

## Top civil servant denies breach of ministerial code

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The permanent health secretary made "substantive breaches" of the code overseeing ministerial public appointments when selecting board members for NI Fire and Rescue Service.

That was the finding of an investigation by the Commissioner for Public Appointments Judena Leslie. She found a "lack of rationale or justification" for the appointments.

The Department of Health said: "The department is clear no form of bias motivated the process."

It added: "The department also reaffirms that it acted fairly, reasonably and impartially in conducting this competition with a view to ensuring that the NIFRS board is able to meet its governance and accountability responsibilities."

The commissioner, who published her reports in the summer, told the BBC she had decided to speak out as in the current "challenging political times", it was important to reassure people that public bodies are being scrutinised.

The commissioner's role is to regulate, monitor, report and advise on the way in which appointments are made to the boards of public bodies. The remit also includes investigating complaints by an applicant dissatisfied with an appointment process.

This is the first time that Mr Pengelly has had to authorise new appointments to a public body - in this case two non-executive lay member posts - on the board of the NI Fire and Rescue Service (NIFRS).

When two of the applicants - a man and a woman who had been found suitable and were among the top three scoring candidates - were not appointed last October, they asked the commissioner to carry out separate investigations.

In her hard-hitting reports, the commissioner said that it was the responsibility of the Department of Health and Mr Pengelly "to ensure that these appointments are made fully in accordance with the code in the most transparent and justifiable manner".

"This is particularly so in the current political circumstances. There were substantive breaches of the code in this appointment process accompanied by a lack of proper rationale and justifiable grounds for the appointments.

### **Perceptions exacerbated**

"This leaves the way open for the fair minded and informed observer to form a perception that some form of bias may have motivated the decision making."

Ms Leslie's report said that these perceptions were exacerbated considering that those from a Catholic background, women, young people, members of ethnic minorities and people with disabilities are significantly under-represented on the board of the NIFRS - which had been brought to Mr Pengelly's attention prior to the selection process.

Judena Leslie told BBC News NI that her findings were "disappointing" and that her report did not make for "happy reading".

"I say quite clearly that the code was breached and rules were broken."

Ms Leslie told the BBC that taking action is difficult and requires courage.

"It is difficult for individuals to come forward in this way and it's unfortunate that they find themselves with the sense of grievance that they feel they have to do this."

Both applicants referred to in the reports have now begun legal proceedings.

The Department of Health said that it "acknowledges there are areas of learning which will be taken into consideration in a review of this competition and accepts that there were flaws in the process".