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NEWS FOCUS - Time to get serious about Special Advisors; Hansard record on RHI

(I) an article by James Mc Mordie and (ii) an excerpt from Hansard from last October which refers to RHI and highlights the fact that this issue did not first come to light in the Spotlight programme in December.

Time to get serious about Special Advisors

It seems that when Stormont's Special Advisors (SpAds) are in the news something has gone badly wrong.

Despite the fact that these individuals are some of the best paid individuals in Northern Ireland — in 2015 the average salary for a Special Advisor

was £75,105 with a top rate of £91,809 — these individuals have been at the centre of almost every political scandal to hit Northern Ireland in recent years.

Few people would have heard of SpAds prior to 2012 when a row broke out over Sinn Féin's decision to employ **Mary McArdle** as Special Advisor to the then Culture Minister. Ms McArdle's appointment was controversial due to a previous conviction for her role in the 1984 murder of Mary Travers.

Whilst Ms McArdle was eventually removed from that position, the furore led to the passing of Jim Allister's Civil Service (special advisors) bill in June 2013. This bill prohibited Ministers from employing any persons with a serious criminal conviction as a special advisor and, for the first time, forced the Department of Finance and Personnel to publish a code for appointment of special advisors, a code of conduct for special advisors and an annual report about the number and cost of special advisors.

The ink had barely dried on this bill when **Stephen Brimstone**, then Special Advisor to the Minister for Social Development Nelson

McCausland, became the focus of the scandal over the Red Sky affair.

Mr Brimstone was accused of telling Jenny Palmer (then a DUP Councillor with a vote on the Housing Executive) to change her vote in relation to the Red Sky contract. Ms Palmer alleged that Mr Brimstone, acting on behalf of the Minister, had insisted that she change her vote out of loyalty to the party, telling her that: “the party comes first- you do what you are told.”

A subsequent investigation by a Stormont committee quickly became a bad-tempered affair as Gregory Campbell and Sammy Wilson accused MLAs of attempting to bully Mr Brimstone during his appearance before it. Despite this, few were impressed by Mr Brimstone’s answers and none were surprised when the committee determined that Mrs Palmer’s evidence was “compelling, consistent and convincing” whilst Mr Brimstone was “deliberately evasive in his answers to the point of obstructing the committee.”

Special Advisors were again in the news the following year when Peter Robinson made the controversial decision to replace the outgoing

DUP MLA for South Belfast, Jimmy Spratt, with Emma Little Pengelly. Mrs Little Pengelly had served as a Special Advisor for almost nine years when she was co-opted and went on to receive a £45,000 severance payment.

This decision was made all the more controversial when Mrs Little Pengelly joined the Finance Committee which was then investigating the NAMA scandal. The fact that Mrs Little Pengelly's husband, Richard Pengelly, was a senior civil servant in the Department for Finance and Personnel up until December 2012, created a potential conflict of interest which Mrs Little Pengelly herself acknowledged— yet she declined to absent herself from the committee's investigation on NAMA stating that she and her husband “were both adults”.

However all of these scandals pale in comparison to the allegations that have been made about SpAds since the RHI “Cash for Ashes” scandal broke in December 2016.

I will not repeat the lengthy list of allegations made by former DUP MLA Jonathan Bell, but they are incredibly serious should any of them be proven to be true.

Regardless of the ultimate outcome with regard to RHI, it is clear that SpAds have found themselves at the centre of yet another Northern Irish political scandal and I believe it's time to take action. The simple reality is we need to know a lot more about Special Advisors, their work, their interests and their performance.

The most straightforward way to do this would be to update the codes of employment and conduct already legislated for in the Civil Service (special advisors) bill by providing for the measures below.

Firstly, the powers and functions of Special Advisors should be laid out in writing in order that civil servants, ministers and MLAs may know precisely what role they have. An independent review should then take place to determine a more appropriate remuneration for this work — I anticipate this being far less than the current top rate.

Secondly, the appointment of Special Advisors should be subject to confirmation by the corresponding committee at Stormont. Committees would have the power to determine

if an individual is qualified and would also have the power to call Special Advisors before them on a regular basis to hold them to account.

Thirdly, in order to restore public confidence, Special Advisors must be required to publish a full and comprehensive register of interests in line with those already published by MLAs.

These (simple) measures will go some way towards restoring public confidence in our politics by introducing greater transparency and accountability to a powerful position within our institutions.

That said it is difficult to imagine the DUP and Sinn Féin either agreeing to or prioritising these measures anytime soon.

This lack of interest underlines the importance of the people's voice being heard in whatever negotiations take place after the upcoming election.

Every time we have a crisis the parties make new, sometimes radical, changes to our institutions without any input from the public at large. After the 2017 elections, called under such

pitiful circumstances, it befalls us to find a mechanism for ensuring that our voice is heard. We must use it to demand the transparency and accountability that is the bedrock of good governance.

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Extract from the Committee for Finance minutes of evidence, October 5, 2016

Mr Ó Muilleoir: I know that you are fond of Hansard, so let us get the challenge on the record. I was asked to come here to discuss the affair involving Mr Bryson, Mr O'Hara and Mr McKay. If anyone wants to go further, I would say this: I am so busy in the Department of Finance because no one did more damage to our finances than Jonathan Bell through the

renewable heat incentive, and I am cleaning up his mess. And to think —

The Chairperson (Mrs Little Pengelly): Look, I have to say —

Mr Ó Muilleoir: Let me finish, Madam Chairwoman. To think that he would try to expand on your watch —

The Chairperson (Mrs Little Pengelly): I will not allow you to —

Mr Bell: This is a diversion from his financial interests. The public have heard, Madam Chair.

The Chairperson (Mrs Little Pengelly): Right. I want everybody —

Mr Bell: The Minister refused to answer whether he had financial interests with witnesses to the Committee. One final question —

The Chairperson (Mrs Little Pengelly): Jonathan, sorry. I will speak to what the Minister has just said. Minister, we appreciate your coming to speak to us today, but I clearly stated on a number of occasions that I did not want you to enter into allegations about other members of

the Committee, who are here legitimately to question you.

Mr Ó Muilleoir: They all know it.

The Chairperson (Mrs Little Pengelly): Despite the fact that I communicated that to you twice, you proceeded to do it for the third time. I will allow the member to move on, but I want to put it on record that I do not think that that shows respect to the Chair. Things will get rocky at times. People have legitimate questions, and that is all part of it. People need to calm down, listen to what is being said and speak to the issue. If you do not want to answer the question, simply say that you are not answering the question, and we will move on.

Mr Ó Muilleoir: You are very kind, Madam Chairwoman. I am answering all the questions. You have made a ruling that I disagree with, because you asked me to come to speak about the communications. When Jonathan goes off the reservation, I am responding to say, "Jonathan, the reason we are working hard in the Department of Finance is because the renewable heat incentive that you carried through is costing the government". He does not want me to say it, Madam Chairwoman —

The Chairperson (Mrs Little Pengelly): We are going to move on to your next question, Jonathan.

Mr Bell: You can say whatever you wish on any issue, and I note that Sinn Féin support for renewable heat and other things is in Hansard. I will ask this directly: when, if ever, did you declare any financial interest that you had with any witness to the Committee?

Mr Ó Muilleoir: As Mr Elias knows, my declarations were entirely on the record and were appropriate and correct. I will just say this, Jonathan: we are trying to repair the damage that you did through the renewable heat incentive, which is costing the Executive £20 million a year, and I hope that, when you stand up —

Mr Bell: Just in 12 months?

Mr Ó Muilleoir: I hope that you stand up in the Assembly and say, "Mea culpa", because I am cleaning up your mess, as are other Assembly Members.

Reference:

<http://data.niassembly.gov.uk/HansardXml/committee-19258.pdf>

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