3:20pm Mr Girvan re-joined the meeting

3:38pm Mr Coplenad re-joined the meeting

3:50pm Mr McKay left the meeting

4:04pm Mr McKay re-joined the meeting

4:14pm Mr Clarke left the meeting

4:20pm Mr Clarke re-joined the meeting

4:24pm Mr Dallat left the meeting

4:27pm Mr Easton left the meeting

4:30pm Mr Easton re-joined the meeting

4:41pm Mr Copeland left the meeting

4:41pm Mr Dallat re-joined the meeting

4:47pm Mr Copeland re-joined the meeting

4:54pm The meeting moved to closed session

4:54pm Mr Clarke, Mr Copland and Mr Girvan left the meeting

4:55pm Mr Copeland re-joined the meeting

4:56pm Mr Clarke re-joined the meeting

4:59pm Mr Girvan re-joined the meeting

5:01pm Mr McKay re-joined the meeting

5:04pm Mr McKay left the meeting

5:19pm Mr Easton left the meeting

5:20pm Mr Clarke left the meeting

Agreed: The Committee agreed to suspend the meeting.

5:36pm the meeting resumed in closed session

5. Northern Ireland Audit Office Report on 'NI Fire and Rescue Service: An Organisational Assessment and Review of Departmental Oversight' and 'Report on Accounts 2011-2012' – Consideration of Draft Report

Members considered the Committee's draft report.

Paragraphs 44 -49 read and agreed

Paragraphs 50 – 57 read, amended and agreed

Paragraph 58 read and agreed.

Paragraph 59 read, amended and agreed

Recommendation 8 read, amended and agreed

Paragraph 60 read and agreed

Paragraph 61 read, amended and agreed

Paragraphs 62 – 67 read and agreed

Paragraphs 68 – 71 read, amended and agreed

Paragraphs 72 – 73 read and agreed

Paragraphs 74 -75 read, amended and agreed

6:06pm Mr Copeland left the meeting

6:08pm Mr Copeland re-joined the meeting.

Paragraph 76 read, amended and agreed

Recommendation 10 read, amended and agreed

Paragraphs 77 – 82 read, amended and agreed

Recommendation 11, read and agreed

Paragraphs 83 – 84, read and agreed

Paragraph 85 read, amended and agreed

Paragraphs 13; 25; and 29, read, amended and agreed.

Consideration of the Executive Summary

Read and agreed as per the main report.

Agreed: The Committee agreed the correspondence to be included within the report.

Agreed: The Committee ordered the report to be printed.

[EXTRACT]



Northern Ireland
Assembly

Appendix 2

Minutes of Evidence

10. **Dr McCormick:** In the period between that report and around 2008-9, there were some indicators that suggested that things were acceptable. When the irregular payments — the issue of non-uniformed directors' pay — hit us, we had to look at the organisation more fully. We commissioned the Department of Finance and Personnel (DFP) to investigate. At that stage, it became clear that there was a deeper issue. The work that DFP did and the Audit Commission review gave us all a very clear basis for moving forward and correcting what was a long-standing set of cultural difficulties.
11. **The Chairperson:** Are you content with that?
12. **Mr Girvan:** I will come back in later.
13. **Mr Dallat:** I will follow up on Paul's question. Paul, of course, is far too young to remember the previous report in 2002. I remember it vividly because it was a bad report. It bordered on the worst that I have come across. I have a list of meetings that your Department has had with the Fire Service in various ways. There were 114 of them, but you attended only one. Worse than that, you were chucked out of a meeting on 31 August 2012 so that the Fire Service could discuss a staff grievance — the very thing that has rocked the Fire Service to its foundations. What confidence do we have today that you are going to put in place people who are properly trained, have the proper skills and are at senior management level? With the crisis or, if you like, the cacophony of corruption, that is alleged to be running through this organisation, how can we have that confidence? You need to come up with something better than what you have come up with so far.
14. **Dr McCormick:** I understand and accept the points you make. This is a serious set of issues. I have had regular personal engagement through the accountability meetings. They occur at least twice a year, and, in some cases, more often. I have been having those meetings with the chair, the Chief Fire Officer and, more recently, with Jim as acting chief executive. That is my normal conduct. I do not normally attend the Fire Service board meetings, but we are represented at those meetings and at the audit committee. So, since 2009, there has been very intense oversight.
15. **Mr Dallat:** Chairperson, I will come back later.
16. **Mr Clarke:** I appreciate that we are only at the start of this, but there were some interesting buzzwords in your opening remarks, Dr McCormick. You talked about systems working properly; you referred to internal auditing; and you said that whistle-blowing should not be necessary. I appreciate that it should not be necessary. The fact is that it has been necessary. Before we get into this, how can you convince me now that you are confident that the people you have in place are going to do the job? The systems and individuals who were in place when some of the failings occurred are still in place. Take internal audit, for instance. If I were you, I would get the brightest bulb that you have in your cabinet and shine it strongly on it. Before we even get into the report, how has some of this stuff not been brought to the table by internal audit before? Why is it taking so long?
17. **Dr McCormick:** There are several points to respond to there. I agree that we need to have strong internal audits, and Jim is working on that within the organisation. A major focus of my attention is my relationship with, and dependence on, my internal audit team. We have had to supplement that work with special exercises as a result of what has emerged.
18. **Mr Clarke:** You say that the problem started to come to light in 2009, yet you are also saying that you are still trying to appoint people, four years after some of this came to light. It has taken too long. That is four years for a culture that, according to this report, has been particularly bad. The report is damning of the organisation. Things came to light in 2009, but, in 2013, we are still talking about putting people in place.

19. **Dr McCormick:** Some things came to light in 2009. As a result of that, we then had a change of board and chairman and a series of changes at Chief Fire Officer level. It was around the time of the investigation into the whistle-blowing that Peter retired. I then had to have very serious discussions with Joe McKee, as chair, about how to deal with the situation. At that stage, I was also talking to Sir Ken Knight, the then chief fire and rescue adviser to the Department for Communities and Local Government in England. I was taking advice at the highest level on how to provide interim leadership in a context in which there was not a pool of applicants stepping forward to apply to be Chief Fire Officer.
20. **The Chairperson:** Thank you for that. From listening to you, it is very clear to me and, I am sure, to Committee members that your eye was taken off the ball during this period. Do you agree with that, Mr McCormick?
21. **Dr McCormick:** There was a period in which we had reason to believe that things were not too bad. I acknowledge that many other things had to be done on all the health and social care issues, and there has always been a unit in the Department responsible for looking after the Fire and Rescue Service, but what I am saying is that we were not fully aware of the range of difficulties. There was a need to look at that at various stages, but we would certainly not expect an organisation to depart from its obligations, as happened with the non-uniformed directors' pay issue. That was a breach of governance that should not have happened.
22. **The Chairperson:** Thank you, Dr McCormick. My second question is to you, Mr Craig. Dr McCormick mentioned having a "reasonable degree of confidence". I am concerned about the understanding of accountability in the Fire and Rescue Service. You were the accounting officer at the time when a lot of the recent whistle-blower allegations arose. What do you understand to be the responsibilities of an accounting officer?
23. **Mr P Craig:** To ensure that public money is correctly allocated and correctly spent and that there are the audit trails and processes to back that up. Other responsibilities are to report any irregularities, real or perceived, and to make sure that, at all stages, there is proper governance and that we are looking after what is effectively your money and my money on a day-to-day basis.
24. **The Chairperson:** OK. Were all the irregularities in the report reported on?
25. **Mr P Craig:** Yes. A substantial number of them occurred in the period before I became the accounting officer. The whistle-blowing occurred before I became the accounting officer. I inherited that on the way through. During my period as acting chief and as chief, other matters came up. I reported those, as I was required to do.
26. **The Chairperson:** Who did you report those to?
27. **Mr P Craig:** I reported them through the board and up to the Department.
28. **The Chairperson:** OK. Mr Wallace, I understand that you have come in on a rescue mission for the Fire and Rescue Service, if you will pardon the pun. How have you gone about that? How did you advise the board at the time?
29. **Mr Jim Wallace (Northern Ireland Fire and Rescue Service):** I have been very fortunate in that I have worked for four fire and rescue services now: two in England and one in Scotland before coming to Northern Ireland. Although the service that they provide is very similar and consistent, each organisation has been quite different in its own right. Northern Ireland Fire and Rescue Service is no different, although it may have some unique challenges, which I was aware of before coming in. I was perhaps not aware of the extent and depth of those challenges when I arrived, but that was the position from which I started.
30. **The Chairperson:** I am sure that members will ask you later about how

- you advised the board. I am curious to hear about the external overview report. How did you go about vetting its authors before recommending them to the board? I know that members will touch on that later, but can you comment briefly on how that came about?
31. **Mr Wallace:** Certainly. The reports were published back in October 2012 and were very wide-ranging. They covered almost every aspect of our organisational activity, but they were all produced on the basis of a specific piece of work on fairly narrow elements of the organisation's activity.
32. **The Chairperson:** OK. I may come back to that later.
33. **Mr Girvan:** I want to follow up on the point about bringing in Steven Torrie and Brian Sweeney to carry out that external overview. How did that come about? Was that openly tendered for, or was this someone whom you had some connection with in the past?
34. **Mr Wallace:** Prior to coming over here, I worked with the Scottish Government, where Steven Torrie, as the chief inspector, was based. Prior to that, I worked with Brian Fraser, who was the chief inspector in Wales, and Sir Ken Knight, the recently retired chief inspector in England, so there was some relationship that I could have had with all three.
35. **The Chairperson:** Deputy Chair, did you want in?
36. **Mr Dallat:** Yes, but if you want to go first, I will follow up.
37. **The Chairperson:** Thank you. Mr Wallace, obviously there was a cost for that external overview, and I am sure that members will be interested in hearing whether that cost is available to us today. Do you have the figure off the top of your head as to how much it cost to do the external overview?
38. **Mr Wallace:** There was no financial cost levied on the service or the Department for that exercise. It was done as a professional courtesy on the basis of something that was asked of me. I was very grateful for it, and that was one of the first questions that I asked, because, clearly, there would have been a tendering process that would have had to take place. As I said, it was done on a professional basis.
39. **Mr Dallat:** Mr Wallace, are you aware that one of those two people was the subject of an investigation himself, relating to conflicts of interest through sitting on a panel that influenced his own salary?
40. **Mr Wallace:** Are you referring to Mr Sweeney?
41. **Mr Dallat:** Yes.
42. **Mr Wallace:** I think that Mr Sweeney has, by his own admission, been the subject of many accusations and deliberations over the years, none of which has necessarily been found to be substantiated. I was advised, and I had my own view on his experience, particularly in the issues that we were dealing with in Northern Ireland. Given the size and nature of the Northern Ireland Fire and Rescue Service, there are not many comparable services across the UK from which you could get someone with that insight.
43. **Mr Dallat:** Surely on reflection, that was not a good decision. Given the horrendous difficulties in the Northern Ireland Fire and Rescue Service, you brought in somebody who was linked to you and who had a chequered past, yet you expect the report to be credible and independent. Would you do it again?
44. **Mr Wallace:** If the circumstances dictated — hopefully they will not — and I were in a situation in which I had to bring in expertise, I would certainly consider the nature and source of that expertise, given the individual circumstances at the time. There was a specific set of quite unique criteria on this occasion, and the individuals who were brought in carried out what I consider to be a very helpful review, which we have actually taken on board.

45. **Mr Clarke:** I am struggling with what Mr Wallace has just said. In your first response to Mr Dallat, I think that you suggested that there was no foundation to the criticisms levelled, particularly against Mr Sweeney. What is your view of the Northern Ireland Audit Office (NIAO) and the role that it plays? How valuable do you consider the contribution that the Northern Ireland Audit Office makes?
46. **Mr Wallace:** It is difficult to give a concise judgement, given the relatively short time. I can compare it only on the basis of what I have experienced with the Audit Commission, Audit Scotland and the Accounts Commission, all of which, I have felt, were very helpful, supportive and challenging in what I have been involved with. The NIAO, in my experience, is very similar. Recommendations that have been made on a sound basis give us something to work with.
47. **Mr Clarke:** I appreciate that, and I count that as a positive response, and I probably share that view. You said to the Deputy Chair that the allegations against Mr Sweeney were “unfounded”, or a similar form of words. Are you not aware that Audit Scotland had also named Mr Sweeney in allegations?
48. **Mr Wallace:** I am not aware of the detail, but I am conscious that the Strathclyde service, where he was at the time, had an issue with some of the decisions that were made at board level.
49. **Mr Clarke:** From the answer that you gave the Deputy Chair, it seems that you dismissed any allegations against him as being unfounded. As I said, I think that you used the word “unfounded”. That is why I want to get your view on audit in general. You brought in Audit Scotland and compared it to the Northern Ireland Audit Office. I commend you for that, because the role that the NIAO plays is very important. Audit Scotland produced a 32-page report that refers to possible tax liabilities being discovered after the deal was made of a total of £235,000 and that that has been set aside but no money has been paid out. There are various things, but Mr Sweeney has been tied into that. I have nothing to suggest anything about the other gentleman, but you know something about the gentleman and talk about his integrity. I take from what you have said about the Audit Office that you hold it in high esteem. A damning report, which you commissioned, has been done in Scotland about one of the gentlemen, and he has come here to look at a troubled organisation in Northern Ireland. What is your view on that?
50. **Mr Wallace:** I am not party to the detailed investigation report that was carried out into the board decisions, nor am I a party to the detailed implications about Mr Sweeney. I was quite content with the discussions that I had with the chief inspector, who was of the view that the nature of the issues to deal with here warranted the input from a senior officer who could understand what was going on in this size of organisation. The inspectorate also used the same individual in other investigations in the Scottish structure. As I said earlier, I was comforted and content that the advice that was given and the nomination that was provided to me would give me an investigative report or overview that I could use, and that it would be done with the highest integrity.
51. **Mr Clarke:** Having read the report, I am less than content, and I am less than content today. Mr Wallace, in response to the Deputy Chair, stood over his suggestion that what he had done was correct.
52. **Dr McCormick:** I was very comfortable with the process that Jim applied in identifying two people to fulfil this task and with the conduct of it. I was not aware of the document that you have just mentioned. Several things apply. Two people were involved in the work, and it is always good practice to have two people looking at reports. It was also a relatively self-contained remit in reviewing the reports and identifying the issue of whether anything was missing in what the Fire and Rescue Service had done. This was not a full-scale review

- of the whole organisation. The terms of reference were clearly defined. I stand beside Jim in the approach that he has taken, and I believe that the Scottish Government have confidence in their chief inspector. There is some security for us in that. This is going to, as I would do with Whitehall —
53. **Mr Clarke:** I suggest that you should furnish yourself with the 32-page audit report. I think that you are falling into the same trap as Mr Wallace by trying to put someone on a pedestal that I do not necessarily believe he should be on.
- “Review of all Documentation [and] Review of Structure and Governance Arrangements”.*
54. **The Chairperson:** Mr Wallace —
55. **Mr McKay:** Chair, can I just come in?
56. **The Chairperson:** Yes.
57. **Mr McKay:** The witnesses have not considered that information. I think that they should consider it and write back to the Committee with a view. That is important.
58. **Dr McCormick:** We intend to do so.
59. **The Chairperson:** Mr Wallace, when Mr Sweeney and Mr Torrie were here, how long did the external overview take?
60. **Mr Wallace:** As Andrew said, the two individuals undertook a desktop review of all the reports. They did not come in and visit, revisit, interview and re-interview. As we said, it was an overview of all five reports and very much a desktop review of what had gone on.
61. **The Chairperson:** Were they given the information?
62. **Mr Wallace:** They were, Chair. As I said, they were then in a position to put all the recommendations together to get a sense of where the organisation, as a single entity, stood in relation to its difficulties and its ability to cope with the accusations and difficulties as it moved forward. That is what I was brought over for — to take the organisation forward. The external overview gave us an overview of exactly what the implications of all the recommendations were on the organisation’s ability to move forward with a change process.
63. **Mr Clarke:** On that point, Mr Wallace, there is no doubt that the Northern Ireland Fire and Rescue Service has been a troubled organisation for some time. Given that you brought in individuals from another region to give you an independent view of what the organisation was or was not doing correctly, do you think that it was good idea to give them an overview and tell them where to look? Would it not have been better to give them all the information that they needed to make up their own mind, rather than guiding them where to look? You said that you gave them an overview. That would suggest that you gave them an insight and told them where to look, rather than let them look at everything.
64. **Mr Wallace:** The basis on which they were engaged in October was to look at the five published reports specifically, and nothing else. Their report was based on the implications of those reports, a desktop review of the documents in their entirety and a four- to five-week period of checking, rechecking and challenging. I had no input into their findings. I provided no further information about the organisation other than those five reports. That was also the basis on which I was trying to take the organisation forward. They made their judgements and gave their overview purely on their review of those documents and from their perspective.
65. **Mr Douglas:** Mr Wallace, you are in a very prominent position at the moment. Looking at your CV, I notice that you have been involved in change management. Will you outline to the Committee some of the steps that you propose to take to restore the good name of the Northern Ireland Fire and Rescue Service? Over the years, all of us have been very supportive of that aim and of the excellent job that many of your officers have done.

66. **Mr Wallace:** Thank you for that. We should not lose sight of what the service has continued to deliver, in every aspect of its activity, throughout this difficult period. That is important. Through our support staff, volunteers and full-time retained officers, we have continued to make this a safe community. Everyone should be commended on that. I think that it is fair to say that staff have been battered and bruised by the torrent of criticism and accusations that have been directed at us, much of which has been unsubstantiated. That creates its own difficulties and perhaps undermines the confidence and, sometimes, the commitment of our people. In my relatively short experience in the organisation, I have to say that every single person is fully committed to what we are there to achieve and in making sure that the community maintains a safe level of living. Change is clearly needed. What has worked in the past cannot be sustained for the future. As I said earlier, that became more evident from the depth and breadth of the issues. Of course, the key to delivering that is our people.
67. **The Chairperson:** Just before I let the Deputy Chairperson in — Mr Wallace, you are currently in charge of recruitment, is that right?
68. **Mr Wallace:** I think that I am responsible for everything, so, yes.
69. **The Chairperson:** Dr McCormick mentioned that you have a new director of HR and are recruiting for a director of finance and planning. Can you assure the Committee that that competition will demonstrate best practice and value for money? Have there been any problems with that whole process of recruitment?
70. **Mr Wallace:** The two posts are director of finance and procurement, and director of planning and corporate affairs. The director of finance post was vacated in February. We have an interim director at the moment, and we are planning to recruit once we have revisited the responsibilities for the role itself. That follows a realignment of some of our service delivery directorates to make sure that we have a good strategic fit between service delivery and service support. So, there will be minor changes to that. The director of planning and corporate affairs process was completed within the past fortnight, but an appointment was not made. We had a complaint from one of the candidates over some maladministration, and we are dealing with that at the moment.
71. **Mr Dallat:** I want to pick up on that, because it is important. How many months have you been in your position?
72. **Mr Wallace:** Eight.
73. **Mr Dallat:** Eight months. I am sure that you have found them long, but anyway. Were interviews carried out for those two posts? Was there shortlisting?
74. **Mr Wallace:** The process for the director of finance has not started yet. There was an advert, shortlisting and interviews for the director of planning and corporate affairs.
75. **Mr Dallat:** So interviews have taken place?
76. **Mr Wallace:** Yes.
77. **Mr Dallat:** You had two candidates?
78. **Mr Wallace:** The first series of interviews produced two candidates, yes.
79. **Mr Dallat:** Can you tell us more?
80. **Mr Wallace:** The appointments panel on the day, I believe, could not determine between the two, so both candidates were invited back for a final interview to decide whether either was appropriate or suitable.
81. **Mr Dallat:** And? Continue.
82. **Mr Wallace:** The panel decision was to offer the job to one of the candidates, subject to references and a medical, as would normally apply.
83. **Mr Dallat:** Is that person getting the job?
84. **Mr Wallace:** No. That person was not actually offered the job subsequently.
85. **Mr Dallat:** I find this absolutely bizarre. Here we have this fresh man who has

- been in for eight months and who has, so far, been talking about change in the whole culture of the Fire and Rescue Service, and yet, if I heard him correctly, he is telling me now that somebody was appointed and then got a phone call to say that they were not appointed. Am I right?
86. **Mr Wallace:** Chair, we had an official complaint from one of the candidates. We are still looking into that and have not responded to it formally, so I do not think that it would be appropriate to go into the detail, particularly as it has also been referred to —
87. **Mr Dallat:** There is no point in Mr Wallace hiding behind that. We know what happened. What confidence can anybody have in an organisation that approaches recruitment in that way? Silence.
88. **Mr Wallace:** I do not think anybody would suggest for one minute that anybody approaches a recruitment process with the intention of making genuine mistakes. Where we want to appoint someone, there is nothing worse than not appointing except appointing the wrong person. The decision that the appointments panel made was absolutely right and transparent. The mistake that was made subsequent to the decision is something that we will be looking into. We will give a formal response to that in an open and transparent way.
89. **Mr Dallat:** Chairperson, I am conscious that you have to go round everybody. The person who thought they were getting the job worked previously for the Fire Authority for Northern Ireland. Is that correct?
90. **The Chairperson:** The advice from Fiona is that we cannot go into that.
91. **Mr Dallat:** I understand that we are constrained, but I am in the privileged position of knowing exactly what they did.
92. **The Chairperson:** You have been open about the complaint that has been made. I thank you and commend you for that.
93. **Mr Clarke:** Mr Wallace, I take you back to the question my colleague Sammy Douglas asked you. From the outset of the meeting, we should have acknowledged the high esteem and value we place on the job that the Fire and Rescue Service does on a daily basis. If the media are listening to this, the purpose of this is the management of the Fire Service, not the men and women who go out every day to protect people, putting their lives in danger. So, what we say should be put in that context. I appreciate my colleague bringing it round to that.
94. **Mr Rogers:** I was going to make exactly the same point. Is there any part of the report that you take issue with?
95. **Mr Wallace:** Which report?
96. **Mr Rogers:** The NIAO report. You mentioned the idea of allegations being unsubstantiated.
97. **Mr Wallace:** I have no issues with the content of the NIAO report in its entirety. That is something that we have already taken into account. We have built in the recommendations from all the reports, which number well over 100, in our action plan to address them.
98. **Dr McCormick:** I recognise entirely the concerns that members have expressed and want to reinforce our recognition that significant allegations have been substantiated and that we are here to answer your questions about that and to do our best to make sure that you have the full information you need about them. We also recognise that some of the points in the recent Department for Social Development (DSD) report were not substantiated. So, there is a balance to be found. There is some acceptance. I emphasise that all the allegations relate to before Jim's time. I am the one who has been here the longest with total responsibility. We are here to answer on the issues that have arisen, with full recognition that we need to deal with them, accept and resolve them, and then empower Jim, Chris Kerr

- and the wider management team with moving forward. So, we need to try to draw a line. However, in this hearing and previous Health Committee sessions, we have, from my point of view, shown complete acceptance that we answer to you on those issues. We accept that there is a lot to answer for. We need to get right to the bottom of that. We want to recognise that.
99. **Mr Girvan:** Previously, Andrew, you mentioned that you do not always attend board meetings, but that someone from the Department is present. If they were present at board meetings at which, as you see when you read the report, certain things should have come to light, what was the feedback mechanism to ensure that you actually knew what was coming up and could identify the potential problem that was just around the corner? Realistically, I am just wondering what level the people were at who observed the board meetings on behalf of the Department and reported back. What level were they at? Did they ever bring back a negative report of what was going on to the Department?
100. **Dr McCormick:** The people who attended were experienced people at grade 7 or deputy principal level in the Civil Service. So, they were familiar with the operation of the organisation. We had regular feedback from them to the head of the division, to Julie and to her predecessors as deputy secretary and senior sponsor. When issues of significance were observed at the meetings, they were drawn to my attention. So, I have confidence in that part of the process.
101. **Mr Girvan:** I appreciate your answer on that. I was very worried at the start of it when you said that you were aware of everything that was going on because it was being reported back. However, I am more worried, now, to find out that stuff is being held back from the board. Either the board is not working effectively as it stands, or certain people within it are actually running it themselves, along with senior management. Perhaps, that will be teased out further through this investigation.
102. **Mr Clarke:** Whenever we start it.
103. **Mr Girvan:** Well, we have not even got into it yet. However, I believe that it is, now, identifying that there is a serious problem from board level right down.
104. **Dr McCormick:** There was.
105. **Mr Girvan:** In other words, “we will feed through some of the good-news stories to the board, let them report it and it will look good, and all the other stuff we will hold back”. I am starting to worry greatly about what has been held back.
106. **Dr McCormick:** I want to give assurance that we have worked with the newly appointed board, Jim and Chris to make sure that the lesson of what happened through the things that the governance structures identified is a greater awareness, a greater propensity to ask questions and clarity of responsibility. Jim represents someone who is not dyed in the wool of the culture of the organisation. Organisations have continuity. Even if people change at senior level, an organisational culture can perpetuate itself. That seems to be what happened. That is why we are concerned and disappointed that there was not more response to the previous reports. It is also hard to pick out individual responsibility when it is a deep-seated way of behaving that is built up over many years.
107. **Ms Julie Thompson (Department of Health, Social Services and Public Safety):** I will add to that. The delivery and innovation division report had a significant focus around the corporate governance arrangements, including the set-up of the board and its committees. A lot of the working through of the things that they proposed and the recommendations that they made were focused around that area. When they came in, there was acknowledgement that things needed to improve from the previous board. That work was done around 2010. They looked at the recommendations going forward. So, it is an added piece of the jigsaw puzzle.
108. **Mr Douglas:** As the link between the Department and the Fire and Rescue

- Service, what action did you recommend to the accounting officer to build capacity in the service but also to address the understaffing?
109. **Ms Thompson:** We have been working very closely with the Fire and Rescue Service, over the past few months in particular, since Jim's arrival. You are quite right; there are capacity issues. We have been looking at procurement, for example, and ensuring that there was a link to a centre of procurement expertise function and that that was set on a more sound footing moving forward. We have also been looking at business case approval processes and things around that. We have been working alongside the Fire Service around business plan requirements and, looking into the future for 2013-14, at what the Department is asking the Fire Service to deliver. There are a range of actions; those are examples of things that we have been dealing with.
110. **The Chairperson:** We will now go into the formal line of questioning. I will open up the discussion to members; that was a warm-up. Our first line of questioning is from Mr Daithí McKay and Mr Chris Hazzard on the handling of whistle-blowers and their complaints. Members, I remind you to keep your comments brief, and indeed your answers brief and to the point.
111. **Mr McKay:** Obviously a body of work has already been done by the Health Committee, and this Committee has looked at the Hansard reports. I was drawn to some comments that were made towards the end of the session with Linda Ford. She said:
- "The first contact was the letter in which I was whistle-blowing to Dr McCormick."*
- "I did the whistle-blowing to the permanent secretary on 25 July 2011. I was then suspended on 19 August, and, on 26 August, I again wrote to the permanent secretary requesting his intervention. Prior to that, I had also whistle-blown to the Audit Office."*
112. **Dr McCormick:** I have already acknowledged that our response to Linda's whistle-blowing was not fully appropriate.
113. **Mr McKay:** You specifically?
114. **Dr McCormick:** We took the view initially that the right thing to do was to ask Peter, as Chief Fire Officer, to investigate the issues that had been raised. Indeed, I wrote to Peter.
115. **Mr McKay:** Was that your view?
116. **Dr McCormick:** That was the view that I took at the time, yes.
117. **Mr McKay:** Even though the complaint was against Mr Craig?
118. **Dr McCormick:** The complaint was against several in the organisation, and there were quite a few dimensions to the allegations she made then.
119. **Mr McKay:** Was that in line with the Department's whistle-blowing guidelines and policy?
120. **Dr McCormick:** The advice we had was that that was the prime action in a case like that, and I have done this in other cases as well, where it has been appropriate to ask the accounting officer responsible to account to me for what they have done but to investigate the issues that have been raised.
121. **Mr McKay:** How many other cases have you done?
122. **Dr McCormick:** A number of other cases in health trusts, and so on. There are other cases within this case.
123. **Mr McKay:** There have been other cases in health trusts where complaints have been lodged against accounting officers, and they have been asked to investigate the complaints against themselves?
124. **Dr McCormick:** Not in cases where the complaint is against the individual, but where it is a concern about something in the organisation. It can be appropriate for them to investigate, but is within a framework of accountability to me. Where I judge that the issues are more serious, the right thing to do — I have done this on several occasions — is to take over the investigation. That is

- what happened, and I am grateful to the Audit Office, which called me over when Linda raised the issues with it. I had an important discussion with the Audit Office and, with its agreement, we intervened then.
125. **Mr McKay:** When was your first contact with the Audit Office?
126. **Dr McCormick:** That was in October or November 2011.
127. **Mr McKay:** Until that point, did you not take it as seriously as you did then?
128. **Dr McCormick:** I have acknowledged that I was on the wrong track at that point because, very importantly, I had a misunderstanding and misapprehension as to the reason for Linda's suspension.
129. **Mr McKay:** What was that?
130. **Dr McCormick:** The letter that I had seen from Peter made two points. There was an issue about his concern that she had come to me and an issue that she had breached data protection and had accessed the systems illegitimately. Those were both in the letter of suspension. I became aware in July 2012 that Linda was told on the day she was suspended that she was being suspended because she had blown the whistle to me. I regard that action as absolutely unacceptable, because whistle-blowing has to be protected and honoured. As soon as I realised that was the case —
131. **Mr McKay:** Even in regard to the data protection —
132. **Dr McCormick:** Yes.
133. **Mr McKay:** Did you verify that before she was suspended?
134. **Dr McCormick:** That issue remains outstanding and unresolved.
135. **Mr McKay:** Why did you not verify it at the time?
136. **Dr McCormick:** We are still in the process of verifying it. There was a prima facie case.
137. **Mr McKay:** Linda said, in this particular session, that she was not even interviewed. So, there were so many holes in how the initial complaint was dealt with, and you did not verify that it was being dealt with appropriately.
138. **Dr McCormick:** As a first step, the letter to Peter asked him to investigate all the issues and then report to me. That was part of the process, and that is a totally orthodox process.
139. **Mr McKay:** How often did Peter report to you?
140. **Dr McCormick:** That was overtaken and did not happen. Before that process was completed, I had a meeting with the Audit Office, and we intervened to take over the investigative process because it had been blown out of that context into the Audit Office context, which is very important, and my judgement was that it was important for the investigation to be independent of the Fire and Rescue Service. Hence, I commissioned my own internal auditor to investigate most of the allegations. A number were technical, and I put those to others in the finance team, but we said that we would look after this. At a later stage, I became aware of what had been said to Linda on the day she was suspended, and that was what led to my apology to her, because we clearly got that wrong in the context. I was under a misapprehension as to the reason for her suspension. Once I understood the reason for her suspension, it was very important to me to change my stance on the issue, apologise to her and to do so publicly. That arose in the context of a request for information from the 'Irish News'. That was, to me, a necessary and appropriate step.
141. **Mr McKay:** Why was the director of finance not suspended, as well as Linda?
142. **Dr McCormick:** That would initially have been a matter for the organisation, and then —
143. **Mr McKay:** Obviously, if you had been made aware of the initial complaints, you would have been aware that the

- director of finance was allegedly culpable as well. Surely, if you or Mr Craig was going to suspend Linda, you should have recognised the need to suspend the director of finance as well?
144. **Dr McCormick:** Those are questions for the organisation. The Department does not, and did not at any stage, either suspend any individual or say that any individual should not be suspended. That is not our direct role.
145. **Mr McKay:** I will ask Mr Craig to comment on that in a moment. It appears to me, from your answers so far, that you were aware of the situation from the beginning. Mr Craig was to brief you and keep you updated with regard to it. Certainly, if there was that transparency between the Department and the Fire and Rescue Service, perhaps some of those in the Fire and Rescue Service may have believed that what they were doing was the right thing, because you were not pulling them on their policy and their whistle-blowing policy? You were effectively giving them a green light.
146. **Dr McCormick:** If I gave any signal to that effect — if that was the way it was interpreted — it is something that I regret and regard as wrong. As soon as it was clear that Linda had been told that she was being suspended because she had written to me — as soon as I became aware of that — I took the view that that was totally unacceptable and that it had to be corrected.
147. **Mr McKay:** OK. Peter, do you have a view on those points?
148. **Mr P Craig:** I am quite clear why Linda was suspended. It had nothing to do with the whistle-blowing. It was clearly in relation to her breaching our IT systems and removing confidential information about third parties. That was a breach of the Data Protection Act 1998.
149. **Mr McKay:** Should the director not have been suspended?
150. **Mr P Craig:** He was not involved in a breach of the Act.
151. **Mr McKay:** According to some of the comments in the Health Committee hearings, she was following instructions that led back to the director. Is it your view that he should not have been suspended and that he is in no way responsible?
152. **Mr P Craig:** In the investigation, it became apparent later on that she indicated that it was the director of performance and corporate affairs who had instructed her to get the information. I could not verify that at the time. I subsequently saw a minute and passed that over. As you know and have already discussed here, there were loads and loads of complex HR issues going on in the organisation. That is not an excuse, but it is a fact. When I took up the job, I had in my first six months three different chairmen and a brand new board. There was not a substantive principal officer on my team or whatever. So there was a lot of transition going on, and continuity is very difficult to achieve with that. I still believe that Linda Ford breached the 1998 Act. The issue of her whistle-blowing was totally separate. I had to treat her in the same way that I would treat anyone in the organisation who, in my opinion, had carried out such a breach.
153. **Mr McKay:** How long were you in the position of Chief Fire Officer?
154. **Mr P Craig:** When?
155. **Mr McKay:** When this complaint was made.
156. **Mr P Craig:** I am sorry, I am not being evasive; which complaint?
157. **Mr McKay:** The complaint of July 2011.
158. **Mr P Craig:** I was in post — let me just think. In July 2010, I was acting Chief Fire Officer. Forgive me; I was really doing the job but I was called “acting chief”. I was then substantively promoted, and that was ratified in February 2011. The complaint came to the Department in July 2011. I am doing this from memory, so forgive me if my dates are slightly wrong. I was made aware of the whistle-blowing complaint

at that stage. My understanding, from memory, is that there were three issues, none of which referred to me at all. I do not think that I became involved until the whistle-blower or whistle-blowers went to the NIAO, when 13 allegations were made. I think that I became involved at that stage. Forgive me; I have been out of the job for 12 months. I left all my documentation in the service because it is important for continuity, and so on. That is my understanding of the situation. I am quite clear why Linda Ford was suspended. I made it quite clear to the people to whom I spoke prior to handing her the letter that the suspension was for a breach of data protection.

159. **Mr McKay:** How did you confirm that that was the case?
160. **Mr P Craig:** It was a minute that had been circulated to another member of staff. It was signed by Linda Ford, and it indicated that she had removed personal information from our IT system about salaries.
161. **Mr McKay:** Was she interviewed after that?
162. **Mr P Craig:** She would have been interviewed during the investigation.
163. **Mr McKay:** When was that?
164. **Mr P Craig:** The investigation was ongoing. As the permanent secretary quite clearly said, he told me in November to suspend that issue and that he would take it forward. I adhered to that.
165. **Mr McKay:** Was she interviewed before she was suspended?
166. **Mr P Craig:** No.
167. **Mr McKay:** To clarify: when was she interviewed? Do you know, Andrew?
168. **Dr McCormick:** Any issue about the process with Linda and her suspension was a matter for the service, so I have nothing to say on that. If you are talking about the issue that we discussed with the Health Committee, which was the interview or discussion with Linda in the context of the internal investigation,
- I can answer that. As we said to the Health Committee, the remit that I gave to my head of internal audit was to investigate Linda's allegations. He judged that he could investigate most of them based on the information available on the record of the Fire and Rescue Service and through interviewing others. He did not judge it necessary to interview her because, at that stage, there was no issue about her. He was not investigating her conduct or situation in any sense. He was also aware that she had been off ill. There was a point towards the end of the investigation at which, in relation to the few allegations about which he was not totally clear on the outcome, he sought some clarification from her. That was part of his clarification of the evidence that led to the final report. She also had an opportunity to comment on the draft report, as did the others who were involved. That was the nature of our process. As I said to the Health Committee, it is a fit-for-purpose investigation. It has given us sufficient grounds to identify the issues, to move on and to form conclusions about which allegations were substantiated, including the allegation that she made about her suspension.
169. **The Chairperson:** Ms Ford obviously received a suspension notice. Did it say that it was because of her whistle-blowing?
170. **Dr McCormick:** The letter refers to both. It expresses —
171. **Mr P Craig:** With hindsight, I accept that the letter could have been more precisely worded. I took advice on how to word that letter. It was quite clear; the letter is a matter of public record.
172. **The Chairperson:** Did you write the letter, Mr Craig?
173. **Mr P Craig:** I did. It is quite clear that she was suspended for what I considered to be a serious breach that bordered, in my opinion, on misconduct.
174. **The Chairperson:** HR informed her that it was because of the whistle-blowing.

175. **Mr P Craig:** I cannot comment on that. HR was told exactly —
176. **The Chairperson:** You were the accounting officer.
177. **Mr P Craig:** I passed the information to the acting head of HR. I told her quite clearly what the issue was about. I cannot understand why there was any misinterpretation by her about what the suspension was about. That is all that I can say.
178. **The Chairperson:** I am at a loss.
179. **Mr Clarke:** You are causing confusion, Mr Craig, because in response to Mr McKay, you said that you were quite clear why she was suspended and that you did not mention whistle-blowing in the letter that you wrote to her. We are now hearing that, in your correspondence, you referred to whistle-blowing.
180. **Mr P Craig:** Unless I have misinterpreted what has been answered here, no. I made it quite clear that I am absolutely clear in my mind that Linda Ford was suspended because of her IT breach.
181. **Mr Clarke:** You may be clear in your mind, but I am also clear in my mind about what you said earlier. You did say whistle-blowing, and you did say that, in hindsight, you should not have had that in the letter, which would make me suggest that, obviously, you had that in the letter.
182. **Dr McCormick:** He did not raise that with me; he raised that with Linda. The letter says: "I am disappointed and concerned that you have not raised these matters directly with me as accounting officer nor via NIFRS whistle-blowing policy, which in your position as NIFRS financial accountant you will have knowledge of and understand your obligation to comply with that policy. This would appear to be a serious breach of your obligation to NIFRS and to me."
183. **Mr Clarke:** At what stage did Mr Craig become aware that he was one of those alleged in the whistle-blowing?
184. **Ms Thompson:** I think that Mr Clarke is describing the extra 13 whistle-blowing allegations, which the Audit Office informed us about in November. *[Interruption.]*
185. **Mr Clarke:** I am sorry; someone was whispering while you were speaking. Would you say that again?
186. **Ms Thompson:** The additional whistle-blowing allegations were advised to us by the Audit Office in November 2011, so it was in that time frame.
187. **Mr Clarke:** Mr Craig, if you believed that you may have been part of the whistle-blowing, why would you have expected Ms Ford to go directly to you?
188. **Mr P Craig:** I did not believe that I was part of the whistle-blowing in July. The only time that I became aware that there was an issue involving me, in the 13 points that she raised, was when I was interviewed by the Department's auditors in January 2012. At that interview, I asked to see the letter of complaint, but that opportunity was not afforded to me. However, I accept that that was the way in which the Department wanted to go forward. I fully support Dr McCormick in how he decided to take the matter forward, and that is where we are.
189. **Mr Clarke:** From your earlier response to Mr McKay, I do not think that you have clarified why you suspended Linda; there is a bit of ambiguity. Data protection was one of the issues, and you are right about upholding the organisation's data protection policy. What if there was doubt about the director? Why did you not suspend the director? If an allegation was made about the director forcing or asking an individual to obtain that information, why was that director not suspended until an investigation had been carried out?
190. **Mr P Craig:** I did not think that the director was harassing her.
191. **Mr Clarke:** I did not ask you whether you thought that. I am saying to you that if you want to uphold the name of the organisation under data protection, you

- are now trying to say clearly that you suspended Linda Ford on the basis of data protection. However, her suggestion to you was that she was asked to do it by a director. If there was a suggestion that a director was involved, whether you believe her evidence or not, why was that director not suspended, as was Ms Ford, until the outcome of an investigation?
192. **Mr P Craig:** She did not advise me of that. It did not become apparent until much later on.
193. **Mr Clarke:** When did it become apparent?
194. **Mr P Craig:** I do not recall the specific date, but I think that it was some months later.
195. **Mr Clarke:** Were you still in post?
196. **Mr P Craig:** Yes.
197. **Mr Clarke:** Did you suspend the director then?
198. **Mr P Craig:** No.
199. **Mr Clarke:** Why did you not suspend the director?
200. **Mr P Craig:** I did not think that it warranted a suspension at that stage, but —
201. **Mr Clarke:** It did not warrant —
202. **Mr P Craig:** I was quite happy in the investigation —
203. **Mr Clarke:** It did not warrant suspending a director, but it did warrant suspending another member of staff who brought forward allegations to you. You did not feel that it was warranted to suspend that member of staff until the outcome of an independent investigation.
204. **Mr P Craig:** That is correct.
205. **The Chairperson:** Mr McKay, do you want to go back to your line of questioning?
206. **Mr McKay:** It is important that we get this clear in our heads. With regard to contact between Linda Ford and the Department and senior NIFRS officials, could you provide in writing a timeline and details of all interactions so that we can have a clear picture of that, including any interviews in which Linda participated? When were terms of reference drawn up for the investigation?
207. **Dr McCormick:** After my meeting with the Audit Office, we moved very quickly to draw up terms of reference and commission Colin Evans, my head of internal audit, to lead an investigation team. That was all done within a very short time. Julie, do you have the details?
208. **Ms Thompson:** It was done at the end of November 2011. I do not have the exact date.
209. **Mr McKay:** So she was suspended in August and remained so for a number of months. Did it take until the end of November before terms of reference were put together?
210. **Dr McCormick:** It was done as quickly as possible, having received the information from the Audit Office. My team and I then gave it significant priority and initiated that process. It was quite complex. The allegations were extensive and were complex to investigate, so it took some time. Have you any more on that, Julie?
211. **Ms Thompson:** The meeting with the Audit Office was on 8 November. By 25 November, we had the terms of reference worked out, so it took a couple of weeks to set them up. In November, through conversations with the Audit Office, the greater number of allegations came to the fore. In July, the material contained three allegations; the other allegations came through later on in the process.
212. **Mr McKay:** Can you tell us about human resources in the Fire Service? Where was HR in all that? When was HR formally informed? What actions did it take? I have not seen much reference to HR.
213. **Dr McCormick:** Once we launched the investigation, we met the chair of the

- organisation, and he was fully informed as to —
214. **Mr McKay:** From July onwards, what was happening?
215. **Dr McCormick:** In July and August, it was for the Fire and Rescue Service to look at the HR issues. It was its responsibility to look at and deal with them. It was not our direct concern.
216. **Mr McKay:** Surely it was your direct concern at the time. Linda contacted you in July and August, and you must have known that this was a very serious issue. Surely you would have known the basic happenings in the Fire Service over that period.
217. **Dr McCormick:** In this case, as in others, when I receive whistle-blowing correspondence, a judgement must be made as to what to do. It is either to put the allegations to the organisation, ask it to investigate and then report to me; or, if it is more serious, to investigate it ourselves. In neither of those scenarios do I become directly involved in the HR practice in an organisation. If it emerges that the core issue, the thing that is going wrong, is in relation to HR practice, I need to have an assurance that, whatever process is being undertaken to handle that either in the organisation or under my own responsibility, it is proper, fair and objective. Given what has happened in this case, we know better what to do in current and future cases. I recognise that there are things that we have learned from this case because we did not get it right. We were not sure-footed in the July, August, September, October period of 2011. There are lessons for us to learn from that. However, we were not deeply involved in the HR issues at that stage.
218. **Mr McKay:** Peter, can I come back to you briefly? Ms Ford raises the point that her suspension was not reviewed every four weeks in accordance with the guidance of the time. Was there a reason for that?
219. **Mr P Craig:** It was probably an oversight because we had just lost our acting head of HR. She had returned to her substantive post. People were on annual leave, and there was no senior HR person at that stage. I had to put in an acting head of HR.
220. **Mr McKay:** You would obviously have flagged up to the Department that you had serious personnel shortages and that you had no one in HR. What was the Department's response?
221. **Mr P Craig:** The Department was aware of my difficulties with the staffing arrangements. Like all those processes, we were working through that. I had to resolve an outstanding strategic review of HR that had to be taken forward before we could go through a process to appoint a director of HR, should that have been the case. Regrettably, because of legacy issues in the organisation, the interim acting head, who came from another Department, had not been able to progress that. The staffing issues were difficult, but the Department was aware of them and was sympathetic.
222. **Mr McKay:** I have a final question before I pass over to Chris. What is your view of the culture of the organisation? You were there for many years. Was that part of the problem? You inherited the role of Chief Fire Officer, and there was a lot of flux in the organisation. Were processes in place for policies to ensure that risks were successfully managed? They had not been dealt with for many years. What is your view of the culture being an issue?
223. **Mr P Craig:** In our support and operational environment, we have a huge number of very committed individuals who are absolutely committed to delivering the best service they possibly can to the public.
224. **Mr McKay:** I mean, in particular, the board and the senior staff.
225. **Mr P Craig:** Over the years, it is fair to say that there have been challenges between the board and senior management, and we had gone through a lot of staff changes. The Chief Fire Officer, the deputy chief fire officer and

- the director of HR had retired, so there were those difficulties, and we were moving from an old culture to a new one. In my opinion, I worked extremely hard to breach that rift in culture, which, to be fair, is probably prevalent at headquarters rather than throughout the rest of the organisation. I think that that is possibly to do with not seeing the big, red, shiny fire engines going out. I had difficulties with staffing relationships at a senior level. When I took the job, I genuinely thought that I could move in and deal with those, but when people will not work with one another and will not work with you, it becomes extremely difficult. In the public sector, you have to manage that and try to charge your way through it as best you can. That caused some difficulties, but, in general, I found the culture to be quite good. It was old school. There were a lot of policy and legacy issues that I had to deal with that were already on the table, let alone other issues that were emerging on a day-to-day basis.
226. **Mr Hazzard:** I will follow up on one point that was made about the terms of reference and the fact that it took three months to pull them together. Why did it take so long, given the urgency of the matter?
227. **Dr McCormick:** It took two to three weeks.
228. **Ms Thompson:** The terms of reference were pulled together by 25 November, but the full wide-ranging allegations that were put forward had been provided to us only on 8 November through conversations with the Audit Office. So the information that was available at the start concerned a limited number of allegations, and, at that point, the Fire Service was investigating them. By the start of November, it became apparent that many more allegations were presenting, and, at that point, in those two or three weeks, we pulled the terms of reference together. We are happy to provide you with a timeline, if that is helpful, to put it in context.
229. **Mr Hazzard:** That would be helpful. Peter, in your time as Chief Fire Officer,
- is it fair to say that you had a sound understanding of the disciplinary procedures and policies?
230. **Mr P Craig:** Yes.
231. **Mr Hazzard:** No problem. I just find it hard to believe that when Ms Ford submitted two grievances against you in August 2011 — the first relating to denial of access to financial systems and the second around the decision to suspend her — they were not heard by an independent person. Instead, you responded personally.
232. **Mr P Craig:** The difficulty was that we were in the process of going through a series of complex internal investigations. It was my intention to appoint an independent investigator because that was essential. That was one of my clear intentions because we were all being seen as being tainted in some way by a range of individuals. The difficulty was that the principle of a grievance procedure, as I understand it, is to try to resolve an issue at the appropriate level without its becoming formal. Linda had addressed issues in writing that she had never raised with me, and I thought that it was perfectly reasonable, in the spirit of trying to resolve those issues without having to make them formal, to say, “Linda, tell me what it is, and I will try to fix it.” That is why I wrote, but I am fully aware of the discipline and grievance procedures.
233. **Mr Hazzard:** So you had an intention, but you fully recognise that it was contrary to policy.
234. **Mr P Craig:** Policy is there to be interpreted. In exceptional circumstances, when you are dealing with great gaps in your organisation, you regrettably have to make some decisions on the hoof. I wrote to Linda in an open and friendly way, and I did not receive a response. I did not chase it up; I did my best to try to resolve the situation, as a grievance procedure is supposed to do, at the appropriate level.
235. **Mr Hazzard:** On a more general note, Dr McCormick, what protections do you

- believe that whistle-blowers are entitled to?
236. **Dr McCormick:** That is provided for in the statutory protections on disclosure in the public interest. The most important thing is for organisations to have leaders who consistently convey the message that they are open and responsive to challenge. A lot of things are written down, a lot of things are required, and there are lots of procedures, all of which are important. The tone that is set, the style of operation and the behaviour of leaders is most important. They should consistently ask questions, be available and be seen and visible in an organisation so that if someone has a concern, people at a senior level are accessible and responsive and convey the message that it is a learning organisation.
237. **Mr Hazzard:** Is it fair to suggest that, in reality, Ms Ford did not benefit from a variety of these protections that you have just outlined in theory?
238. **Dr McCormick:** That is the way it looks now. That is why I see major lessons for us to learn from this process. It is important that the processes allow for allegations to be examined and challenged because allegations are sometimes made with a motive other than the public interest. We have to be wise about these issues, but I definitely regret what happened in this case. My clear understanding is that Linda was told on the day on which she was suspended that it was because of whistle-blowing; that is why I reacted in the way that I did.
239. **Mr Hazzard:** It is a very serious concern. Who do you think is responsible?
240. **Dr McCormick:** From what Peter said, I do not think that it is clear who is responsible. I am not sure whether that will be readily established. Peter has given his point of view; we have a record of what was said to her on the day that she left; we have the letter that Peter sent; and we have her understanding of it. Those are not all consistent so it is hard to judge. It is important to learn lessons and to say that, in future, when someone has blown a whistle, the procedures are applied properly. That does not take away from our responsibility if there is a serious breach, although the issue on data protection is a genuine point. However, that needs to be handled with careful and rigorous regard to HR protocols.
241. **Mr Hazzard:** It appears that there is clear evidence that the actions of a number of senior officials displayed a complete lack of understanding or willingness to understand the ethical standards required. Is that a fair comment? If so, how do we practically address that? It is an issue for Jim as well. How do we break down the culture of that senior leadership that has, in Ms Ford's example and everything else, clearly failed miserably and detrimentally?
242. **Dr McCormick:** The Audit Office report draws attention to the need to reinforce ethical standards throughout the organisation. Some of the allegations that were substantiated were not even about a blatant misappropriation of funds or issues such as that. However, if there is the appearance of failure to have proper regard for issues such as conflicts of interest, what I say in my own team and when I talk to chief executives and others across the health service and the Fire and Rescue Service is that public service values have to be paramount. It is better to make sure that there is no risk of misinterpretation. If something looks as though it could be a conflict of interest, even if we all know that it is not, it is still better not to do it. It is better to be careful and err on the side of safety and uphold the right ethos and values. We recognise the fact that the examples that have emerged are serious. The clear responsibility for Jim, Joe McKee as chairman, the wider leadership team and me is to reinforce values and a good ethos.
243. **Mr Hazzard:** During one of the Health Committee evidence sessions, reference was made to the employment of an external investigator, Dr Carol Ackah.

- Has a report been issued to the Health Committee on the work of that external investigator? When is that likely to happen?
244. **Ms Thompson:** It was discussed, but the Committee did not ask for a copy of the report. The Hansard report shows that the issue was discussed, but copies were not asked for.
245. **Mr Hazzard:** Will the Committee receive a copy of the report?
246. **Ms Thompson:** If the Committee asks, we can deal with that.
247. **Mr McKay:** I have a final point. Has Linda returned to her job?
248. **Dr McCormick:** Yes.
249. **Mr McKay:** When did she return?
250. **Mr Wallace:** She returned to Fire Service headquarters in June 2012, not to her substantive role but in a financial role. There is dialogue with the individual, but she has not returned to her substantive role.
251. **Mr McKay:** Was she told that she could not communicate with anybody in the finance department?
252. **Mr Wallace:** That question has come up previously. In order to manage Linda's return to the workplace, there was a very open discussion with her. She was told that, given the nature of some of the allegations, there were some anxieties among some of the professional staff in the function about her coming back and, obviously, the period of time for which she had been away. We took it on ourselves to share that with Linda so that she knew the exact situation, in case people were not interacting with her in the way that we would hope, in which case we would deal with it. Linda readily accepts that she was not told not to speak to anyone. That was corrected. To be fair to Linda, she knows that.
253. **Mr McKay:** Just clarify that again.
254. **Mr Wallace:** She was not told not to speak to anyone. She was told that some people may have anxieties about having conversations with her at the outset because of the time for which she had been away and the nature of the allegations. As I said, to be fair to Linda, she accepts that she was not told not to speak to anyone.
255. **Mr McKay:** Was she given the option of going back to her old position?
256. **Mr Wallace:** I am not sure at that time. I cannot comment. She came back to work in headquarters in June last year.
257. **Mr McKay:** Was she given the option of going back? What is the situation?
258. **Ms Thompson:** No, I think that, at the time, she was taken back in and was reporting through to Chris Kerr. She has been fulfilling that position rather than her substantive role.
259. **Mr McKay:** Whose decision was that?
260. **Ms Thompson:** It goes back to a decision that was made in the organisation in June or July 2012. That was just after Peter retired.
261. **Mr P Craig:** It might have been Chris who made that decision. I know that, prior to my retirement, there had been discussions with Adele Davidson, who was the acting head of HR at that stage, about integrating Linda back into the workforce. I also know that Linda had expressed some reservations about interacting with other people who there were perceived difficulties with, and the HR department was working to make sure that there was a smooth transition back into the workplace for Linda.
262. **Mr McKay:** Did she indicate that she did not wish to return to her old position?
263. **Mr P Craig:** I cannot comment on that. She spoke to HR.
264. **Mr McKay:** So, it was more an HR decision than one that Linda influenced?
265. **Mr Wallace:** I might be speaking out of turn, because it happened prior to my coming, but, I believe that, at that time, information was referred to the Information Commissioner, which meant that there was something ongoing with

- them. It would probably not have been appropriate for Linda to return to her substantive role, given the nature of that referral. However, I can check that for sure for you.
266. **Mr McKay:** Could we receive a written overview of how the process for her return to work was implemented, including what her input was and who made the decision on that?
267. **Dr McCormick:** Sure.
268. **Mr Dallat:** Chairperson, I know that we have unlimited time. However, it is limited only by the length of time that people can stay, and there is an awful lot still to go through.
269. **Dr McCormick:** He would oversee it.
270. **Mr Dallat:** Dr McCormick, to your credit, you apologised to Linda Ford, and you have been admired in the public domain for that. Has the chairman apologised?
271. **Mr Wallace:** I cannot comment.
272. **Mr Dallat:** I can answer that for you, Mr Wallace. I met you on 1 November, and we were subsequently joined by the chairman. That question was put to him, and the answer was no. How can we look forward to a new dimension in the Fire Service, given that you told us that the chairman is now spending more time than ever in headquarters and refuses to apologise, as head of corporate governance, for what happened to that poor woman? How will you convince this Committee? Paul Girvan said, as did Sammy Wilson — I mean Sammy Douglas; sorry, Sammy — that there are a lot of good people in the Fire Service whose morale is very low because of the goings-on at management level. There are families out there that are affected, including that of Joe McCloskey from Dungiven. He lost his life in a fire, and no independent inquiry was granted, because no one would say who ordered the poor man on to the roof where he lost his life. How do you convince that family to have any confidence? I will ask you this now, Dr McCormick. I had a letter from your Department last week. So, given what has been said today, will you please go back and reflect seriously on senior management? Surely it is not in a position to deny a fireman's family the right to an independent inquiry.
273. **Mr Clarke:** Dr McCormick, I understand your confusion about Mr Craig's recollection of events versus yours. However, I will go back to what I asked Mr Craig, because I am still confused. There is a certain degree of ambiguity around what she was suspended for. There will be correspondence from Linda Ford that I am sure you will have forwarded to Mr Craig. I wonder whether that is the correspondence that Daithí referred to.
274. **Dr McCormick:** No. It is with the Information Commissioner.
275. **Mr Clarke:** That is all that I wanted to know. So, if it is not sorted and if that is the substantive reason why she was suspended, why is she back in post? I do not know the lady, and I wish her well for the future. However, if this were the big misdemeanour that Mr Craig made it out to be and she were suspended and publicly humiliated, why is she back in post, given that the investigation is not complete?
276. **Ms Thompson:** I think that that gets to the heart of the issue with her return. She is not back in her substantive role. It comes back to the previous set of questions.
277. **Mr Clarke:** No, sorry, Julie, it does not come back to that. That is because, if there were another position for her in the organisation and if that were not the substantive reason for her suspension, that position could have been made for her from the outset. However, Mr Craig is very clear — although I do not think he was; he is trying to intimate today that he was very clear — that he suspended her because of the data protection issue. If there is a place for her in the organisation now, why was a place not made for her in the organisation then? Is this a case of the organisation trying to cover its tracks, Mr Craig?
278. **Mr P Craig:** I did not return her to work, so I cannot comment on that.

279. **Mr Clarke:** No, but you suspended her.
280. **Mr P Craig:** I am not trying to cover my tracks. It is a matter of public record why I suspended Linda, and I stand by that.
281. **Mr Clarke:** I think that it depends on what record you read, I have to say.
282. **Dr McCormick:** I said before that any issue around that would have been a judgement for the employer rather than for the Department. So, we did not get involved in considering that. Whether anybody should or should not be suspended was never put to us as an issue.
283. **Mr Clarke:** In that case, do you believe that Peter Craig's decision at that time to suspend Mrs Ford was harsh?
284. **Dr McCormick:** What I have is the advice from my internal auditor on allegation 11, which basically found that her allegation that she had been illegitimately suspended was largely substantiated. That is what the report states on allegation 11. The report then draws out the background and analysis of that issue and largely supports the points that Linda made about that.
285. **Mr Clarke:** You are publicly saying today that that was harsh?
286. **Dr McCormick:** If that was the reason, it was not just harsh but totally unacceptable.
287. **Mr Girvan:** Going back to the HR issue, there were difficulties, in that people were missing from work. I do not mean that they were missing; they were actually off. Some were perhaps on sick leave, and posts were not filled. How was the Department made aware of that deficit in the HR section? You alluded to the fact that the Department would have been aware of that, but how was it made aware of it? If it was aware, did it not offer expertise to deal with some of those matters? There was bound to have been plenty of expertise in the Department to deal with some of the shortfall in the Fire Service at that time. How was that referred to and communicated?
288. **Dr McCormick:** I cannot say that I was strongly aware of that. I do not recall conversations or correspondence on the Fire Service saying, "We have a problem." My consistent message to chief executives generally is that I expect them to manage their businesses, but if they have a problem, the phrase that I use is that they have a "right and responsibility" to put their hands up and say that they have a problem. That then becomes my problem. That is not encouraging them to dump all their problems on me, but it is saying that they are accountable and that I am there. My responsibility is to provide them with support. We — my team — had initially sourced Heather Ellis, who was the temporary director of HR.
289. **Mr Girvan:** What is the timeline for that?
290. **Dr McCormick:** Heather went in —
291. **Ms Thompson:** I think that it was between summer 2010 and summer 2011. We can confirm that it was around that time. It was between 2010 and 2011, and she left in summer 2011, I think.
292. **Mr Girvan:** So, she left in mid-2011, which was around the same time that some of those allegations were being made.
293. **Dr McCormick:** What I take out of it is that, with hindsight, we probably should have observed the gap in HR and asked more questions. I think that the primary responsibility was on the organisation to say to us that it had a problem. However, I think that we also had a responsibility to ask whether it had a problem. Had we done that, we might have then established the need to parachute further temporary HR resource in to it. With hindsight, I regret not doing that.
294. **Mr Girvan:** To deal with that specific issue?
295. **Dr McCormick:** No, not that specific issue; just to deal with —
296. **Mr Girvan:** To have the expertise available when and if a problem arises?

297. **Dr McCormick:** That is right.
298. **Mr Girvan:** I asked that because it was alluded to earlier and I wanted to know about it. So, my understanding — I just want to get this clear — is that the Department was not made aware of that issue right away and that, had it been made aware, it would have tried to throw in expertise to help.
299. **Dr McCormick:** We were aware that Heather Ellis had left. So, I suppose you could say that, by implication, we were then aware that there was a gap. However, I do not recall a major flag being raised to say that there was a problem.
300. **Mr Clarke:** Was it your responsibility or that of the service to realise that there was a problem in HR?
301. **Dr McCormick:** I would accept some responsibility. I would say that the primary responsibility was with the service, but I think that we maybe should have been a bit more sensitive, especially because, around that time, we were aware that things were not well.
302. **Ms Thompson:** The recruitment processes for the director of HR were in play around that time as well, so if you go right back to that timeline, you might see that there was an expectation that the director of HR post would be filled. That, unfortunately, did not happen for a considerable time thereafter. When Heather Ellis left, there was an expectation that the post would be filled again in the near future.
303. **Mr Clarke:** That goes back to the responsibility of the board.
304. **Mr P Craig:** That is correct. In terms of —
305. **Mr Clarke:** How did you flag that up?
306. **Mr P Craig:** The HR support was put in place before I arrived. As the departmental official said, when Heather Ellis left at the end of July, we had anticipated that there would be a fairly short process before we got a substantive director of HR. I spoke with the existing HR people, the board and the chairman to make sure that we had sufficient support to cope in the interim with what was the outstanding issue. I then got permission and informed the Department that we were bringing in a consultant to finish off the strategic review of HR so that we would be in a position, with board and departmental approval, to move forward in arriving at having a substantive director of HR.
307. **Mr Clarke:** I note that you did an awful lot of this by telephone conversation. Do you have any records of any of this stuff?
308. **Mr P Craig:** If there are records, they would be maintained at headquarters.
309. **Mr Clarke:** If you were the author of the request or had alerted the Department, you would have been aware of whether there was any written correspondence to the Department making it aware that there was a particular problem.
310. **Mr P Craig:** I did not think that there was a particular problem at that stage.
311. **Mr Clarke:** You said earlier that there was.
312. **Mr P Craig:** What I said was that, when I took up the post, we had an interim director of HR. I am sorry for labouring this, but I am just trying to clarify it as best I can. That interim head of HR was brought in fundamentally to hold the line and to allow us to do a strategic review of HR. Regrettably, at that stage and not long after she arrived, the chief and deputy chief had gone, and we had to go through a fairly substantial recruitment process to fill those posts. So, she was tied up doing that day and daily. That left the strategic review of HR sitting on a bench. We could not move forward with the appointment of a new director of HR until we had carried out the strategic review of HR and got board and departmental approval to move forward.
313. **Mr Clarke:** Are you putting the responsibility for that on the Department, or are you suggesting —
314. **Mr P Craig:** No. I am simply saying that it is a statement of fact. It was because

- of the turnover and change of staff. That is the way it was.
315. **Mr Clarke:** You tried to apportion blame to the Department earlier, and I want to clear up whether it was the Department's fault or that of the Fire and Rescue Service.
316. **Mr P Craig:** I think that it was a combination of both.
317. **Mr Clarke:** So, it was a combination of the Department and the Fire Service. Other than telephone conversations, do you have a record of where you alerted the Department that there was risk?
318. **Mr P Craig:** I took it through my board and chairman. It went through the board.
319. **Mr Clarke:** Mr McCormick, can we find out what correspondence the board has had with you on that matter?
320. **Dr McCormick:** We will check out the files for sure.
321. **Mr Clarke:** I have two more questions, Chair. You refer to your auditor, Colin Evans. Is he still in position?
322. **Dr McCormick:** Yes.
323. **Mr Clarke:** Who headed up the Fire Service's audit?
324. **Ms Thompson:** Deborah Reynolds. Colin Evans is the head of internal audit in the Department, and Deborah Reynolds is the head of internal audit in the Fire Service.
325. **Mr Clarke:** Have there been recent changes, or are there any personnel left, in the Fire Service's internal audit?
326. **Mr Wallace:** The establishment for internal audit is three, and, at present, there are two in place, with one post vacant.
327. **Mr Clarke:** Why is that post vacant?
328. **Mr Wallace:** I have no idea. It is one of a number of posts that we are trying to fill.
329. **Mr Clarke:** How long had the person who has left been in post?
330. **Mr Wallace:** I do not know the date of when they left, but, for the previous financial year, the post has been vacant and the audit plan has been based around the shortage of resource.
331. **Mr Clarke:** How long were they in position?
332. **Mr Wallace:** The person who left? I do not know exactly how many years they were in post. We can check that.
333. **Mr Clarke:** Do you know where they went?
334. **Mr Wallace:** No, I do not personally know.
335. **Mr Clarke:** It is our understanding that someone left the organisation without another position to take up. That makes me wonder why someone would leave a perfectly good job in the current climate with nothing to go to.
336. **Dr McCormick:** We will check that. It is well worth knowing about that.
337. **The Chairperson:** We will move into a comfort break for 10 minutes and resume at 4.30 pm.
- Committee suspended.*
- On resuming —*
338. **The Chairperson:** Welcome back. We move to the next line of formal questioning, which is on learning and leadership.
339. **Mr Rogers:** Just to go back to a point that Peter made earlier when he said that people would not work with each other in a senior management role. In your written submission to the Committee, you mention a "dysfunctional management team". With respect, you have been part of that management team for quite a few years. Will you elaborate on what you meant by saying that people would not work with each other.
340. **Mr P Craig:** I was aware when I took the job of tensions between individuals in the corporate management team. I was aware of the cultural issue that there was between what were called

- uniformed and non-uniformed staff, etc. When I took the job, I genuinely believed that it was among the issues that I would have to address. I thought that I would be assisted in doing so when some people left and new people came in. The difficulty was that I just could not get to the bottom of tensions between some of our support staff and our uniformed staff. That is the crux of it.
341. **Mr Rogers:** There was the issue of the Land Rover, the details of which I will not go into. However, you were requested to return that Land Rover and you said that you were disappointed that you had to return it.
342. **Mr P Craig:** Yes.
343. **Mr Rogers:** Why was that?
344. **Mr P Craig:** I felt that the Land Rover offered an opportunity to enhance our community education on road safety to young people across Northern Ireland. Finance was extremely tight at that time and no money was going into community support vehicles. My record shows that I have always been a great believer in prevention being better than cure. We were losing young people on our roads at an inordinate rate, and I genuinely felt that, in getting a vehicle out there, we could educate young people about the consequences of road traffic collisions and make a fundamental difference. The Land Rover provided a vessel with which to deliver our message in an open and transparent manner. I was disappointed that it had to go back.
345. **Mr Rogers:** I will move on. Where there tensions between you and Mr Lammey?
346. **Mr P Craig:** There are always tensions between individuals. I do not think that they ever manifested themselves, but Colin and I sometimes did not agree, and we agreed to differ. However, I always put the Fire and Rescue Service first and I know that his professional manner was the same.
347. **Mr Rogers:** He requested that the Land Rover be returned to the retailer.
348. **Mr P Craig:** He told me to return it to the supplier.
349. **Mr Rogers:** You did not agree with that?
350. **Mr P Craig:** I did not. However, at the end of the day, he was the chief. We operate in a hierarchical society, and if the chief tells me to go and stand on my head in a corner, I will do it. If it is an incorrect order, I can challenge it afterwards but, at the end of the day, he issued an instruction and I adhered to it.
351. **Mr Rogers:** You did not return it to the retailer?
352. **Mr P Craig:** I returned it to the supplier as he instructed.
353. **The Chairperson:** Did you say that you returned it to the supplier as instructed?
354. **Mr P Craig:** Yes.
355. **The Chairperson:** Following the memo from Mr Lammey in December —
356. **Mr P Craig:** The memo from the chief said that the Land Rover had to be removed from headquarters premises. I did that. I returned it to our media suppliers, who had supplied the vehicle.
357. **The Chairperson:** But not to the retailer or the shop owner?
358. **Mr P Craig:** I returned it to the supplier. That is correct.
359. **Mr Rogers:** That clarifies what we have here: that you sent the vehicle to the premises of the Northern Ireland Fire Service's media consultants. Is that not correct?
360. **Mr P Craig:** That is correct.
361. **The Chairperson:** The memo said that it should be returned to the suppliers, whom Mr Lammey —
362. **Mr P Craig:** My interpretation of "the suppliers" was the media service because they supplied it to us.
363. **The Chairperson:** Did the memo specify a particular garage?
364. **Mr P Craig:** No.

365. **The Chairperson:** Did it state “the suppliers”?
366. **Mr P Craig:** I do not recall.
367. **The Chairperson:** Is there evidence of that Fire Service memo?
368. **Mr P Craig:** Yes. The memo was dated 3 December 2009.
369. **The Chairperson:** Can we get a copy of that memo? I am told that we can.
370. **Mr Rogers:** There are other points. Dr McCormick, you talked about cultural difficulties in your opening comments. To my mind, we have three distinct bodies: the organisation, the board and the Department. Only when those three work together do we get an effective organisation. I know that you want to draw a line in the sand, but we need to get to the bottom of things to see what the real problem is before we can effect improvement.
371. **Dr McCormick:** There were two separate incidents, neither of which was acceptable. The issue in relation to the non-uniformed directors was what gave rise to the Department increasing its oversight and scrutiny of the Fire and Rescue Service to a very intense level of engagement. Because those payments were irregular, they led to the previous accounts qualification. That exposed significant issues of governance. I had very serious discussions at that time with the then chairman and the then Chief Fire Officer because I was clear that what they had done was unacceptable. There is an issue around job evaluation, but they had a clear responsibility to seek approval. They did not carry that out, and that was not acceptable.
372. **Mr Rogers:** Mr Craig, I know Dr McCormick is talking about how things have improved since 2009, but evidence shows that, even in 2012, there was no stock control system for the woodchip. I know that you were not around at that stage, but, back in the early years, the likes of a lawnmower might not have been on the books. However, you were a senior manager in the Fire Service. Why was there no stock control?
373. **Mr P Craig:** I cannot comment on why there was no stock control, because that did not fall within my directorship. However, I can say that we ran very tight stock control and financial management in community development, and that has been verified in a series of audits that we have undertaken.
374. **Mr Rogers:** Are you saying that you cannot comment because it was not your responsibility?
375. **Mr P Craig:** Clearly, everybody in the organisation, from firefighter up, has an obligation for governance and looking after public equipment, public money, etc, but I was not aware of any issue at all around the training centre stores.
376. **Mr Rogers:** Mr Craig, in one of your opening comments to one of my colleagues, you said that you saw your role as making sure that we had, first, a good Fire Service, and, secondly, to ensure value for money.
377. **Mr P Craig:** Absolutely.
378. **Mr Rogers:** Surely stock control is an essential part of getting value for money.
379. **Mr P Craig:** I agree with you. I am not debating that, but there are a range of directorates across the organisation. Each has their own accountable officers. The accounting officer delegates that responsibility on a day-to-day basis. I accept that, ultimately, I am accountable, but people have a responsibility for locking doors, etc. If you followed that to its nth degree, and that was my responsibility, I would have to go round and lock every door in the fire station. It is about delegating that responsibility down to the appropriate level.
380. **Mr Rogers:** With due respect, there is a lot of difference between stock control and locking doors. The likes of woodchip, the lawnmower, or whatever, were not recorded.
381. **Mr P Craig:** I agree with you. At the end of the day, there are directors across

- each of the disciplines in the Fire Service to deal with that.
382. **Mr Rogers:** I am certainly not convinced. When were the audit recommendations in the NIAO report communicated to the board?
383. **Mr P Craig:** I assume that that was done when the report was issued. We had the draft report. We made a 25-page response to some of the issues in the Audit Office report. That was then communicated and some work was done with the Department. Then the draft came in, and we took it as read that we would move forward and introduce an action plan to deal with those issues. We have been moving forward on a day-to-day basis, and I know that Mr Wallace continues to do that today.
384. **Mr Rogers:** What was the reaction of the board to the report?
385. **Mr P Craig:** I know that the board was disappointed; its members were literally just in place. I think they took up their posts in October, and the Audit Office visited us in early November. You would have to direct that question to the board, but my observation was that it was disappointed that, in many ways, it had been left to carry the legacy of its predecessors.
386. **Mr Rogers:** I find it hard to believe that they were just disappointed. I think people would have been shocked by this report. Leading on from that, you mentioned the new board. How was that board brought up to speed in respect of training, etc?
387. **Dr McCormick:** Yes; an important part of dealing with the public appointments process is to provide opportunity for new board appointees to undertake induction training in relation to their responsibilities, the challenge role, how corporate governance works and what they need to know about the organisation itself. That opportunity was provided for the members of the new board soon after their appointment. That is a very important principle that we hold to across all organisations, because the general place we need to get to is where there is clarity of responsibility for the board and the executive leadership so that, as Peter said, it is not up to senior leaders to do the nuts and bolts, but they need to be sure that the system is working so that someone is responsible for locking the door. They need to know that that is clear and straightforward, be it in stock control or any basic aspect.
388. **Ms Thompson:** The new board did the on-board training that is common across the public sector in February 2011. There were then a number of other training events further to that into 2012. There was an induction process for that new board, and the on-board training was a significant part of that. Obviously, individual members have also had individual training.
389. **Mr Rogers:** Looking at some of this material, can you assure me that this cannot happen again and that people cannot just give themselves a pay rise without telling the board or the Department?
390. **Dr McCormick:** There is no doubt that the pay issues are now well overseen. You can never be absolutely sure, and I would be unwise to give you absolute and blanket assurances. We have put reasonable checks and balances in place. One of the key points is that some of those things have received such public attention that anybody stepping out of line would be extremely foolish, because they would be exposed immediately. Pay information, for example, comes to light as a matter of public record, so there is no hiding place. I am confident that that could not happen again, but you can never give an absolute assurance. Assurance is always in the context of systems working properly and people doing what they are supposed to do. The ultimate guarantee lies in the fact of open disclosure and the fact that people will know that, if something is done that is wrong, someone will tell. Freedom of information and whistle-blowing are important guarantees that things are done right.

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391. **Mr Rogers:** Can you assure me that a proper stock control system is in place now?
392. **Dr McCormick:** I will ask Jim to comment on that, too, but that is the sort of thing that needs to be secure and right in any working organisation: standard oversight, reliable systems and then checks that those are being applied.
393. **Mr Rogers:** Is that in place?
394. **Mr Wallace:** A number of the recommendations in the reports focused on the weaknesses in the stock control systems and the linkage between that and finance. They have been addressed. There were also issues around the stock checks themselves. We have just completed a full and thorough end-of-year stocktake, so we have picked up the main issues in relation to stores, but there are one or two minor ones still to be addressed.
395. **Mr Rogers:** In respect of learning, one of the weaknesses was the internal audit. Has internal audit been strengthened?
396. **Mr Wallace:** Again, in recognition of the comments in the reports and the fact that the reports themselves were taken to the audit and risk committee prior to the board, one of the key reviews that has been requested of and commissioned by me is a complete review of the internal audit function. The audit and risk committee will receive a report back at the end of May or beginning of June, with options to look at the future provision of internal audit, taking into account all the recommendations from all the sources.
397. **Mr Rogers:** Has internal audit received specific training as a result of the recommendations?
398. **Mr Wallace:** As far as I am aware, internal audit has not, apart from its continuing professional development. I can check whether it has taken on specific additional training to strengthen the function. I cannot give you the definitive position.
399. **Mr Rogers:** Will you respond in writing?
400. **Mr Wallace:** Yes.
401. **Mr Rogers:** That is very important.
402. **Dr McCormick:** That is a very important question. The Minister wrote to all staff across Health and Social Care, the Fire and Rescue Service, and all the Department's arm's-length bodies in March last year to say that he was on the side of whistle-blowing. He said that it should not be necessary and that he wanted an organisational culture in which leadership conveyed an openness and willingness to respond to questions. He also said that the various organisations will have in place a whistle-blowing policy and that staff should be aware of it, be aware of the organisations they you can go to, and be aware that the NIAO or the Regulation and Quality Improvement Authority in the health and social care system have a specific responsibility to be available to whistle-blowers to act on their behalf. That opened the door to encourage people to participate in that process, and it informed them that they have statutory rights and protection. For people who make disclosures in the public interest, there is legislation that protects them from victimisation.
403. **Mr Rogers:** In addition to what you have just said, how have you facilitated the Fire Service in adopting those recommendations?
404. **Dr McCormick:** We provide ongoing support and a working relationship with Jim and with Joe McKee, as chair, to ensure that we monitor its progress with all the recommendations from all the reports. Where there are issues with which the Department is directly involved, such as approval issues or dealing with business cases, we are seeking to smooth out those processes to make sure that they are fit for purpose and supportive to the business while adhering to the principles of governance. We have to work very much in partnership as well as placing a responsibility on the organisation and holding it to account. I always say in the
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- accountability meetings that we have to do both: we have to work as a team together and in a clear relationship of accountability. We have to be able to do both of those effectively without contradicting ourselves.
405. **Mr Rogers:** When do you intend to evaluate that progress?
406. **Dr McCormick:** I would not wish to commit to a timescale on that because we need to get to a place where we have achieved a drawing of the line. We are not there yet; we need to wait for the work on this scrutiny session and your report, because we are accountable to you. When we have given consideration to your report and worked with DFP on the reply to it, we then hope to be on a consistently upward track. After that, we need to plan. As you say, we need to review the situation a few months after that to ascertain whether we have got the thing sorted and whether everything is on track. We will work with the team to provide that assurance.
407. **Ms Thompson:** In the meantime, the recommendations are being monitored. We will have conversations on a quarterly basis to hold the organisation to account on the progress that has been made. As of right now, there is a process to engage with the Fire Service around the recommendations and to ensure that processes are in place.
408. **Mr Rogers:** How often does a progress report come back to the board?
409. **Mr Wallace:** A report on the individual recommendations comes back every month. There is also an organisational improvement committee on which two board members sit, and we have someone from the Department sitting with us, as well as members of staff representative bodies, who, through my chairmanship, are leading on the improvements and the recommendations.
410. **Mr Clarke:** While I was listening to that, I was reading what was originally supposed to be Mr Craig's pen profile, which turned out to be more like an inquiry submission. Sean asked questions about the Land Rover. You said that, on instruction, you took the Land Rover back. Who was the supplier of the Land Rover?
411. **Mr P Craig:** Charles Hurst.
412. **Mr Clarke:** Sorry?
413. **Mr P Craig:** Do you mean who actually supplied it to the Fire and Rescue Service?
414. **Mr Clarke:** Well, who did you take it back to?
415. **Mr P Craig:** Ardmore Advertising.
416. **Mr Clarke:** Where is Ardmore Advertising based?
417. **Mr P Craig:** Hollywood.
418. **Mr Clarke:** Hollywood. There is no formal evidence, but there have been reports that it was not in Hollywood. However, we will not go into that because I do not have the facts and information to back that up.
419. **Mr P Craig:** That is correct.
420. **Mr Clarke:** You said that you respected his decision because he was the Chief Fire Officer.
421. **Mr P Craig:** That is correct.
422. **Mr Clarke:** So why did you delay or why did you notify others that you were still of the opinion that the Land Rover may come back at a time when someone else was to be made permanent Chief Fire Officer?
423. **Mr P Craig:** When we returned it to the suppliers and they asked what was happening, I still believed that it was a viable way for us to deliver part of the community safety programme. I told them that we may well be interested in it when the new chief was appointed.
424. **Mr Clarke:** My point is that, in reply to Sean, you said that Mr Lammey was the Chief Fire Officer and you took his counsel, basically because he was in that position and he asked you to take the Land Rover back. So why did you interfere in the next part of the

- process to stall the opportunity for that Land Rover to go back and be used by someone else? You effectively stalled that process.
425. **Mr P Craig:** That was not my intention.
426. **Mr Clarke:** Those were your words.
427. **Mr P Craig:** Yes, but that was not my intention.
428. **Mr Clarke:** In your pen profile, those are your words.
429. **Mr P Craig:** I accept that. I am accountable for those actions. If I were offered the Land Rover again today, I still think it would be a viable way to deliver the community safety programme to the community of Northern Ireland.
430. **Mr Clarke:** Again, in your words, you said that you inherited an organisation that was dysfunctional.
431. **Mr P Craig:** No, I said that there was a “dysfunctional management team”.
432. **Mr Clarke:** Yes, but you were part of the management team.
433. **Mr P Craig:** That is correct.
434. **Mr Clarke:** Would you not say that you contributed to that?
435. **Mr P Craig:** I think that we all did. If people cannot get on, all you can do is try your best to make people work together to try to deliver. The word “dysfunctional” is contained in the reports.
436. **Mr Clarke:** It is also in your submission.
437. **Mr P Craig:** Yes.
438. **Mr Clarke:** Do you accept that you have added to that dysfunctional culture within the Fire Service?
439. **Mr P Craig:** In what respect?
440. **Mr Clarke:** Well, the Chief Fire Officer, whether tendering his resignation or not, gave you a direct order to return a vehicle. You decided on your own merits to do that, but also to have a subsequent conversation with the supplier to tell them not to do anything with it because you were going to bring it back to the organisation.
441. **Mr P Craig:** No. I could not have said that because I had no idea whether I would have been the chief.
442. **Mr Clarke:** In your pen profile, you said that you informed the media supplier: *“that no definitive decision could be taken until a new substantive CFO had been appointed.”*
443. **Mr P Craig:** I felt, and I have said this —
444. **Mr Clarke:** It is this dysfunctional part again, but go ahead.
445. **Mr P Craig:** I still feel to this day, that there was an opportunity to utilise that vehicle, which was leant to the organisation at no cost, to deliver community safety. When they asked me whether it was dead in the water, I said that I did not know and that we had to wait until the new chief comes back.
446. **Mr Clarke:** No, you said in your pen profile that no definitive decision could be taken until a new substantive Chief Fire Officer had been appointed. However, that was you undermining the authority of the then Chief Fire Officer once shortcomings had been found in the organisation. You were asked to leave the Land Rover back, but you added to the dysfunctionality of the management in the service by speaking to the supplier to suggest that they hold it until someone else was appointed. Do you accept that?
447. **Mr P Craig:** It is your opinion. I cannot argue with you.
448. **Mr Clarke:** I asked whether you accept that.
449. **Mr P Craig:** No.
450. **Mr Clarke:** You would not accept that?
451. **Mr Dallat:** Trevor, let me just —
452. **Mr Clarke:** Yes, I will surely, John.
453. **Mr Dallat:** Mr Craig, are you denying any of the allegations that rather than the Land Rover being returned to

- the suppliers, it was put in a garage somewhere in Ballyclare and kept there until it was safe to bring it back? Is that story all made up?
454. **Mr P Craig:** Yes.
455. **The Chairperson:** John, my apologies for earlier. Do you want to continue with your line of questioning now?
456. **Mr Dallat:** Not a bother. Thanks.
457. **Mr Wallace:** I cannot comment on the specifics of Dr McKee's lack of apology to Linda. You asked about the corporate management team. I have to be honest with you: despite the fact that there were not that many when I first joined, I now have a relatively small team, which is not quite complete, that is professional, committed and capable, and the only issue that we have around the table is one of capacity in that we are trying to do so much and possibly not doing as much as we want. In building that team, I have tried to stress the openness, integrity and trust that I perceived to be absent from previous teams, which is perhaps referred to in some of the reports, and all I have tried to do is instil in the group some confidence and the openness that I have been used to. The chairman and the board have been very supportive of the direction in which I have tried to take the corporate team and, in many respects, the way that the organisation is starting to move.
458. **Mr Dallat:** Apart from Linda Ford, is anyone else currently displaced and posted down to Enniskillen or somewhere out of the road? Or have they all been retired?
459. **Mr Wallace:** I am not aware of anyone.
460. **Mr Dallat:** Mr Craig, you knew the chairperson very well.
461. **Mr P Craig:** Professionally, yes.
462. **Mr Dallat:** Does that extend to the trips abroad, conferences, trade fairs, the games in America and all that stuff?
463. **Mr P Craig:** I went to the World Police and Fire Games in my capacity as the vice-chair of the World Police and Fire Games. The chairman attended that event having gone through the board and having sought departmental approval, as did I.
464. **Mr Dallat:** My point — I think that you missed it — is that there is a need for professional, to use your word, distance between management and staff. Did you think that that was compromised in any way by the fact that the pair of you were off to those places?
465. **Mr P Craig:** To this place?
466. **Mr Dallat:** Yes.
467. **Mr P Craig:** To New York? To represent Northern Ireland and to bring the World Police and Fire Games —
468. **Mr Dallat:** Whatever it was. I understood that you also went to conferences and things as well.
469. **Mr P Craig:** I do not recall whether I ever went to a conference with the chairman. I do not think so. I might have gone to the national joint council where he travelled separately but not with me. Either he was on other business or I was. At the end of the day, I am clear about my professional role and clear about how I behave on a day-to-day basis, and, quite frankly, there is nothing irregular or untoward about the chairman and I attending meetings or whatever in our official capacity.
470. **Mr Dallat:** OK. Earlier, I think you agreed with the Committee that you did not know what was going on in the stockroom, but you must have heard about the uniforms turning up in Cardiff and even locally at Belfast City Airport. You must have heard about that. Maybe this question could be directed to Dr McCormick as well, but did it ever occur to you to call in the PSNI to investigate those allegations of corruption and crime?
471. **Mr P Craig:** I knew nothing about it. That is a matter of public record, and the answer remains no.
472. **Mr Dallat:** I know that you have justified your £200,000 pay-off. On reflection,

- however, given that you knew nothing about any of the things that I have asked you about, was it really justified?
473. **Mr P Craig:** Absolutely. I did not receive a £200,000 pay-off. What I —
474. **Mr Dallat:** Whatever it was.
475. **Mr P Craig:** What I received was my pension entitlement, which I contributed to for 36 years by staying beyond 30 years and beyond the age of 50 or 55. That was a derogatory step for me. I lost money because I had to remain in a pension scheme that I was contributing to for no benefit.
476. **Mr Dallat:** Mr Craig, I could understand the stock thing if it had been just a few sheets of chipboard or something. However, there was a lawnmower valued at £6,000 mounted on an Ifor Williams trailer that disappeared with no record of that at all, and you know nothing about that.
477. **Mr P Craig:** Let me make it quite clear. If I had known anything about that, I would have reported it. I knew nothing about that. I have been truthful and honest here today and when I was before the Health Committee. I am telling you truthfully and honestly that I knew absolutely nothing about any of that.
478. **Mr Dallat:** Chairperson, with your indulgence, I want to press this one a little bit. Mr Craig, are you telling us that you have not even heard of the allegation that that lawnmower —
479. **Mr P Craig:** No. The first that I heard of it was when I looking through —
480. **Mr Dallat:** How can I, as an ordinary member of the Public Accounts Committee, have heard all that and could even suggest where the lawnmower is today, and you do not know?
481. **Mr P Craig:** I would suggest that if you have that information, you may want to pass it to the police.
482. **Mr Dallat:** I would suggest that you take it to the police, and that is what you did not do, along with all the other allegations.
483. **Mr P Craig:** Chair, with respect, I have answered the question honestly and truthfully, and I just think that this is unfair.
484. **Mr Dallat:** OK, I will move on, Chairperson. I have just another couple of questions, and they are for Dr McCormick, who has had to pick up the pieces of this catastrophe.
485. **Dr McCormick:** We absolutely did and we have sought to undertake proportionate and appropriate investigations. For me, there is always the possibility that one thing can lead to another. So, if Colin Evans, as my head of internal audit, was to say to me, “Actually, this is deeper and more difficult than we thought”, I would widen the terms of reference and, if need be, commission further independent expertise.
486. **Mr Dallat:** Chairperson, I do not in any way question Dr McCormick’s integrity, but if I sound a little bit annoyed about this, I will tell you why. When the last report was published in 2002, there was a whistle-blower then, too, who gave valuable information that could have resolved all these problems. That whistle-blower was sacked from the board during a period of suspension. That person was Rosemary Craig; she will not mind me mentioning her name, because you know it anyway.
487. **Dr McCormick:** I think that we need to reflect on the conclusions that you reach as a Committee. We are accountable to you, and when you report on this issue, that report will go to the Minister and not only to me as the accounting officer. At that stage, when you make your recommendations, they will be for the Minister to consider.
488. **Mr Dallat:** That is a very constructive and honest answer that, I am sure, the Committee will welcome. You have your hands full; you are monitoring 129 recommendations. Can you tell us briefly how you are getting on with that?

489. **Dr McCormick:** Yes. We are making good progress. There are recommendations from all the whistle-blowing reports. Julie has the numbers to hand.
490. **Ms Thompson:** Of the 129 recommendations, 43 have been completed. As we said, we will continue to monitor that. The board will monitor them monthly, and we will monitor them quarterly.
491. **Mr Clarke:** Mr Craig, I am still intrigued by the whole whistle-blowing thing, so I want to go back to something else that I have just read. I am not fully across this one, but what was the basis of Mr Boyle's complaint?
492. **Mr P Craig:** My understanding is that he had a problem with the director of finance.
493. **Mr Clarke:** Only the director of finance?
494. **Mr P Craig:** I am not sure because there was an investigation and the Ackah report was being prepared. My role was to keep myself detached from that and await the recommendations of the independent consultant. That had been set up by my predecessor and, based on that information, I was to make a judgement.
495. **Mr Clarke:** Do you feel that you were detached from that?
496. **Mr P Craig:** Yes.
497. **Mr Clarke:** Why did Heather Ellis, your HR adviser, inform you that Ms Ford was also involved in supporting the claim by Mr Boyle if you were detached from that?
498. **Mr P Craig:** In terms of?
499. **Mr Clarke:** You were either detached or involved. You said that you were detached. In your penned submission that you made for today, you suggested that Mrs Ellis had informed you that Ms Ford had been involved in supporting the claim made by Mr Boyle.
500. **Mr P Craig:** That is correct.
501. **Mr Clarke:** How were you detached then?
502. **Mr P Craig:** How was I attached?
503. **Mr Clarke:** Detached. How were you detached if you were actually involved?
504. **Mr P Craig:** I was not involved.
505. **Mr Clarke:** You were involved if you were taking information from Mrs Ellis, head of HR.
506. **Mr P Craig:** Mrs Ellis was obliged to report to me. I did not get the detail. It was just to tell me that they were involved.
507. **Mr Clarke:** Would that have helped you to make your determination to suspend Ms Ford?
508. **Mr P Craig:** No, it would not.
509. **Mr Clarke:** It is just coincidence that the two events followed each other.
510. **Mr Wallace:** First and foremost, I would sit down and consider whether it was on sponsorship. I would want to know the basis on which we would be doing it. Is it part of what we want to do? Is it a strategy that fits with our strategic priorities? Are there other ways of doing it? Given the difficulties that we have had in this case, I would be very wary of anything. There would be many hoops for me to put in front of people before we went anywhere near it, including talking to the Department and seeking legal advice, which, as Peter said, other services in the UK have done. It is not something that I would seek to pursue at present.
511. **Mr Dallat:** Is it not basic common sense never to accept sponsorship from a company that is deriving very substantial financial gain from being associated with the Fire Service, whether it is in marketing, supplying tyres or whatever? Is that something that you would totally rule out because people would put two and two together and get five?
512. **Mr Wallace:** I agree. I have been in the position before of turning down sponsorship because of the nature of the business or the nature of the apparent relationship that could be perceived with the organisation. I am

- quite clear that it would not be entered into.
513. **Mr Clarke:** Mr Craig, why did you not see the same problem?
514. **Mr P Craig:** Mr Wallace and I have a difference of opinion. It does not make Mr Wallace right or me wrong.
515. **Mr Dallat:** Indeed, it does.
516. **Mr P Craig:** Mr Dallat, you are entitled to your opinion, too. As far as I am concerned, I did this openly and transparently. There are vehicles in fire services. I think we are using one at the moment in our Driving Change project, which includes a sponsorship element. It is perfectly acceptable. The clear issue for me is making sure that it does not cross the procurement guidelines. In the NIAO report, it says that there was no connectivity there.
517. **Mr Clarke:** To me, it is not transparent. I believe that your interference with it has caused it to be tainted. By you not following orders, whether he had only six days to tender his resignation or not, in my opinion, means it has been tainted.
518. **Mr P Craig:** You are entitled to your opinion.
519. **Mr Clarke:** You are right; I am entitled to that opinion.
520. **Dr McCormick:** We think that there were two.
521. **Mr Clarke:** Would you have been informed of that at the time, or was that subsequently?
522. **Dr McCormick:** As a Department, we were not informed of that at the time. Concerns arose about what happened, which led to the two-fold investigation of the recruitment process, first of all about HR practice, which was undertaken by London Fire Brigade, and then the issue of finance, which was undertaken by DARD on our behalf. There were concerns about links with family members. The London Fire Brigade review found no specific evidence in that regard but, again, as in the previous discussion about sponsorship, you have to look at appearances. Therefore, it is important for these things to be done properly in HR terms. All good HR principles should be applied, with separation of roles and avoiding the appearance of conflict or the appearance of the possibility of nepotism. Those are as important as the specific thing itself.
523. **Mr Clarke:** Would you accept that the HR function within the Northern Ireland Fire and Rescue Service was weak?
524. **Dr McCormick:** It is clear from those recommendations that HR should have been more fully in control of the recruitment process. If —
525. **Mr Clarke:** Would you accept that it was weak?
526. **Dr McCormick:** It was at the time. We had a discussion earlier about where the responsibility for that lay. That is, indeed, shared. It should have been put right and strengthened earlier so that we could have avoided some of those issues. That is a clear lesson learned. In the ongoing oversight of this and other arm's-length bodies, we are looking to be sensitive so that, where there are weaknesses, in whatever area of the organisation's work, we make sure that there is restoration and strengthening. That is a major concern that I have.
527. **Mr Clarke:** Mr Craig, I want to go back to something that Mr Dallat referred to with regard to the uniforms. There were suggestions about the storeman at that particular time, albeit it turned out to be a family business as opposed to his own. Mr Lammey was aware that there was a conflict of interest. Were you aware of it as a senior management official at that time?
528. **Mr P Craig:** I think that it was me who said that if I had been aware, I would have seen it as a conflict of interest. I think Mr —
529. **Mr Clarke:** No. The question that I asked you is: as Mr Lammey said that he was aware of it, why were you, as a member the management team at the time, not aware of it?

530. **Mr P Craig:** I think Mr Lammey said that he did not see it as a conflict of interest.
531. **Mr Clarke:** No. He was asked whether he was aware of it. He said that he was aware of it. Were you aware of it?
532. **Mr P Craig:** No.
533. **Mr Clarke:** In retrospect, and regardless of the position now, should senior management, particularly had they known, have informed the individuals that there was a conflict of interest and made sure that it was declared?
534. **Mr P Craig:** Yes.
535. **Mr Clarke:** That is fair enough.
536. **Mr P Craig:** I said that to the Health Committee.
537. **Mr Clarke:** Dr McCormick, were either of the two people whose families were connected successful in being appointed?
538. **Dr McCormick:** One got through after an appeal.
539. **Mr Clarke:** Who sat on the appeal for that? Can you furnish us with that information?
540. **Dr McCormick:** I am sorry, we do not have that information to hand.
541. **Mr Clarke:** Again, you can see where there would be concerns about the public perception. Someone from outside the organisation might be unsuccessful, yet and all, where there is a connection to the organisation, an individual can get appointed on appeal and someone else does not. Was everyone aware that they had the opportunity to appeal if they failed to get appointed?
542. **Dr McCormick:** No. The London Fire Brigade report makes it clear that there was not an appropriate notification of the appeals process. That is one of the concerns that it found in its review. The recommendation was, therefore, that, in future exercises, there is clarity of process at the outset. You should set out what is going to happen, what might happen and all eventualities. I am involved in planning and detailing recruitment processes, and we rigorously go through every possible step and say what will happen if people appeal at various stages. It is totally conventional. That shows that there was a significant issue with regard to HR. All the concerns that have arisen could have been avoided had we had straightforward good practice in place. It just is the way it was.
543. **Mr Clarke:** Mr Craig, are you aware of campaigns that were run for operational staff during your time?
544. **Mr P Craig:** To recruit operational staff?
545. **Mr Clarke:** Yes.
546. **Mr P Craig:** Yes.
547. **Mr Clarke:** Why were those campaigns run by yourselves as opposed to HR?
548. **Mr P Craig:** I already indicated that. The senior management team had a timeline to get personnel in. We spoke to HR and we had some consistency, because we had just appointed some substantive uniformed personnel. We clearly had vacant HR posts, and the corporate management team collectively felt that we had to move forward and that the best way to do that was to have it supported through the workforce planning group, on which the people with all the relevant expertise sat.
549. **Mr Clarke:** Would it not have been better to fill the gaps within your secretariat first, namely HR, before you went to recruit operational staff? The expertise in HR in the Fire and Rescue Service was not necessarily present, but in a good organisation, it would have been. Would it not have been better to have proper HR positions filled before you filled the operational positions?
550. **Mr P Craig:** Of course it would, but we had an operational obligation and an establishment level to maintain. We had significant overtime bills. I had hoped that both would run in parallel, but that is not the way it turned out.
551. **Mr Clarke:** Would there not have been an opportunity for you seek support

- from the Department and fill those posts using its HR?
552. **Mr P Craig:** Which posts?
553. **Mr Clarke:** The operational posts. You had no cover in HR and did the competition yourselves, as a service, and, as you identified, there were gaps in HR. Was that not an opportunity for you to go to the Department and use its HR opportunities to fill those posts as opposed to leaving yourselves vulnerable as an organisation?
554. **Mr P Craig:** With the benefit of hindsight, yes.
555. **Mr McKay:** Mr Craig, you were head of the community development directorate. Will you give me an overview of what you did when you were in that role?
556. **Mr P Craig:** Do you own a smoke alarm? If so, do you test it every week? If you do not, I failed slightly. However, 99% of people in Northern Ireland own a smoke alarm. That is what I did in community development. I went out of my way to involve groups. Mr Dallat made comments about the disenfranchisement of young people in Northern Ireland. I introduced the local intervention fire education — LIFE — scheme, and some of you may well have attended its events. I introduced fire cadets and worked with other organisations to drive down fire deaths by over 60% in Northern Ireland as well as accidental fires in dwellings, accidental fires generally and secondary fires. You will have to take my word for it, which may be difficult, but we are looked at by the rest of the world as exemplars of best practice in community safety. The bottom line is that you have a smoke alarm because we engaged with you through my directorate to make that an issue of public interest.
557. **Mr McKay:** I am trying to understand the context for the Land Rover stuff. Obviously, you had a good grasp. I remember some of the work you did through the LIFE scheme and other initiatives throughout the North.
558. **Mr P Craig:** If you can engage with young people, or people in general, to make them accountable for their issues, that is what will happen. There are two ways you can do things: you can shock and drop them or shake them and wake them. I preferred to shake and wake, and that is what the Land Rover was used for. It said, “Cut it out before we cut you out.” The question is this: cut out what? In this case, it was the causation factors of road traffic collisions and, therefore, their consequences. You know as well as I do, Mr McKay, about the number of people across Northern Ireland who have lost family members as a result of road traffic collisions. That has to stop.
559. **Mr McKay:** So, it was to be used for a community safety education programme.
560. **Mr P Craig:** Yes.
561. **Mr McKay:** Who are Ardmore?
562. **Mr P Craig:** Ardmore Advertising, through open procurement, was the contracted media supplier for Northern Ireland Fire and Rescue Service. When it went through the tendering process, it was to deliver community safety education and look for and deliver sponsorship opportunities.
563. **Mr McKay:** Ardmore came to you about the Land Rover.
564. **Mr P Craig:** Yes, as, I believe, it was required to, under the terms of the contract.
565. **Mr McKay:** There was no contact between Charles Hurst and the Fire and Rescue Service directly, and Ardmore was outside of the Fire and Rescue Service.
566. **Mr P Craig:** Yes, and that has already been confirmed by it.
567. **Mr McKay:** The initial audit report was in 2002, Andrew.
568. **Dr McCormick:** Yes, on fleet management.
569. **Mr McKay:** Who was the Chief Fire Officer and who was the chair of the board at the time?

570. **Mr P Craig:** John McClelland was Chief Fire Officer and Errol Gaynor was the chairman.
571. **Mr McKay:** Obviously, we know about the recent flux. When did the Fire and Rescue Service settle into a position in which the top posts are held by the current people?
572. **Dr McCormick:** There was normal continuity through from 2002 to the appointment of Bill Gillespie as chair in 2006, if I recall. Colin was appointed as Chief Fire Officer in 2007. There was normal turnover for senior appointments for a period of 10 years. The destabilising and the flux is a more recent phenomenon. That has been very unfortunate and has led to a great difficulty in keeping our focus on fixing the issues rather than on having continuous change in oversight and governance.
573. **Mr McKay:** Therefore, Bill Gillespie and Colin Lammey were in post for about five years.
574. **Dr McCormick:** That is true for the chair. Colin was appointed in 2007 and departed in 2010. That is a shorter period, but it is still not unusual. There is no indication of a particular difficulty from those timelines. That is not to say that there were no other problems, but that in itself was not an issue.
575. **Mr McKay:** I am concerned about some of the Audit Office papers and some of the Health Committee information. Both people gave evidence to the Health Committee, but there was a very serious issue to do with £50,000 worth of bonuses. Neither the chair nor the Chief Fire Officer informed the board about that.
576. **Dr McCormick:** That is the full value of the irregular payments to the non-uniformed directors that were made following job evaluations in 2008-09. That came to light and led to the Department imposing a tight regime on the Fire and Rescue Service for a number of years. It also led to the qualification of the organisation's accounts, because that £50,000 was unapproved. It had not gone through proper process in the organisation nor had it come to the Department for approval as it should have. Had it come, it would not have been approved, because, at that stage, we were under clear instruction from Ministers to exercise restraint on senior pay.
577. **Mr McKay:** Have all inquiries about bonuses been completed?
578. **Dr McCormick:** Yes, that process has been completed.
579. **Mr McKay:** When was it completed?
580. **Dr McCormick:** The one thing outstanding is an industrial tribunal case for one of the individuals. It is my understanding that that is to be heard in June.
581. **Mr McKay:** What is that exactly?
582. **Dr McCormick:** There is a challenge to the action taken by the Fire and Rescue Service to restrict those payments. There is an argument for the payments having been made. A job evaluation process was undertaken and awards were made, but the key point, from my point of view, is that there was a clear requirement on the organisation to seek approval before making any such payments, and that did not happen. We have a clear understanding of what happened with the oversight and governance process, but there is still an individual case to be heard.
583. **Mr McKay:** However, it is a clear example of those in the top two positions withholding information from the board. We have been discussing how the board has not performed, so I suppose that a key question is: how many other instances were there of information being withheld from the board or others that could have damaged the organisation?
584. **Dr McCormick:** There is nothing where we have that clarity of a clear piece of information being withheld. There is nothing else that quite parallels that. What we have through the various reports is a range of other issues that relate to the standard and approach of total governance. The objective now, taking account of all the recommendations

from different reports, especially those from the Audit Office, is to secure the establishment of good systems and the appointment of appropriate people to all the roles. We then move into a normal oversight process, whereby we check that things are being done right. That remains the approach that we are trying to take to minimise the risk of any recurrence of the issues.

585. **Mr McKay:** The reason why my attention has been drawn to those particular roles is that, when he was before the Health Committee, Colin Lammey stated that he was aware that the stores manager was actively involved in the procurement of uniforms and personal protection equipment, and was also aware of his wife's company. He stated to the Health Committee that he:

"could never see or point to a conflict in those two areas of Mr McGrath's life."

586. **Dr McCormick:** I am in full agreement with the views expressed in the Audit Office report on that issue. There needs to be an awareness of conflicts of interest and management disclosure. All the principles are, to me, very clear.

587. **Mr Clarke:** Is it awareness, or should it not be — I had the word, but it has left me again. Should that responsibility not be enforced, not encouraged, for everyone, as opposed to it being a very subjective thing whereby someone may have to do something? People should be reminded, given that we are talking about public money. We want to hear confidence from you that there is a change of direction.

588. **Dr McCormick:** That issue is different according to where we place it in the sequence of events.

589. **Mr Clarke:** Sorry, I do not see how it is different. She was asked a direct question. She was on the board at the particular time yet was not aware of the reports. Regardless of what the sequence was, on that date, she held two senior positions in the structure of the Northern Ireland Fire and Rescue Service. She was on the audit committee and on the board. To my

mind, there is a conflict there as well, to a degree, but, anyway, she was on both.

590. **Dr McCormick:** There was a period while the investigation was ongoing when that was being kept from the organisation. We were taking responsibility for the investigation, so we were not sharing any details of it with anyone in the organisation for a period. I sort of accept —

591. **Mr Clarke:** I can accept withholding information from certain individuals, but I am talking about the chairperson of the internal audit committee, who should be very aware of how the organisation is performing. This comes back to the confidence of this Committee and the wider public. Do you think that some of the reports on irregularities in the organisation should be hidden from its internal audit chairperson?

592. **Dr McCormick:** The way that I would put it is that we have learnt some lessons from the way in which this has all played out with the Fire and Rescue Service. Our present practice is to ensure that chairs of organisations and audit committees are briefed as investigations proceed. There is a degree of briefing. I think that I would be careful to withhold certain details from anyone. Indeed, we withheld a lot of detail from Joe McKee, as chair, for quite a considerable period. He only saw the documentation at quite a late stage of the process. I think that it was prudent and appropriate to conduct it in that way.

593. **Mr Clarke:** OK. I accept that. What about the present chairman of the board, who discussed Linda Ford's grievances with Peter Craig, even though he was aware that Peter Craig was one of the people named in that complaint?

594. **Dr McCormick:** Yes.

595. **Mr Clarke:** I referred to the report in which the chairman said:

"will need careful consideration by the board".

596. **Dr McCormick:** That was in one of the grievances.

597. **Mr Clarke:** As chairman of the board, he was asked to conduct a full review of

- the whistle-blower's suspension. Did he do that? If not, why not? Subsequently, why is he still in the position that he is in today?
598. **Dr McCormick:** The situation is that the internal audit report addresses substantively the allegation about the suspension and finds Linda Ford's allegations on that issue to be largely substantiated. Therefore, there has been an internal audit assessment —
599. **Mr Clarke:** There may have been an internal audit, but the chairman of the board was asked in May 2012 to conclude a full review of the whistle-blower's suspension. We are now saying that that did not take place, so I am asking why it did not and why he is still in the position that he is in today. There has been a catalogue of travesties in the organisation that that man is dealing with, and there is total hypocrisy in the organisation's management.
600. **Dr McCormick:** It is also true to say that she returned to work in June.
601. **Mr Clarke:** She may have returned in June, but he was asked to do something in May that he still has not done. He shared Linda Ford's grievances with Peter Craig, who was named as one of the individuals in that grievance. Why did the chairman of the board, who should know more about the internal policies than anyone else, share that information with one of the individuals who had been named in the report? Do you not see what he did in the organisation as being a very large breach? I will ask this again: why is he still in that position, given the catalogue of errors that he made?
602. **The Chairperson:** He was a member of the HR committee, also.
603. **Mr Clarke:** Oh, was he? It just gets worse.
604. **Dr McCormick:** His role is a matter for the Minister. The position of chair is a ministerial appointment, so that is where the responsibility lies. In light of the views that you expressed, that is an issue for further consideration once you have completed your scrutiny.
605. **Mr Clarke:** Dr McCormick, you were right at the outset that we should not have whistle-blowers, because we should have robust organisations, but we should have a culture in which individuals have the confidence to blow the whistle if they see a problem in an organisation. If you were a member of that organisation today with a grievance, and you wrote to the board and followed all the correct procedures, how would you feel if the chairman of the board had shared your grievance with some of the individuals named? How would you feel as an individual?
606. **Dr McCormick:** I understand that is not a comfortable place —
607. **Mr Clarke:** It is certainly not. I have listened to what the Minister said about whistle-blower, and he has been very robust in the argument that he made. I believe — rather, I know — that he will support anyone in whistle-blowing, but the chairman of the board of the organisation sharing information with people who are named leaves me with little or no confidence in that individual's ability to carry on in that position.
608. **Dr McCormick:** I understand.
609. **Mr Dallat:** Trevor's point is valid, and the message needs to go back that this is not a sin bin, where you get out with no more problems. It would be regrettable after today if the problems that exist there at the moment continue to exist, fester and cause low morale among the staff and diminish the Fire and Rescue Service in the eyes of the public, because that would be unfair to the firefighters themselves. I certainly do not want to identify any individual, but I believe that the chairperson has played a significant role in these goings-on, and that needs to be reflected on. To be honest, I do not think that he has a future.
610. **Mr Clarke:** Another thing that I want to explore, Chair, follows on from Sean's point, although I do not think that he covered it. It concerns the high turnover of staff. Can we get information on the number of people who have been

promoted into higher positions over approximately the past 10 years and how long they were in those positions? Mr Dallat referred to Mr Craig's payoff, and we see this in other organisations, but there seems to be a tendency to promote people into high positions before they take their package to go.

611. **Dr McCormick:** Yes. I am not sure how many others that applies to, but there is a particular series of factors here that has led to an unusually high pattern of turnover. I think that that is a recognition that there is a depth of difficulty in dealing with the corporate issues and the cultural issues in the organisation. It has been very challenging for Peter and his predecessors. I have recognition of that. However, it does not look good when that is what happens. I think that we have to get back to the stabilisation part of the work —

612. **Mr Clarke:** In defence of Peter and his colleagues, on the face of it, neither he nor others seems to have particularly strong boards.

613. **Dr McCormick:** Again, we need to help —

614. **Mr Clarke:** At the end of the day, Peter Craig and Colin Lammey joined the service, I presume, as firefighters and progressed through the organisation into management.

615. **Mr P Craig:** Many, many years ago.

616. **Mr Clarke:** I appreciate that, and the work that you did before you got to management has to be put on record. However, based on what I am reading today in these reports, it seems that some people who were appointed to boards, whenever they got to that position, did not take their position particularly seriously, and the support that they gave to the Chief Fire Officers might not necessarily have been there. Certainly, when I read what I am reading today, I am concerned about the current board. That has to be looked at.

617. **Dr McCormick:** I understand what you are saying. I think that we have to play our part in providing support to board members, ensuring that they have access

to information, training and support and that, in the organisation, there is a proper process of appraisal. It is mainly for the chair of each organisation to appraise the board members. Officials then try to provide advice to the Minister on the assessment of chairs of organisations. That has to be a firm, clear and ongoing process so that boards are as strong as they can be. We also need to help the Minister with the process of identifying and selecting candidates for non-executive positions. My regular dealings with non-executives, mainly across Health and Social Care but also in the Fire and Rescue Service, is that people are largely conscientious and committed to trying to do what they can. However, sometimes the challenges in organisations are very great. We need to recognise that that is part of how public services are overseen and work in Northern Ireland. Helping that process work and giving recognition, support and challenge to those individuals is really important. I take strongly the points that you and your colleagues have made on the issue.

618. **Mr Clarke:** I know that the point about bonus payments has been covered a few times, but may I go back to it? You told us the position that you took at the time. However, what is the current position, given that we still have problems in the service? Have people still got the delegated authority to award themselves a £5,000 pay rise or has that gone away?

619. **Dr McCormick:** No. Part of the response to what happened was a significant lowering of delegation thresholds. That meant much more intervention, many more meetings to attend and many more papers to consider. Julie is just checking the current delegated limits on that, but the more important point is that the principle of rigorous and tight control of senior pay stands. It stands in the Fire and Rescue Service. It stands in Health and Social Care. We have been tougher than any other part of the UK. That follows this Committee's work on health service senior pay —

620. **Mr Clarke:** Dr McCormick, it does not stand, and that is the problem. It does

- not stand where individuals can award themselves a pay rise without proper scrutiny.
621. **Dr McCormick:** That happened once and cannot happen at the present time.
622. **Mr Clarke:** What mechanism do you have in place to prevent that from happening?
623. **Ms Thompson:** We reduced all the delegated limits. For example, job evaluations cannot happen without going through the Department. There was a range of lowering delegated limits, which happened in 2008-09. In fact —
624. **Mr Clarke:** How much do they have to seek authority for on bonus payments?
625. **Ms Thompson:** I do not have bonus payments, but we can come back to you.
626. **Dr McCormick:** In practice, if Fire and Rescue Service or any other of the arm's-length bodies was awarding anything unusual in senior pay, they would definitely be talking to me, because they know exactly how tough we have been on this issue. It is not something —
627. **Mr Clarke:** That does not give me comfort. Go back to the other £50,000. They knew that they could not do that, but they did it. The accounts were then qualified. They could not do it then, but they did. What is in place today to prevent that from happening? Quite honestly, and I hope that members share my view, most of us will not have confidence in the delivery of the board until something is done and a total review of its processes is carried out. What can you tell us today to assure us that there will be no more of that?
628. **Ms Thompson:** The pay remits come through the Department and must be approved. That applies to any pay that is being paid to individuals. On the recommendations, the Fire and Rescue Service has looked at ensuring that departmental approval has been granted for any pay discussions that take place. As I said, we also removed the delegated authority to do anything related to job evaluations. That was specifically to deal with the issue.
629. **Mr Clarke:** What about bonuses?
630. **Ms Thompson:** It is all within the pay remit process, so it is all blocked.
631. **Dr McCormick:** I think that this is tight — as tight as can be.
632. **Mr Clarke:** That is how it should be.
633. **The Chairperson:** Thank you. Going back a long time, there has been an abuse of assets. There is a history. There has been abuse of hospitality and credit cards. If this were in the private sector, I am sure that someone would have been before a judge. There would have been a court case. That brings me to the role that you had as accounting officers and why there was no PSNI involvement. I find that very difficult to understand. The Fire and Rescue Service is a small part of the Department's remit, Dr McCormick, and the only uniformed arm's-length body in the Department. I believe, and I am sure that members will agree, that the Fire and Rescue Service was well off the Department's radar. It is about how we move on from that and how we deliberate on the information that we have in front of us.
634. **Dr McCormick:** Yes. The situation now is that we have a clear responsibility to move from where we are now to a stable, sustainable, effective oversight and management of the service. We need to work with the organisation and the leadership team to secure succession planning and proper appointment of senior leaders in the coming months to make sure that vacancies are filled. We then have to move to a place where we can identify where the next in line will be and where there will be a pool of people ready to apply for director, area commander or chief posts.
635. **The Chairperson:** OK, thank you. To conclude, I commend the work of the Fire and Rescue Service that serves our communities. We are grateful to the heroic firefighters, male and female, who serve the public daily and risk their lives doing what they do.

12 June 2013

Members present for all or part of the proceedings:

Ms Michaela Boyle (Chairperson)
 Mr John Dallat (Deputy Chairperson)
 Mr Trevor Clarke
 Mr Michael Copeland
 Mr Paul Girvan
 Mr Chris Hazzard
 Mr Ross Hussey
 Mr Sean Rogers

Witnesses:

| | |
|----------------|------------------------------|
| Dr Joe McKee | <i>Northern Ireland Fire</i> |
| Mr Jim Wallace | <i>and Rescue Service</i> |

In attendance:

| | |
|--------------------|------------------------------|
| Ms Fiona Hamill | <i>Department of Finance</i> |
| | <i>and Personnel</i> |
| Mr Kieran Donnelly | <i>Northern Ireland</i> |
| | <i>Audit Office</i> |

636. **The Chairperson:** The Comptroller and Auditor General (C&AG), Kieran Donnelly, and his team are here. As usual, the material that the Committee will work on today stems from the reports written by the Audit Office. The Treasury Officer of Accounts, Fiona Hamill, is also here to give guidance on the role of the Department of Finance and Personnel (DFP), to support witnesses and to relay the Committee's recommendations across government. You are very welcome, Kieran and Fiona.

637. **Dr Joe McKee (Northern Ireland Fire and Rescue Service):** It will be very short. As chair since 2011, I say with a great deal of sadness that the Fire Service is under a huge amount of critical scrutiny just now. Although the service's front line response is still held in high regard by the community, the organisation has been dogged by highly critical reports and audits for well over a decade. To suggest that it has suddenly all gone wrong in the past couple of years would miss the mark

because there have been a number of reports and audits in the past 10 or 11 years. Of the nine allegations in the recent main whistle-blower report from the Department of Health, Social Services and Public Safety (DHSSPS), four predate me and the present board. However, of the remaining five allegations in the main report, one was substantiated and four were either largely or partly substantiated. We all recognise that that is very disappointing and reflects poorly on everyone associated with the service. Morale has been seriously damaged.

638. **The Chairperson:** Joe, thank you for those brief remarks. It strikes me that the relationship between the chairman of the board and the Chief Fire Officer is crucial to good governance. What do you understand about the professional requirements of fulfilling that role?

639. **Dr McKee:** There are two sides to the coin of good corporate governance and good management in a team. It was written into my job specification when I took up the post that the chair had to have an effective working relationship with the Chief Fire Officer. We have to be able to talk to each daily and share the vision of the organisation. We have to talk the same talk. When we go out to meet staff, whether they are support staff or those out in the areas and districts, they need to see a synergy between the two leaders of the service, namely the operational staff lead and the person who looks after the board. On the other hand, as we have seen in the past couple of years, when things start to go adrift or the organisation loses its sense of direction or vision, it is the responsibility of the chair to articulate that initially, quietly and professionally, to the chief executive. If that does not deliver the type of result that is required, it needs to be brought to the board. That is how I see the relationship.

640. **The Chairperson:** When you joined the organisation, there had been a series of reports that were critical of the service. At that time, what were your priorities and aims in dealing with the organisation?
641. **Dr McKee:** The board members came into post in October 2010. I had just taken early retirement from the education sector and joined in January 2011. The delivery and innovation division (DID) report had just been published. In our time in post, that was the first of the audits, and it gave us some milestones to look at in the first year. I am sorry; would you repeat the second half of your question?
642. **The Chairperson:** How do you understand the professional requirements of fulfilling your role, and what were your priorities in dealing with the organisation?
643. **Dr McKee:** The priorities at the start were, to our mind, very stark. For whatever reason, the Fire Service has four principal officers at the top: the Chief Fire Officer, and, in those days, a deputy chief and two assistant chiefs. Below that, there were four geographical area commanders for the north, south, east and west. None of those posts was substantively filled.
644. **The Chairperson:** Before I bring in other members, given the mishandling of the allegations of the whistle-blower Ms Linda Ford, do you feel that you have been up to the challenges of the organisation?
645. **Dr McKee:** I do. There were a number of errors of judgement. Probably the best line in the whistle-blower report is found in the summary. It refers to ongoing tensions in the headquarters building, which militated against totally effective management of the service. That was entirely true, and I had to address that. The other remark was in the Northern Ireland Audit Office (NIAO) report, which came out at the end of that first year, and to which, initially and naively, I took exception. It stated:
- "The prospects for future improvement are poor".*
646. **Mr Clarke:** In your opening remarks, Dr McKee, you described how things could be seen as the ideal world. You identified five areas of concern, and you have been in post for two or three years —
647. **Dr McKee:** Two and a half.
648. **Mr Clarke:** Two and a half years, and you still refer to cliques in headquarters. You talked about the decision to split roles and about filling posts. The Chairperson asked you a challenging question about whether you believe that you are up the role. I wonder how you can answer the question, given that the culture of the organisation has not changed. Even in the most recent report, there is evidence that the cliques continue and the governance issue has not been addressed. You raise issues about the culture of the organisation, notwithstanding the good name of the men and women firefighters who do the job. I think that we should park that because it goes without saying. Everyone recognises the importance of their role and the good job that they do. The report is based more on the management, on which you, as the chairman of the board, have the final say. In response to the Chairperson, you framed how an organisation should look. When I look at all the points that you raised, I conclude that you have not really been up to the mark. You are quick to recognise that there are problems in the organisation, but, given that you are the chairman of the board, what have you done to address those?
649. **Dr McKee:** We have a new top team in place. The real drawback in the first year and a bit was the corporate management team. At the monthly meetings, there were constant questions from the board about accountability and why things were moving so slowly. There was a feeling that the directors at the top of each of what may unfortunately be referred to as "silos" in the organisation — the directorates — were not moving adequately. That

- has changed. We have much more movement.
650. **Mr Clarke:** Just on that point, with you being the chairman of the board, why did it take so long to manage that change? You took over an organisation on which there were a few critical reports, although you suggested that they missed the mark. You are now the chairman of that organisation, albeit that some of the problems were there before you came. Do you not accept that you have failed, since you have taken up your role, to address some of the problems in the organisation?
651. **Dr McKee:** Not at all. The other day, a board member said to me that the transformation in the past couple of years has been remarkable. The questions that the board now ask are very different. One of the weaknesses was in human resources. We now have a very dynamic human resources director who gives a lot of the support that we desperately needed in the first year. There have been big changes in legislation in the past number of years. One legislative change was to do with flood response. We had a major event here three or four weeks ago. Another was about building controls and certification. Two and a half years ago, all that was under one person's remit. Now, we have freed up a chief executive to look at the support side of the organisation, which is stronger than it was. The assurances that I get from the Chief Fire Officer are much stronger and more resilient than they were two years ago.
652. **Mr Clarke:** You referred to Mr Wallace and his role. From an outsider looking in, given that the organisation has gone through the complexities that it has, splitting the roles, which gave Mr Wallace his role, has been good. I would be curious to hear your opinion on this: Mr Wallace brought in two people from Scotland to produce a report. What is your view on that report, given that there is a suggestion about the failings of one of those people in the Scottish model?
653. **Dr McKee:** I cannot agree, Mr Clarke, about his failings in the Scottish model.
654. **Mr Clarke:** I thought that you would say that.
655. **Dr McKee:** You need to let me give you the evidence. You are talking about Mr Sweeney, who ran what was one of the biggest fire and rescue services before amalgamation. That man was held in such high regard that he was given an honorary doctorate by a Glasgow university. I know him through the National Joint Council, which sets the terms and conditions for employers across these islands, of which he used to be one of the lead officers. He is held in great regard there. If he was a conspiracy theorist, why would our friends down the road in the Dublin Fire Brigade have engaged him to help them with a radical reform of their service?
656. **Mr Clarke:** First, perhaps you should ask the Dublin Government why they did that. Secondly, just because someone gets an award for previous conduct or something that they have done in the past, does that necessarily mean that we hold them in high regard for everything that they do in the future? I can think of current examples of Lords having to resign and a TV personality being stripped of his knighthood and various other awards for his glowing career. Does that suggest that you cannot have a blip if you have received an award? Bear in mind that the Scottish audit office found failings in Sweeney, or are you not aware of that either?
657. **Dr McKee:** We employed him on the basis of his track record as Chief Fire Officer. At the time, there were a number of Chief Fire Officers in England, Scotland and Wales who, when changes were made to pensions and everything else, were allowed access to their pension rights and were re-employed at about half their salary. In Scotland, that was in the lead-up to amalgamation. I do not think there is any evidence that he was involved in any wrongdoing.
658. **Mr Clarke:** I beg to differ. We might look up that report.

659. **Mr Girvan:** Thank you for your opening comments. Dr McKee, like my colleague, I would like to put on record how well the guys who put the rubber to the road do their job. They should be congratulated on that.
660. **Dr McKee:** I write an appraisal of individual board members each year, which I did not long ago, and, similarly, the Department writes an appraisal of my performance. One board member said to me that one of the major changes in board meetings has been that we have said to our executive colleagues that we do not want to hear only the good bits. We used to get an account every month of major incidents and how well we had responded to them, but you would expect the service to do that. Fairly early on, we sent the message to our colleagues that we needed to hear the bits that they might be reluctant to bring to us. The worst scenario, and the last thing that we would want, is the executive regarding the monthly board meeting as a hedge to be jumped — you hope that you get over it and that nobody gets burned or scratched on the way — but that does not happen. That is not the way a board meeting should be; it should be an honest exchange of information. For instance, the Chief Fire Officer now gives us much more focused figures on response times. We did not get that detail before. Much more worrying nowadays, and this applies not only to Northern Ireland but across the UK, is when fire engines fail to respond, and we challenge those failures.
661. **Mr Girvan:** You spoke of 73 vacant posts and said that the resource issue was still not completely resolved. Why has it taken so long to resolve that? Mr Clarke mentioned 27 posts that have not been filled, even on a part-time basis. What mechanism is in place to resolve that?
662. **Dr McKee:** In the past year, a lot of work has gone into workforce planning. After we separated the roles, that task was given to the chief executive. In the past, Mr Girvan, the focus was so heavily on the service itself that the support services suffered. It is about hearts and minds. If the people who are at the top running the service are entirely operational, they will see life-and-death issues as the most important and the other side as somehow less important. Now, we have a chief executive who is in charge of the organisation, and that culture has changed.
663. **Mr Girvan:** You referred to issues with board meetings. Does management bring you information about what is going on to the board? As you say, it is a two-way street. I know plenty of boards that operate on this basis: it is an opportunity to have a wee cup of tea, sit around a table, hear a few nice reports, agree some minutes, decide that it has been a great meeting and head home. Does management give you the information that you require? In the past, the culture was to hold back information from the board so that it could not see the full picture, which happens in many organisations. I appreciate another report on the Fire Service had already highlighted some of those points. At this stage, we want to give you a chance to make the changes and ensure that the service goes forward properly. Is management not feeding that information through?
664. **Dr McKee:** Management does now feed through that information, and I will give you an anecdotal illustration of that. When I first came into the post and went out to an area, district or station, there was, very often, a formal meeting with the firefighters, who had the chance to ask the chairman some questions. Early on, they would ask me whether I had been a fireman. When I said yes, I saw a different look on their faces. At some point during questions and answers with the firefighters, somebody always stated that I was a very busy man, and I was taken away. That has changed. I now feel that there is much more access to hearing exactly what the issues are. Today, there are still people working in the Fire Service, in Armagh and Ballymena, with whom I served. If I want to know what is really going on with overtime payments, training or

- equipment, I just go and have a cup of coffee or a pint with them and find out. I think that our senior executives know that I have a fairly good idea of what goes on.
665. **Mr Girvan:** You said earlier that there was a “toxic” atmosphere in headquarters. What have you done to deal with that? Has there been an element of pruning, or have there just been sidesteps? Obviously, if the people responsible are not dealt with, they will cause problems no matter where they go. Personalities are causing problems.
666. **Dr McKee:** Some who may have been involved in that are no longer with us. Nowadays, toxicity often expresses itself through leaks. That is not to say that we want cover-ups, but business-sensitive or person-sensitive information is being leaked, and, sometimes, the only rationale for that can be to embarrass someone else or the organisation.
667. **The Chairperson:** There is a massive difference between good operations and very good governance. We understand that from the comments that you have just made. Deputy Chairperson, do you want to go into your line of questioning now, or do you want to follow up on something that you have heard today?
668. **Mr Dallat:** I want to refer to Dr McKee’s opening remarks. I had the advantage of meeting both Dr McKee and Mr Wallace several months ago. Unfortunately, it was a bad day because a prison officer had been murdered on the M1, and I do not think that any of us were focused terribly well.
669. **Dr McKee:** Give me a better description of the elephant. What colour is it?
670. **Mr Dallat:** The elephant was senior management. You said that you had no control over them. Is that elephant still there?
671. **Dr McKee:** No.
672. **Mr Dallat:** Has it gone?
673. **Dr McKee:** On a couple of occasions, when significant work was presented to the board, it was obvious from the body language of the other senior members of the corporate management team that it had not been given full approval at corporate management level. That sent out very alarming signals to the board.
674. **Mr Dallat:** I asked the question because I need to make a judgment on whether you, as chairperson, are still the person to recognise an elephant in the boardroom. They are everywhere, not just in your boardroom.
675. **Dr McKee:** This will come out professionally from me to you as a compliment. We have four elected representatives. One of those elected representatives from around this part of the world listed membership of an education and library board; governor of several schools; member of a peace and reconciliation partnership; chair of a community safety council; member of a policing and community safety partnership; member of a health commissioning board; member of a local government subregional environment group; chair of various community groups; and chair of a council policy and development committee. That is one person.
676. **Mr Dallat:** Do you not think that he was far too busy to be concentrating on the —
677. **Dr McKee:** No. That individual probably gives me more time than anyone else on that board. He is forever sending me e-mails about events. Because he lives in this area, he can go to events that the rest of us would have to drive for an hour to get to.
678. **Mr Dallat:** All right. Listen, I know that we are pressurised for time —
679. **Dr McKee:** Sorry, Mr Dallat, I will just finish. Three or four members of my board have been chairs of other boards. One of them was chair of a large housing association for six years. Another was chair —
680. **The Chairperson:** That is not really relevant, Dr McKee.
681. **Dr McKee:** They would spot elephants in the room. They are very good at seeing elephants.

682. **Mr Dallat:** No, the person who spots the elephants is you, Dr McKee. Look: people got hurt badly during this whole nonsense, and I am aware that at least three of them are back in their posts. As chairperson, what have you done to repair the hurt and shame that they underwent? I am a bit different from other members; old age is doing it. I was here in 2002. We went through all this before and got all the assurances. We were told that we were causing morale problems in the Fire Service and creating problems for those gallant men and women on the ground who were fighting the fires, and we accepted an undertaking from the Department and from the Fire Service, as it was then. Can you understand my annoyance that, 11 years on, we are discussing the same problems? I want to be convinced that we are not going to leave another legacy for another Public Accounts Committee in a few years' time to go over the same ground again. The challenge to you today — it was introduced by Trevor — is how you can convince us that you are the person to do it.
683. **Dr McKee:** The thing that has caused me to reflect on this is that a lot of what we are considering in these reports began and had its roots before we came into post. There is no doubt that there has been a period of great instability, because we had a board, a transition board and ourselves. The handling of some of the grievances and the whistle-blowing has not been good.
684. **Mr Dallat:** Can I stop you there? If it has not been good, what have you, as chairperson, done to repair that? Let us be frank: we are talking about Linda Ford, John Boyle and others who I will not name. What have you done?
685. **Dr McKee:** When I saw how slowly things were moving and the way it was all intermeshed and very hard to unpick, I had some sympathy with Mr Craig being in that position. Given that the three people at the heart of this were in one directorate, it was so hard to separate it out. I said to Jim that our priority is to get a way through this —
686. **Mr Dallat:** Are you aware that Mr Craig gave evidence to this Committee? He was challenged on several pieces of his evidence and given an opportunity to clarify it, and he refused. I am sorry, but he is not part of the solution.
687. **Dr McKee:** He is gone.
688. **Mr Dallat:** Yes, he is gone.
689. **Dr McKee:** He may well have been part of the problem. It is the job of the executive to manage the staff, and that was one of the main weaknesses that we saw.
690. **Mr Dallat:** Have you apologised to Linda Ford?
691. **Dr McKee:** Yes, I have.
692. **Mr Dallat:** When?
693. **Dr McKee:** I apologised to her. I brought her in and spoke to her on the day that she returned to work. I said that I was pleased to see her back, and that I was sorry that it had taken so long. I remember that we were both quite emotional about the thing. I regularly would have a cup of coffee with Linda in the canteen. Last week, when I came back from a very important meeting at the national joint council, I was told that Linda had come back, and was behind her old desk in her office as financial accountant. I thought that that was great progress. I wrote to her to say how pleased I was that she was back and to apologise personally that the process had taken so long.
694. **Mr Dallat:** You apologised that the process had taken so long?
695. **Dr McKee:** Yes.
696. **Mr Dallat:** There was no apology for the horror that that woman went through? Attempts were made to criminalise her. You just apologised for the length of the inquiry, is that all?
697. **The Chairperson:** Can I just come in there? Do you think that Linda Ford should ever have been suspended, Dr McKee?
698. **Dr McKee:** On the day —

699. **The Chairperson:** Yes or no?
700. **Dr McKee:** No.
701. **Mr Dallat:** That is good. When did you last communicate with John Boyle to say that you were sorry for what he went through? He was sent to Enniskillen.
702. **Dr McKee:** I actually went in and spoke to him and we had a chat yesterday.
703. **Mr Dallat:** Yesterday?
704. **Mr Dallat:** It would be mean of me to suggest that you did that yesterday because you were coming here today.
705. **Dr McKee:** I did it as a complete logical sequence.
706. **Mr Dallat:** OK, I accept that.
707. **Dr McKee:** Because Linda was reinstated in her office and in her substantive role last week in my absence, and I did it when I came back. I then thought that that was not fair, because John had been in the same position. That is why I did that. I can see the pain that both of them suffered, John Boyle in particular.
708. **Mr Dallat:** Chairperson, I know that you have an awful job of managing this. I just have one last question about Dr McKee's opening remark. You accepted in your opening remarks, and I think it was generous of you, that there was a massive loss of public confidence in senior management. You accept that?
709. **Dr McKee:** Yes.
710. **Mr Dallat:** In the last few years, that impacted on a lot of people. I make no apology for mentioning one family in particular: the McCloskey family of Dungiven, who lost their father. Will you give us an undertaking today that you will not stop an independent inquiry into who gave the orders for their father to lose his life?
711. **Dr McKee:** There is no difficulty with that at all. Seamus, on the way in, said that he wanted a chat with me, face to face. I said, "This is very important. Write to the board with the family's concerns, and we will deal with that at board level." As we know, that happened 10 years ago and there was a PSNI inquiry; a Health and Safety Executive inquiry; an internal inquiry in the service; and a coroner's case. We feel that we have covered a lot of that ground.
712. **Mr Dallat:** Dr McKee, you know that there were serious weaknesses in those inquiries. They were running in parallel and they were not independent. You have all the evidence. I know that I have the support of the Committee here. Please go back and allow the McCloskey family to enter their grieving process properly by not standing in the way of an inquiry which will establish who gave the orders to Joe McCloskey to go on the roof, through which he fell and lost his life. That is all.
713. **Dr McKee:** We will not block that.
714. **Mr Dallat:** Thank you.
715. **Mr Clarke:** Can I interject for two seconds? Dr McKee, you said something about that when you were asked by Mr Dallat. What worries me about that answer is that in your latter remarks you said that you will not block that. Prior to that, you were trying to make an excuse that all those other reports had been written. What worries me about the answer that you have just given is that, though you may try to make an undertaking here today, because we are in a public forum, we will not have an opportunity to challenge you in the future. However, if this goes to the board, you may pull out the same excuse and suggest that there have been all those different inquiries in the past and that there is no need to reopen this. It is comfortable for you to sit here, because we are in a public forum, and give us a different answer. However, we will not have the opportunity to challenge you in your role in the future when you refer this to the board. Will you give us a categorical assurance that, as the chairman of the board, you will support that when it is discussed?
716. **Dr McKee:** We have to see what comes in —

717. **Mr Clarke:** Yes or no? Will you give a categorical assurance when it comes to the board that, as the chairman of the board, you will support the families with their request for an inquiry? Yes or no?
718. **Dr McKee:** We cannot block an independent inquiry.
719. **Mr Clarke:** A yes or no would suffice.
720. **Dr McKee:** We will have to see what comes in from the families, and we will not block an honest —
721. **Mr Clarke:** I will frame it in a different way. If the families write to the board, will you succumb to the request for a full inquiry? Yes or no?
722. **Dr McKee:** I will have to put it to the board. I cannot instruct the board.
723. **Mr Clarke:** You are the so-called leader of the organisation. You are the man in power. As the chairman of the board, will you make a recommendation to support the families? Yes or no?
724. **Dr McKee:** The recommendation will come to the board. I am not a dictator of the board. It will be put to the board, and the board will come to a corporate —
725. **The Chairperson:** If that comes to the board, will you, as chairman of the board, make the recommendation?
726. **Dr McKee:** I will not block it personally. However, I cannot speak for the rest of my board, Mr Clarke.
727. **Mr Clarke:** You can speak for yourself.
728. **Dr McKee:** I can speak for myself, yes.
729. **Mr Clarke:** In that case, as the chairman of the board, will you support the inquiry and encourage your other members to support it?
730. **Dr McKee:** I will.
731. **Mr Clarke:** Thank you.
732. **The Chairperson:** Dr McKee, you mentioned Mr Craig earlier —
733. **Dr McKee:** The whole thing about corporate memory is that, having read the Comptroller and Auditor General's report and the setting of the scene with various inquiries, I think that a lot of the training that any board gets concentrates on the generic textbook MBA business studies level of the core principles of good governance. In the situation that we have — a uniformed service where people change or are entitled to go after 30 years — there is a big turnover in staff, and if you were to ask who was in a senior position in our service 13 years ago, you would be surprised. Who was anywhere near the board 13 years ago? No one. So, there is work to be done on corporate memory and on knowing where the dangers have been in the past.
734. **The Chairperson:** That is something that you will probably work on after today's meeting, collating that information and everything around it. Is that the case?
735. **Mr Jim Wallace (Northern Ireland Fire and Rescue Service):** It is certainly part of a philosophy that I support fundamentally. Continuity and sustainability — whatever you want to call it — is something that we probably have not had organisationally at all levels. If we are to succeed — and I think that we will — that knowledge and the consistency and stability will give us the continuity to move on. I am already seeing signs of that, which I hope that the chairman and the board are also seeing.
736. **The Chairperson:** Dr McKee, you referred to Peter Craig as being part of the problem. When Mr Craig was here as a witness at this Committee, he certainly did not see himself as part of the problem. It is on public record that he in no way saw himself as part of the problem in the organisation. I felt that I had to put that on record.
737. **Dr McKee:** In fairness, in his assistant chief officer role in community development, the team that he led was recognised nationally as outstanding. The Thumbs Up on Monday campaign, the stuff about smoke alarms and a lot of the youth work was initiated when he led that unit.

738. **The Chairperson:** He informed us about his glowing record and all of that at the meeting. Members, time is of the essence today, and we have a number of formal lines of questioning.
739. **Mr Dallat:** The report is focused very much on the role of whistle-blowers. I really want to hear a bit more about how you feel about whistle-blowers. Paragraph 1.3 of the Department's internal auditor's report on the whistle-blower's allegations states that Linda Ford, whom we spoke about earlier, was suspended for whistle-blowing. Do you agree? That is largely substantiated.
740. **Dr McKee:** There is a real difficulty around that. The letter was immensely clumsy. On the day that he had the conversation with me, the primacy of what Mr Craig was hoping to do was the issue of accessing files. However, to include in the same letter a reference to the whistle-blowing allegation was ill-judged.
741. **Mr Dallat:** In other words, he blew the gaff on you.
742. **Dr McKee:** Sorry, he wrote the letter.
743. **Mr Dallat:** Aye; he blew it, didn't he?
744. **Dr McKee:** No, he did not.
745. **Mr Dallat:** The reason that Linda Ford was suspended was that she was a whistle-blower. That report goes on to say that that was the main motivation for the suspension.
746. **Dr McKee:** Yes.
747. **Mr Dallat:** There is no dispute about that, except from you. Do you agree?
748. **Dr McKee:** If I had thought — if he had said to me — that he was suspending her because she was a whistle-blower, I would have said that he cannot do that; it would have been a complete detriment to her position. However, the way in which it was put to me was that the balance of the issue was on the access to the files. He got that wrong.
749. **Mr Dallat:** He got the whistle-blowing wrong —
750. **Dr McKee:** No.
751. **Mr Dallat:** He got the access to the files wrong as well?
752. **Dr McKee:** No. He had a genuine concern about access of files.
753. **Mr Dallat:** What has been the outcome of that? You tried to bring in some organisation to criminalise her. That did not work. Is that not right?
754. **Dr McKee:** I was not dealing with the Information Commissioner.
755. **Mr Dallat:** Mr Wallace, do you know?
756. **Mr Wallace:** The accusations that were made, which came up through a separate grievance that I heard, meant that the suggestions were referred to the Information Commissioner —
757. **Mr Dallat:** Correct.
758. **Mr Wallace:** — for pursuance.
759. **Mr Dallat:** How did they get on with it?
760. **Mr Wallace:** They took no action.
761. **Mr Dallat:** They took no action because there was no case to answer. Mr McKee, I take you back to the most recent e-mail that you talked about earlier. Have you apologised to Linda Ford for that, or did you just apologise because the inquiry took so long?
762. **Dr McKee:** I think that I referred to the delay in the process.
763. **Mr Dallat:** Chairperson, I came here with an open mind, but my mind is pretty well made up at this stage. You are not a fit person to bring the organisation into the future because you have made it clear that you have all the baggage with you, and you have defended Mr Craig, who performed very badly in front of this Committee. He refuses to answer several supplementary questions that have been put to him. How can you instil confidence in the people who have been hurt in the organisation if you continue to have those views?
764. **Dr McKee:** We are still at a delicate stage in bringing the two people fully

- through the process. The mediation is not quite complete. We have just the last little bit of that journey to go.
765. **Mr Dallat:** So, the inquisition is still ongoing?
766. **Dr McKee:** No. That is an emotive way to describe it. I think that it is being handled with great skill and a lot of quiet work with the chief executive and the director of human resources.
767. **Mr Dallat:** Why did you not raise the roof of the house when Peter Craig wrote that letter that made reference to Linda Ford's whistle-blowing?
768. **Dr McKee:** Six months into taking up my post, if my chief executive, who was the accounting officer, tells me that he has genuine grounds for concern about improper accessing of finance files, that he is going to put a person on a precautionary suspension and that he has taken HR advice and legal advice, I have to take that at face value. I am not in a position to stop that. It is his job, as the chief executive, to manage his staff. If —
769. **Mr Dallat:** Dr McKee, you were in post eight months at that stage. Surely you must have known Mr Craig's motivation for suspending Linda Ford. No?
770. **Dr McKee:** The conversation that he had with me was focused on the accessing of files.
771. **Mr Dallat:** You were working two and a half to three days a week in the Fire Service. It is not as if you were just popping in and out as the chairperson. You were in there; you had the reins, and this man was at your right-hand side. Are you telling this Committee sincerely that you did not know what he was up to?
772. **Dr McKee:** It was my job to look after the board and that side of the house. The actual management of the staff and the service is a management executive function.
773. **Mr Dallat:** Nothing to do with you?
774. **Dr McKee:** No, it is not nothing to do with me, but the burden of that is with the executive team.
775. **Mr Clarke:** I have a supplementary to John's question, and I am interested in your response in terms of Peter Craig. In response to John Dallat, you mentioned the advice that he had from HR. From my recollection, HR was not involved in the process at all. You have just told John Dallat that Peter Craig spoke to HR. We can listen to the tapes, but you referred to his conversation with HR. It is my understanding from a previous evidence session that Peter Craig, by his own admission, did not take it to HR because there was no one there at that time.
776. **Dr McKee:** I asked him whether he had checked with HR and legal. I asked him whether he could do that, and he assured me that he could. He was —
777. **Mr Clarke:** So, did you not feel it was important to find that advice that he had from HR before he made the decision to suspend someone on two counts; one being whistle-blowing, and the other for the records?
778. **Dr McKee:** You mean for me to sit him down and say, show me the advice and show me the —
779. **Mr Clarke:** You, as the head of an organisation that has gone through complex problems for a number of years, find that a senior accounting officer comes to you to suggest they are going to suspend someone, and one reason is for whistle-blowing, which many of us have come to the conclusion was the main emphasis of it. Given that Mr Craig was even involved in the whistle-blowing allegation, you should have informed yourself or seen the information that he was provided by HR, given that you have just responded to John Dallat today and told him that it was based on advice that he had from HR.
780. **Dr McKee:** That was my understanding.
781. **Mr Clarke:** So now you are the chairman of the organisation and you are of the understanding that that is the advice

- that he got, but you were not aware that there was no one at HR; that there were vacancies within HR at that particular time and there was no one to give him that advice?
782. **Dr McKee:** My understanding was that it was an HR manager who rang Linda Ford that afternoon and told her that a letter was coming out, so there was obviously someone there.
783. **Mr Clarke:** Chairperson, can we go back to check that and write to Mr McKee on that? My recollection was that the permanent secretary said that they could have taken advice from the Department at that time because there was a question over whether there was anyone who was capable of giving the information in the HR department.
784. **The Chairperson:** The Clerk will check that.
785. **Dr McKee:** This was in July. A grievance came in about requesting access to files. Now, because we knew that there had already been issues between Linda and her director of finance, and the director of finance is responsible for those finance files, I told him as accounting officer, because he would know about the grievance when the procedure started as someone would have had to interview him about his role in this. I asked him whether Linda been denied access to these files, because there might be a risk to the organisation about inappropriate access. He said that he had not put any block in her place and he said that he wanted to have a chat with her to see exactly what she wanted.
786. **The Chairperson:** At that time, you obviously would have been aware that that was against policy procedures and the organisational procedures.
787. **Dr McKee:** We had not gone into the grievance. I told him as accounting officer that a grievance had come in about accessing files. I asked whether he had denied her files, and he said that he had not but that he would have a chat with her. He wanted to speak to her face to face for clarity, and then we would have proceeded with the grievance.
788. **Mr Dallat:** Just on that point, did Linda Ford claim that she was instructed to access files by her superior officer?
789. **Dr McKee:** There is another letter that came in from the former director of planning, who uses different language. He says that he did not instruct her, he requested — that sort of language.
790. **Mr Dallat:** That is all right. I would love to have been a fly on the wall at these important board meetings. Did you discuss policies?
791. **Dr McKee:** In what way?
792. **Mr Dallat:** Obviously, the Fire Service is governed by a number of policies relating to every aspect of its work. Did you ensure that the Northern Ireland Fire and Rescue Service was complying with its own policies in relation, in particular, to personnel?
793. **Dr McKee:** That would have come through the human resource (HR) committee. Any new policies coming through would have to be discussed at HR and then come before the full board for approval.
794. **Mr Dallat:** Would that have been discussed at monthly meetings? I assume that that is what happens. Committees make reports to the board and the board discusses them at the monthly meeting.
795. **Dr McKee:** Yes. And occasionally policies come through.
796. **Mr Dallat:** Can you explain how on earth it came to such a shambles? What were you doing as chairperson to ensure that reports from those committees were all discussed at the monthly meetings, checked out and being complied with, so that we did not get the outcomes that we got?
797. **Dr McKee:** The difficulty is — and we have admitted to this — that a number of the policies are old, and there is a major review of those through the organisational improvement committee.

- That is one of the major areas of the chief executive.
798. **Mr Dallat:** So now you are telling me that lots of those policies were outdated, yet, earlier in this briefing, you extolled the virtues of Mr Craig. Was he failing in these?
799. **Dr McKee:** I extolled his virtue in what he had done in community development, which is a different role to that of chief executive.
800. **Mr Dallat:** It is the chief executive role that we really want to hear about; not that other stuff.
801. **Dr McKee:** There was a lack of confidence coming through from the corporate management team, that things were going adrift in the first quarter of the second year, 2012.
802. **Mr Dallat:** How friendly were you and Mr Craig? Did you travel together abroad?
803. **Dr McKee:** Can I, for the record, just fix one thing from the last evidence session, about foreign trips? The word was used in the plural. I have been on one foreign trip; to the World Police and Fire Games two years ago in Manhattan. Three Executive Ministers went, the Chief Constable, the Chief Fire Officer — who was there as vice chair of the games — and Mary Peters. The job was to convince people to come here. So there was just the one trip. Just for the record, again, Ms Boyle, there was a reference that I go to trade fairs and conferences — not one. I am glad that Mr Dallat has checked that in an Assembly question. I just want the record straight. I do not do foreign trips, conferences or trade fairs. We did not socialise. We went to a couple of garden parties, which I am sure that you would have enjoyed yourself, with our wives, in our area, in Hillsborough.
804. **Mr Dallat:** I have been to garden parties.
805. **Dr McKee:** So we are in Lisburn district area and we went to a couple of those. However, we were not in each other's pocket.
806. **Mr Dallat:** I have some other questions relating to the report that you may recall we were not given, but I will leave that and give other members an opportunity to ask questions.
807. **Dr McKee:** Nor did we travel to the national joint council together.
808. **Mr Dallat:** You seem fairly strong on that one, but —
809. **Mr Hazzard:** I want to come in on the back of one of John's points. Joe, it is my understanding that, as well as being chair, you are also a member of the HR committee. Is that right?
810. **Dr McKee:** That is right. The only committee that I am forbidden from attending is the audit and risk committee.
811. **Mr Hazzard:** OK. When did you join the HR committee?
812. **Dr McKee:** When we took up our posts, we were all allocated to a committee. In my case, I was allocated to a group of committees. It was as soon as we joined.
813. **Mr Hazzard:** That leads me to believe that you should have been pretty au fait with HR policy and various policies coming through that. That is why I do not understand the confusion. Did you bring the issue that John mentioned to the HR committee at any stage?
814. **Dr McKee:** No. There was not a regular update on grievances or disciplines. It seemed to be broader and more generic issues. That has been changed. In the quarterly meetings with HR, we now get a table of grievances and whistle-blowing. That has helped the situation.
815. **Mr Hazzard:** You spoke earlier about a number of errors of judgement. Do you accept that that was an error of judgement that has now been rectified?
816. **Dr McKee:** It was something that needed fixing, yes.
817. **Mr Hazzard:** I go back to Ms Ford's letter dated 18 July 2011. Will you outline what actions you took on receipt of that letter?

818. **Dr McKee:** The letter of 25 July was addressed to Andrew McCormick, with copies to me, the chair of my audit and risk committee, and Peter Craig, as accounting officer. It was the same information that had gone to the Deputy Chair of this Committee in April or May. The PAC informed the Audit Office of all the issues that had been raised by Ms Ford about events or practices in the lifetime of the previous board. Three weeks later, on 17 August 2011, the director of finance sent a very strong rebuttal of Ms Ford's original letter to the same circulation list: Dr McCormick; our accounting officer; the head of our internal audit; and me. At the end of August, the permanent secretary wrote to my chief, saying that there was a possibility of an internal audit investigation. I did not bring it to the board at that stage because I was clear in my mind that the chair acts as the accountability go-between between the Fire and Rescue Service, the Department and the relevant Minister. I felt that there had been a clear line of accountability. The issues around corporation tax and non-uniform directors' pay had been dealt with. It was only when the new allegations came in October and November that that came to the board.
819. **Mr Hazzard:** Who did you consult with at the time?
820. **Dr McKee:** We talked at length in the Health Committee about this. We did not talk about it. I looked up some other notes on my chair's priorities for the period from September through to Christmas. I put that to the corporate management team and conveners of the committees. The priorities of the audit and risk committee between September and December were the risk register, statement of internal controls, review of policies, and progress of live grievances of whistle-blowers, etc. I was clear in my mind that it was being dealt with at the top end by the Department and the Audit Office. We were not involved in it.
821. **Mr Hazzard:** So, the letter of the grievance dated 18 July —
822. **Dr McKee:** No. The original one, as far as I recall, was dated 25 July 2011.
823. **Mr Hazzard:** We have it here that the grievance was dated 18 July. It is a letter from NIPSA to HR.
824. **Dr McKee:** It must be a mistake.
825. **Mr Hazzard:** It is about grievances.
826. **Dr McKee:** Who is it from?
827. **Mr Hazzard:** From NIPSA to HR. I am asking who, on receipt of the letter, did you consult and what advice did you seek.
828. **Dr McKee:** I did not consult. At that time, we were dealing with a long-running issue down in Enniskillen, principal officer appointments and, as I mentioned, all those acting up. We were dealing with the possibility of £3 million of cuts in the budget and possible industrial action over pensions, and we were still working through the recommendations of the delivery and innovation division (DID) report. I genuinely felt that all this stuff was being dealt with at the right level by the Department and the Audit Office. There is absolutely nothing to hide here.
829. **Mr Hazzard:** Just for a bit of clarity, I will read a little of what the letter says:
- "the grievance was sent to the Chair of the Board in keeping with the policy as it was against the Chief Fire Officer and therefore it was appropriate to do so. This grievance was dated 18 July 2011."*
830. **Dr McKee:** You are talking about two different things.
831. **Mr Hazzard:** Linda then received a letter from the Chief Fire Officer addressing the grievance. Obviously you had passed the grievance on to the Chief Fire Officer.
832. **Dr McKee:** That is the one we talked about a moment ago to do with the accessing of files.
833. **Mr Hazzard:** Yes.
834. **Dr McKee:** I thought that we were talking about the whistle-blower letter.

835. **Mr Hazzard:** No, the grievance letter, dated 18 July. The letter was addressed to you, and the reply then came via the Chief Fire Officer, which contravenes the policies we outlined. Who gave you the advice to pass that grievance to Peter Craig?
836. **Dr McKee:** I had not realised that he had written to NIPSA. I spoke to him about the risk of somebody going in to look at the files. He said that he would have a chat and see which files she wanted to see. There had been concerns about people digging through our files. You would not want that.
837. **Mr Hazzard:** You would not want the Chief Fire Officer responding to a grievance that was about him either. I presume that you accept that?
838. **Dr McKee:** I was not aware of that letter.
839. **Mr Hazzard:** So, it is fair to say that you did not consult with anybody on best practice or what, in keeping with policy, the response to the letter should have been.
840. **Dr McKee:** I am at odds about that. I cannot understand that at all.
841. **The Chairperson:** I appreciate that you have not seen a copy. We will get you a copy of it.
842. **Mr Hazzard:** I just wonder whether, in hindsight, you think it was wise to discuss the grievance with Mr Craig.
843. **Dr McKee:** In hindsight, no. I would not do that again.
844. **Mr Hazzard:** That is something that no doubt Ms Ford herself —
845. **Mr Clarke:** Mr Craig has left. She will be OK.
846. **Mr Hazzard:** There are errors of judgement and then there are severe errors of judgement.
847. **The Chairperson:** We will get you a copy.
848. **Dr McKee:** Thank you.
849. **Mr Hazzard:** I just think that, as a member of the HR committee especially,

this represents a severe error of judgement. I am not sure what sort of apology to Ms Ford would ever make it up. A lot of my comments have been made by other members, so I will leave it there.

850. **Mr Clarke:** It goes back to the right people in the right jobs. That work calls you into question again. At that time of year, you had been in the post for some months. By your own admission, you were on the HR committee from the very start of your appointment. Does it not strike you that, even if you had not been on the HR committee, where a letter had been disclosed to you from a member relating to another senior member of staff, you should never have had a conversation with that individual, given the high position you hold in the organisation?
851. **Dr McKee:** I would not make the mistake again. When the initial grievance came in about the accessing of files, I asked Peter whether we were at risk. I should have just gone ahead straight into the grievance.
852. **Mr Clarke:** You are in a total quagmire with the whole thing. You had the conversation about the suspension at that stage, and I have been guided to a document in our file on the events around that. You gave a response to John Dallat earlier on that. Following on from what Chris said, one piece of evidence suggests that you had the conversation with an officer who was referred to you by Ms Ford. Then Mr Craig came to you and told you that he will suspend that member of staff on two counts. Now, what we —
853. **Dr McKee:** Sorry; that was not the same issue.
854. **Mr Clarke:** It may not be the same issue but it is the same individual, and you were involved in both incidents. It strikes me and most members of the Committee that Ms Ford was suspended because of her whistle-blowing. We can look at the catalogue of events around that. Yes, an acting head of HR at that time advised Mr Craig to speak to legal

- services, but when someone else had a conversation with legal services, it turned out that Mr Craig did not get any legal advice from it. That suggests to me that you are caught up in the whole debacle with Linda Ford, Peter Craig and the suspension and how you handled it as the head of the organisation. I think the same as I thought on the last day that we had a session on this matter, although you were not there to give evidence. I believe that your position in the organisation is untenable and, for the clarity of the organisation, the sooner you go, the better. It can then get someone in to steer the ship out of the muddy waters that it is in.
855. **Dr McKee:** Normally, Peter Craig would have taken legal advice from the contract that we have with Belfast City Council.
856. **Mr Clarke:** Did you satisfy yourself that he did that, given that you had a conversation with him about Ms Ford previously —
857. **Dr McKee:** No.
858. **Mr Clarke:** — and given that he suggested to you that you should suspend that member of staff, who you had had a conversation about?
859. **Dr McKee:** We were in a very weak position with our —
860. **Mr Clarke:** You were in a very weak position as the leader of an organisation. You should no longer be in that position. You should resign from that position and give someone the opportunity to turn the organisation around rather than dragging its good name through the mud year in, year out and destroying the good name of the men and women who respond to calls daily. The media are focusing on the Fire and Rescue Service, and the public think of the Fire and Rescue Service as the men and women who respond to the 999 calls. They do not understand the debacle at the head of the organisation, which is a position that you hold. As far as I am concerned, you are steeped in this debacle with Ms Ford and Peter Craig. I will repeat: your position is untenable, and the sooner you tender your resignation, the better it will be for the organisation.
861. **The Chairperson:** Do you want to respond?
862. **Dr McKee:** No, I have heard that before. It was an incredibly difficult set of circumstances, and when people look at my performance in the other areas for which the chair has responsibility, they will see that there is a different picture. It was all handled poorly.
863. **The Chairperson:** Dr McKee, Linda Ford's grievances against Peter Craig were never heard. That was because a decision was taken that the hearing of the grievance could not take place until the disciplinary case against Linda was concluded. The Department's internal auditors said in their report at paragraph 7.4 that the denial of grievance hearings was contrary to the Fire and Rescue Service's disciplinary policy. Who made the decision that the grievance hearings could wait? Was it you? Did you know that the decision breached the Fire and Rescue Service procedures?
864. **Dr McKee:** It was the advice given to me by human resources. The letter that I sent out was written in association and consultation with the professionals in HR.
865. **The Chairperson:** Who was the head of HR?
866. **Dr McKee:** At one period, two managers were alternating back and forward. So, we would need to check, without naming that person, who the correct person was. We had a cover period. What was the date?
867. **The Chairperson:** I am not sure of the date, but it is in paragraph 7.4 of the report. Who made that decision is key information.
868. **Dr McKee:** I will need to get back to you on that.
869. **The Chairperson:** At the time, Ms Ford raised your failure to follow the proper procedures in her evidence to the Health Committee. She said:
- "If the chairman of the organisation does not follow due process, how can staff or the public*

- have faith in the corporate governance of the organisation?"*
870. **Dr McKee:** In many ways, I wish that I could do a lot of that again. I wish that we had policies that were more robust. The grievance policy, the harassment policy and the discipline policy do not even refer to the board or the chair; there is nothing. I did a word search for both recently, and there was no reference anywhere there to where those things go. The only reference to the chair was in a policy that was signed off by the chair and the chief executive some years ago.
871. **Mr Hussey:** Who gave the instruction?
872. **Dr McKee:** To?
873. **Mr Hussey:** You said that you were instructed not to appoint until you had done something else. Who gave that instruction?
874. **Dr McKee:** The HR advice was that we could not proceed with a grievance while there was a discipline was in place.
875. **Mr Hussey:** You said that, when you started, there was an instruction not to appoint.
876. **Dr McKee:** It came from the Department.
877. **Mr Hussey:** Who in the Department?
878. **Dr McKee:** Ultimately, from the permanent secretary.
879. **The Chairperson:** We can get that clarified. We can write to you about that other bit.
880. **Mr Rogers:** You are welcome. In your opening remarks, you talked about the Fire and Rescue Service — I think that this has to be said over and over again, and Trevor has said it before as well — being dogged by highly critical reports. We are not talking about the men and women who respond to 999 calls or those who service the tenders, etc. Why is morale low?
881. **Dr McKee:** Over the years, we seem to take one step forward and two back. I admit that the handling of this grievance stuff has been flawed. I think that a lot of the other governance issues that we have at the moment are moving in completely the right direction. I will give you an example. There was criticism of the payment principles and the way we organised the whole-time recruitment. There is a major exercise going on this weekend and next week around the G8. The approach to that has been completely different from the word go. We needed to see what that would cost, how overtime would be awarded and what the overtime would be. That is all in place, so we know exactly where we are on that. No major projects on the operational side can be undertaken now without the Chief Fire Officer signing those off. So, there are controls there that we did not have even a couple of years ago.
882. **Mr Rogers:** I suggest to you that morale is low because of the many things that we have seen going on at senior management level, whether it is a senior person who seems to interpret HR policy as they like and does not return a Land Rover when they are supposed to, or things such as not seeming to have a stock control system. Lawnmowers seem to come and go, and all these things happen. Is that not the real reason? The ordinary person on the ground looks at the people who are supposed to be leading the organisation giving themselves a handshake before they retire and that type of thing.
883. **Dr McKee:** To be factually correct: no one gave themselves a handshake before they left; that has not happened. It has not happened on our watch, and I do not think that there is any evidence that it happened on any other watch.
884. **Mr Rogers:** From our last evidence session, it was quite obvious that people got a pay rise, in some cases without the board knowing. There was one particular case — I do not know whether you were chair of the board at the time — in which the chair of the board knew about the pay rise but that was not communicated to the rest of the board.

885. **Dr McKee:** That was in 2008-09, and it caused a major turnaround. An interim board was put in place. That cannot happen now. Apart from anything else, a departmental official now sits in on every board meeting and every committee meeting. Instead of two accountability meetings a year with the Department, we have four. The delegated limits were halved. Punitive measures were quite rightly put in place, and those are in place to this day. There is this notion about people awarding themselves pay rises, but that does not happen.
886. **Mr Rogers:** But it did happen.
887. **Mr Hussey:** Mr Rogers, can I support you in that by asking a question? There were so many officers in acting roles who retired in acting roles. Did they not get the pension for the role that they were acting in if they had been acting in it for a substantial period? That would be a handshake and a pat on the back as you go.
888. **Dr McKee:** Those people did not retire. Nearly all the people who retired were on a list that I have seen in —
889. **Mr Hussey:** No; there were several senior fire officers who were acting senior officers and who retired at the rank that they were acting in. Is that not the case?
890. **Dr McKee:** There is one who I know of; that was not common practice.
891. **Mr Hussey:** There was at least one.
892. **Mr Rogers:** I accept what you say that that cannot happen today, but there have been situations in the past in which the board and the Department did not know about it.
893. **Dr McKee:** That was that one occasion, and it was dealt with ruthlessly at the time. The other issue that that often gets mixed up with is the unapproved bonuses that went through. The interpretation was that each of the sums was less than £5,000, which was the delegated limit. However, put together, the four of them put it over the delegated limit. That is where the difficulty came on that one.
894. **Mr Rogers:** Do you accept that those sort of events contributed to low morale?
895. **Dr McKee:** They were very damaging.
896. **Mr Rogers:** You also said in your opening remarks that there was instability at board level after the audit office report and other investigations came out. Can you tell us a wee bit more about that?
897. **Dr McKee:** When the irregular payments to non-uniform directors in 2008-09 came to light through DFP, the permanent secretary took rigorous actions. He instated a transitional board for a few months in 2010. We then set up a new board, which, effectively, was at the very end of 2010 and into 2011. There was a previous chair, an interim chair and an acting chair before I came long. So, in the space of a couple of years, there were four chairs and three or four people occupying the role of Chief Fire Officer. That all led to a lack of stability.
898. **Mr Rogers:** You mentioned the appraisal of board members. In April, the DSD corporate investigations unit reported that the Fire and Rescue Service's internal audits were under-resourced and consistently failing to complete their planned programme of work. How have you appraised the work of your audit committee?
899. **Dr McKee:** A decision was taken in, I think, 2006-07, which again was before our time, to reduce the number of internal auditors from three to two and to put one of those persons into finance, because there was a perceived need there, and to take the round of audits into a different phase. Now, a number of high risk areas are audited every year, and the lower risk areas are audited every three years. A proposal is with the internal audit and risk committee this week to look at various options around internal audit to see how that might be strengthened.

900. **Mr Rogers:** How many board members are on that internal audit committee?
901. **Dr McKee:** There are four or five. It is the one I do not attend.
902. **Mr Rogers:** Can I take you on to the external overview? I want to go back to a point that Trevor made at the beginning and that I tried to get in on. Maybe I did not hear the answer, so could you repeat it for me? Were you aware of the Scottish audit office report into Brian Sweeney? Were you aware of that report at that stage?
903. **Dr McKee:** No.
904. **Mr Rogers:** You were not aware of the report?
905. **Dr McKee:** No.
906. **Mr Rogers:** Is that not a failing? You were aware of his CV, etc, and all the other things that he got, but you were not aware of that. Is that not a failing on your part?
907. **Dr McKee:** I judged the man on what I saw of him. The fire commissioner in London is a hugely regarded man. A number of those chief officers went through that process. From what I know, there was nothing irregular. Maybe Mr Wallace knows more.
908. **Mr Wallace:** Purely for clarity, Chair: the process by which we went about the external review was not with Mr Sweeney. The first port of engagement was with the Chief Inspector of Scotland. We sought his advice on two things: first, whether he felt it appropriate to come and do the review; and secondly, what process that would involve. It was his suggestion, even though he would be leading on it, that the Chief Fire Officer of Strathclyde would support him in doing that. It was not a question of engaging directly with the Chief Fire Officer of Strathclyde. It was on the advice of the Chief Inspector of Scotland to support him. Therefore, the Chief Inspector was leading on it, rather than the direct engagement of CFO Sweeney.
909. **The Chairperson:** So, you did not go and seek him out yourselves. Is that what you are saying? You did it through the Chief Inspector?
910. **Mr Wallace:** My approach was for the Chief Inspector. I thought that it was appropriate —
911. **The Chairperson:** Through the Chief Inspector?
912. **Mr Wallace:** Yes. My approach was, with support, that the Chief Inspector of Scotland be asked whether they would consider, through the inspectorate, undertaking the external review. That was my suggestion, which was supported. Given the nature of the terms of reference that were drafted to support the Chief Inspector to do that, he felt that the expertise that could be brought to that review by the Chief Fire Officer of Strathclyde, for a number of the reasons that the chairman has touched on, would give more kudos and credence to the review. I was content to be guided by him. I was certainly aware that there was an investigation — sorry; an Audit Scotland review — but my understanding at the time was that it was about governance rather than about Mr Sweeney himself, and I am still of that view. That is for clarification, Chairperson.
913. **Mr Rogers:** Mr Wallace, did you know this man in a professional or personal capacity before?
914. **Mr Wallace:** Mr Sweeney?
915. **Mr Rogers:** Yes.
916. **Mr Wallace:** I only knew him as the chief of Strathclyde through meeting him occasionally at meetings. Certainly, in the latter part of my time in the Scottish Government, I had almost no contact with him at all. Obviously, though, Scotland being a relatively small place means that you do meet from time to time.
917. **Mr Rogers:** Did you discuss the audit office report with the chief executive at that time?
918. **Mr Wallace:** The audit — no.

919. **Mr Rogers:** You said that you were aware of a Scottish audit office report.
920. **Mr Wallace:** No. My discussions were all with the Chief Inspector of Scotland.
921. **Mr Rogers:** Right. If you were aware of the Scottish audit office report, why did you not investigate what was in it before that person was appointed?
922. **Mr Wallace:** For the purposes of what was being carried out for the Northern Ireland Fire and Rescue Service and discussions with the Chief Inspector of Scotland, my understanding was that the investigation or the fact-finding was around the governance arrangements and how the board had gone about the retirement process of the Chief Fire Officer. As was mentioned, the arrangements were not unique to that individual. It happened elsewhere. It did not appear to me that any concerns were relevant to the work that that individual was going to be carrying out through the direct control of the Chief Inspector of Scotland.
923. **Mr Rogers:** Do you accept now that you should have?
924. **Mr Wallace:** I still do not believe that there was any conflict about what the individual was looking at. I have not followed the course of action from the report, but I am still of the view that it was around the governance arrangements, and not about the individual's competence or capability to discharge his role as Chief Fire Officer, which was the expertise that was being brought to the external review.
925. **Mr Rogers:** Did you not believe that that review had to be credible and totally impartial?
926. **Mr Wallace:** Yes, and I believe that it was because I was using the chief inspector. I still maintain that his view and integrity are intact and of the highest level. I was content to take his professional advice.
927. **Mr Rogers:** With hindsight, do you still believe that that was the right course of action?
928. **Mr Wallace:** I believe that it was.
929. **Mr Rogers:** With regard to the review, why do you think that it came to a view on disciplinary action? How was that exercise carried out?
930. **Dr McKee:** We looked at all the other reports that we had and conducted a desktop review. Those boys had been round the track. They know how fire services work. They know the culture and the working practices. Their judgement was that some of the custom and practice was less than ideal. They came to a judgement. They referred to what they called "sins of commission and omission". I think that their view was that no one had wilfully done anything that should give us great grounds for concern.
931. **Mr Rogers:** Do you accept that that review could be looked upon as a real whitewash?
932. **Dr McKee:** No. I do not think so. As I said, those were very experienced professionals. They are not fools. They had an honest look at it. That is the conclusion that they came up with.
933. **Mr Rogers:** How would you reconcile that with the view of DARD's central investigation service, which concluded that Fire Service managers had not ensured the proper use of public funds and suggested that disciplinary proceedings be instigated? How would you reconcile those two views?
934. **Dr McKee:** Where is that?
935. **Mr Rogers:** It is in a report from DARD's central investigation service.
936. **Dr McKee:** I am sorry to be pedantic. What page is it on?
937. **Mr Rogers:** I am not sure.
938. **Dr McKee:** I am looking at the conclusions. It may well have related to criticism that we did not have a correct overtime policy on detached duties. What they used was an out-duty policy that was really too blunt an instrument for that. Afterwards, we were told that part of the rationale was that a number

- of the people who were involved in that were retained part-time firefighters. Those people would be giving up a day's work. Really, it should have been specified in hours, rather than a day. It went back to custom and practice. As I said with regard to the very illustration that I gave about how we are looking at payments for the G8 summit this weekend, we have closed that down.
939. **Mr Rogers:** OK. Can I just take you to page 50 of the report, which talks about the Department's key performance at quarterly accountability meetings. Can you tell me how those accountability meetings have changed under your stewardship?
940. **Dr McKee:** I do not know how they were run before I came into post. They are an established feature of the interaction between the Department and the service —
941. **Mr Rogers:** Sorry: I must interrupt you. You do not know how they happened before? Is there no paper trail?
942. **Dr McKee:** I thought that you meant the conduct of the meetings. There are two sides, two parts, to the meeting. One looks mostly at governance issues. The second part of the meeting takes a much broader remit. That is the change.
943. **Mr Rogers:** Paragraph 67 on page 50 states that the:
- "lack of opportunity to challenge reduces the scope".*
944. **Dr McKee:** I read that more as something that the Department, which convened the meetings, needs to look at. The Department does that challenging, so I think that we need to have that conversation with it.
945. **Mr Rogers:** How are things challenged in your accountability meetings?
946. **Dr McKee:** It is really an interchange of ideas, identifying risks that will come up in the future. That is the main thrust of it, from what I see. This is so that the Department knows what we intend to do, so the philosophy or tactic of no surprises is there and identifying emerging issues are important at the end of it. That is my reading of it.
947. **Mr Rogers:** How was your new board brought up to speed with all this?
948. **Dr McKee:** A good programme called On Board was organised, I think that it was through the Chartered Institute of Public Finance and Accountability (CIPFA). It was generic corporate governance stuff. We felt that it was useful. Nearly all of us had done something similar before, because people had all been on boards.
949. **Mr Rogers:** You made another point that also alarmed me. In answer to a previous question, you talked about there being little reference in the documentation to the chair, through the hierarchy, particularly about what was happening with HR, etc. Had that been a problem in the past?
950. **Dr McKee:** Little reference to which chair?
951. **Mr Rogers:** To you, as chair.
952. **Dr McKee:** From?
953. **Mr Rogers:** You, as chair or chief of the organisation, the hierarchy; you know, if you go back to the problems with HR reports being open to interpretation or whatever else. Are those links now stronger throughout the organisation? For example, if something is wrong in HR, is your HR person held accountable?
954. **Dr McKee:** Yes, and that is one of the main changes in the agenda, so that rather than being swept up by a chief executive of a Chief Fire Officer, each director presents on behalf his or her directorate. I have also tried to instil that the main nuts-and-bolts work goes in those committees and is then brought to the board, so that we do not re-run, other than challenge, significant issues at the full board.
955. **Mr Rogers:** Finally, what progress are you making with the 129 recommendations?
956. **Mr Wallace:** I should impress upon you that they have gone up. I think that there is more than that now, given another recent audit report. However,

- we have cleared 52 or 53 of them, with another 16 pending, which are owned and managed through the organisation improvement committee that meets monthly and reports back to the board. Some of the recommendations concern longer-term organisational change, and we are picking those up within a wider programme but still making progress.
957. **Mr Rogers:** Thank you.
958. **Dr McKee:** The report on the accounts from the Comptroller and Auditor General (C&AG) outlined a number of recommendations, including that the Fire Service board needs to build up its scrutiny role. We have highlighted that, with vacancies on the board coming up in September, we have been asking for a chartered accountant to be put on the board. That has been communicated to the Department. Another recommendation was to provide timely and relevant information to the committees, which we do. We are very fussy about getting stuff out in time. The report queries the audit and risk committee being responsible for ensuring that its information requirements are met. We are doing that. A conflict of interest statement on purely financial conflicts of interest was changed a few years ago. That was broadened and the chair now asks at every meeting whether anything constitutes a possible conflict of interest. The capacity of internal audit needs to be built up. The audit and risk committee will do that this week.
959. **Mr Girvan:** We do.
960. **Dr McKee:** No embarrassment intended, gentlemen, but we do not do that. We had an away day early in our second year to demystify some of the areas that were, perhaps, not as open. Some of our secretaries at that event said, “I heard stuff today that I never knew about.” We think that the thing is moving and there are signs that we are going in the right direction.
961. **Mr Clarke:** Did you all go in the Land Rover to that?
962. **Dr McKee:** The Land Rover is a huge —
963. **Mr Clarke:** I just wondered whether the secretaries who had not heard anything about the organisation knew about the Land Rover.
964. **Dr McKee:** There is not a Land Rover joke that I have not heard in the past year.
965. **Mr Rogers:** I would not deny anybody their cup of tea. Is there any opposition on the board to the implementation of those recommendations?
966. **Mr Wallace:** Not at all. None whatsoever. We fully support the implementation. In fact, some of the challenge that we get through the organisational improvement committee is almost in the sense of trying to beef up some of the recommendations to help to provide even greater assurance. Those who sit on that committee have been very supportive and are demanding that the recommendations are implemented as quickly as possible. That has been very helpful from my perspective.
967. **Mr Dallat:** There are just a few remaining matters that I would like demystified, to use your term. You know that the Committee was refused a copy of the Dr Ackah report.
968. **Dr McKee:** Yes.
969. **Mr Dallat:** You very kindly supplied us with two pages. I have a couple of wee questions that I am sure will not infringe on your secrecy.
970. **Dr McKee:** I think that data protection is probably —
971. **Mr Dallat:** Well, we know that data protection is used for many things but I will ask you the questions. I will not ask you to elaborate. Just give us short, sharp answers, please.
972. **Dr McKee:** Why did it take that time to publish?
973. **Mr Dallat:** Yes.
974. **Dr McKee:** She was challenged several times by the director of finance at the time —

975. **Mr Dallat:** Who was the director of finance at the time?
976. **Dr McKee:** Mr McGonigal.
977. **Mr Dallat:** Yes. I would like to ask you a couple of questions about Mr McGonigal. What has happened to him?
978. **Dr McKee:** Mr McGonigal resigned.
979. **Mr Dallat:** He resigned.
980. **Dr McKee:** Not to go to any job that we know about, but he resigned and left the organisation.
981. **Mr Dallat:** What was the nature of the allegation against Mr McGonigal that Dr Ackah was investigating?
982. **Dr McKee:** It was around harassment. It was basically harassment.
983. **Mr Dallat:** It was harassment against Mr Boyle, yes?
984. **Dr McKee:** It was.
985. **Mr Dallat:** Would you like to tell the Committee what happened to Mr Boyle during that complaint?
986. **Dr McKee:** Mr Boyle was asked to work elsewhere.
987. **Mr Dallat:** Is elsewhere called Enniskillen?
988. **Dr McKee:** Yes.
989. **Mr Dallat:** Yes. So he was just requested to work in Enniskillen; he was not ordered to? This is the person who made the complaint, of course.
990. **Dr McKee:** Yes. It is part of the process that the harasser and harassed should not bump into one another. Mr Boyle lives in Derrylin, which is close to Enniskillen, so there would have been an agreement that he was working on various tasks that he was given there. It was closer to where he lived. He also worked for a time for the World Police and Fire Games.
991. **Mr Dallat:** It is my understanding that he was given an office with no phone, but that is probably not quite correct. When
- did you become aware of Dr Ackah's report?
992. **Dr McKee:** It came into the building sometime in October. Mr Craig, the Chief Fire Officer, held onto it.
993. **Mr Dallat:** Sorry, Dr McKee. What did you do about the report? You are the chairperson. Upon learning of the contents of the report, a report that the rest of us are not allowed to see, what did you do about it?
994. **Dr McKee:** The Chief Fire Officer said that he would deal with it.
995. **The Chairperson:** Why are we not allowed to see it? Why are we not allowed sight of that report?
996. **Dr McKee:** It is very sensitive. It gives a lot of detail about conversations that may or may not have happened in offices. You can work out who the people are. The real concern at the time was that there were people who were prepared to leak anything and it would not have been in the interests of the individuals referred to to have that material out and treated in some sort of a tabloid way.
997. **Mr Clarke:** Protectionism.
998. **Mr Dallat:** Well, certainly, you cannot be accused of that because you have refused to publish the report and even to give this Committee access to it.
999. **Dr McKee:** We took strong legal advice about that, so it was not just done on a whim.
1000. **Mr Dallat:** You, personally, did nothing about it. You just passed it over to Craig, who is totally discredited.
1001. **Dr McKee:** A staffing issue, like that, I regard as an executive matter. The executive runs the service and I run the board.
1002. **Mr Dallat:** You run the board? Is this the type of leadership that you will offer in the future?
1003. **Dr McKee:** When he gave the thing to me, I gave it to a member of the board who had legal training. She had a look

- at it. There were various issues around that. It ties in, again, unfortunately, with our harassment policy, which is one of the older policies. There were procedural issues around that that were going to land us in a lot of hot water.
1004. **Mr Dallat:** Dr McKee, I am conscious that we are probably running out of time. Can you confirm that a member of the board accompanied Mr McGonigal during the investigation process with Dr Ackah?
1005. **Dr McKee:** Yes.
1006. **Mr Dallat:** Do you think that that was fair and reasonable, given that the person who was making the complaint was John Boyle? He is another honourable member of the fire authority, now restored to his original position, though probably still awaiting an apology for what happened to him, I am sure, because I do not regard your communication with Linda Ford as an apology. It was far from it. So a member of the board was accompanying Mr McGonigal to these—
1007. **Dr McKee:** The member of the board is a professional trade unionist. When the board was set —
1008. **Mr Dallat:** Can you name him please?
1009. **Dr McKee:** Mr Jim Barbour.
1010. **Mr Dallat:** Yes. Would you regard Mr Jim Barbour as impartial and independent?
1011. **Dr McKee:** He is an executive officer of his union at national level. I think that he is vice president. When this board was set up in 2010, one of the requirements from the Minister at that time was that there should be four elected representatives and a trade unionist.
1012. **Mr Dallat:** Would you be surprised if I were to tell you that Mr Jim Barbour rates very low among your personnel and is regarded as one of the lackeys at the top?
1013. **Dr McKee:** I have never heard that.
1014. **Mr Dallat:** You have not? OK. At a Health Committee meeting, a former CFO, Mr Jones, stated that he had arranged for that report to be considered by the board when complete. If that is the case, was the board member's attendance with Mr McGonigal inappropriate at best, and a complete —
1015. **Dr McKee:** It has not come to the board yet. He knows that if it comes to the board, he will not be allowed to have any discussion around that.
1016. **Mr Dallat:** You have probably answered the last question. What actions did you take against the board member in question? Do you feel now that disciplinary action should be taken against that individual?
1017. **Dr McKee:** Against the board member?
1018. **Mr Dallat:** Yes.
1019. **Dr McKee:** For doing what?
1020. **Mr Dallat:** For accompanying Mr McGonigal to these disciplinary meetings.
1021. **Dr McKee:** He was representing him as a professional trade unionist with the agreement of another trade union. There is absolutely nothing improper in that.
1022. **Mr Dallat:** Nothing. So tell me, what is going to happen to this report now?
1023. **Dr McKee:** The chief executive has been —
1024. **Mr Wallace:** The report has been with the service for some time. As the chairman has said, a commitment was made that it would be taken to the board at some time. We are very conscious of that and we are also conscious of the needs and expectations of John Boyle. We have had discussions with him. There are ongoing discussions about how we will deal with the Ackah report to reflect what we have not done or what the organisation has not done on John's behalf. I will not say any more at the moment, because, as I say, we are having discussions with John to reach an agreement as to how we will deal with it in a way that would be acceptable to him, given what he has experienced.

1025. **Mr Dallat:** Sorry, I have been exceptionally rude. I must let my colleague Mr Hussey back in again, but, in conclusion, given what you have just told me, Dr McKee, I do not think that you or Mr Wallace or Jim Barbour are fit people to lead this organisation. I am sorry about that.
1026. **Mr Hussey:** Can I follow up on your question, John, before I go on to mine? Did you say that this report would be taken to the board at some time? Has this report gone to your board?
1027. **Dr McKee:** No.
1028. **Mr Hussey:** How long have you had it?
1029. **Dr McKee:** Since October.
1030. **The Chairperson:** So, it has been put to bed.
1031. **Mr Dallat:** Literally.
1032. **Mr Hussey:** It seems strange that we, as a Public Accounts Committee, representing the electorate of Northern Ireland and representing value for money and everything else, are being told that we cannot see a report that you seem to have had for seven or eight months. This report has not seen the light of day. You two have seen it. Conspiracy theories would nearly start to form in people's heads. If I were a member of your board, which fortunately I am not, I would be appalled that you have held this back for so long.
1033. **Dr McKee:** Under the 'Reporting the Facts' section of the NIFRS harassment policy under which the terms of reference were, the manager undertaking the investigation, Dr Ackah, should:
- "prepare a written report outlining the facts indicating his or her facts whether or not a case for harassment is substantiated. Where the manager has not the authority to take the necessary action to follow up, this report will be forwarded to a more senior manager or ultimately to the Chief Fire Officer or the chief executive to make a decision on any appropriate management or disciplinary action."*
1034. **Mr Hussey:** It is amazing that you can find these little quotes from the NIFRS. I am sure there is also something in the NIFRS code on whistle-blowing and how you are meant to deal with it that has not been used, but you are able to quote to me now sections from the NIFRS code that you could not use when it came to whistle-blowing.
1035. **Dr McKee:** All I can say is that I did not appoint me. It was an open, public —
1036. **Mr Dallat:** You must have applied.
1037. **Dr McKee:** Yes, I applied. It was an open, public enterprise with the Northern Ireland Public Appointments unit.
1038. **Mr Hussey:** I asked —
1039. **Dr McKee:** I have had a long working experience.
1040. **Mr Hussey:** Do you think that that experience has equipped you to deal with the responsibility of leading an organisation with over 2,000 staff? I could sit here and tell you that I also have done the On Board training that you have mentioned. I also have been a director of a company; I worked for a major company and was responsible for its budget for all of Northern Ireland. I have asked you, specifically, whether you think that the experience that you have gives you the ability to control the Northern Ireland Fire Service in the role that you currently hold?
1041. **Dr McKee:** I think that the situation that I walked into was the most challenging thing I have ever had to experience.
1042. **Mr Hussey:** Right, you walked into it, and it was a very challenging experience; I accept that. Do you think that the Department could have done any more to help you when you went into that role? Did you ask for any further assistance?
1043. **Dr McKee:** No, the Department was very, very supportive, and has continued to be supportive. I am appraised at the end of each year. I was appraised at the end of the first financial year and the second year. Each of those appraisals said that I had given very good leadership to the

- board and that I had done a good job in amazingly difficult circumstances.
1044. **Mr Hussey:** Let us look at those, because I want to ask you a question in relation to recruitment. You prioritised the recruitment of firefighters, even though you were aware that vacancies persisted in key internal governance roles. Why did you prioritise the recruitment of firefighters, without the internal composition —
1045. **Dr McKee:** To go back to what I said at the start, the business of the Fire Service is the front end. We were being told, and we knew, that there were great gaps there that needed to be filled, and if we got that right, we filled in these other areas.
1046. **Mr Hussey:** This is the answer —
1047. **Dr McKee:** It is a capacity issue. You cannot do everything at once.
1048. **Mr Hussey:** This is the answer you gave to Mr Girvan. You said that previous senior staff felt that the main role was to do with firefighters, as opposed, perhaps, to the clerical and senior management roles. Then again, you, as officer in charge, should have been aware —
1049. **Dr McKee:** I am not the officer in charge.
1050. **Mr Hussey:** No, you, in your role as chairman of the Northern Ireland fire authority should have been aware of the fact that the management structures were weak, and that should have been a priority.
1051. **Dr McKee:** I admit that I was almost drawn into a position of becoming an executive chair, because there was so much to be done. It has been such a difficult project.
1052. **Mr Hussey:** When you arrived, you said there were four, I think, acting commanders.
1053. **Dr McKee:** The four principal officer positions were not filled.
1054. **Mr Hussey:** There were 175 acting ranks.
1055. **Dr McKee:** That was not my fault.
1056. **Mr Hussey:** I accept that that was something that you discovered when you arrived. I am not suggesting for one minute that it was your fault; take that as read. However, there seems to have been an attitude of, “We’ll have these acting ranks.” Earlier, I made the point that some of those people may have retired on the acting ranks and, if they did, they would have retired on a higher pension than they would have done normally.
1057. **Dr McKee:** No, they were all substantiated up into their roles.
1058. **Mr Clarke:** That is worse.
1059. **Dr McKee:** I think that Mr Jones was the only one. He retired, and he was the full chief when he retired.
1060. **Mr Hussey:** For how long? He had only been acting —
1061. **Dr McKee:** For a short time.
1062. **Mr Hussey:** Therefore, he was able to retire; it is the pat on the back that we were talking about earlier. The more we listen to this, the more it seems that there were major issues. You were able to make reference to your guidebook and what it says and does not say. In my opinion, the whistle-blowing policy seems to have been disregarded or not used. Whistle-blowing policies have been in place for quite a long time. I think that you will find that in any Department, politicians have been pushing for them to be used and used effectively. The problem that you face is that the whistle-blowing policy was not effective in the Fire Service. I know that, if I worked for the Fire Service and I saw something wrong, based on what happened to Ms Ford, I would not say anything. I think I would find myself just going away, and not mentioning it at all.
1063. **Dr McKee:** We have had conversations about that. We think that we are quite close to getting the whole thing sorted. We have challenges around internal communication. What we tend to put out is very formal technical data. We need

- to put out much more people-friendly, softer stuff to encourage —
1064. **Mr Hussey:** This is the 21st century, and I am looking at a poster on the wall about an open night. You could not get anything more user friendly than a poster of that type. That is not going to cost much. This is something you should have resolved some time ago. This should be ingrained not only in the Fire and Rescue Service but in all public services. There should be something along these lines: “If you see something wrong, report it.”
1065. **Mr Clarke:** Shame on you.
1066. **Mr Hussey:** A unionist — that is what I always have been.
1067. **The Chairperson:** The Health Committee stated that the Audit Office could have a copy of the Ackah report and that it would be sent to the Comptroller and Auditor General. Perhaps you would look into that, Kieran?
1068. **Mr Kieran Donnelly (Northern Ireland Audit Office):** I am more than happy to look at that.
1069. **The Chairperson:** Thank you.
1070. **Mr Clarke:** It is useful to hear that. That report should influence us as we proceed, and before we draw this to an end. I am sure that there will be some interest in its findings when the C&AG gets a look at it.
1071. **Dr McKee:** The Fire Service is a hierarchical organisation. People are in no doubt as to who is their boss or who is below them. If the man above — I do not mean it in that way — tells you to get rid of something, you should get rid of it.
1072. **Mr Clarke:** Were you aware of that when Mr Craig was appointed?
1073. **Dr McKee:** No.
1074. **Mr Clarke:** You were never aware of the Land Rover issue?
1075. **Dr McKee:** No.
1076. **Mr Clarke:** When did you first become aware of the Land Rover?
1077. **Dr McKee:** When somebody, after it came back from a trip to Rathlin for an annual inspection, asked me whether I knew that there was a bit of history about it.
1078. **Mr Clarke:** When was that?
1079. **Dr McKee:** I think that it was in June 2011. I made quiet enquiries of someone who was involved with our fleet, and I did not get the type of reassurance that I wanted at all. It had not been recorded in our gifts and hospitality, so I brought him in and —
1080. **Mr Clarke:** Brought who in?
1081. **Dr McKee:** Mr Craig. I suggested that the Land Rover be removed from the premises immediately.
1082. **Mr Clarke:** You suggested or told him?
1083. **Dr McKee:** I told him. I am not allowed to instruct staff to do anything.
1084. **Mr Clarke:** In the evidence that you gave to the Health Committee in December 2012, you said that you instructed him, in June 2011, to take it back.
1085. **Dr McKee:** In the first instance, he should have respected the order that he was given by his superior. He did not; he brought it back. I dealt with it immediately — that afternoon. I said to the corporate management team the following week that the chief had made a major error of judgement, that the Land Rover was off site, and that we needed to get on with running the team because I did not want that to be used as an opportunity —
1086. **Mr Clarke:** Given that there seems to be an arrangement with the board in respect of sponsorship, where was the error of judgement if it was appropriate for him to have the Land Rover?
1087. **Dr McKee:** It was not the current board. We did not approve the Land Rover. That was the previous board.

1088. **Mr Clarke:** No, but it was the board. Where was the error of judgement? Was it the board granting permission —
1089. **Dr McKee:** No. The advertising company had written in its contract that it was to provide sponsorship to the service in kind or in funding. It came forward with that vehicle. I believe that it had been approached by the supplier. Peter Craig was happy to accept that. Allegedly, it was a cashless transaction.
1090. **Mr Clarke:** Would you endorse sponsorship arrangements such as that?
1091. **Dr McKee:** If it goes through proper channels, yes.
1092. **Mr Clarke:** What are the proper channels?
1093. **Dr McKee:** It would have to come to the board —
1094. **Mr Clarke:** Which it did.
1095. **Dr McKee:** — with a business case.
1096. **Mr Clarke:** Which it did.
1097. **Dr McKee:** Did it come to the board with a business case?
1098. **Mr Clarke:** Well, it came to the board. What I am saying is —
1099. **Dr McKee:** No. In the time of our board, he made a throwaway comment about a sponsorship vehicle.
1100. **Mr Clarke:** No. You said that it went to the previous board.
1101. **Dr McKee:** Well, I presume that it went to the previous board. It happened in the previous board's time.
1102. **Mr Clarke:** You said that it went to the previous board.
1103. **Dr McKee:** Sorry. I presume that it went to the previous board. If it was part of a sponsorship package, that would have had to be done.
1104. **Mr Clarke:** Assuming that it went to the previous board, and assuming that it was done —
1105. **Dr McKee:** Sorry. I do not know whether it went to the previous board.
1106. **Mr Clarke:** Well, you said earlier that it did. Assuming that it went to the previous board and assuming that it was all done correctly, what was wrong with the sponsorship vehicle?
1107. **Dr McKee:** The concept of the vehicle was fine, but it came in a cashless transaction as a gift, and it was not registered as such.
1108. **Mr Clarke:** That is interesting.
1109. **Mr Dallat:** Could I just chip in, if you do not mind, Trevor? Was the supplier of the Land Rover also the major contractor for the supply of tyres to the Fire Service?
1110. **Dr McKee:** That is correct.
1111. **Mr Dallat:** Would that really have been your concern?
1112. **Dr McKee:** The whistle-blower report stated that no Fire and Rescue Service staff were involved in the drawdown contract for the tyres. That was CPD, so there was a separation of those interests.
1113. **Mr Clarke:** Sorry; what was that about CPD?
1114. **Dr McKee:** The tyres came through some type of drawdown contract. It was not evaluated by our people.
1115. **Mr Clarke:** OK. Can we come back to the Ackah report? Who is in receipt of Ackah report currently?
1116. **Dr McKee:** I have the Ackah report.
1117. **Mr Clarke:** Who is supposed to be working on the findings of the report today?
1118. **Mr Wallace:** When the whole issue of the grievances was transferred to me at the end of last year, the Ackah report eventually came to me as well. I took the recommendations of the report and responded formally to John Boyle, who had raised a number of the issues. I spoke with him. There were a number of management actions that I had

- planned to put those in place, and a form of mediation, which I had set down. Unfortunately, once that proposal had been put in place, the other individual, who was the subject of the harassment claim, left the organisation. I was then unable to complete the elements of the recommendations that I had taken on board. That goes back to my earlier comments: we are still in discussions with John as to how we can try to close this down in a way that is acceptable to him and others.
1119. **Mr Clarke:** Is “close this down” the correct terminology?
1120. **Mr Wallace:** Sorry; complete the process.
1121. **Mr Clarke:** There has been an awful lot of closing down, so I think that the terminology you used would not be the best, Jim, in the current climate. There is closing down of this report, given that you do not want us to have sight of it. When was the Ackah report first handed to you, Dr McKee?
1122. **Dr McKee:** It came into the service in October.
1123. **Mr Clarke:** When did Mr Craig leave?
1124. **Dr McKee:** He left in June of the following year, 2012.
1125. **Mr Clarke:** Did you share any of the contents of the report with him?
1126. **Dr McKee:** With whom?
1127. **Mr Clarke:** With Mr Craig. You said that he left in the year following the report.
1128. **Dr McKee:** He left in June.
1129. **The Chairperson:** You mentioned October. Which year was that?
1130. **Dr McKee:** 2011.
1131. **Mr Clarke:** When did Mr Craig leave?
1132. **Dr McKee:** June 2012.
1133. **Mr Clarke:** When you got the report, what did you do with it?
1134. **Dr McKee:** I give it to a board colleague who had legal training.
1135. **Mr Clarke:** Did Mr Craig have sight of the report?
1136. **Dr McKee:** He did.
1137. **Mr Clarke:** Was Mr Craig referred to in the report? Was there reference to some of his misdemeanours?
1138. **Dr McKee:** I do not believe so.
1139. **Mr Clarke:** You do not believe so. Is that a yes or no? You have had the report and looked at it. That is more than we have been privileged to do. I am asking you whether Mr Craig is named in the report.
1140. **Dr McKee:** I do not know whether he is named. It is a large report, and it is mostly about finance directorate. It is almost exclusively around —
1141. **Mr Clarke:** Which he was the head of, because he was the accounting officer at the time that the report was written about.
1142. **Dr McKee:** He was not in the finance directorate.
1143. **Mr Clarke:** He was the accounting officer.
1144. **Dr McKee:** Yes, but it was to do with relationships within those.
1145. **Mr Clarke:** He was the accounting officer of the organisation at the particular time that the report was compiled, and Mr Craig has had sight of it.
1146. **Dr McKee:** Yes.
1147. **Mr Clarke:** With respect to your pen profile, one of the other members, who has now left, was curious about it. You say that you have not been politically active for the past five years.
1148. **Dr McKee:** That is right.
1149. **Mr Clarke:** Can we presume that you were politically active before that?
1150. **Dr McKee:** I have never been involved in politics.
1151. **Mr Clarke:** So, as opposed to saying that you have not been politically active for the last five years —

1152. **Dr McKee:** That was the question posed to me.
1153. **The Chairperson:** There are no further questions. That leaves me to conclude. On behalf of Committee members, I should say that we cannot stress enough how proud we are of the service that the Fire Service provides for our citizens. Firemen and firewomen do fantastic work in the service they provide to the public for their safety, as well as the work that they do in communities, schools and with other organisations.
1154. **Mr Wallace:** Chairperson, in an ideal world, you would not need a whistle-blowing policy. I do not think that anyone would disagree with that. However, the reality is that it is a vital cog in what we or any other organisation do. I have talked publicly and privately about the value of a whistle-blowing policy. You are absolutely right: people should have comfort and confidence in their ability to use such a policy. Of course, if the organisational culture gets to the point that I would be happy with, people would not feel the need to whistle-blow; they would feel content to come forward. I think that that sentiment is coming through from Committee members.
1155. **The Chairperson:** Before I let Trevor in, I cannot let you go without quoting from a member of your audit committee. I know that Mr Clarke will agree with me that this is a damning thing for a member of your audit committee to say: “if this were in a private company, individuals would be directed to the door. People would be saying, ‘Here’s your hat, where’s your hurry?’. It is not the way that we want to operate, but it is the way that we have to operate, because there are so many rules and regulations on disciplining people and being able to get rid of them. It is very, very hard; it is not that easy.”
1156. **Mr Wallace:** It may be difficult, but it is not impossible.
1157. **Dr McKee:** It has been very difficult. Mistakes have been made, and I am convinced that we have learned from those. When I review the whole thing, it does not make for good reading. We need to do something about our internal communications. We have to bring people along and create a new vision for the service. We need to get the good-news stories out, because — this is the natural order of things — bad stories have come out all the way through the past two and a half years.
1158. **Mr Clarke:** In your closing remarks, Mr Wallace, you said that you still had problems with capacity. Where are those problems and when are you going to tackle them? I am still thinking about the remarks about Dr McKee earlier. Mr Hussey spoke about his background, and I think that, perhaps, the opera is the place where Dr McKee should be. Where is the capacity problem, Mr Wallace?
1159. **Mr Wallace:** The capacity issues to which I specifically referred probably start with the corporate team. I have said to the Committee before that we have moved towards getting a substantive corporate management team in post. That aside, the capacity issues are around my expectations. I have, obviously, been brought in to try to change the organisation in a number of areas, and I wanted to start moving on that very quickly. My expectations for my colleagues on the corporate team have probably been quite unreasonable at times. I would suggest that their capacity to deliver what I want has, quite rightly, been challenged with me, and I expect to be challenged at all times. To be fair to them, they have responded superbly to my expectations, but that does not stop me wanting more. The capacity, for me, is around us delivering the service that I want from the organisation, and which the board would expect from me. It is about my expectations.
1160. **Mr Dallat:** Thanks a million for letting me in again, Chairperson. Obviously, we are not going to reopen the debate at this point, but the Committee has listened for the best part of three hours, and we will write our report and make our decisions. However, we are all very conscious that, outside this room, there

are a lot of people looking for hope and inspiration that things in the future may be different. Some of those people have been mentioned today, including Linda Ford, John Boyle, and you know that there are others. There is also the McCloskey family, whose members have sat through this session. They, above all, need closure on the decisions of really bad management in the past.

1161. **The Chairperson:** The Committee will consider the evidence and produce its report in due course. We may also want to call further witnesses during our deliberations on the report. I concur with the Deputy Chairperson. I thank the people in the Public Gallery, particularly the members of the McCloskey family, for being here today. It was not easy for them, and I commend them for the hard work that they are doing to ensure that they get the right and proper answers to their questions about the untimely death of their father.



Northern Ireland
Assembly

Appendix 3

Correspondence

Correspondence of 8 April 2013 from Committee for Health, Social Services and Public Safety

**Committee for Health Social Services
and Public Safety**

Room 410

Parliament Buildings

Tel: +44 (0) 28 90521841

From: Kathryn Bell

To: Members of the HSSPS Committee

Date: 8 April 2013

Subject: NIFRS

Please find attached a draft letter to issue from the Committee to the Public Accounts Committee regarding the NIFRS.

On 10 April 2013 the PAC will begin its scrutiny of the NI Audit Office's report on this year's NIFRS accounts, including the four reports published by the Minister on 16 October 2012.

These four reports have been the focus of the Health Committee's scrutiny of the NIFRS over the last 6 months.

The attached draft letter details the issues which the Committee is recommending that the PAC further scrutinises during its examination of NIFRS matters. The draft letter will be discussed by the Committee at its meeting on 10 April, and Members will have the opportunity to suggest amendments/additions.

Kathryn Bell
Clerk

Ms Sue Ramsey MLA

Chairperson, Committee for Health, Social Services and Public Safety

Michaela Boyle, MLA

Chairperson of the Public Accounts Committee

10 April 2013

As you will be aware, the Committee for Health, Social Services and Public Safety has been dealing with issues in relation to the NIFRS since October 2012.

The Committee's scrutiny has focused on the matters detailed in the four reports published by the Minister on 16 October 2012 concerning the NIFRS:

- Investigation of Alleged Irregularities at NIFRS – Stores Management and Stock Control
- Investigation of Alleged Irregularities at NIFRS (based on allegations made by Ms Ford)
- NIFRS Wholtime recruitment and overtime expense claims assessment
- A review of the NIFRS 2011 firefighter recruitment campaign

The Committee has held 8 evidence sessions to date (covered by Hansard):

- 20 March 2013 - Jim Wallace (CEO), Dr Joe McKee (Chair of the Board), Geraldine Rice (Chair of the Audit Committee and Board Member)
- 13 March 2013 – DHSSPS officials – Andrew McCormick (Permanent Secretary), Julie Thompson (Deputy Secretary), Colin Evans (Head of DHSSPS Internal Audit)
- 13 February 2013 – retired NIFRS officials – Peter Craig, Colin Lammey, Louis Jones (all former Chief Fire Officers), Bill Gillespie (former Chair of the NIFRS Board)
- 23 January 2013 – Linda Ford, NIFRS
- 12 December 2012 – Jim Wallace (CEO), Dr Joe McKee (Chair of the Board)
- 28 November 2012 – Minister Poots, Andrew McCormick (Permanent Secretary), Julie Thompson (Deputy Secretary),
- 24 October 2012 – Jim Wallace (CEO), Chris Kerr (Acting Chief Fire Officer)
- 24 October 2012 – DHSSPS officials – Julie Thompson (Deputy Secretary), Noel McCann & Lynne Curran (both public safety branch officials)

An invitation was issued to Mr McGonigal, the former Finance Director of NIFRS, to attend Committee on 20 March. However, Mr McGonigal advised that he was unable to attend because of health issues.

The Committee understands that the PAC is now beginning its scrutiny of the NI Audit Office's report on this year's NIFRS accounts, including the four reports published by the Minister on 16 October 2012.

The Committee has agreed a list of issues that the PAC may wish to scrutinise further during its consideration of NIFRS issues. The list is attached to this letter.

I hope that you find this useful, and if you require any further information I am happy to assist on behalf of the Committee.

Sue Ramsey MLA

Issues of concern requiring further scrutiny

1. **Report entitled “A review of the NIFRS 2011 firefighter recruitment campaign”.**

The Committee noted that the project lead for the recruitment campaign was the Assistant Chief Fire Officer who was absent on long-term sick leave when the report was being compiled and who the Committee understands remains on sick leave.

The Committee questioned Peter Craig in relation to this report, as he was the Accounting Officer for the NIFRS at that time.

On 13 February he told the Committee:

“I accept that it happened, and I take full responsibility, if I have to, that it happened. At the end of the day, the project management and the running of that had been delegated to the assistant Chief Fire Officer. If he was making procedures, I am absolutely astounded that he did not think that it was important to come forward and let me know, as the Chief Fire Officer and the accounting officer. I cannot answer as to why he did not do that.”

The Committee is of the view that there is a lack of accountability in relation to the issues detailed in this report.

The PAC may wish to explore the findings of this report further and what actions the NIFRS/Department have taken to ensure that future recruitment campaigns have proper governance arrangements in place.

2. **Report entitled “NIFRS Wholetime Recruitment Overtime and Expense Claims Assessment” and the approach to disciplinary proceedings**

The Committee noted that the project lead for the recruitment campaign was the Assistant Chief Fire Officer who was absent on long-term sick leave when the report was being compiled and who the Committee understands remains on sick leave.

The Committee questioned Peter Craig in relation to this report as he was the Accounting Officer for the NIFRS at that time. When he was asked if he was aware of the payment principles established by the assistant Chief Fire Officer for staff involved in the process he replied:

“No. At CMT, we asked them to go away and cost it and keep us informed. When the actual specifics of the breakdown became available — when the overtime claims came in — it then became apparent that the assistant Chief Fire Officer had introduced a remuneration package that he had not discussed with me and was certainly not approved by me”.

The Committee is of the view that there is a lack of accountability in relation to the issues detailed in this report despite the seriousness of its conclusions which include the following:

“The whole exercise seems to have disregarded proper procedures in relation to financial accountability and the management of public funds” (Para 5.1).

“Based on BSO Internal Audit findings, there is sufficient evidence to suggest that NIFRS Managers did not fulfil their responsibilities to ensure the correct handling and use of public funds. It may be appropriate for the NIFRS Accounting Officer to consider whether or not these failings merit the instigation of disciplinary proceedings” (Para 6.4).

The Committee noted that Jim Wallace, the CEO of the NIFRS, and the NIFRS Board have come to the view that there is not sufficient evidence in any of the four reports to merit disciplinary proceedings. Their decision was supported by the findings of an external review team who had examined the four reports. Dr McKee told the Committee on 20 March that the external review team had concluded as follows:

“They said that their overview of the investigation reports led them to the conclusion that, in the main, the failings were acts of omission and not commission. They continued:

“In our opinion and on the face of it, there is little evidence to support any widespread disciplinary concerns, but it will be for the NIFRS board to determine the requirements for formal disciplinary action. Importantly, we are arguing here for a need for significant strategic intervention. If any disciplinary action is progressed, that should not be considered in itself to be a solution to the issues. We firmly believe that individual behaviours are a consequence of broader cultural issues and not the core issue in themselves.”

The Permanent Secretary advised the Committee during the evidence session on 13 March 2013 that the Board of the NIFRS had decided not to pursue disciplinary proceedings. He said:

“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 is being 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.”

However, when the Committee questioned Geraldine Rice, the Chair of the Audit Committee, further on this matter on 20 March she stated:

“I have been in private sector business as a director of a company for 30-odd years. I have often said, and the chair will agree with me, that if this were in a private company, individuals would be directed to the door. People would be saying, “Here’s your hat, where’s your hurry?”. It is not the way that we want to operate, but it is the way that we have to operate, because there are so many rules and regulations on disciplining people and being able to get rid of them. It is very, very hard; it is not that easy.”

The Committee is concerned at what appears to be a lack of consistency in the Board members’ approach to the issue as to whether individuals should be disciplined as a result of the findings of the four reports. Furthermore, there appears to be a lack of clarity as to whether Board members fully understand the public sector governance arrangements in relation to disciplinary issues.

The PAC may wish to explore further the basis on which NIFRS senior management has come to the view that disciplinary proceedings are not warranted in relation to any of the issues detailed in the four reports.

The PAC may wish to explore further actions the NIFRS/Department have taken to ensure that all NIFRS staff adhere to proper procedures in relation to financial accountability and the management of public funds.

3. Report entitled “Investigation into Alleged Irregularities at NIFRS – Stores Management and Stock Control”.

The Committee asked the three former Chief Fire Officers (Peter Craig, Colin Lammey, Louis Jones) at the evidence session on 13 February if they had been aware that Mr McGrath, the former Stores Manager had run his own company selling protective clothing to other organisations. All three former Chief Fire Officers stated that they had not been aware of this fact. The former Chair of the Board, Mr Gillespie, was similarly unaware of this fact.

The Committee questioned the Head of DHSSPS Internal Audit on 13 March about the approach that had been taken to investigating the allegations which formed the basis of this report. He stated:

“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 PAC may wish to explore further whether any further investigations can be made into the matter of stores management and stock control.

4. Difference in the treatment of the two whistleblowers

One of the issues which emerged during the Committee's scrutiny was the difference in approach taken by DHSSPS Internal Audit in relation to interacting with the two whistleblowers in terms of investigating their allegations.

During an evidence session on 13 March, the Head of DHSSPS Internal Audit confirmed that the whistleblower in relation to the "Stores Management and Stock Control" report had been interviewed three times.

However, Linda Ford was not interviewed by DHSSPS Internal Audit while they were investigating her allegations.

When Ms Ford gave evidence to the Committee on 23 January she expressed her dissatisfaction at the fact that she had not been interviewed during the investigation:

"I can confirm that the Department's audit team never interviewed me as part of its investigations or asked for clarification. I only met the auditors for them to provide me with their conclusions. That is a serious fault in the whistle-blowing process. When I eventually received the report in August and provided comments, I was most disappointed that very few of the comments were reflected in the final version of the report. I was disappointed to read comments 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."

I confirm that at no point was I contacted to request such clarification or to provide additional evidence. My treatment throughout the investigatory process has been appalling. What message does that send to the public service on whistle-blowing?"

Ms Ford went on to say:

"I should mention that the Department failed me in not giving me a copy of the report at the same time that the Northern Ireland Fire and Rescue Service received the report. It received the report in May, but I had to continually ask for a copy. Initially, it could not confirm that I would receive a copy."

The Committee raised Ms Ford's concerns with Departmental officials, including the Head of DHSSPS Internal Audit, during the evidence session on 13 March. The Head of Internal Audit stated:

“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 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 September, 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.”

It appears to the Committee that the Department made too many assumptions about how Ms Ford would react to a request for an interview, without directly asking her opinion on the matter.

When the Head of Internal Audit was asked whether with hindsight he would have interviewed Ms Ford, he replied:

“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 PAC may wish to explore further with the Department what its policy is on interacting with whistleblowers and ensuring there is consistency in the way people are treated. The PAC may also wish to ask the Department what actions it is taking to ensure that whistleblowers do not feel isolated from the investigatory approach, but rather feel a valued partner in the process.

5. DHSSPS Internal Audit approach to retired NIFRS officials

Colin Lammey and Louis Jones, both former Chief Fire Officers whose actions are referred to in the report “Investigation into Alleged Irregularities at NIFRS” (allegation on unapproved sponsorship and allegation on staff cost implications of complaints and adherence to HR policy), told the Committee on 13 February that neither of them had been approached by DHSSPS Internal Audit during their investigation into these matters.

Similarly, Bill Gillespie, former Chair of the Board, whose actions are referred to in the report “Investigation into Alleged Irregularities at NIFRS” (allegation on unapproved bonus payments) told the Committee that he had not been approached by DHSSPS Internal Audit during their investigation of this matter.

The Committee raised this issue with Departmental officials, including the Head of DHSSPS Internal Audit, during the evidence session on 13 March. The Head of Internal Audit stated:

“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.”

The Committee was concerned that key individuals who had directly experience of the events being investigated were not interviewed.

The PAC may wish to explore further with the Department as to why they did not interview retired officials as part of the investigation.

6. NIFRS and Departmental handling of Ms Ford’s return to work following the precautionary suspension

When Ms Ford gave evidence to the Committee on 23 January she stated:

“I believe that I have been treated like a criminal. I have been relocated from my substantive role since November 2010; suspended for one year; and had my systems access removed and restricted. I believe that my character and professionalism have been questioned and my name blackened. That, I believe, has brought my career prospects to an end.

From my return to work in 2012, I have been instructed not to communicate directly with any member of the finance department, with all communication to be done via the Chief Fire Officer. Any information that I have requested to date via the Chief Fire Officer has never been received. Obtaining access to the operational computer files and information is normally a three-page process. The folder that I am holding demonstrates the process that I have gone through to get access since my return. Colleagues who have witnessed the treatment of me have spoken of their genuine fear about speaking out, now and in the future.”

The Committee was concerned that on her return to work Ms Ford was effectively prevented from speaking to other members of staff in the context of carrying out her work duties. It wrote to the CEO of the NIFRS to seek clarification. He responded by means of a letter dated 20 February in which he stated that the issue related 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. They have requested not to be contacted by her as distinct from Management advising Mrs Ford not to talk to them. Given the circumstances and taking into account all of the events leading up to the current position, we can fully understand the context of their concerns, although I am also very conscious of the impact this has had on Ms Ford”.

The Committee raised the issue again directly with Mr Wallace during the evidence session on 20 March. He stated that dialogue had been resumed between Ms Ford and the finance department.

However, the Committee is concerned that this situation was ever permitted to occur and the impact it could have on any potential whistleblowers coming forward in the future.

The Committee noted that during the evidence session on 28 November, the Permanent Secretary was very clear about the protection which whistleblowers should be entitled to:

“The very clear and definitive message is that whistle-blowers should have protection and should not be victimised in any way and that any issues raised should be looked at on their merits.”

The Committee is concerned about the gap between formal policy as to how whistleblowers are to be treated in the public sector, and the reality of how Ms Ford was treated on her return to work in NIFRS.

The PAC may wish to explore further with the Department what actions it is taking to ensure that all its arms lengths bodies are aware of their responsibilities towards whistleblowers, particularly in relation to the issue of victimisation.

7. The NIFRS Board members' understanding of their roles and responsibilities

The Committee believes that the four reports reflect a lack of oversight and control in relation to how the NIFRS Board interacted with the executive team.

The Committee held two evidence sessions with the Chair of the Board, Dr Joe McKee, and one session with the Chair of the Audit Committee and Board members, Ms Geraldine Rice.

During those sessions a number of issues of concern came to the Committee's attention:

- a) When Dr McKee received a copy of Ms Ford's whistleblowing letter to the Permanent Secretary dated 25 July 2011 he did not discuss the matter with the Chair of the Audit Committee who had also been copied into the letter. Furthermore, he did not discuss it with other Board Members. Rather he discussed it directly with Mr Craig, even though some of the allegations which Ms Ford was making concerned Mr Craig's conduct.

During the evidence session on 12 December Dr McKee told the Committee:

"I saw the responsibility for that as being Peter's. He was both chief executive and Chief Fire Officer, and he was the accounting officer for the organisation to the Department. I saw that as an executive matter for him to pursue."

He further stated that he could not recall if he had discussed the letter with the Chair of the Audit Committee, Geraldine Rice:

"I do not recall a discussion at that time. As I said, it was over the summer period, and I was away for a part of that time."

"I may have done, but I cannot recall whether I did, and I do not want —"

At the evidence session on 20 March Dr McKee told the Committee:

"There was the whistle-blower's letter of July. The pace of things changed in October, when Ms Ford sent a further list of allegations to Paul Maskey at the Public Accounts Committee (PAC). The Department was advised of that in a letter sent around 8 November by the Northern Ireland Audit Office. I was called to a meeting with Andrew McCormick to learn of those new allegations around 28 November. Those allegations are the basis of the report that is in front of you, which was published on 15 October. So, the initial whistle-blowing letter of 25 July is slightly different: it was the precursor to a number of allegations that were accelerated in October and November. That is when this was brought to the attention of the board".

The Committee is concerned that Dr McKee did not inform the Board that a senior staff member of the NIFRS had made a whistleblowing disclosure to the Permanent Secretary in July 2011. Dr McKee confirmed that he did not bring this topic to the attention of the Board until December 2011, after he was called to a meeting with the Permanent Secretary.

- b) The Chair of the Audit Committee, Ms Rice, did not take any action in relation to Ms Ford's whistleblowing letter to the Permanent Secretary dated 25 July 2011 which she was copied into.

Ms Rice advised the Committee on 20 March that she never received a copy of the letter. She advised that she first heard about the existence of the letter from Mr Craig in October or November 2011. She said:

"I was away on holiday in August and September. The first that I heard of it was in October or November, when the then Chief Fire Officer told me verbally that Ms Ford had sent the letter with grievances to the permanent secretary, but that I need not worry about it because it involved a lot of personnel matters in which we, as individual board members, do not get involved."

She went on to say:

"I did not get a copy until very recently when the chair talked to me about it. It was actually the chair who gave me a copy. That was the first time that I saw it. It was not very long ago. We, as a board and a committee, actually knew nothing about what was going on."

She later said:

"I became aware of this letter when all these issues were being discussed and when the audit by the Health Department was being carried out. The chair then gave me access to the letter. We talked about it, and he said that a letter was sent out. I categorically told him the same as I am telling you: we never received a letter".

Ms Rice claimed that she did not know why the DHSSPS had sent an audit team into NIFRS:

"Unless you have a crystal ball sitting in front of you, you cannot actually go into allegations that you know nothing about. When the auditors from the Department were in, I was asking for them to come and let us know what the allegations were and why the problems had arisen. I wanted to know whether there was anything that the audit committee should be doing, and they would not come to meet us."

However, later in the same evidence session Dr McKee stated that Mr McGonigal, the then Finance Director, had sent an email to Dr McKee, Ms Rice, Mr Craig and the Permanent Secretary rebutting the allegations which Ms Ford has made in her whistleblowing letter to the Permanent Secretary. Dr McKee said:

The letter came in on 25 July to Andrew and there was a circulation list at the back that I took at face value: it went to me, Geraldine and Peter Craig. The same information had gone to the Deputy Chairperson of the PAC around April or May, three months previously, and the PAC had informed the Northern Ireland Audit Office. Three weeks later, on 17 August, Terry McGonigal, who was director of finance at that time — the three issues in the whistleblowing letter of July all related to issues around finance and financial management — sent a robust rebuttal, as you would imagine, of Ms Ford's original letter to the same circulation list. The e-mail that I got said that it was circulated to Dr McCormick, Peter Craig, Gerry and me.

Ms Rice stated that she was on holiday when Mr McGonigal sent the email and did not read the email until September. However, Ms Rice did not discuss the email at the Audit Committee meeting in September 2011.

It would therefore appear that Ms Rice knew about the existence of the Ms Ford's whistleblowing letter from September 2011, because that is when she read Mr McGonigal's email rebutting the allegations contained in the letter.

The Committee is concerned that Ms Rice did not seek to obtain a copy of Ms Ford's whistleblowing letter from Mr Craig, Dr McKee or the Permanent Secretary. Rather, she accepted Mr Craig's view that it was a personnel matter and not within the Audit Committee's remit.

- c) Dr McKee was aware of Ms Ford's whistleblowing disclosure to the Permanent Secretary when Peter Craig informed him that he was suspending Ms Ford.

However, it appears that Dr McKee does not accept that as Chair of the Board he should have queried Mr Craig further on why exactly he was suspending Ms Ford, given that she had just weeks earlier made a whistleblowing disclosure involving allegations against Mr Craig. Furthermore, Dr McKee does he seem to accept the finding of the DHSSPS Internal Audit report – Investigation of Alleged Irregularities at NIFRS - in relation to why Mr Craig suspended Ms Ford which states:

"However, when we view the decision to suspend the whistleblower in the context of all the related and complex circumstances, events and relationships both before and after suspension we conclude that it is much more likely than not that the main motivation for the suspension of the whistleblower on a charge of potential gross misconduct arises from the

CFO's need for a solution to a difficult and protracted problem rather than the alleged act of sharing personal information with the line manager".(Para 8.3)

When Dr McKee was before the Committee on 12 December he repeatedly referred to the allegation of accessing files in terms of why Ms Ford was suspended. He said:

"As it was put to me, this was a cautionary suspension to protect the whistle-blower and the organisation — well, not the whistle-blower; Miss Ford and the organisation — because of the accessing of files. Now, I cannot discuss the details of that because a third party has subsequently put a grievance in about the accessing of financial files".

The Committee questioned departmental officials about the role of the NIFRS Board and why it did not appear to be aware of the issues that were subsequently detailed in the four reports. On 24 October departmental officials said:

"We will ask the board to assess where it is against a standardised checklist and provide evidence to the Department on a range of issues. We will ask the board to do that over the winter period, and we will look at that work very critically to establish whether all the necessary processes are in place and the capacity is there and whether any further training, for example, might be needed . . . Potentially, it has a need to bring more financial expertise on to the board, and the chairperson has recognised that as a weakness in its current make up. Steps will be taken to see how that can be addressed specifically."

The Committee has not received a report from the Department on whether the Board has carried out this piece of work, and whether it has identified any gaps in its expertise. **The PAC may wish to ask the Department for an update on this matter.**

The Committee ascertained from departmental officials that the performance evaluation process for all their arms-length bodies is for the Chair to be evaluated by the Department, and the Chair to then evaluate the non-executive members. Given the problems related to the NIFRS, the Committee believes that the Department should look at whether it needs to be evaluating the performance of all Board members individually.

The PAC may wish to explore further with the Department its proposals for ensuring the NIFRS Board is fit for purpose.

8. The Department's oversight of the NIFRS

The Committee explored the issue of how the Department monitored the NIFRS as an arm's length body during an evidence session with departmental officials on 24 October. Officials stated:

"Departmental representatives have, as a matter of routine, also attended all NIFRS board and committee meetings as observers over the past four years. We review all key NIFRS documentation, including plans and strategies, and meet with NIFRS managers on a regular basis outside the formal accountability arrangements."

The Department's view was that that increased level of involvement would have been sufficient to ensure that the previous problems at NIFRS did not recur. We are, therefore, highly concerned that it took the actions of two whistle-blowers to bring some of these matters to our attention, leading to the publication of two of the reports last week. It is very clear that the Department needs to ensure that its monitoring arrangements are effective so that we can provide assurances that the recommendations and change management programme are being actioned by NIFRS senior management".

The Committee subsequently wrote to the Department to request a record of Departmental attendance at NIFRS Board meetings and associated committees to include – a list of all meetings attended; a list of all meetings not attended; the capacity in which departmental officials attended such meetings (e.g. as observers); the grade of the person who attended such meetings; and whether the same person attended all meetings or a series of different

officials attended. The response is attached at Appendix 1. **The PAC may wish to look in more detail at these arrangements and request information from the Department on what training officials were given in their role as observers at Board meetings, what records they kept, and who they reported any issues of concerns to within the Department.**

On 28 November the Minister told the Committee:

“I am also committed to ensuring that the Department learn lessons and improve its existing accountability mechanisms. That will be achieved by strengthening accountability arrangements across all our arm’s-length bodies, ensuring that we hold them to account on all aspects of their expected performance. Those aspects include the operation of their governance arrangements; their use of resources, which covers money, people, estate and information; the quality and safety of services; and overall service delivery against agreed targets and priorities. The accountability of the chair and board members is a key part of that process.”

However, since that evidence session the Department has not advised the Committee of any changes it has made to its accountability mechanisms for arms-length bodies in general, and the NIFRS in particular. **The PAC may wish to explore further what specific changes the Department has made in this regard.**

The Department advised the Committee during the 24 October 2012 evidence session that it was aware that the Director of HR post at the NIFRS had been substantively vacant for two and a half years. They arranged a secondment to cover the post from summer 2010 to 2011. That person subsequently requested to return to their former post. The Department relied on assurances from NIFRS that the post would be filled:

“It is fair to say that we were getting assurances from NIFRS senior managers at the time that they were confident that they could go ahead with the substantive appointment to the director post, and that they did not want another secondment arrangement. Their backup plan was to temporarily promote someone internally to that post. Those were the assurances that we were getting.”

However, on 24 October 2012, the date of this evidence session, the HR post was still vacant. There would appear to have been a lot of leeway given to the NIFRS on this matter and perhaps it should have raised concerns when senior management said they “did not want another secondment arrangement”.

The PAC may wish to explore further with the Department what procedures they are putting in place to ensure that information received from the NIFRS is accurate.

Appendix 1

NIFRS Board and Committee meetings attended by DHSSPS Officials

| Meeting | Date | Grade of Official DP (Deputy Principal) |
|---|----------|---|
| Service Delivery & Performance Committee | 16/10/12 | DP (acting) |
| NIFRS Board | 25/09/12 | DP (acting) |
| NIFRS Board (part of meeting held in closed session and Department representative asked to leave by Chair) | 31/08/12 | DP (acting) |
| Human Resources Committee | 02/07/12 | DP |
| Remuneration Committee | 02/07/12 | DP |
| Audit & Risk Management Committee | 26/06/12 | DP |
| NIFRS Board | 26/06/12 | Grade 7 |
| Service Delivery & Performance Committee | 25/06/12 | DP (acting) |
| Audit & Risk Management Committee | 19/06/12 | DP |
| NIFRS Board | 22/05/12 | DP |
| Service Delivery & Performance Committee | 11/05/12 | DP (acting) |
| Finance Committee | 09/05/12 | Grade 7 |
| NIFRS Board | 24/04/12 | DP |
| Audit & Risk Management Committee (Special meeting) | 27/03/12 | DP |
| NIFRS Board | 27/03/12 | DP |
| Human Resources Committee | 16/03/12 | DP |
| Remuneration Committee | 16/03/12 | DP |
| Audit & Risk Management Committee (closed session) | 12/03/12 | DP |
| NIFRS Board | 28/02/12 | Grade 7 |
| Remuneration Committee | 28/02/12 | DP |
| Audit & Risk Management Committee | 27/02/12 | DP |
| Finance Committee | 16/02/12 | Grade 7 |
| NIFRS Board | 24/01/12 | DP |
| NIFRS Board (Special meeting) | 24/01/12 | DP |
| Audit & Risk Management Committee (Special meeting) | 20/01/12 | Closed session |
| Human Resources Committee | 20/01/12 | DP |
| NIFRS Board | 20/12/11 | Grade 7 |
| Audit & Risk Management Committee | 05/12/11 | DP |
| Service Delivery & Performance Committee | 29/11/11 | DP |
| NIFRS Board | 22/11/11 | SO |

| Meeting | Date | Grade of Official DP (Deputy Principal) |
|---|-------------|--|
| Finance Committee | 17/11/11 | Grade 7 |
| NIFRS Board | 25/10/11 | Grade 7 |
| Audit & Risk Management Committee (Special meeting) | 21/10/11 | DP |
| NIFRS Board | 27/09/11 | SO |
| Human Resources Committee | 21/09/11 | DP |
| Remuneration Committee | 19/09/11 | DP |
| Service Delivery & Performance Committee | 19/09/11 | DP |
| Audit & Risk Management Committee | 12/09/11 | DP |
| NIFRS Board | 23/08/11 | DP |
| NIFRS Board | 28/06/11 | DP |
| Human Resources Committee | 21/06/11 | DP |
| Audit & Risk Management Committee | 20/06/11 | DP |
| Service Delivery & Performance Committee | 15/06/11 | DP |
| Human Resources Committee | 17/05/11 | DP |
| NIFRS Board | 17/05/11 | DP |
| Audit & Risk Management Committee | 12/05/11 | DP |
| NIFRS Board | 19/04/11 | DP |
| NIFRS Board | 15/03/11 | DP |
| NIFRS Board | 22/02/11 | Grade 7 |
| NIFRS Board | 25/01/11 | DP |
| Remuneration Committee | 25/01/11 | DP |
| Remuneration Committee | 06/01/11 | DP |
| Remuneration Committee (Special meeting) | 06/01/11 | DP |
| NIFRS Board (Special meeting) | 15/12/10 | DP |
| Remuneration Committee (Special meeting) | 15/12/10 | DP |
| Audit Committee | 13/12/10 | DP |
| NIFRS Board | 23/11/10 | DP |
| NIFRS Board | 26/10/10 | DP |
| NIFRS Board | 15/10/10 | Grade 7 |
| NIFRS Board | 28/09/10 | DP |
| NIFRS Board | 18/08/10 | DP |
| NIFRS Board | 29/06/10 | Grade 7 |
| NIFRS Board | 24/06/10 | DP |
| Audit Committee | 22/06/10 | DP |

| Meeting | Date | Grade of Official DP (Deputy Principal) |
|-------------------------------|-------------|--|
| Audit Committee | 25/05/10 | DP |
| NIFRS Board | 24/05/10 | DP |
| NIFRS Board | 27/04/10 | DP |
| Service Support Committee | 15/04/10 | DP |
| Service Delivery Committee | 29/03/10 | DP |
| NIFRS Board | 23/03/10 | Permanent Secretary, Grade 7 & DP |
| Service Delivery Committee | 23/03/10 | Grade 7 |
| Remuneration Committee | 04/03/10 | Grade 7 |
| NIFRS Board | 23/02/10 | DP |
| Remuneration Committee | 23/02/10 | DP |
| NIFRS Board | 26/01/10 | Grade 7 |
| Remuneration Committee | 26/01/10 | Grade 7 |
| Service Support Committee | 26/01/10 | DP |
| NIFRS Board | 06/01/10 | Grade 7 |
| NIFRS Board (Special meeting) | 11/12/09 | Grade 7 |
| NIFRS Board | 24/11/09 | DP |
| Service Delivery | 17/11/09 | DP |
| Service Support Committee | 12/11/09 | DP |
| Audit Committee | 04/11/09 | DP |
| Remuneration Committee | 27/10/09 | Grade 7 |
| NIFRS Board | 22/09/09 | DP |
| Remuneration Committee | 22/09/09 | DP |
| NIFRS Board Meeting | 23/06/09 | DP |
| Audit Committee | 15/06/09 | DP |
| NIFRS Board | 26/05/09 | Deputy Secretary, Grade 5 |
| Remuneration Committee | 12/05/09 | DP |
| Service Support Committee | 12/05/09 | DP |
| NIFRS Board Meeting | 28/04/09 | Grade 7 |
| Audit Committee | 27/04/09 | DP |
| NIFRS Board | 24/02/09 | Grade 7 |

NIFRS Board And Committee Meetings Not Attended By DHSSPS Officials

| Meeting | Date |
|---|-------------|
| Finance Committee | 25/09/12 |
| Service Delivery & Performance Committee | 22/02/12 |
| Audit & Risk Management Committee (Special meeting) | 21/10/11 |
| Human Resources Committee (Special meeting) | 21/10/11 |
| NIFRS Board (closed meeting) | 09/09/11 |
| Finance Committee | 10/05/11 |
| Service Delivery & Performance Committee | 10/05/11 |
| Human Resources Committee | 19/04/11 |
| NIFRS Board (Special meeting) | 19/04/11 |
| Service Delivery & Performance Committee | 19/04/11 |
| Audit & Risk Management Committee | 14/02/11 |
| Audit & Risk Management Committee (Workshop) | 03/02/11 |
| Audit Committee | 26/10/10 |
| Service Delivery Committee | 26/10/10 |
| Service Support Committee | 26/10/10 |
| Remuneration Committee | 04/06/10 |
| NIFRS Board Meeting | 24/03/09 |
| Service Support Committee | 24/03/09 |
| Audit Committee | 18/02/10 |
| NIFRS Board Meeting | 24/02/09 |

Correspondence of 16 April 2013 from Mr Peter Craig

Peter Craig Retired Chief Fire Officer (Northern Ireland Fire and Rescue Service):

I thank the Committee for the opportunity to give evidence on the investigation of the Northern Ireland Fire and Rescue Service (NIFRS). I am grateful for opportunity to answer your questions, to provide clarification and background where I can and to put matters on the record accurately and truthfully.

In terms of context I wish the Committee to know that I joined the Northern Ireland Fire Authority in March 1977 as an operational fire fighter, rising through the ranks to Chief Fire Officer in July 2010. I retired, in June 2011, after over 36 unblemished years of service on a full pension having exceeded the required qualification period for a full pension by six years and having surpassed the optimum retirement age.

For the record, I did not retire early or on ill health and the pension I receive has not been enhanced in any way. Indeed I contributed an additional six years beyond the most beneficial date for me to retire, which by doing so, actually impacted negatively on my final pension settlement.

During my 36 years of service I have had the pleasure and privilege of working in a Service that has protected our community through torrid times. A service that is held in high esteem within the greater fire service community, worldwide. A service that has people working for it who are dedicated to providing operational protection and support, community safety education and implementing fire safety legislation for the entire population of Northern Ireland.

Throughout my service I have worked tirelessly to promote a single organisation ethos, and I pride myself that I was the CFO who amalgamated our long service and good conduct awards to include an award for our invaluable support staff.

My career has been varied and challenging, from being the operational commander at the Omagh Bombing, to meeting the community safety needs of Northern Ireland by overseeing the introduction of three major legislative changes while improving community fire safety and community engagement.

I was head of the Community Development Directorate prior to my appointment as CFO. It was my department that was responsible for leading the initiative to reduce accidental dwelling fire deaths in NI, now down by 60% year on year and to increase smoke alarm ownership now up to 99% in the Province. I believe this to be the highest voluntary level of smoke alarm ownership in the world.

I also introduced all of NIFRS' youth initiatives, such as the Fire Cadet Scheme and, for the more challenging younger members of our community I introduced the LIFE Course initiative.

The community, the Audit Commission, local community representatives as well as local councilors, MLAs and MP's, has praised this initiative

As head of the Community Development Directorate my main objective was to protect. This was demonstrated in the work I delivered in Firework Safety Education, Attacks on Fire fighters and Road Safety initiatives all of which have had a positive outcome.

These positive outcomes have not been achieved by accident but as a result of my commitment and that of my colleagues, both operational and support.

It was as a result of my commitment to public safety that when I was approached by Ardmore, the NIFRS media suppliers, who were required, as I understand it, by the terms of their contract to get sponsorship and added value for NIFRS, that I accepted the provision of a Land Rover. For the record, private sponsorship was and is common practice in many F&RS on the mainland.

I wish to make it clear that the arrival, specification, design and use of the Land Rover had been discussed on occasions at the Road Safety Strategy Group chaired by the Deputy Chief Fire Officer Mr. Jones.

I wish to make it clear that I personally made no gain in kind or otherwise nor did I offer preferential treatment to any one.

I also need to point out that I did adhere to the CFO's request to return the vehicle to our media suppliers when instructed.

I was disappointed, at being instructed to return the Land Rover, particularly as the CFO Mr. Lammey issued this instruction 6 days after he had tendered his notice to retire. He had I understand been aware of its existence for sometime and despite my assurances that I had followed procedures and best practice when procuring the sponsorship still wished it returned.

Given the CFO was about to retire, I remained committed to the principal of the provision of the Land Rover, particularly given the added value, at no cost to the public purse, this asset would contribute to Community safety in Northern Ireland. I did however; inform NIFRS' media supplier that no definitive decision could be taken until a new substantive CFO had been appointed. I felt it was important to maintain an interest as the provision of a vehicle, such as the Land Rover, would prove to be a vital asset in delivering the community safety education programme designed to educate young people of the consequences of being involved in a Road Traffic Collision. Particularly, as NIFRS had no budget for community support vehicles of this type and transport was extremely limited in the Service.

When I was appointed as the substantively CFO I was approached to see if NIFRS was still interested in the Land Rover. I checked with the Directors responsible for Procurement and Finance that all was in order and in compliance with Policy. When they confirmed that it was, I as CFO informed the Fire Board as part of my monthly report of my intentions and gave approval for the Land Rover and the Drive for Change Van another sponsored vehicle to be delivered.

In terms of the Financial Irregularities, I wish to point out when I taking up my new post as Acting CFO in late July 2010, I was not afforded a detailed handover from Mr. Jones, the then, Acting CFO. I had to work with Mr. Coleman our interim chairman, prior to my official promotion date to ensure I could appoint principle fire officer cover for Northern Ireland. We still had to make important operational decisions and then seek retrospective approval from the Interim Board. This was as a result, on occasions, of Mr. Jones not being able to facilitate or attend Board Meetings. I understand he told Mr. Coleman, he was on pre-retirement leave and not available.

This made governance difficult, but with the support of Mr. Colman and the Interim Board I was able to maintain an operational service and we started to rectify some of the significant issues that were apparent at that time. Committee Members will recall that some of these issues attracted a lot of media attention and were a matter of public record.

On appointment to Acting CFO in July 2010, I inherited an organisation that had a dysfunctional management team. This fact has subsequently been reported in a number of external audits. None of the Senior Operational Officers, from Area Commander and above were substantive. I had no permanent Fire Board or Chair.

Following a period as Acting CFO, I took the job substantively in early 2011 because I genuinely believed I had the skill sets and the support of the organisation to take NIFRS forward and to address the significant number legacy issues left by my predecessors.

I had inherited an extensive range of outstanding issues all of which required urgent attention. These were legacy issues from a period prior to my appointment namely when Mr. Colin Lammey was the CFO and the Accounting Officer for NIFRS.

Some of these issues are contained within the terms of reference of the investigation of the Northern Ireland Fire and Rescue Service conducted by Auditors from the Department of Health and Social Services; others were discovered or reported to me.

I was addressing many of these issues, successfully, when the Permanent Secretary of the Department of Health, Social Services and Public Safety received the whistle blowing complaint.

Clearly, I was disappointed that the whistle blower had not raised these matters with me directly as I could see no reason why Ms. Ford et al could not have approached me.

I was aware that Mr. Jones in his role as Acting CFO had, on receiving a complaint, from Mr. Boyle on similar matters and had appointed an external consultant to take the matters forward. I believe this external procedure was outside NIFRS Policy, but had been supported by the Senior HR Manager, Mrs. Heather Ellis and HR advisors. Additionally, Mrs. Ellis had informed me that Ms Ford had also been involved in supporting a complaint made by Mr. Boyle.

In my tenure as the Acting and Substantive CFO I based all of my decisions on factual information available to me at the time. It was on this basis and as a result of receiving a complaint that Ms Ford had breached the Data Protection and IT Policy that I suspended her. The suspension was precautionary as the complaint was an allegation and would need investigated in detailed before a final determination could be made. I must make it clear Ms Ford was not suspended because of her whistle blowing.

I have to advise Members that the on going allegations and complaints that had been lodged were complex and required detailed investigation which was being managed by the Head of HR and members of her staff. I was updated regularly, but needed to remain detached so that on the conclusion of the investigations I could take the correct actions to resolve them. Throughout the process of gathering the evidence, to take what were a significant number of complex complaints and counter complaints forward I insured that I maintained my governance role. I waited for those involved, to complete their investigations, make any statements and gather their supporting evidence and material. The involvement of the external consultant protracted the process.

I had determined that when the preliminary investigation was complete the matter would, as agreed with the Permanent Secretary, be taken forward by a totally independent third party. The third party would determine the best way to resolve what was as you are aware, a range of very complex issues. I had made arrangements with The Scottish Inspectorate to undertake this process, I had written months earlier to the Chief Inspector in England to ask him to suggest an investigating officer, but he had failed to reply. I wanted the investigator independently selected to afford all staff involved confidence in what I wanted to be a transparent and fair investigation.

Throughout the process I advised our HR staff, Departmental Officials and the Permanent Secretary of the current position and projected timeframes at that time. In November 2011, as instructed in writing by the Permanent Secretary, I halted the process. He has dealt with the matter since that date.

I am of the opinion that the majority of these matters rest with the Accounting Officer responsible at the relevant time namely, prior to 28 July 2010 and should be addressed to them. I fully accept my role, which was in my opinion to maintain a governance role and overview of proceedings. It was not to become involved in the day-to-day running of these complaints that was in my opinion the responsibility of Head of HR, HR staff and the appointed advisors. I maintained throughout my corporate governance role and operational command of NIFRS.

In concluding this introductory statement I wish to emphasise that I believe the majority of the matters raised by the whistle blower refer to a time period prior to my appointment and that I fully cooperated with the Departments Auditors during their investigation.

I am sure member's will have questions on these matters which to the best of my ability I will answer in a truthful and honest manner. Thank you

Chairperson's Letter of 3 May 2013 to Dr Andrew McCormick

Public Accounts Committee

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03 May 2013

Cc Fiona Hamill
Jim Wallace
Julie Thompson

Dear Andrew,

Evidence Session on the Northern Ireland Fire and Rescue Service: An Organisational Assessment and Review of Departmental Oversight and Report on Accounts 2011/12

Thank you for your participation in the Committee's evidence session in this inquiry.

As the Committee agreed I would be grateful if you could provide the following information.

- 1) In light of the Audit Scotland report, 'Strathclyde Fire and Rescue Joint Board Statutory Report' shortcomings in the Chief Officer's role in co-authoring the report on and attending board discussions on his own retirement and re-employment, your assessment of how appropriate it was to appoint Mr Sweeney as an independent reviewer of the departmental investigation reports into NIFRS.
- 2) A timeline detailing all communications between the Department, NIFRS and Ms Ford arising from the whistleblower correspondence sent by Mrs Ford and actions undertaken by the Service and the Department including any interviews with Mrs Ford.
- 3) A copy of the external investigation report carried out by Dr Carol Ackah.
- 4) An organisational chart of NIFRS showing for administrative posts whether they are filled in an acting or a substantive capacity and reflecting both complement figures and any undermanning in the operational resource.
- 5) An overview of and rationale for the decisions made in preparation for Mrs Ford's return to work from suspension, specifying whether Mrs Ford was consulted on or had any input to these decisions.
- 6) Confirmation of the period during which Heather Ellis was in post as Temporary Director of Human Resources.
- 7) A summary of all correspondence between the Fire Service Board, NIFRS management and the Department highlighting staffing shortages after the departure of the temporary Director of Human Resources.

- 8) Any written guidance provided to Mr Craig a) from a legal perspective on the suspension of Ms Ford b) from a HR perspective on the procedures for whistleblowers and c) from a procurement/legal perspective on sponsorship and the use of the Land Rover.
- 9) Please confirm, in confidence if necessary, the period of employment of the individual who left the current vacancy within the internal audit team in the Fire Service, and the circumstances under which the individual left or the reason they gave for leaving the organisation.
- 10) Paragraph 4.2 of the 12 October 2012 report 'Investigation of Alleged Irregularities at the Northern Ireland Fire and Rescue Service' states that a memorandum was issued by Mr Lammey, then Chief Fire Officer, to Mr Craig, then Assistant Chief Fire Officer, directing him to dispose of the Land Rover. Please provide a copy of this memorandum.
- 11) Please provide a summary of the record-keeping processes associated with the use of NIFRS vehicles — including cars, tenders, maintenance vehicles and promotional vehicles — such as tax and insurance records, mileage records, pick-up and drop-off logs, fuelling logs, signatures of users and stipulation of business or private use.
- 12) What training or development has been undertaken by NIFRS internal audit staff, and which of these are a) continuous professional development b) mandatory corporate courses c) specific training to respond to the needs of an organisation such as NIFRS at this time.
- 13) Please provide the names of the firefighter recruitment campaign appeal panel members and their grades at the time of appeal hearings; a summary of the whereabouts or exit arrangements of all senior NIFRS officials referred to in the investigation reports; and a list of all NIFRS staff over the last ten years who were promoted and/or temporarily promoted into senior positions (director or above) and have subsequently retired, specifying the dates of their appointment and eventual retirement.
- 14) Please confirm the Board's current delegated financial limits and the other steps taken by the Department to curtail irregularities in spending.
- 15) Please provide through liaison with the Treasury Officer of Accounts guidance on sponsorship in the public sector applicable now and at the time of the acquisition and reappearance of the NIFRS Land Rover.

I would appreciate receipt of your reply by 20 May 2013.

Yours sincerely,



Michaela Boyle
Chairperson
Public Accounts Committee

Chairperson's Letter of 9 May 2013 to Charles Hurst

Public Accounts Committee

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09 May 2013

Dear Peter,

PAC Inquiry into 'NIFRS: An Organisational Assessment and Review of Departmental Oversight' and NIFRS report on accounts 2011-12

The Public Accounts Committee has been inquiring into irregularities at NIFRS including the abuse of public assets.

The Committee has agreed to request from you all papers you hold pertaining to the provision in 2009 by Charles Hurst via Ardmore to NIFRS of a promotional Land Rover vehicle.

In particular, please tell the Committee

- the date on which Charles Hurst Ltd provided it, and to whom, the mileage at that time and the contractual nature of the arrangement;
- whether Charles Hurst Ltd subsequently recovered the vehicle at any time between July 2010 and June 2012 — either temporarily or permanently — and if so when, the mileage on those occasions and from whom you recovered it;
- whether Charles Hurst Ltd then finally disposed of the vehicle, and if so when and to whom.

I understand that Peter Gordon, Group Marketing Director of Lookers PLC, is aware of the concerns the Committee is looking into.

I would be grateful to receive your co-ordinated reply by 20 May 2013.

Yours sincerely,



Michaela Boyle
Chairperson
Public Accounts Committee

Chairperson's Letter of 10 May 2013 to Ardmore Advertising

Public Accounts Committee

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aoibhinn.treanor@niassembly.gov.uk

Dear John,

PAC Inquiry into 'NIFRS: An Organisational Assessment and Review of Departmental Oversight' and NIFRS report on accounts 2011-12

The Public Accounts Committee has been inquiring into irregularities at NIFRS including the abuse of public assets.

The Committee has agreed to request from you all papers you hold pertaining to the provision of a promotional Land Rover vehicle to NIFRS in 2009 by Charles Hurst via Ardmore.

In particular, please tell the Committee

- the date on which Ardmore provided it, and to whom, the mileage at that time and the contractual nature of the arrangement;
- whether Ardmore subsequently recovered the vehicle from NIFRS at any time between July 2010 and June 2012 — either temporarily or permanently — and if so when, the mileage on those occasions and from whom the company recovered it;
- when Ardmore's relationship with NIFRS in respect of the promotional vehicle ended, and when the vehicle transferred finally to Charles Hurst at the end of the arrangement.

I would be grateful to receive your reply by 20 May 2013.

Yours sincerely,



Michaela Boyle
Chairperson
Public Accounts Committee

Correspondence of 13 May 2013 from Ardmore Advertising



13 May 2013

Ms Michaela Boyle
Committee Chairperson
Public Accounts Committee
Room 371
Parliament Buildings
Ballymiscaw
BELFAST
BT4 3XX

Dear Michaela,

**PAC Inquiry into 'NIFRS: An Organisational Assessment and Review of
Departmental Oversight' and NIFRS report on accounts 2011-12**

Thank you for your letter of 10 May 2013 regarding the Public Accounts Committee inquiry into irregularities at NIFRS including the abuse of public assets.

We are very pleased to be offered this opportunity to present the information requested in relation to the Land Rover sponsorship opportunity brokered with Charles Hurst in 2009 by Ardmore Advertising, on behalf of NIFRS.

The information will be provided to you under separate cover, not later than Monday 20 May 2013 as requested.

Kind regards.

Yours sincerely,



JOHN KEANE FIPA
Managing Director

Correspondence of 17 May 2013 from Ardmore Advertising



17 May 2013

Ms Michaela Boyle
Committee Chairperson
Public Accounts Committee
Room 371
Parliament Buildings
Ballymiscaw
BELFAST
BT4 3XX

BY EMAIL AND RECORDED DELIVERY

Dear Michaela,

**PAC Inquiry into 'NIFRS: An Organisational Assessment and Review of
Departmental Oversight' and NIFRS report on accounts 2011-12**

Further to your letter of 10 May, we are pleased to detail the chronology and nature of Ardmore's facilitation of a vehicle on loan from our Client, Charles Hurst, specifically its Land Rover franchise, to our then Client, Northern Ireland Fire and Rescue Service; such undertaking being within the terms of our Media Services contract, specifically the provision of an undertaking to secure "sponsorship benefits in kind" where possible.

As NIFRS' media services supplier, Ardmore had a contractual obligation to secure private sector sponsorship; please note the following contract extract:

Ardmore Advertising and Marketing Ltd/Northern Ireland fire and Rescue Service, Period
1st October to 30th September 2009*

"In addition The Fire and Rescue Service would like to receive added value through the sponsorship strategy to include cash-based sponsorship opportunities, media sponsorship opportunities and other sponsorship benefits in kind."

* this term was extended by a further two years to October 2011.

The vehicle, a Land Rover Discovery, represented a valuable marketing asset for NIFRS in support of the delivery of a key element of its proposed road safety roadshow – the "RACE Scheme", and an excellent marketing opportunity for Charles Hurst and Land Rover. This was viewed from both a CSR perspective and the relevant association for Land Rover with our emergency service, the vehicle being widely recognised for its reliability, ruggedness and go-anywhere ability, regardless of terrain or conditions.

Ardmore House, Pavilions
Holywood BT18 9JQ
County Down, Northern Ireland
Tel 028 9042 5344
Fax 028 9042 4823
Dublin Tel +353 1 473 7387
Email info@ardmore.co.uk
Web www.ardmore.co.uk

IPA
Institute of Practitioners in Advertising



We have worked with Charles Hurst in a number of capacities over many years. The company is hugely committed to its CSR programmes and is a regular and generous supporter of many and various Northern Ireland schemes in this regard. In August 2008, it had been suggested by Charles Hurst that they would be amenable to further CSR opportunities that reflected well on the Company or any of its franchises.

Concurrently, acting under instruction from NIFRS (then) Assistant Chief Fire Officer, Peter Craig, Ardmore was to find some way of seeking funding for a new Road Safety Education Programme to be delivered to children of school age. The immediate opportunity was to connect the two marketing needs to the benefit of both parties.

A joint meeting took place on 11 September 2008 where the opportunity was presented, discussed and agreed i.e. that a Land Rover Discovery would be made available, on loan, to NIFRS to support the delivery of the new road safety education programme and in particular the deployment of central elements to the RACE Scheme. This meeting was attended by Stephen Roycroft, Board Account Director of Ardmore Advertising; ACO Peter Craig of NIFRS; Peter Gordon and Stephen Surgenor of Charles Hurst.

It should be noted that the details relating to this arrangement were clarified upon request in writing to Dr Doros Michail on 7 December 2009, copy letter enclosed.

For your reference, but specifically in response to the queries raised in your letter of 10 May, please find details as follows:

- The Land Rover was provided to and collected by Stanley Bentley, NIFRS, on Friday 6 November 2009; refer email correspondence enclosed.
- Mileage on the vehicle upon NIFRS' receipt was between 2-300 miles, as it was a pre-registered vehicle and had previously been used for demonstration purposes.
- The vehicle was delivered to Alexander Boyd Displays to allow for application of vinyl graphics over the weekend of 7/8 November 2009.
- The contractual nature of the arrangement was that RTC/NIFRS/Charles Hurst were to share the branded Land Rover, on loan to NIFRS from Charles Hurst for a period of a minimal one year with an option not to exceed three years. The benefit to NIFRS was that there would be zero cost (excepting insurance premium and servicing/tyres if required). The benefit to Charles Hurst Land Rover was that of a positive marketing association and public visibility for their brand and CSR activity with vital Northern Irish emergency services.
- Upon instruction from NIFRS, the Land Rover was placed in a storage facility on 9 December 2009 and remained at NIFRS's disposal.

- It should be noted that our Client Charles Hurst made enquiries on a regular basis as to the deployment of the vehicle. NIFRS, in response to our enquiries on behalf of our Client Charles Hurst to this end, advised that there were plans for the vehicle's further deployment. In view of Charles Hurst's commitment to its CSR responsibilities and in particular support of this project, the company demonstrated huge forbearance while the vehicle was in storage.
- The Land Rover was deployed (as photographed in-situ) at the RACE Scheme at Hydebank on 27 May 2011; refer email correspondence and photographs enclosed.
- Under instruction from NIFRS, the NIFRS branding was removed from the vehicle by Alexander Boyd Displays circa 27 June 2011.
- The vehicle was returned to Charles Hurst at end June/beginning July 2011.
- Final mileage upon return to Charles Hurst was 710 miles.

We would wish to record that this vehicle was supplied with the best interests of both organisations, and the public, at heart and that the vehicle was static for the duration of its storage. At no time was the vehicle at the disposal of any member of staff from Ardmore, nor NIFRS. We at Ardmore quite simply, in seeking to fulfil our contractual obligation and undertaking to provide sponsorship in kind to NIFRS, and always acting upon instruction from a senior member of the NIFRS team managing our contract, matched this with a Client willing, upon our advice and recommendation, to facilitate the loan to the Service of a vehicle sufficient for its needs at that time.

I hope that this letter goes some way to clarify the facts of the undertaking and would be more than happy to provide all and any further clarification as required.

Kind regards.

Yours sincerely,



JOHN KEANE FIPA
Managing Director

Encs

Dr Doros Michail
Director of Planning and Corporate Affairs
Northern Ireland Fire & Rescue Service
1 Seymour Street
Lisburn
BT27 4SX

7 December 2009

Dear Dr Michail

Following a request from Assistant Chief Fire Officer Peter Craig I write to assure you that Ardmore Advertising, in providing this sponsorship opportunity for NIFRS, have adhered to the highest standards of probity while maintaining, in this instance I am sure you will understand, client confidentiality.

As NIFRS' media supplier, with an obligation to secure private sector sponsorship, we as an Agency were delighted to progress this matter on behalf of NIFRS and were surprised to hear that the loan of the Landrover Discovery had become an issue, I understand in relation to the procurement of the vehicle.

Please be aware, for the record, the Landrover Discovery is on loan and has not been procured from Charles Hurst – themselves a Client of ours – who are writing down its value over the three year free loan period and will then be recovering their property for private sale through normal used car sales channels.

The opportunity arose as a result of a bona fide approach to Ardmore by Charles Hurst seeking non-cash based marketing and publicity channels in these more marginal economic times. It would have been unethical and unlikely to provide any advantage to any party should we have extended this opportunity beyond the confines of the professional associations already in place.

Immediately we felt that a Landrover Discovery represented a valuable marketing asset for NIFRS in the delivery of some of your own RTC roadshow assets, and an excellent marketing opportunity for Charles Hurst – from both a CSR perspective and a perfect association for Landrover with a robust, reliable and physically demanding emergency service.

The logic and opportunity was clear to us and presented then to NIFRS as a cashless private sector sponsorship opportunity; very much in line with our remit to seek private sector support in the amplification of your own community development activities. Indeed we negotiated on your behalf a three year loan term rather than one, and again I believe that this was successful due to our existing relationship with Charles Hurst, whilst consistent with our contractual obligation to deliver best value to NIFRS our Client.

Ardmore Advertising are fully aware of our responsibilities in ensuring, when securing sponsorship on behalf of NIFRS, that we are required to set the highest standards, be open and transparent and provide equality of opportunity to all through casting our net widely. We have done so in the past through writing to businesses on your behalf to generate interest in providing sponsorship and we will continue to do so. The process involved in providing this excellent opportunity with Charles Hurst is outlined above and meets in our opinion these correctly high levels of probity.

I do hope this clarifies the matter; I will gladly meet any other party to elaborate on this cashless opportunity as secured on behalf of Northern Ireland Fire and Rescue Service if so required.

Yours sincerely

Stephen Roycroft
Board Account Director

Michele McEvoy

From: Nikki Dornan
Sent: 15 May 2013 16:28
To: Michele McEvoy
Subject: NIFRS Land Rover (Collecting from Hursts & delivering to Boyd's for branding - Fri 6 Nov 09)

From: Anna McCombe
Sent: 05 November 2009 15:53
To: 'Bentley, Stanley'
Subject: RE: NIFRS Land Rover

No problem Stanley.

Still waiting for Stephen from Charles Hurst to get back to me. I will give him call now and let you know. Yes, Boyds are expecting the vehicle tomorrow.

Look forward to receiving the Tatler editorial!

Kind Regards
 Anna

From: Bentley, Stanley [<mailto:Stanley.Bentley@nifrs.org>]
Sent: 05 November 2009 14:39
To: Anna McCombe
Subject: RE: NIFRS Land Rover

Anna

You can reach on the mobile today about Charles Hurst, also can you check with Heather if Boyds are expecting the vehicle to brand it tomorrow?

Yes of course I will have the editorial with you tomorrow

Thanks

Stanley

From: Anna McCombe [<mailto:Anna.MCombe@ardmore.co.uk>]
Sent: Thu 05/11/2009 09:41
To: Bentley, Stanley
Subject: RE: NIFRS Land Rover

Yes, no problem Stanley, I will check if that suits Charles Hurst and let you know.

Could you possibly have a look at the editorial I had sent over for Inform NI please? Copy deadline noon today.

Also, the dreaded Ulster Tatler editorial copy deadline is tomorrow at the latest – sorry!

Kind Regards
 Anna

From: Bentley, Stanley [<mailto:Stanley.Bentley@nifrs.org>]
Sent: 05 November 2009 09:32
To: Anna McCombe

Cc: Heather Dalzell; Stephen Roycroft
Subject: RE: NIFRS Land Rover

Thanks Anna,

I have this now on NIFRS insurance. I cannot collect it today but can around 9am tomorrow if this suits Charles Hurst, if you could let me know please,

Many thanks

Stanley

-----Original Message-----

From: Anna McCombe [<mailto:Anna.MCombe@ardmore.co.uk>]
Sent: Wed 04/11/2009 15:57
To: Bentley, Stanley
Cc: Heather Dalzell; Stephen Roycroft
Subject: FW: NIFRS Land Rover

Hi Stanley

Please see below registration details and engine size of the Land Rover you are getting for insurance purposes.

Kind Regards

Anna

From: Stephen Surgenor [<mailto:StephenSurgenor@charleshurstgroup.co.uk>]
Sent: 04 November 2009 15:51
To: Anna McCombe
Subject: RE: NIFRS Land Rover

Anna

The Reg number is PJZ6078 and the spec is-

Discovery 3 2.7SE Automatic

Value £35000

Stephen

-----Original Message-----

From: Anna McCombe [<mailto:Anna.MCombe@ardmore.co.uk>]
Sent: 04 November 2009 10:49
To: Stephen Surgenor
Cc: Heather Dalzell
Subject: NIFRS Land Rover

Hi Stephen

Hope you are well.

In order for NIFRS to register for insurance of the Land Rover could you possibly advise registration details and engine size of the vehicle please?

Could you also advise when the best time for NIFRS to pick the Land Rover up on Thursday or Friday would be please?

Kind Regards

Anna

Anna McCombe
Account Executive

DD: 028 90397422

T: 028 90425344

F: 028 90 424823

www.ardmore.co.uk

Nikki Dornan

From: Bentley, Stanley <Stanley.Bentley@nifrs.org>
Sent: 27 May 2011 15:06
To: Stephen Roycroft
Subject: Land Rover
Attachments: IMG_0474.JPG; IMG_0432 (Large).JPG

Stephen

A couple of snaps of the Discovery at the RACE Scheme in Hydebank today

Have a good weekend

Stanley

Stanley Bentley

Group Commander

Community Development

Northern Ireland Fire & Rescue Service
Headquarters
1 Seymour Street
Lisburn BT27 4SX
Tel 02892664221 Ext 2213 / 07753970907
Fax 02892677402
stanley.bentley@nifrs.org
www.nifrs.org

DOES YOUR HOME REQUIRE A FIRE SAFETY CHECK? PHONE 02892600477.

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Chairperson's Letter of 20 May 2013 to Dr Andrew McCormick

Public Accounts Committee

Dr Andrew McCormick
Accounting Officer
Department of Health, Social Services
and Public Safety
Castle Buildings
Stormont Estate
Belfast
BT4 3SQ

Room 371
Parliament Buildings
Ballymiscaw
BELFAST
BT4 3XX

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E: pac.committee@niassembly.gov.uk

aoibhinn.treanor@niassembly.gov.uk

20 May 2013

Cc Fiona Hamill
Jim Wallace
Julie Thompson

Dear Andrew,

Evidence Session on the Northern Ireland Fire and Rescue Service: An Organisational Assessment and Review of Departmental Oversight and Report on Accounts 2011/12

At its meeting on 15 May 2013 the Committee considered correspondence from Mrs Linda Ford about its evidence session on 25 April 2013.

As the letter pointed out what were deemed to be inaccuracies in your team's oral evidence at the hearing, the Committee agreed to forward relevant extracts to you to offer you the right of reply.

I would appreciate receipt of your reply by 27 May 2013.

Yours sincerely,



John Dallat
Deputy Chairperson
Public Accounts Committee

Chairperson's Letter of 20 May 2013 to Mr Peter Craig

Public Accounts Committee

Peter Craig
Former Chief Fire Officer

Room 371
Parliament Buildings
Ballymiscaw
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BT4 3XX

Tel: (028) 9052 1208

Fax: (028) 9052 0366

E: pac.committee@niassembly.gov.uk

Aoibhinn.Treanor@niassembly.gov.uk

20 May 2013

Dear Peter,

Evidence Session on the Northern Ireland Fire and Rescue Service: An Organisational Assessment and Review of Departmental Oversight and Report on Accounts 2011/12

At its meeting on 15 May 2013 the Committee considered correspondence from Mrs Linda Ford about its evidence session on 25 April 2013.

As the letter pointed out what were deemed to be inaccuracies in your oral evidence at the hearing, the Committee agreed to forward relevant extracts to you to offer you the right of reply.

I would appreciate receipt of your reply by 27 May 2013.

Yours sincerely,



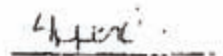
John Dallat
Deputy Chairperson
Public Accounts Committee

By: ;

028 92604732;

14-May-13 10:44;

Page 2



Amc7094f

Ms Adele Davidson
HR Officer
1 Seymour Street
LISBURN
BT27 4SX

7 September 2011

Dear Adele

RE: LINDA FORD

I refer to our member above and to your email dated 7 September 2011.

NIPSA is somewhat surprised at the response regarding Linda's grievance against the Chief Fire Officer.

Firstly, the grievance was sent to the Chair of the Board in keeping with policy as it was against the Chief Fire Officer and therefore it was appropriate to do so. This grievance was dated 18 July 2011. Linda received a letter from the Chief Fire Officer dated 18 August 2011 directly addressing her grievance which Linda believes to be totally inappropriate given that the grievance is against the Chief Fire Officer.

Therefore NIPSA would advise that our member will not be responding directly to the Chief Fire Officer's letter and expects that arrangements are made as a matter of urgency for the grievance to be heard.

Should the NIFRS refuse to proceed with this grievance in the appropriate manner then NIPSA may advise our member on other courses of action including the Ombudsman, the Information Commissioner and/or a legal route.

I await your response.

Yours sincerely

ANTOINETTE McMILLEN
Higher Executive Officer

Copied to: Linda Ford

By: ;

028 92604732;

14-May-13 10:45;

Page 3

Page 1 of 3

Davidson, Adele

From: Davidson, Adele
Sent: 21 August 2012 22:53
To: Kerr, Chris
Subject: FW: your letter regarding Tribunal Case settlement

Chief

I haven't copied Jim Wallace into this, but I did in my response to Terry, earlier in the trail on the basis that Jim would be taking forward Linda's grievance etc.

I have advised Richard to seek clarification from you in relation to Linda's need to contact him. You may want to share this with Jim, [REDACTED]

Adele

THIRD PARTY INFORMATION

From: Davidson, Adele
Sent: 21 August 2012 22:44
To: Hanna, Richard
Cc: Kerr, Chris; McGonigal, Terry
Subject: RE: your letter regarding Tribunal Case settlement

Richard

I am still on leave and won't be able to access emails from tomorrow through to my return -- I wanted to respond to you quickly.

As clarified below, Linda is working for CFO Kerr. Should she, like most other managers need to speak to someone from Finance on, for example, business case matters or similar she will refer to you. Terry was consulted on the arrangements as I clearly recall that I discussed this with him when he called into my office in late June. We discussed the Ex Gratia Payment Form that I had to complete in relation to Linda's settlement (which you later signed on his behalf along with CFO Kerr). Terry acknowledged that he could not sign it as there was a conflict of interest and that you would assist. I asked him who would Linda deal with in Finance should she need to and he advised that it would be you. I also referred to Linda maybe having to liaise with you rather than Terry upon her return when you and I both spoke regarding the Ex Gratia Payment Form. May I reassure you that I do not think you will be asked to do anything over and above the normal guidance you give within your remit to your management colleagues across the Service.

I am unable to comment on the work that Linda is doing for the Chief Fire Officer and would refer you to CFO Kerr and he will clarify if and when Linda may need to refer to you. It may be that she might not have to liaise with you on work matters.

I appreciate that the complaints within your Directorate have had a repercussive effect on you and your workload. I am, however, unaware of any complaint made against you personally by Linda so I would urge you to be mindful about committing in writing your personal concerns in having to deal with her, so as to limit the scope for any possible complaint against you on victimisation grounds. I would encourage you to speak to CFO Kerr to set your mind at rest.

Regards

Adele

From: Hanna, Richard
Sent: 21 August 2012 17:35
To: Davidson, Adele
Cc: Kerr, Chris; McGonigal, Terry
Subject: RE: your letter regarding Tribunal Case settlement

Adele,

11/03/2013

By: ;

028 92604732;

14-May-13 10:45;

Page 4

Page 2 of 3

I am just back from leave today and have picked up your email.

I note your statement: "In terms of protecting you from further compromising situations we have already agreed that Richard Hanna will act as Finance Liaison with Linda, where appropriate". I do not recollect this being agreed and would welcome the opportunity to discuss this with you, Terry and Chris. As you will appreciate I want to protect my own interests and don't want to be dragged into this whole saga any more than absolutely necessary. Also, I believe Terry as Director should be consulted on the arrangements.

I look forward to hearing from you.

Thanks,

Richard

by: ;

028 92604732;

14-May-13 10:45;

Page 5

Page 1 of 1

Gelston, Gillian

From: Kerr, Chris
Sent: 23 August 2012 08:21
To: Gelston, Gillian
Subject: FW: your letter regarding Tribunal Case settlement
Attachments: RE: your letter regarding Tribunal Case settlement.
Confidential

E-file

Chris Kerr
Interim Chief Fire Officer

Northern Ireland Fire and Rescue Service Headquarters
1 Seymour Street
Lisburn
BT27 4SX

Tel. 02892 664221
www.nifrs.org

From: Davidson, Adele
Sent: None
To: Kerr, Chris
Subject: Fwd: your letter regarding Tribunal Case settlement

Chief

See below. I am absolutely clear that Terry and I discussed this. Regardless of this, Richard should not put himself or be put in the position that he does not engage with Linda, unless he has justifiable reasons. I have already highlighted to him and his line manager the risk of victimisation complaint, so if they continue in this vein I can do very little about it and hope that it does not become an issue.

Regards
Adele

Sent from my HTC

----- Forwarded message -----

From: "McGonigal, Terry" <Terry.McGonigal@nifrs.org>
Date: Wed, Aug 22, 2012 08:39
Subject: your letter regarding Tribunal Case settlement
To: "Davidson, Adele" <Adele.Davidson@nifrs.org>, "Hanna, Richard" <Richard.Hanna@nifrs.org>
Cc: "Kerr, Chris" <Chris.Kerr@nifrs.org>

| Ref | Page | | | |
|-----|------|---|--|---|
| 1 | 7 | P Craig response to question from Chairperson | <p>"The whistle-blowing occurred before I became the accounting officer. I inherited that on the way through"</p> | <p>Timeline</p> <p>July 2010 P Craig acting CFO</p> <p>Feb 2011 P Craig substantive CFO</p> <p>5th July 2011 Whistle blowing Letter to Dr McCormick</p> <p>Oct 2011 Whistle blowing letter to PAC</p> <p>26th June 2012 P Craig retired</p> <p>Comment made by P Craig incorrect</p> |
| 2 | 23 | P Craig response to question from Mr McKay re should director not have been suspended | <p>"It became apparent later on that she indicated that it was the director of perf & corporate affairs who had instructed her to get the information"</p> | <p>I can confirm that no detailed allegation has ever been made to me. I have never been interviewed regarding an allegation.</p> <p>DHSSPS report Oct 12, Pg 20, 8.4 "The whistleblower has not been interviewed regarding this allegation. Our own investigation has revealed contradictory evidence and we have provided this to the CFO for his consideration"</p> <p>Comment made by P Craig is incorrect</p> |
| 3 | 23 | P Craig response to question from Mr McKay re should director not have been suspended | <p>"I had to treat her in the same way I would treat anyone in the organisation who, in my opinion, had carried out such a breach"</p> | <p>My alleged harasser, Director of Finance, instructed for my computer records to be trawled through in April 2011, after I had raised issues of financial irregularities at my harassment investigatory meeting with Ms T Hughes. P Craig permitted this action, action not undertaken against any other employee.</p> <p>I am aware of breaches of data protection and no action was taken against those individuals.</p> <p>I have yet to be informed as to what the data protection issue is.</p> <p>I have been treated differently than others in the organisation</p> <p>Comment made by P Craig is incorrect</p> |

| Ref | Page | | |
|-----|------|---|--|
| 4 | 23 | P Craig response to question from Mr McKay re should director not have been suspended | <p>"The complaint came to the Dept in July 2011 ... I was made aware of the whistle blowing complaint at that stage"</p> <p>In April 2011 I was interviewed by an external investigator, Ms T Hughes, who was investigating my harassment allegation against the Director of Finance.</p> <p>This meeting was suspended for two reasons:</p> <ol style="list-style-type: none"> 1. HR representatives to inform the CFO of the financial irregularities raised 2. To allow me to be given access to computer records to collate additional evidence to support my allegations in accordance with Natural Justice <p>The DHSSPS report Oct 2012:</p> <p>Pg 11 6.1 "The Whistleblower made allegations regarding financial practices In interviews in relation to complaints of harassment and the CFO was informed of these"</p> <p>pg18 8.1 "The CFO's letter suspending the Whistleblower alleged a serious breach of the Whistleblower's obligation to the NIFRS and to him in that the Whistleblower allegedly did not raise the matters in her whistle blowing letter directly with him ... However the whistleblower had in fact raised an issue regarding financial practices during an interview by an external investigator ... and the CFO was informed of this"</p> |
| 5 | 23 | P Craig response to question from Mr McKay re should director not have been suspended | <p>"I made it quite clear to the people to whom I spoke prior to handing her the letter that the suspension was for breach of data protection"</p> <p>CFO Craig's letter dated 19th August 2011:</p> <ol style="list-style-type: none"> 1. Made reference to the letter to Dr McCormick and his disappointment and concern that I had not raised the issues directly with himself 2. Clearly stated that the data protection issue was brought to his attention by the Director of Finance, my alleged harasser. <p>The telephone conversation on the 19th August 2011 advising me of the suspension only referred to the letter to Dr McCormick</p> <p>Via data disclosure requests I received the file notes of the HR Manager, A Davidson. The notes refer to the letter to Dr McCormick and not data protection</p> <p>The DHSSPS report Oct 2012:</p> <p>page 19, 8.3 "we conclude that it is much more likely than not that the main motivation for the suspension of the Whistleblower on a charge of potential gross misconduct arises from the CFO's need for a solution to a difficult and protracted problem rather than the alleged act of sharing personal information with the line manager</p> |

| Ref | Page | | | |
|-----|------|---|--|---|
| 6 | 23 | P Craig response to question from Mr McKay re my suspension and should director not have been suspended | "It was a minute that had been circulated to another member of staff. It was signed by Linda Ford" | As no data protection issue has ever been made against me it is difficult to understand the issue to which they refer. I assume from DHSSPS report that it is in relation to my temporary line manager, Mr Doros Michail. I cannot recall signing a minute at any stage whilst I was under Mr Michail's remit. |
| 7 | 24 | P Craig response to question from Mr McKay re my suspension and should director not have been suspended | "She would have been interviewed during the investigation" | I have never been interviewed and no allegation has ever been discussed with me DHSSPS report Oct 12, Pg 20, 8.4 "The whistleblower has not been interviewed regarding this allegation. Our own investigation has revealed contradictory evidence and we have provided this to the CFO for his consideration" |
| 9 | 25 | P Craig response to question from Chairperson | "I passed the information to the acting Head of HR. I told her quite clearly what the issue was about. I cannot understand why there was any misinterpretation by her" | Via data disclosure requests I received the file notes of the HR Manager, A Davidson, the notes refer to the letter to Dr McCormick and not data protection The telephone conversation on the 19th August 2011 advising me of the suspension only referred to the letter to Dr McCormick The DHSSPS report Oct 2012: page 19, 8.3 "we conclude that it is much more likely than not that the main motivation for the suspension of the Whistleblower on a charge of potential gross misconduct arises from the CFO's need for a solution to a difficult and protracted problem rather than the alleged act of sharing personal information with the line manager |
| 10 | 26 | P Craig response to question from Mr Clarke regarding director involvement in data protection issue and why he was not also suspended | "She did not advise me of that" (not advise him of the director's involvement) | I could not have advised Mr Craig, I was suspended and no allegation has ever been put to me for discussion or comment |

| Ref | Page | | | |
|-----|------|--|---|---|
| 11 | 26 | P Craig response to question from Mr Clarke regarding director harassment or forcing Linda to obtain information | "I did not think that the director was harassing her" | A CFO should follow due process and investigate allegations made and base opinion on fact |
| 12 | 29 | P Craig response to Mr McKay as to why suspension had not been reviewed every 4 weeks | "It was probably an oversight because we had just lost our acting Head of HR" | It is my understanding that from my suspension in August 2011 there has always been someone in the position of HR Manager. I also believe that Mr Craig was advised to review my suspension. I believe that his comment is inaccurate |
| 13 | 30 | P Craig response to Mr Hazzard regarding two grievances | "Linda had addressed issues in writing that she had never raised with me" | In April 2011 I was interviewed by an external investigator, Ms T Hughes, who was investigating my harassment allegation against the Director of Finance. This meeting was suspended for two reasons: 1. HR representatives to inform the CFO of the financial irregularities raised 2. To allow me to be given access to computer records to collate additional evidence to support my allegations in accordance with Natural Justice The DHSSPS report Oct 2012: Pg 11 6.1 "The Whistleblower ... made allegations regarding financial practices In interviews in relation to complaints of harassment and the CFO was informed of these" Pg18 8.1 "The CFO's letter suspending the Whistleblower alleged a serious breach of the Whistleblower's obligation to the NIFRS and to him in that the Whistleblower allegedly did not raise the matters in her whistle blowing letter directly with him ... However the whistleblower had in fact raised an issue regarding financial practises during an interview by an external investigator and the CFO was informed of this" |

| Ref | Page | | | |
|-----|------|--|--|---|
| 14 | 31 | P Craig response to Mr Hazzard regarding two grievances | "I wrote to Linda in an open and friendly way, and I did not receive a response" | NIFRS CFO had responded to my grievances in an inappropriate manner. NIPSA wrote to NIFRS HR Officer on 7th September 2011 explaining why I would not be responding directly to CFO Craig's letter. SEE APPENDIX 1 The DHSSPS report dated Nov 12 pg 14 7.4 "The whistleblower submitted a grievance against the CFO for denying a request for access to finance systems and files and a further grievance against suspension by him .. These grievances should have been heard by an independent person however the CFO personally responded on the first grievance and was involved to some degree in the considering the second. |
| 18 | 33 | M Craig regarding Linda return to work | "Linda has expressed some reservations about interacting with other people who their were perceived difficulties with" | NIFRS refused to return me to my substantive role as it would have meant relocating the Director of Finance pending my harassment claim being heard |
| 20 | 35 | Mr Craig in response to question from Mr Clarke regarding Linda return to work | "I did not return her to work, so I cannot comment on that" | P Craig was NIFRS lead officer on the LRA conciliation process and legal agreement brokered in June 2012. At this stage it was agreed I be returned to NIFRS HQ and my suspension be lifted. I was told to remain at home on special leave and I did not return to work until July 2012. His statement is incorrect |

I trust this response is sufficient. Please do not hesitate to contact me if I can be of further assistance to the PAC Inquiry.

Yours sincerely,

J. McFarlane

p.p. H K Surgenor

Chairman, Charles Hurst

p.p. Mr. Peter Jones, Hookers plc.

Correspondence of 24 May 2013 from Dr Andrew McCormick

From the Permanent Secretary
and HSC Chief Executive
Dr Andrew McCormick

Castle Buildings
Stormont Estate
BELFAST
BT4 3SQ

BY EMAIL

Michaela Boyle
Chairperson
Public Accounts Committee
Room 371
Parliament Buildings
Belfast
BT4 3XX

Tel: 028 90 520559
Fax: 028 90 520573
Email: andrew.mccormick@dhsspsni.gov.uk

Your ref:

Our Ref: AMCC 4351
SECCOR/121/2013

Date: 24 May 2013

Dear Ms Boyle

Evidence Session on the Northern Ireland Fire and Rescue Service: An Organisational Assessment and Review of Departmental Oversight and Report on Accounts 2011/12

Thank you for your letter of 3 May requesting additional information arising from the above evidence session on 24 April 2013.

For ease of reference, my response below corresponds with the numbering on the request list set out in your letter.

1. As I indicated at PAC I was not aware of the Audit Scotland Report. I have now had the opportunity to review the report and I recognise that a number of concerns were raised about the governance and management arrangements put in place by the Strathclyde Fire and Rescue Joint Board. However, the Audit Scotland report concludes that, "there is no evidence that the Chief Officer's role in the processes has had an influence on the decisions made". I place much reliance on the fact that Steven Torrie, the Chief Fire Inspector of Fire and Rescue (Scotland), recommended Brian Sweeney for this review and that it was carried out jointly by both parties. Hence I can confirm that I remain comfortable with the process for the engagement of the two senior professional Fire Officers, Steven Torrie and Brian Sweeney in the External Review of NIFRS and satisfied that the Report's authors completed this exercise competently and professionally.
2. See Annex 1
3. See Annex 2
4. NIFRS Support service establishment is 259.7 FTE. In practice this equates to 320 individuals post (incorporating circa 50 part time caretakers etc.). Of these 320 posts:
 - 73 are not filled substantively
 - 40 of these are filled by agency staff, 6 via temporary contracts and 27 are vacant.

See **Annex 3** for organisation charts and a list of current support staff vacancies.

Regarding Operational Posts

There are 917 established Wholetime posts and there are currently 916 Wholetime personnel employed in NIFRS. There are 994 established Retained posts. There are currently 939 employed. A recruitment and selection exercise is currently underway in order to recruit Retained personnel to ensure NIFRS needs are met.

5. See Annex 4
6. Mrs Ellis's period of secondment to the post of Senior Human Resources Manager was from 1 June 2010 to 30 July 2011.
7. See Annex 5
8. See Annex 6
9. The current vacancy within the unit became vacant in January 2008 when the post holder (who had been in position since October 2003) took up a position, after a successful recruitment process, of Capital Accountant. This vacant post has been filled by Agency Personnel since January 2008 and the current post holder has been in post since January 2009.
10. See Annex 7
11. See Annex 8
12. See Annex 9
13. See Annex 10
14. See Annex 11 for NIFRS current delegated financial limits.


Other steps taken by Department to curtail irregularities in spending:

- Removal of delegated authority to implement job evaluations;
- Assurance and Accountability meetings increased from two per year to four;
- The agenda for the accountability meetings has a focus on accountability and governance;
- Officials routinely attend all Board and Committee meetings (when possible) in an observer capacity;
- The level of resources dedicated to the sponsorship role were enhanced.
- A new Board and Chair was put in place;
- Interim Chief Executive appointed as Accounting Officer with key responsibility for improving NIFRS internal governance;
- A comprehensive review of NIFRS was commissioned by the Department (DID Review) which reported in May 2010.

In addition to the above, NIFRS's pay remits come through the Department and must be approved. That applies to any pay that is being paid to individuals.

15. The issue around the acquisition and reappearance of the NIFRS Land Rover took place during late 2009. DFP guidance in this area is contained in a Principal Establishment Finance Officer (PEFO) letter dated 20 April 1999 – Sponsorship of Government Events. A copy of the guidance is attached at Annex 12.

I hope this sufficiently addresses all of your information requirements. I will reply as soon as I can to the Deputy Chair's letter of 20 May about Linda Ford's comments on our evidence. If the Committee has any further queries arising from this letter, I will be happy to answer them.



Andrew McCormick

Annex 1

Item 2

Timeline - Communications between the Department, NIFRS and Ms Ford arising from the whistleblower correspondence sent by Mrs Ford and actions undertaken by the Department including any interviews with Mrs Ford.

DHSSPS

| Date | Action |
|------------------|---|
| 25 July 2011 | Linda Ford writes to Permanent Secretary outlining her concerns |
| 19 August 2011 | CFO writes to Linda Ford placing her on precautionary suspension |
| 23 August 2011 | Permanent Secretary writes to CFO agreeing to NIFRS' appointment of external body to investigate; expresses concern about the handling of a letter relating to Mrs Ford's grievance and seeks an assurance that the approach taken is in accordance with NIFRS policy . |
| 23 August 2011 | Permanent Secretary responds to Linda Ford – officials considering her allegations |
| 26 August 2011 | Linda Ford writes to Permanent Secretary advising of suspension and asking for Departmental intervention to rescind it |
| 14 October 2011 | Permanent Secretary writes to Linda Ford outlining Departmental position – no role in NIFRS' grievances, cannot rescind suspension, sought an assurance from CFO that the process surrounding her grievance has been taken forward in accordance with the NIFRS. |
| 4 November 2011 | Department received Industrial Tribunal papers from Linda Ford alleging a detriment and violation after making a protective disclosure under the Employment Rights Order 1996 |
| 8 November 2011 | Permanent Secretary meets with the Comptroller and Auditor General, NIAO, and agrees that officials from the DHSSPS Internal Audit would start an investigation into the whistleblowing allegations. |
| 14 November 2011 | CFO writes to Permanent Secretary outlining his plans for investigating the allegations. |
| 28 November 2011 | Permanent Secretary meets Chair of NIFRS to advise that allegations have been made that require an Internal Audit investigation. Permanent Secretary writes to CFO advising him not to proceed with his proposals to engage CFA. |
| 7 February 2012 | Department seeks further assurance from CFO that due process has been followed |
| 10 May 2012 | Internal Audit and Public Safety Unit officials meet with Linda Ford to advise of findings |
| 22 May 2012 | Letter to NIFRS' Chair enclosing a draft copy of the report |
| 5 July 2012 | Permanent Secretary's Letter of apology issues (reissued 19 July 2012 as Linda Ford told the Department that she did not receive original letter) |
| 6 July 2012 | Email to Linda Ford with an update on allegations 2,3 & 6. |
| 7 August 2012 | Email to Linda Ford with an update on allegations 2,3 & 6. |

| Date | Action |
|-----------------------------------|--|
| 13 August 2012 | Email to Linda Ford about BBC story |
| 15 August 2012 | Public Safety Unit officials meet with Linda Ford and her Trade Union rep to discuss outstanding issues |
| 17 August 2012 | Finance official meets with Linda Ford about one of the allegations |
| 21 August 2012 | Letter sent to Linda Ford enclosing draft of investigation report |
| 22 August 2012 | Correspondence between Linda Ford and the Department regarding the notes from the meeting on 15 August 2012 |
| 23 August 2012 | E-mail from Linda Ford acknowledging receipt of the investigation report. |
| 30 August 2012 – 5 September 2012 | Correspondence between Department and NIFRS regarding access to information request made by Linda Ford |
| 31 August 2012 | Linda Ford submits an FOI request |
| 5 September 2012 | Letter to Linda Ford updating her on progress relating to issues raised on 15 August. |
| 6 September 2012 | Finance official meets with Linda Ford about one of the allegations |
| 17 September 2012 | Linda Ford e-mails the Department regarding the investigation report |
| 19 September 2012 | Linda Ford e-mails the Department providing additional information |
| 21 September 2012 | Head of Public Safety Unit meets with Linda Ford and her TU rep to discuss outstanding issues. |
| 3 October 2012 | Department replies to Linda Ford's request |
| 8 October 2012 | Linda Ford submits a further FOI request |
| 15 October | E'mail from Linda Ford to the Permanent Secretary requesting a discussion with him |
| 15 October | Telephone call with Linda Ford by Deputy Secretary on behalf of the Permanent Secretary who was in USA on business |
| 16 October | E'mail from the Permanent Secretary to Linda Ford advising that he was in America and offering to let Linda see the final papers first thing on Tuesday 16 October |
| 23 October 2012 | Correspondence between the Department and NIFRS regarding Linda's access to information. |
| 6 November 2012 | Department replies to Linda Ford's request |
| 16 November 2012 | Linda Ford submits a further FOI request |
| 18 December 2012 | Deputy Secretary e-mails Linda Ford regarding outstanding issues |
| 21 January 2013 | Department replies to Linda Ford's request. |

NIFRS

| | |
|--------------|---|
| 25 July 2011 | Letter from Linda Ford to DHSSPS Permanent Secretary advising of financial irregularities/governance issues within NIFRS |
| 27 July 2011 | Email from Senior HR Manager, Heather Ellis, to CFO Peter Craig acknowledging receipt of grievance from Linda Ford as sent to her by Dr McKee on 22 July. |

| | |
|------------------------|---|
| 28 July 2011 | Letter from Heather Ellis to Linda Ford regarding the Grievance Procedure and delay in progress. |
| 3 August 2011 | Letter from Linda Ford to Dr Joe McKee referring to letter from Heather Ellis of 28 July 2011 raising a number of concerns and questions surrounding the ongoing investigation and her original grievance. |
| 18 August 2011 | Letter from Peter Craig to Linda Ford referring to her letter to Dr Joe McKee regarding the ongoing investigation surrounding access to systems. |
| 19 August 2011 | Letter from Peter Craig to Linda Ford notifying her of her precautionary suspension with effect from 1700hrs on 19 August 2011. |
| 23 August 2011 | Permanent Secretary writes to CFO agreeing to NIFRS' appointment of external body to investigate; expresses concern about the handling of a letter relating to Mrs Ford's grievance and seeks an assurance that the approach taken is in accordance with NIFRS policy . |
| 24 August 2011 | Email from Adele Davidson to Linda Ford attaching copies requested of Data Protection Policy, Discipline Policy and Procedure and Whistleblowing policy. |
| 30 August 2011 | Emails between Linda Ford and Adele Davidson regarding her grievance |
| 2 September 2011 | Email from Adele Davidson to Linda Ford advising that the Chairman was nominating a Board Member to hear her grievance and he would be back after 6 September. |
| 5 September 2011 | Email from Linda Ford to Adele Davidson attaching a copy of Linda Ford's email to Antoinette McMillen (Trade Union rep) and mentions that she (Linda Ford) had asked for clarification and would await a response (from NIFRS). |
| 5 and 6 September 2011 | Emails between Linda Ford and Adele Davidson clarifying the grievances. |
| 7 September 2011 | Emails between Linda Ford and Adele Davidson about 2 Data Access requests in support of her grievances. |
| 7 September 2011 | Letter from Adele Davidson to Linda Ford advising that, until completion of enquiries related to the issues raised in the Chief Fire Officer's letter to her of 19 August 2011, a formal grievance would not be appropriate but that she could proceed once the process had been completed. She would be kept informed with regard to CFO's enquiries as outlined in letter 19 August 2011. |
| 28 September 2011 | Letter from Peter Craig to Linda Ford advising that enquiries in respect of her alleged access to financial information remained ongoing and were not yet concluded. Confirmed that she was to remain on precautionary suspension on full pay until further notice. |
| 27 October 2011 | Letter from Linda Ford to Adele Davidson enquiring if her suspension had been reviewed and what the outcome was and also enquiring on an update on the position of her three grievances and the plans for hearings. |
| 14 November 2011 | Email from Linda Ford to Adele Davidson asking about a response to her letter of 27 October 2011. |

| | |
|-------------------------|---|
| 14 November 2011 | Letter to DHSSPS Permanent Secretary from CFO with details of his plans for investigating the allegations . |
| 14 November 2011 | Email reply from Adele Davidson to Linda Ford advising that she had been on a fortnight's leave returning on 7 November and confirming that the letter of 27 October was in her mail upon her return and confirming that she had made an appointment with the Chief Fire Officer to discuss its content and for a response to be drafted. Also confirming receipt of Mrs Ford's claim to the Tribunal. |
| 22 and 23 November 2011 | Emails between Linda Ford and Adele Davidson regarding her suspension and the position on the grievances |
| 28 November 2011 | Letter from Adele Davidson to Linda Ford advising: <ul style="list-style-type: none"> • that Chief Fire Officer Craig has asked for Linda Ford to be written to in connection with her precautionary suspension; • that the Chief Fire Officer was absent from work due to surgery and not in a position to correspond with her directly. • that Chief Fire Officer Craig had informed Adele Davidson that he was concluding his fact finding in relation to the precautionary suspension which he had described as complex. • that the CFO wished to appoint an external independent investigation officer to formally review and take forward matters quickly. • that her grievances should remain in abeyance until the independent investigator had been briefed and commenced the review. • that Chief Fire Officer Craig had asked for Linda to be informed that the Investigation Officer would conduct a review and make a determination. • that Adele Davidson had made further enquiries in relation any final report on the IT investigation and that she had been advised that this was currently incomplete in draft form yet to be finalised and remained unavailable. |
| 11 July 2012 | Letter from Adele Davidson to Linda Ford about return to work arrangements |
| 16 July 2012 | Note by Adele Davidson regarding telephone call from Linda Ford about return to work arrangements |

There was also a considerable number of communications (letters and emails) between NIFRS and Linda Ford regarding her Tribunal case from November 2011 to June 2012. There was also further communications with Linda regarding her return to work arrangements both prior to and subsequent to her return to work.

Annex 2

Item 3

The report produced by Dr Carol Ackah as a result of her investigation is sensitive and personal in nature. NIFRS has obligations to the individuals concerned in terms of both Data Protection and Duty of Care.

NIFRS have therefore attached a redacted copy of the report's conclusions (see below). If the PAC is not content with this approach, NIFRS would propose providing the full document to NIAO to review and provide the PAC with a summary of findings and conclusions, respecting Data Protection requirements.

Conclusions from the Dr Ackah report (amendments from the original text are in **bold**)

"On the basis of the findings above I have concluded that **Person A** was subjected to unwanted and unreasonable conduct by **Person B**. In particular **Person A** was subjected to inappropriate comments which showed a lack of respect and trust, which demeaned **Person A** and adversely affected **their** right to dignity at work and undermined their position. The on-going nature of this conduct in the period November 2009 to April 2010 was such as to constitute harassment. As **Person A themselves** has said some of these seem like small things but when viewed collectively they are unacceptable.

I have not concluded that **Person A** was prevented or inhibited by **Person B** from carrying out **their** role *to an extent which constituted harassment* and where I have found that **Person A** was inhibited from carrying out **their** role, eg in relation to the management of staff or in providing financial information I have concluded that there were circumstances which, in part at least, explained and mitigated **Person B's** conduct.

Person B has made many counter allegations regarding **Person A's** job performance during **Person A's** probationary period, but as it is outwith my competence to comment on the validity or otherwise of those counter allegations I have had to conclude that they do not amount to victimisation for **Person A** having made a complaint."

Support (Administrative) Staff Vacancies**Support Staff Vacancies at 17.05.2013**

| | Location | Post Name | Scale |
|---------------------------------------|-----------------|--|--------------|
| Chief Executives Department | EXEC01 | Director Of Planning And Corporate Affairs | Director |
| | EXEC01 | Director Of Finance And Performance | Director |
| | EXEC02 | Internal Audit Manager | P03 |
| | | Total | 3 |
| Human Resources | HUMR03 | Hr Policy Administrator (Job-Share) | Scale4 |
| | HUMR03 | Employment Policy Officer | S02 |
| | HUMR03 | Clerical Officer | Scale3 |
| | HUMR04 | Uniformed Appointments Officer | Scale6 |
| | HUMR04 | Clerical Officer Recruitment & Services | Scale4 |
| | HUMR04 | Clerical Officer Recruitment & Promotions | Scale3 |
| | HUMR04 | Clerical Officer Recruitment & Services | Scale3 |
| | | Total | 7 |
| Planning and Corporate Affairs | PCAD01 | Strategic Planning Manager | Po9 |
| | PCAD05 | Business Improvement Manager | Po3 |
| | PCAD03 | Secretarial Services Assistant | Scale 3 |
| | PCAD03 | Secretarial Services Assistant (Part-Time) | Scale 3 |
| | PCAD05 | Receptionist (Job-Share) | Scale3 |
| | PCAD05 | Receptionist | Scale3 |
| | PCAD07 | Estates Officer | S02 |
| | PCAD07 | Estates Engineer | Scale 6 |

| | Location | Post Name | Scale |
|------------------|----------|--|-----------|
| | PCAD07 | Estates Admin Officer (Job-Share) | Scale 3 |
| | PCAD04 | Caretaker Limavady | Caretaker |
| | PCAD04 | Caretaker Larne | Caretaker |
| | PCAD 04 | Caretaker Keady | Caretaker |
| | PCAD 04 | Caretaker Newtownstewart | Caretaker |
| | PCAD 04 | Caretaker Dungannon | Caretaker |
| | PCAD 04 | Caretaker Dromore | Caretaker |
| | | Total | 15 |
| Finance | FINA01 | Management Accountant | P06 |
| | FINA02 | Assistant Management Accountant | P03 |
| | FINA02 | Management Accounting Technician | S01 |
| | FINA03 | Pension Administrator Hq | Scale 6 |
| | FINA04 | Accounts Office Supervisor (Job-Share) | Scale 6 |
| | FINA04 | Accounts Clerk | Scale 4 |
| | FINA05 | Retained Clerk (Job-Share) | Scale 4 |
| | FINA05 | Retained Clerk | Scale 4 |
| | FINA06 | Payroll Office Supervisor | Scale 5 |
| | FINA07 | Economist/ Assistant Accountant | P03 |
| | | Total | 10 |
| | | | |
| Technical | TECH01 | Stores Manager | Po4 |
| | TECH04 | Clerical Officer Technical Services | Scale 3 |
| | TECH05 | Equipment Workshop Supervisor | S01 |
| | TECH05 | Manual Technician Equipment Workshop | Scale 2 |

| | Location | Post Name | Scale |
|------------------------------|-----------------|---|--------------|
| | TECH05 | Equipment Technician | Scale 5 |
| | TECH07 | Transport Administrator | Scale 3 |
| | TECH08 | Mechanic Hq | Scale 6 |
| | TECH10 | Mobile Mechanic | Scale 6 |
| | TECH10 | Equipment Technician Western * | Scale 5 |
| | TECH11 | Parts Assistant | Scale 1 |
| | TECH11 | Technical Support Officer | Scale 4 |
| | TECH 13 | Senior Store Person | Scale 6 |
| | TECH 15 | Training Business Manager (Job Share) | Po1 |
| | TECH15 | Telephonist/ Receptionist | Scale 3 |
| | TECH15 | Clerk Typist | Scale 3 |
| | TECH15 | P/T Clerk Typist Frct | Scale 4 |
| | TECH 15 | Manual Technician | Scale 2 |
| | 629 | Geographic Information Systems Technicians | Scale 5 |
| | 629 | Geographic Information Systems Technicians | Scale 5 |
| | | Total | 19 |
| Community Development | COMD05 | Clerk Typist Community Development | Scale 1/2 |
| | COMD04 | Physical Training Advisor | Scale 5 |
| | COMD06 | Communication Workshop Manager | So2 |
| | COMD07 | Ict Programme Manager | P03(Tbc) |
| | COMD07 | Placement Student | S01 |
| | COMD07 | Placement Student | S01 |
| | | Total | 6 |
| Eastern Area Command | EEHQ01 | Manual Technician | Scale 2 |
| | | Total | 1 |
| Northern Area Command | NHQ | Manual Technician | Scale 2 |
| | N0512 | Clerk Typist (Part-Time) | Scale 3 |
| | N0512 | Clerk Typist | Scale 3 |
| | N0512 | Cad Technician | Scale 3 |
| | N2D | Manual Technician | Scale 2 |
| | | Total | 5 |

| | Location | Post Name | Scale |
|------------------------------|----------|----------------------------|-----------|
| Southern Area Command | SS1D01 | Clerk Typist (Part-Time) | Scale 1/2 |
| | SS2D01 | Clerk Typist (Part-Time) | Scale 3 |
| | SS3D01 | Clerk Typist (Job Share) | Scale 3 |
| | SS3D01 | Clerk Typist (Job Share) | Scale 3 |
| | | Total | 4 |
| Western Area Command | W0413 | Cad Technician | Scale 3 |
| | WW1D | Manual Technician | Scale 2 |
| | WW2d | Clerk Typist | Scale 3 |
| | | Total | 3 |
| | | Total: 73 Vacancies | |

* Equipment Technician Western: Not Added To Establishment Yet But On One Stop Shop Submission Approved By Board

Annex 4

Item 5

Ms Ford's suspension was deemed ceased with effect from 19 June 2012, the date which NIFRS was formally advised of Ms Ford's agreement to settle as a result of conciliation facilitated by the Labour Relations Agency. Returning to an alternative post as opposed to her substantive role was part of the mutually agreed terms of this settlement.

Acting Chief Fire Officer Kerr worked with the Acting Head of HR in relation to Ms Ford's temporary reporting line and work routine. Ms Ford was notified on 11 July 2012 by the Acting Head of HR that arrangements were being made to facilitate her return to work and that she was on 'authorised leave with pay' from 19 June 2012. Ms Ford was also advised that the Acting Head of HR was meeting with Acting Chief Fire Officer Kerr after the public holiday to finalise her working location in Headquarters and the details and duties of her temporary redeployment.

Ms Ford contacted the Acting Head of HR by telephone on 16 July 2012 and confirmed she was content that Acting Chief Fire Officer Kerr was working on a work programme for her and that office accommodation was also being identified. Regarding a date for her return, 30 July 2012 was agreed as the return date, on a phased return basis.

Annex 5

Item 7

Summary of all correspondence between the Fire Service Board, NIFRS management and the Department highlighting staffing shortages after the departure of the temporary Director of Human Resources.

There was a range of correspondence about a number of resourcing issues from 1 August 2011, when Heather Ellis returned to her substantive post.

| Date | Summary |
|-------------|--|
| 12 Aug 2011 | Reply from DHSSPS Director of Corporate Services to a letter of 28 July from NIFRS Director of Finance and Performance confirming Departmental approval to appoint an additional member of staff on an agency basis to assist in the NIFRS pension section. |
| 18 Aug 2011 | Reply from DHSSPS Director of Corporate Services to a letter of 28 July 2011 from the Chief Fire Officer, giving approval to appoint three additional members of staff on an agency basis to assist in the NIFRS Estates Department. |
| 26 Aug 2011 | Reply from DHSSPS Director of Corporate Services to letters dated 9 May and 3 June from Deputy Chief Fire Officer approving a temporary increase in establishment levels to accommodate the recruitment of a suitable person for the GD92 project and a contract extension for the agency person currently working on the Mobile Data Project. |
| 24 Nov 2011 | Email exchanges between Chief Fire Officer and Head of Public Safety Unit about the NIFRS draft Statement of Internal Control which among the “current year issues” highlighted staff shortages in non-operational posts and the plans for filling these vacancies. |
| 1 Dec 2011 | Reply from DHSSPS Director of Corporate Services to letter dated 21 November from Deputy Chief Fire Officer giving approval to retain the agency Project Technician post until the end of June 2012 |
| 16 May 2012 | Reply from Chief Fire Officer to a letter from the Department (30 March) attaching breakdowns of all the approved establishment posts and vacancies within the NIFRS. The letter referred to plans to carry out a recruitment exercise to bring the Retained establishment up to full strength and included details of how Agency workers were being utilised for specific time bound posts and to fill Support staff vacancies. |
| 17 May 2012 | Reply from DHSSPS Director of Corporate Services to the letter of 16 May from the Chairman of NIFRS confirming that the Department had no objections to the filling of the vacant Director of Planning & Corporate Affairs and Strategic Planning Manager posts. |
| 17 May 2012 | Reply from DHSSPS Director of Corporate Services to letter of 14 May 2012 from Assistant Chief fire Officer giving approval to retain the agency Project Technician post until the end of December 2012. |
| 4 Sept 2012 | Reply from DHSSPS Director of Corporate Services to letter received on 28 July 2012 from NIFRS Interim Chief Executive granting approval to an extension to three temporary appointments to the NIFRS Estate Department |
| 12 Nov 2012 | Reply from Department to letter from NIFRS Interim Chief Executive dated 7 November offering support, in principle, to the temporary appointment of an interim Head of Estates. The letter asked for an indication of all outstanding vacancies and for plans on how they would be filled before final approval could be given. |

| Date | Summary |
|---------------|--|
| 19 Nov 2012 | Reply from Interim Chief Executive reporting that a number of priority appointments were in the process of being filled including: Director of Human Resources; Director of Planning and Corporate Affairs; and Communications Officer. The letter also stated that a full list and recruitment strategy was being put together by Human Resources and would be forwarded to the department as soon as possible. |
| 12 Dec 2012 | Letter from Senior Finance Director/Deputy Secretary Resource & Performance Management Group to NIFRS Interim Chief Executive giving Departmental approval for the temporary appointment of an interim Head of Estates. |
| 17 Jan 2013 | Email from NIFRS interim Chief Executive to Senior Finance Director/Deputy Secretary about the vacant senior management posts within the NIFRS Finance Directorate. |
| 19 April 2013 | Email from Head of Public Safety Unit to Assistant Chief Fire Officer confirming approval for NIFRS to extend the GD 92 Project Manager's employment for an additional six months. |

The Department was also represented at a number of NIFRS Board meetings and HR Committee meetings when the recruitment processes for the Director of HR were discussed.

Annex 6

Item 8

- 1) Any written guidance provided to Mr Craig a) from a legal perspective on the suspension of Ms Ford b) from a HR perspective on the procedures for whistleblowers and c) from a procurement/legal perspective on sponsorship and the use of the Land Rover.
- a) At 1655hrs on 19 August 2011 former Chief Fire Officer Craig informed both the Acting Head of HR and Deputy Chief Fire Officer that he intended to suspend Ms Ford with effect from 1700hrs on the same day. Both the Deputy Chief Fire Officer and Acting Head of HR were then asked to comment on a pre-prepared suspension letter. When asked if he had obtained legal advice in relation to his decision, former Chief Fire Officer Craig confirmed that he had.

During a later telephone conversation with the Legal Adviser on 7 September 2011, the Acting Head of HR sought clarification on the legal advice former Chief Fire Officer Craig had stated was provided to him. She was informed that former Chief Fire Officer Craig had referred a draft suspension letter to the Legal Adviser for comment. The Legal Advisor had advised him to involve HR.

- b) There was no written guidance provided to former Chief Fire Officer Craig from HR on the Whistleblowing procedures at the time of Ms Ford's suspension as HR were unaware of the specific details of the reason for former Chief Fire Officer Craig's coming to the decision to suspend, or that this reason could have been regarded as a protected disclosure. The Acting Head of HR only became aware of the decision to suspend at the close of business on 19 August 2011, the date of the actual suspension. Ms Ford lodged a grievance on 30 August 2011 on the grounds of having made a protected disclosure. On 12 September 2011 the Acting Head of HR had a conversation with former Chief Fire Officer Craig on a number of work matters. The Acting Head of HR advised Former Chief Fire Officer Craig that in the eyes of the Whistleblowing legislation, an employee should not suffer a detriment for having made a protected disclosure. Former Chief Fire Officer Craig stated that Ms Ford had not been suspended for that and the 2nd page [of the suspension letter] made it clear why she was suspended.

It should also be noted that former Chief Fire Officer Craig had previously been made aware of issues that may have been regarded as whistleblowing in nature between December 2010 and April 2011. These issues were raised by 3 members of staff, including Ms Ford, during the course of their interviews as part of investigations under the Harrassment Policy and Complaints Procedure. The Employment Policy Manager, in her capacity as HR Adviser to the external investigation officers, emailed former Chief Fire Officer Craig to discharge her responsibility of reporting the matters to him as the Accounting Officer.

- c) Landrover – no written guidance can be found from a procurement/legal perspective on this issue.

Annex 7

Item 10



**Northern Ireland
Fire & Rescue Service**

Headquarters

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enquiries@nifrs.org
www.nifrs.org

Chief Fire Officer and Chief Executive
Colin J Lammey MSc FCIPD FIFireE

MEMO

To: Assistant Chief Fire Officer P Craig

Ref: CL/EP/MEMOS-2023

From: CHIEF FIRE OFFICER

Date: 3 December 2009

RE: LANDROVER

Peter

I was in the Training Centre yesterday and was shocked to see the Landrover.

This vehicle should immediately be removed from any NIFRS premises and be returned to Ardmore Advertising and back to the suppliers with no further implications for Northern Ireland Fire & Rescue Service.

Colin Lammey
CHIEF FIRE OFFICER

bcc FILE
FLOAT

Protecting Our Community

Annex 8

Item 11

Vehicle Logbooks

In line with the Vehicle Logbook Policy, all vehicles have a vehicle log book issued to them and the log book will remain with the vehicle at all times. The driver of the vehicle is responsible for completion of the log book and must ensure that it is up-to-date at all times.

Every journey is recorded on the vehicle log book and signed by the driver. The number of miles travelled, the speedometer reading and exact purpose of each single journey recorded. The log book will thus show the date and time of each journey, the purpose for the journey and number of miles travelled along with any running/pumping time for appliances or LPPs.

Drivers and/or Watch Commanders are responsible for ensuring that all vehicle log books are completed and returned, along with fuel tally and summary pro forma to District Headquarters by the 8th day of the following month.

Checking processes at District level include checking all relevant sections of the log books are complete.

Car Tax Records

In line with DVLNI requirements for vehicle taxation, vehicle tax is managed centrally by the Transport Department at FRSHQ. The process is the same for an individual owning a car privately but for all Fire Service vehicles the cost is zero rated. Vehicle tax disks will be distributed through the District Office and this allocation is evidenced.

Insurance

Vehicle insurance services provided to NIFRS are subject to a competitive tendering process. Vehicles are placed on the Insurance Policy by registration number and are primarily based on fleet composition and movements (additions and disposals) as notified by the Transport Manager although on an ad hoc basis such notification may come from other departments, for example, in running a Cadet Scheme it may be necessary to hire a mini-bus and place it on the Insurance Policy for a few days. These records are maintained centrally at FRSHQ.

Fuel Logs and Checks

All fuel and oil issued to the vehicle must be recorded in the log book and appropriate fuel tally book or fuel voucher book and signed for on receipt by the driver. On the last working day of each month (or drill night for retained vehicles) the vehicle must be filled with fuel, the fuel recorded on the log book and the log book closed for the month.

Drivers and/or Watch Commanders are responsible for ensuring that all vehicle log books are completed and returned, along with fuel tally and summary pro forma to District Headquarters by the 8th day of the following month.

Fuel issued to vehicles at other locations (outside Area/District) is summarised on a fuel reconciliation form (SC31) and forwarded at the end of each month to the appropriate base location.

Checking processes at District level include cross-checking log books to petrol/oil/derv tally books.

Annex 9

Item 12

Both existing staff members are CCAB qualified accountants with eighteen years plus combined auditing experience, having prior experience in various finance settings including private practice; commerce; banking; and the health and education sectors.

The HIA is also:

- Institute of Internal Auditors (IIA) qualified;
- Accredited to Government Internal Audit Standards (GIAS) approved standard by HM Treasury;
- Holds a Human Resources qualification (Certificate in Personnel Practice);
- Holds a Fraud Investigation qualification (University of Portsmouth);
- PRINCE2 qualified (Practitioner Level); and
- Management of Risk (MoR) qualified (Foundation Level).

The SIA is currently studying for the Diploma in Internal Audit Practice.

Since November 2008 the following sponsored training has been undertaken by the Head of Internal Audit:

| Training Provider | Title of Training | CPD/Mandatory/ NIFRS Specific |
|--------------------------|--|--|
| NIFRS | Health & Safety for Senior Managers | Mandatory |
| DHSSPS | Good Governance Workshop | CPD |
| NIFRS | Personal Development Planning | NIFRS Specific |
| CIPFA | Winds of Transformation – an audit prospective | CPD |
| CIPFA Insights | MoR Foundation Level | CPD |
| University of Ulster | MSc Innovation in Public Services | CPD |
| CIPFA | Fraud – Impact of New Legislation | CPD |
| CIPFA | Fraud Awareness | CPD |
| CIPFA | Risk Management | CPD |
| NIFRS | Freedom of Information | Mandatory |
| NIFRS | Data Protection | Mandatory |

Since January 2009 the following sponsored training has been undertaken by the Senior Internal Auditor:

| Training Provider | Title of Training | CPD/Mandatory/ NIFRS Specific |
|--------------------------|-----------------------------------|--|
| CIPFA | Fraud – Impact of New Legislation | CPD |

| Training Provider | Title of Training | CPD/Mandatory/ NIFRS Specific |
|--------------------------|--------------------------|--|
| CIPFA | Risk Management | CPD |
| NIFRS | Freedom of Information | Mandatory |
| NIFRS | Data Protection | Mandatory |
| NIFRS | Health & Safety | Mandatory |
| NIFRS | IS/IT | NIFRS Specific |

In addition both the HIA and SIA have undertaken CPD related training at their own expense so as they continue to meet the requirements of their individual Accountancy Institutes. Likewise both attend Internal Auditor Practitioner forums and DHSSPS Audit Committee Chair events as and when relevant.

Annex 10

Item 13

The Appeal Panel members for the Wholetime Firefighter campaign were;

Assistant Chief Fire Officer E Doyle
Area Commander D Ashford
Group Commander T Ferguson
Equality Manager A Davidson
Recruitment & Services Manager H Mawhinney
Project Manager - Assistant Group Commander E O'Hagan

Assistant Chief Fire Officer Doyle retired on Ill Health grounds on 03/05/2013.

Area Commander Ashford is currently an Assistant Chief Fire Officer.

Group Commander Ferguson is currently an Area Commander.

Assistant Chief Fire Officer Doyle is the only person named in an investigation report.

Uniformed Staff Director Level

| | |
|---------------------------------------|-------------------------|
| Chief Fire Officer C Lammey | 01/08/2003 – 26/02/2010 |
| Deputy Chief Fire Officer L Jones | 01/11/2003 – 27/07/2010 |
| Chief Fire Officer P Craig | 07/02/2011 – 27/06/2012 |
| Assistant Chief Fire Officer T Wright | 01/11/2004 – 01/03/2011 |
| Assistant Chief Fire Officer E Doyle | 04/04/2011 – 03/05/2013 |

Support Staff Director Level

J McDermott, Head of Corporate Services – retired 30/09/2004
K Gibson, Director of Finance – retired 30/06/2007
A Conley, Director of Human Resources – retired 30/04/2010
D Michail, Director of Planning & Corporate Affairs – retired 31/03/2012
H Ellis, Acting Senior Human Resources Manager – transferred back to substantive position 29/07/2011
T McGonigal, Director of Finance and Performance Management – resigned 28/02/2013

Annex 11

Item 14

NIFRS Financial Delegated Limits

| Category | NIFRS Limit |
|--|---|
| Consultancy | All requests for consultancy must go to Department |
| IT Projects | Under £250K |
| Capital Projects | Under £250K |
| Revenue Projects | Under £250K |
| Compensation Payments with Legal Advice | Under £1K |
| Losses Write Offs and Special Payments | £1K |
| Losses arising from overpayments of pensions | £500 |
| Ex-Gratia financial remedy payments (i.e. those made to complainants through an internal organisation's complaints procedures/processes) | £250 |
| Procurement Thresholds | Under £5k no quotation £5k - £30K 4 formal quotations. Over £30K – EU publicly advertised tender competition |

Annex 12

Item 15



DEPARTMENT OF FINANCE AND PERSONNEL

Rathgael House
Balloo Road
BANGOR BT19 7NA

Tele: 01247 279279
Fax: 01247 279100
GTN: 440 -

FROM: D W THOMSON

cc Dr McCormick

Mrs Angus

Mrs Brown

Mr Caldwell

Mr Cooper

20 April 1999

PRINCIPAL ESTABLISHMENT FINANCE OFFICER

SPONSORSHIP OF GOVERNMENT EVENTS

1. Government departments are encouraged to seek sponsorship from the private sector for events such as conferences or publicity campaigns if it results in a saving of public expenditure. However, in order to ensure that such arrangements stand up to public scrutiny, it is essential that proper procedures are in place and that these are followed.
2. I issued a copy of Cabinet Office draft guidance on the 26 March 1998 to Finance Assistant Secretaries in NI Departments and NIO. The Cabinet Office has now issued a final version of the guidance and a copy of this is enclosed.

D W THOMSON

SPONSORSHIP OF GOVERNMENT EVENTS

1. Many Government Departments are working with the private sector to encourage or secure sponsorship for events such as conferences or publicity campaigns. This may be a useful means of saving public expenditure by engaging the generosity or legitimate mutual interests of Government and industry. But it is essential that Ministers and Departments put procedures in place to ensure that any returns sponsors receive are not greater than is proper and proportionate, and that any sponsorship agreement is able to withstand public scrutiny.
2. It is reasonable for sponsors to expect some return for their support. Such returns should be:-
 - i. confined to the event itself, ie there must not be any suggestion that sponsors will be sympathetically regarded for other purposes such as access to Ministers outside the sponsored event or Government contracts;
 - ii. tangible, and specified in a written agreement between the Department and the sponsor which should, for example cover the display of the name of the sponsor at the event, in invitations to the event, and in any photographs of Ministers (or other VIPs) arranged at the launch of the event.
3. Sponsorship should not be sought or accepted from firms which are involved in significant commercial negotiations with the host Department (whether or not linked to the event), or which may be affected by the exercise of that Department's regulatory or licensing work.
4. Sponsorship should be sought in an open and even-handed manner between firms in a particular field. Grounds should not be given for a sponsor's competitors to complain that they were not given fair opportunity to provide sponsorship. Departments should also consider whether the arrangements would give rise to a contract for supplies, works or services to which the EC Procurement Directive might apply.
5. Sponsorship should be of events not of individual Ministers or civil servants, lest individuals appear to be placed under an obligation to the sponsor.
6. Offers of free travel as part of a sponsorship package for a one-off event is acceptable provided that suitable alternative carriers have also been offered the opportunity to provide sponsorship. Other offers of free travel whether for Ministers or officials - should not normally be accepted in line with the guidance in the Ministerial Code.
7. In general, acceptance of sponsorship should be tested against the general principle that it does not, and does not appear to, place a Minister or Department under an obligation to a sponsor going beyond any agreements relating to the event itself. Particular care needs to

be exercised when considering unduly large amounts of individual sponsorship (or instances of repeat sponsorship) to minimise the risk of criticism of an undue obligation.

8. In cases of doubt, guidance may be sought from the Machinery of Government and Standards Group of the Cabinet Office (OPS).

Correspondence of 24 May 2013 from Mr Peter Craig

Dear Aoibhinn

Please find my response to the letter sent by Mr Dallat on behalf of the Committee. I trust you will forward it to them.

With thanks

Kind Regards
Peter Craig

Dear Mr Dallat, Deputy Chairperson, Public Accounts Committee

RE: Evidence Session on the Northern Ireland Fire and Rescue Service: An Organisational Assessment and Review of Departmental Oversight and Report on Accounts 2011/12

Thank you for the sight of the comments made by Ms. Ford, which I have reviewed.

At the Evidence Session on the Northern Ireland Fire and Rescue Service: An Organisational Assessment and Review of Departmental Oversight and Report on Accounts 2011/12 on the 25 April 2013 I am of the opinion that all of the statements and points of clarification I made were accurate.

I have reviewed all of my responses and have therefore in terms of accuracy from my point of view no further comment to add.

Yours sincerely

Peter Craig
24 May 2013

Correspondence of 29 May 2013 from Dr Andrew McCormick

From the Permanent Secretary
and HSC Chief Executive

Dr Andrew McCormick



Department of
**Health, Social Services
and Public Safety**
www.dhsspsni.gov.uk

Mr John Dallat
Deputy Chairperson
Public Accounts Committee
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Our Ref: AMCC 4356
SECCOR/136/2013
DH3-13-4293

Dear John,

Date: 29 May 2013

Evidence Session on the Northern Ireland Fire and Rescue Service: An Organisational Assessment and Review of Departmental Oversight and Report on Accounts 2011/12

Thank you for your letter of 20 May and accompanying table listing what are deemed to be inaccuracies in the oral evidence given on 24 April by myself, Julie Thompson and Jim Wallace and which were brought to your attention by Mrs Ford. You have invited a right to reply and we appreciate the provision of this opportunity.

I will respond in the order that they were presented in your table.

"He was also aware that she had been off ill"

I fully accept that Mrs Ford was suspended during the period August 2011 – July 2012. I am aware that she suffered upset and distress as a result of the whole suspension issue which was a factor in the decision by my head of internal audit unit not to interview her unless it was absolutely necessary, though I accept it was inaccurate to refer to illness in the context of the question I was asked at that point in the evidence session.

"She returned to FS HQ in June 2012, not to her substantive role but in a financial role"

Mr Wallace has advised that Linda returned to a role which was primarily financial in its nature. Reporting to the Chief Fire Officer (CFO) she undertook a variety of tasks which capitalised on her financial expertise albeit not located in the Finance department. The CPD issue had been recognised as another factor in trying to get Linda back to her substantive role.

"Linda readily accepts that she was not told not to speak to anyone"

It is clear from the emails forwarded with your letter that Linda Ford does not accept this statement, though Mr Wallace has advised that his original comments were made in good

faith based on email exchanges and discussions between the CFO and Linda. I think the emails Linda has provided reveal a context of difficulty in rebuilding working relationships, and I accept that was especially difficult for her. However, I stand by Jim Wallace's point that the position was not the result of an arbitrary instruction from top management, but – as the emails make clear – that Chris Kerr and other colleagues were seeking to manage and restore working relationships and were not able immediately to get everyone speaking and working together normally.

Jim Wallace's understanding is that the financial information needed to complete any work was provided, once clarity around its nature and relativity to the work being undertaken had been provided. The CFO would have ensured that this was the case. However he understands that Linda may have had an issue with receiving information which the organisation considered was not necessary for the tasks that she was being asked to undertake, which again was resolved after clarity was provided.

"It goes back to a decision that was made in the organisation in June or July 2012. That was just after Peter retired"

Ms Thompson accepts that the decision that Mrs Ford return to an alternative post as opposed to her substantive role was part of the terms of an agreement brokered by the Labour Relations Agency in mid June 2012 and this occurred prior to CFO Peter Craig's retirement. However, with agreement, she did not return to work until 30 July 2012.

"not been appropriate for Linda to return to her substantive role, given the nature of that (Info Comm) referral"

In response, Mr Wallace has stated that NIFRS can find no evidence of Linda having been advised of the original referral to the Information Commissioner in July 2012.

For information, the Information Commissioner has very recently confirmed that they will not be pursuing any further action and that they consider the matter now closed.

"she returned to work in June"

I fully accept that Mrs Ford actually returned to work in July 2012, although the date that her suspension was deemed to have ceased was in June 2012.

I can assure the Committee that the inaccuracies, which we have accepted as such, were in no way intentional and were attributable to either to genuine mistakes or the detailed working through of the key dates in June and July 2012.

Yours sincerely
Andrew McCormick

ANDREW MCCORMICK

Chairperson's Letter of 13 June 2013 to Dr Joe McKee

Public Accounts Committee

Dr Joe McKee
Chairman of the NIFRS Board
NI Fire & Rescue Service
1 Seymour Street
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13 June 2013

Cc Jim Wallace, Chief Executive NIFRS
Andrew McCormick, Accounting Officer DHSSPS

Dear Joe,

PAC inquiry into 'NIFRS: Organisational Assessment and Review of departmental Overview' and Report on NIFRS Accounts 2012-13

Thank you for your participation in yesterday's meeting of the Committee.

At the meeting the Committee asked you to clarify/confirm certain details in writing. Please provide, in confidence if necessary, the following information:

- Who was head of HR at the time of Linda Ford's suspension?
- Who in HR advised you and/or the CFO that it was appropriate to suspend her?
- Who in HR gave the advice that a grievance process investigating the grievances notified to you in Ms Ford's letter of 18 July 2011, should be postponed until an investigation into alleged data protection breaches had been completed?
- What actions did you take and who did you consult in response to Ms Ford's letter of 18 July 2011? Were you aware that the grievances were never heard?
- Were any internal investigations of the data protection breach allegation carried out before it was referred to the Information Commissioner?
- Who in DHSSPS gave the instruction you referred to at the session that HR posts should not be filled substantively?

I should be grateful if you could provide this information by 18 June 2013.

The Committee also agreed to ask you to allow the NIAO access to the unredacted Ackah report. Again I would appreciate early facilitation of this request.

Yours sincerely,



Michaela Boyle
Chairperson
Public Accounts Committee

Correspondence of 19 June 2013 from Mr Jim Wallace



**Northern Ireland
Fire & Rescue Service**

Headquarters

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Chief Executive
Jim Wallace

Our Ref: JW/EP/LETS-2463

19 June 2013

Ms M Boyle
Chairperson
Public Accounts Committee
Northern Ireland Assembly
Room 371
Parliament Buildings
Ballymiscaw
BELFAST
BT4 3XX

Dear Ms Boyle

RE: PAC Inquiry into 'NIFRS: Organisational Assessment and Review of Departmental Overview' and Report on NIFRS Accounts 2012-13

I refer to your letter of 13 June to NIFRS Chair. He is currently on holiday and has asked me to reply on his behalf. For ease of reference I am responding to the questions in the order raised in your letter.

Who was head of HR at the time of Linda Ford's suspension?

- Mrs Adele Davidson was the Acting Head of HR at the time of Linda Ford's suspension.

Who in HR advised you and/or the CFO that it was appropriate to suspend her?

- At 1655 hours on 19 August 2011, former Chief Fire Officer Craig informed both the Acting Head of HR and Deputy Chief Fire Officer that he intended to suspend Ms Ford with effect from 1700 hours on the same day. Both the Deputy Chief Fire Officer and Acting Head of HR were then asked to comment on a pre-prepared suspension letter. When asked if he had obtained legal advice in relation to his decision, former Chief Fire Officer Craig confirmed that he had.
- During a later telephone conversation with the Legal Adviser on 7 September 2011, the Acting Head of HR sought clarification on the legal advice former Chief Fire Officer Craig had stated was provided to him. She was informed that former Chief Fire Officer Craig had referred a draft suspension letter to the Legal Adviser for comment. The Legal Adviser had advised him to involve HR.



Protecting Our Community

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19 June 2013

Ms M Boyle
Chairperson
Public Accounts Committee
Northern Ireland Assembly

Who in HR gave the advice that a grievance process, investigating the grievances notified to you in Ms Ford's letter of 18 July 2011, should be postponed until an investigation into alleged data protection breaches had been completed?

- Records show ongoing internal communication between the CFO, Chair, Senior HR Director (Mrs Ellis) and Linda Ford about Linda's access to files to support her harassment and bullying claim of October 2010 and about an investigation into electronic files in NIFRS Finance Department. In his email of 27 July 2011 to Mrs Ellis, Peter Craig notes that Mrs Ellis had reminded him that part of the ongoing grievance might not be able to be progressed until the investigation into alleged breach of data protection is completed.
- In his email of 5 September to the acting Head of HR, the Chairman advises that he was under the impression that Ms Ford had been placed on a precautionary suspension without prejudice pending the completion of enquiries related to the issues raised in the CFO letter to her on Friday, 19 August 2011. The Chairman further advises that until such times as the process had been completed, he was of the opinion that a formal grievance would not be appropriate.

What actions did you take and who did you consult in response to Ms Ford's letter of 18 July 2011? Were you aware that the grievances were never heard?

I understand from the Chairman that:

- he forwarded Linda Ford's grievance to the Senior HR Manager, Mrs Ellis, on 22 July until Mr Craig returned from leave;
- Mrs Ellis advised Mr Craig that the Chairman had passed the grievance to her and she informed him of the nature of the grievance;
- he discussed the issue of accessing of files with Mr Craig when Mr Craig returned from leave;
- he received advice from the Acting HR Manager on 2 September that as the Chief Fire Officer was the decision-maker, the grievance should be heard by a Board Member accompanied by a Human Resources Manager.
- he is aware that this grievance was never heard.

Were any internal investigations of the data protection breach allegation carried out before it was referred to the Information Commissioner?

- Records show that a formal request for an investigation into an alleged breach of data protection was made on 10 April 2011 and this was referred by Mr Craig to the NIFRS ICT Manager to conduct a Technical Fact Finding Exercise into the possible tampering of electronic files within the Finance Department files stored on NIFRS Corporate Storage Area Networks. The alleged breach was formally referred to the Information Commissioner on 4 July 2012.

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19 June 2013

Ms M Boyle
Chairperson
Public Accounts Committee
Northern Ireland Assembly

Who in DHSSPS gave the instruction you referred to at the session that HR posts should not be filled substantively?

- The NIFRS Director of HR retired in April 2010 after over 20 years' service. At that time, the Department was aware of the emerging findings from the DID Review of NIFRS which pointed to the scale of the challenge facing NIFRS HR; recognised that HR staff had worked hard in a heavily pressurised environment and recommended a Strategic Review of the HR Function to ensure it was aligned to the needs of the business and had the capacity and professional skills to support Business Managers in the HR challenges they face.
- Working with NIFRS Senior Team, the Department therefore arranged for the secondment of a Senior HR Manager from within the Health & Social Care field to set the context for the Strategic Review; take forward the CFO recruitment and draw up a job description for a new substantive Director of Human Resources.

With reference to the Ackah Report, I can confirm that NIAO has already been in contact with us and are examining the Report in order to respond formally to the PAC.

Yours sincerely



J Wallace
CHIEF EXECUTIVE

cc Julie Thompson - DHSSPS

NIAO Summary of Dr Ackah's Report

NIFRS – Key Issues arising from Dr Ackah's Report

Background to the independent investigation

1. The complaint of harassment was made informally on 30 April 2010 and formalised in writing on 11 May 2010. At that time, the complainant had been employed by NIFRS for approximately seven months. The investigation report was commissioned by the former Acting Chief Fire Officer Louis Jones in May 2010. The final report is dated October 2011. The decision to engage an external investigator was based both on the seniority of the alleged harasser [Person B] and comments made by Person B to Mr Jones, at the outset, that he did not consider it appropriate for Mr Jones to be involved in light of a previous issue (of which no details are provided).

Delays in concluding the investigation

2. Dr Ackah made a number of comments on the delay in concluding the investigation:

"...there have been unjustifiable delays in the progress of the investigation which could be said to deny natural justice to either party". She states later in the report that "there have been in my view, unacceptable delays in the conduct of the investigation which have made it difficult, if not impossible, to ensure natural justice for both parties...there was in my view, nothing inevitable about the delay, although the submission of other grievances and changes in personnel in the top management of the organisation have contributed to them and made the process difficult to manage. An impression has been gained of a lack of management momentum in driving the process forward to resolution..."

3. Dr Ackah also noted that Person B had, almost from the outset, asserted that the process by which NIFRS had sought to deal with the matter, i.e. by appointing an external independent investigator, was flawed. This view, the report notes, had implications for the timing of his co-operation with the investigation. Dr Ackah had clearly great difficulty in getting Person B to attend interviews and a number of meetings were arranged only to be cancelled at short notice. In July 2010 Person B submitted a grievance in relation to the investigation process which was heard in August 2010 and a determination was made in December 2010 to continue with the investigation. Dr Ackah's efforts to arrange a meeting with Person B continued into 2011, but the first meeting was not held until March 2011. A second meeting took place in August 2011 and the third and final meeting between Dr Ackah and Person B took place in September 2011.

Peter Craig's role in the investigation

4. The former CFO, Peter Craig was involved in the investigation process at a number of points following his appointment as Acting CFO in July 2010:
 - Peter Craig heard Person B's grievance relating to the investigation process in August 2010. Although he eventually determined in December 2010 that the investigation would proceed, he had initially written to Person B in October 2010 stating that the matter would be dealt with internally. In December Peter Craig wrote to Person B explaining that this could not happen as all those with "seniority to hear the complaint had constituent knowledge" of the case that "could potentially be seen as prejudicial". Mr Craig also quoted legal advice (obtained verbally in May 2010 but not requested in writing until a later date) that an independent investigation "protects all parties involved".
 - Person B had been told he was required to attend a meeting with Dr Ackah on 20 December 2010. On 16 December Peter Craig advised Dr Ackah that he had agreed with

Person B that *“for confidential personal reasons his investigatory interview date should be deferred until the end of January 2011”*.

- In May 2011 Dr Ackah was informed that Person B had made an allegation regarding tampering with evidence relating to the investigation and that this was the subject of a separate investigation. Based on the evidence of Person B in May 2011, Dr Ackah states that the CFO (Peter Craig) proposed the use of mediation as an alternative means of resolving the complaint, but this was subsequently discounted on the advice of HR.
- The CFO wrote to Person B asking him to attend an interview on 21 June 2011. On 20 June Dr Ackah was informed the meeting had been postponed.

Peter Craig was not a witness and was not interviewed as part of the investigation process.

5. Peter Craig has commented on his role in this grievance case in the ‘pen portrait’ submitted to PAC in advance of the 24 April Evidence Session. He stated in his submission that he believed Mr Jones’ appointment of an external consultant *“was outside NIFRS Policy”*. Mr Craig included in his submission that he had been informed by the Senior HR Manager that the complainant’s case was being supported by Linda Ford. Mr Craig told the Committee that he needed to remain detached from grievance investigations *“so that on the conclusion of the investigations I could take the correct actions to resolve them.”* Mr Craig also told the Committee that *“the involvement of the external consultant protracted the process”*.

The Board Member’s role in the investigation

6. Person B was accompanied to the first meeting with Dr Ackah by his UNITE trade union representative. At the second meeting Dr Ackah writes that he was accompanied by a person she describes as a colleague who is an officer of the Fire Brigades Union (FBU) and member of the NIFRS Board. Dr Ackah was told that the FBU official was present with the authority of Person B’s union UNITE. Dr Ackah sought assurances that the individual would recuse himself from any discussion or decision should the matter come to the Board, as he could not now be considered impartial. Dr Ackah states that the view was expressed that this was not a matter which required the attention of the Board. Person B and his representative claimed to *“Have it ‘in writing’ from the CFO [Peter Craig] that he would be dealing with the report”*. Dr Ackah states *“for the record I have expressed concern that the CFO, who in a letter to [Person B] dated 10 December 2010, stated that ‘all including (myself) have a constituent knowledge of the allegations that could potentially be seen as prejudicial to one of more of the individuals involved’ should feel it appropriate to make a decision on any management or disciplinary action arising from this report. This is however a matter for NIFRS.”* The FBU official/Board member also attended Person B’s third interview with Dr Ackah in September 2011.

Dr Ackah’s Conclusions

7. The ‘Conclusions’ paragraph from Dr Ackah’s report was provided to PAC in full (although names were redacted) in the Department’s submission of 24 May 2013, see extract attached. Dr Ackah provided her view on the grievance under investigation: she did not, on the whole, make any wider recommendations for NIFRS, except she indicated that NIFRS Performance Management processes *“need to be more robust and transparent than they seem to have been in this case”*.
8. Overall, the report seemed to me to be fair, balanced and evidence based. Dr Ackah’s findings were based on ‘the balance of probabilities’ in line with Equality Commission guidance.

Jacqueline O’Brien
17 June 2013

Extract from Dr McCormick's submission of 24 May 2013

Annex 2

Item 3

The report produced by Dr Carol Ackah as a result of her investigation is sensitive and personal in nature. NIFRS has obligations to the individuals concerned in terms of both Data Protection and Duty of Care.

NIFRS have therefore attached a redacted copy of the report's conclusions (see below). If the PAC is not content with this approach, NIFRS would propose providing the full document to NIAO to review and provide the PAC with a summary of findings and conclusions, respecting Data Protection requirements.

Conclusions from the Dr Ackah report (amendments from the original text are in **bold**)

"On the basis of the findings above I have concluded that **Person A** was subjected to unwanted and unreasonable conduct by **Person B**. In particular **Person A** was subjected to inappropriate comments which showed a lack of respect and trust, which demeaned **Person A** and adversely affected **their** right to dignity at work and undermined their position. The on-going nature of this conduct in the period November 2009 to April 2010 was such as to constitute harassment. As **Person A themselves** has said some of these seem like small things but when viewed collectively they are unacceptable.

I have not concluded that **Person A** was prevented or inhibited by **Person B** from carrying out **their role to an extent which constituted harassment** and where I have found that **Person A** was inhibited from carrying out **their** role, eg in relation to the management of staff or in providing financial information I have concluded that there were circumstances which, in part at least, explained and mitigated **Person B's** conduct.

Person B has made many counter allegations regarding **Person A's** job performance during **Person A's** probationary period, but as it is outwith my competence to comment on the validity or otherwise of those counter allegations I have had to conclude that they do not amount to victimisation for **Person A** having made a complaint."

Correspondence of 2 July 2013 from Mr Eoin Doyle

Dear Chair

I write to you in respect of your ongoing inquiry into Northern Ireland Fire and Rescue Service, wishing to provide some additional information, which relates my previous role as an Assistant Chief Fire Officer.

Firstly, I would like to advise the Committee that I was stood down from my position by the NIFRS Senior Medical Advisor on 04 July 2012; this was in no way related to any of the issues being considered by your committee, but was as a direct consequence of an injury sustained in the operational environment. I remained an employee of NIFRS until 03 March 2013 when I was medically retired from the service.

On 21 October 2012 I was invited to a meeting by NIFRS to review the following reports:

1. The BSO report into Wholetime recruitment of firefighters
2. The BSO report as amended
3. The report commissioned by The London Fire Brigade (by Angela Hale)
4. The report by DARD Central Investigation branch the Wholetime recruitment exercise

This was the only opportunity I was afforded to offer comment on, or correct any inaccuracies in these reports. I would also clarify for your Committee that I had one brief interview with BSO, never spoke to Angela Hale or the DARD Investigators.

On the 22nd October the above reports were published. At the meeting on the 21st I raised a range of concerns with the Interim Chief Executive, Mr Wallace and Chair of the Board Dr McKee. Dr McKee stated that he would relay my concerns to the sponsoring Department DHSSPS. I cannot confirm if this was ever done.

I believe that the concerns, which I raised at this meeting, will be of interest to your Committee. Specifically I believe that a number of factual inaccuracies and omissions, contained within and missing from, these reports should have been clarified by NIFRS prior to publication. I would respectfully request that your committee considers the following information and clarification:

I was directed, by the Chief Fire Officer Peter Craig to develop and deliver an interim recruitment process for NIFRS. An interim process was needed to address a critical shortfall in front line Firefighters. The critical shortfall had been created due to an organisational failure to appoint a Director of HR, or run a wholetime recruitment process since 2007. I did not seek out this additional responsibility but entered into the task in good faith, to enhance the safety of the community and front line firefighters.

Contrary to the impression created by the oral evidence of the former Chief Fire Officer Peter Craig, I did not act unilaterally during this process. The Chief Fire Officer, Corporate Management Team and the Board were briefed in relation to the interim proposal and progress during the process.

In relation to the appeals process, I wish to place on record the following as factual. I did not introduce the appeals process as a new process. All prior wholetime recruitment campaigns included a variety of appeals, particularly medical appeals. To improve the governance of these ad hoc processes, I ensured a multi disciplinary panel, drawn from HR, the project team

and the training and development function, considered all appeals. Despite the impression given by some of the evidence submitted, appeals were heard and upheld in previous recruitment campaigns, which I was not involved in.

I wish to also make it clear that as soon as I became aware that my son was an applicant, I declared an interest and immediately withdrew from the appeal panel and any other element of the process, which he was involved in. This can be corroborated by any of the members of the project team. It is completely untrue that I chaired or indeed was even present at appeal panel when my son's appeal was considered.

In relation to the governance arrangements of this exercise I presented my "Interim solution" proposal to the Corporate Management Team, the Human Resources Committee and the full NIFRS Board, for approval. At no time did they raise any queries in respect of the process. I also gave a weekly oral briefing to the Corporate Management Team on each stage of the process.

Again at odds with the oral evidence presented to your Committee I regularly updated the Chief Fire Officer Peter Craig on the project progress. I specifically discussed both the appeals process and the need for overtime payments, based on custom and practice with him. Unfortunately and subsequently, at considerable cost to myself, I had these discussions with the Chief outside of a formal recorded environment. This and payment principles based on custom and practice acknowledged in the "Interim Solution" proposal that the interim solution should only be implemented to resolve the critical business need and allow the organization to build the capacity within the HR Directorate to and subsequently contradict the oral evidence given by ex CFO Craig that he knew nothing about the ongoing appeals.

I had also kept my line manager, DCFO Kerr fully informed and he was aware that appeals were ongoing.

With regard to the finance issues and the remuneration package this was agreed with the Representative body in line with the CFO instructions. It also was in strict compliance with the custom and practice for prearranged overtime. The absence of a policy for this was not my remit and was explicit within the Job Description of the Director of Finance, Mr. Terry McGonigal. I am confused that the audit reports stated that I, as Assistant Chief Fire Officer, was responsible for the financial controls and procedures governing the recruitment exercise. It is very clear from the job description of the Director of Finance, and the NIFRS Corporate Governance Framework, that it was he who had sole responsibility for such financial controls and procedures.

I acknowledge the timing of this admission is critical but by way of explanation I have never received any communication from my employer the DHSSPS or any of the investigation or review teams. Therefore at this venture I had assumed that I would have been given the opportunity to give evidence either orally or in writing to provide clarity to the issues that I have outlined above.

I therefore respectfully request that the committee give careful consideration to the points that I have raised and in particular the absence of natural justice and fairness that has not been afforded to me before they finalise their deliberations.

I am available to give evidence in person or provide corroborating information if the committee directs.

I would be grateful if someone could correspond with me directly as I am not in employment with the NIFRS.

Yours sincerely

Eoin Doyle

Correspondence of 4 July 2013 from Dr Carol Ackah

Minutes of Evidence to PAC 12/06/13 re NIFRS: An Organisational Assessment and Review

Sent: Thu 04/07/2013 16:22

To: +Comm Public Accounts Public Email <committee.publicaccounts@niassembly.gov.uk>

Dear Clerk to the Committee,

I have been reading the minutes of evidence to the Committee above and would wish to clarify 2 points.

1. Mr Dallat asked the question “ Why did it take Dr Ackah one and a half years to publish her report”? I do not believe that the question was answered. As author of the report referred to I would wish Mr Dallat, and indeed all members of the Committee, to be aware that I was not responsible for any delay in submitting a report to NIFRS. On a number of occasions between May 2010 and October 2011 I expressed my concerns to NIFRS regarding the timescale for completing my investigation, and what I perceived to be, at best a lack of urgency, and at worst obstruction and a lack of co-operation. In June 2011 I was sufficiently concerned to produce for NIFRS a chronology of the investigation to date. That document should be available from NIFRS and its representatives should be able to answer Mr Dallat`s question by making reference to the chronology.

2. Members, Mr Dallat, Mr Hussey and Mr Clarke, as well as the Chairperson, on a number of occasions asked the Chairman of NIFRS when he first became aware of the Ackah report and how long he had had it. The responses all referred to “October”. While this was later clarified in response to a question from the Chairperson, for the record I wish to make it clear that I submitted my report to NIFRS in **OCTOBER 2011. ie** at the time of the PAC meeting in June 2013 NIFRS had been in possession of my report for some **20 months**.

I hope this is helpful to members of the Committee and I would be grateful if it could be brought to the attention of all members.

Carol Ackah

Correspondence of 12 August 2013 from Dr Joe McKee



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Fire & Rescue Service**

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Chairman
Dr Joe McKee OBE MA

**PUBLIC ACCOUNTS
19 AUG 2013
COMMITTEE**

Our Ref: JMcK/IH/LETS-34/13

12 August 2013

Ms Aoibhinn Treanor
Committee Clerk
Public Accounts Committee
Room 371
Parliament Building
Stormont
Belfast BT4 3XX

Dear Ms Treanor

Re: Northern Ireland Fire & Rescue Service

I have been reading the Hansard account of my meeting with the Public Accounts Committee in Derry/Londonderry on Wednesday, 12 June and the earlier session on 24 April. I am concerned that, whereas individuals responsible for the management and oversight of the Fire Service were invited to present evidence in terms of the NIAO Report *NIFRS; An Organisational Assessment and Review of Departmental Oversight*, the Hansard accounts of both sessions show a disproportionate focus on staffing issues (grievances/whistle-blowing) within our Finance Directorate and around my working relationship with Mr Peter Craig, Chief Fire Officer 2011- 2012. All of this has been exhaustively scrutinised by the Health Committee so I was disappointed that the PAC, in both evidence sessions with NIFRS, continued to criticise negatively issues which have been addressed by the Organisation, and in many cases resolved, in the past 2 years. The impression given is that we have not moved beyond the year 2011. I feel that this is unfair and unwarranted.

The Report by the Comptroller and Auditor General produced 5 helpful and practical recommendations for the Fire Service:

- Improving the scrutiny of the Service;
- Picking up the pace of change and modernisation;
- Updating risk profiles as a basis for setting priorities and targets;
- Improving value for money;
- Strengthening performance management.



Protecting Our Community

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12 August 2013

Ms Aoibhinn Treanor

I believe NIFRS can show genuine progress in all these areas, so I am disappointed that we were not allowed to present specific evidence to back this up. I attempted to highlight strategic priorities for the immediate future, but your elected colleagues showed little apparent interest in these.

I would ask the Committee, as it prepares its report, to seek to ensure that the Service is treated fairly and with due balance. The treatment that I received in Derry, in my view, was lacking in balance and was negative in tenor, personalised and partial. At one stage I was asked about my political activities. I repeat: I have never been involved in politics. At the previous evidence session there were comments about me going on overseas trips and attending trade fairs and conferences. Again, for the record: I took part in one DHSSPS/NIFRS authorised trip to the 2011 World Police & Fire Games in New York, attended by 3 Assembly Ministers, the Chief Fire Officer and the Chief Constable. In my time as NIFRS Chair I have never undertaken any other foreign travel nor have I attended trade fairs or conferences. As Chair of NIFRS, I am a lead member the UK Fire Services National Joint Council which I am expected to attend as the named representative of a national region.

At the PAC meeting on 24 April 2013 (attended by Peter Craig, Jim Wallace, Andrew McCormick and Julie Thompson) there was a negative comment around my membership of the NIFRS Human Resources Committee (see Hansard page 45). The Chair of NIFRS is required by NIFRS Standing Orders, ex officio, to attend all sub-committee meetings except the Audit & Risk Management Committee. Similarly, the Chief Fire Officer attends all Committees except the Remuneration Committee. I believe I should not have been criticised for acting in compliance with the Organisation's Standing Orders.

In conclusion, I would again stress that during my chairmanship, NIFRS has consistently delivered a good service to this community, we have more than fulfilled our statutory obligations and we have always lived within our budget. Despite repeated public acknowledgment by elected representatives of the courage and professionalism of our frontline firefighters (which my Board colleagues and I completely share), constant negative criticism – much of it based on legacy issues – continues to damage the morale of everyone within NIFRS. The Service has moved on greatly in the past 2½ years and in the last 12 months in particular. I would hope to see this reflected in your Report because this is not evident in the 2 recent Hansard transcriptions.

I look forward to a Report that is measured, fair and evidence-based.

Yours sincerely



Dr J McKee
Chairman



Northern Ireland
Assembly

Appendix 4

List of Witnesses Who Gave Oral Evidence to the Committee

List of Witnesses Who Gave Oral Evidence to the Committee

- 1) Dr Andrew McCormick, Accounting Officer, DHSSPS
- 2) Ms Julie Thompson, Senior Finance Director/Deputy Secretary, DHSSPS
- 3) Mr Jim Wallace, Interim Chief Executive, NIFRS
- 4) Mr Peter Craig, Former Chief Fire Officer, NIFRS
- 5) Dr Joe McKee, Chairman, NIFRS Board
- 6) Mr Kieran Donnelly, Comptroller and Auditor General; and
- 7) Ms Fiona Hamill, Treasury Officer of Accounts, Department of Finance and Personnel.



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