

1st June 2015.

Minister Simon Hamilton

Dept. of Health, Social Services and Public Safety

Dear Minister Hamilton,

As recently as the 23rd March 2015, the Belfast HSC Trust through the Director of Legal Services, [REDACTED] again refused to comply with the Late Payment legislation, and pay legitimate late payment claims issued by this company.

Just over a year ago on the 18th March 2014 the Belfast HSC Trust paid out a total of £5,502.45 in interest and compensation, to another business after an intervention by your party colleague Mr Jim Shannon MP. Perhaps as the Minister responsible for the Late Payment legislation you could enlighten me as to how this works? Is the payment of Late Payment claims by the Belfast HSC Trust only possible after an intervention by an MP from the Democratic Unionist Party?

Since publically criticising the Belfast HSC Trust on BBC Radio in January 2009, this company has been subjected to a campaign of bullying and intimidation. Here is Public Procurement Northern Ireland style:

- [REDACTED] The former Finance Director BHSCT [REDACTED] petulantly demanded that BSO PaLS draw up a list of alternative products for every product sold by [REDACTED]
- The implication was clear – put [REDACTED] out of business.
 - BSO PaLS (a so-called Centre of Procurement Excellence) complied with her demands even though they must have known that her aims were illegal.
 - The list of ‘alternatives’ had some alternatives which were wrong, and potentially dangerous to patient safety.
 - The Trust made false allegations against me and my company in a letter to your colleague --- [REDACTED]. All allegations were proven to be false.
 - [REDACTED] Senior Finance Officer Belfast HSC Trust asked me how I calculated the claims.
 - The 191 claims were referred to DLS in April 2009, almost 4 months after the first claim.
 - [REDACTED] decided not to pay any of the 191 initial claims.
 - Two senior BSO PaLS officers [REDACTED] and [REDACTED] conspired with [REDACTED] ([REDACTED]) to ‘bring me in to line’.
 - These three men had a history of working together to ‘resolve issues’ with unhappy suppliers. The Procurement Triumvirate.
 - [REDACTED] even boasted in an email to Belfast HSC Trust of doing a deal with a company which saved them all a trip to the High Court. What was the deal? Was it legal? What did the company get out of it? What did [REDACTED] get out of it?

- In a meeting on the 19th June 2009 [REDACTED] angrily and verbally threatened me using the words "Don't do it, just don't do it!" [REDACTED] (BHSCT) and [REDACTED] sat mute, and went along with it. What made him so angry? A request from me for the payment of 191 Late Payment claims issued between January 2008 and May 2009.
- [REDACTED] told [REDACTED] on the 19th June 2009 that [REDACTED] had "parked the compensation charges but have advised that they can be retrospective and will charge them again if required".
- Only 8 months ago on the 29th August 2014 [REDACTED] (Co-Director of Finance BHSCT) confirmed her view of the 191 claims. "At the meeting an agreement was reached to pay the interest charges (this was done) in respect of these claims and you agreed not to pursue the compensation charges" (my emphasis).
- The Chief Legal Adviser [REDACTED] named [REDACTED] as the Mediator of the meeting in a letter dated 20th November 2009.
- [REDACTED] BSO PaLS in an email of the 22nd February 2010 stated that PaLS did not provide a Mediation service.
- [REDACTED] the Trust CEO named [REDACTED] as the Mediator of the meeting in a letter dated the 1st April 2011.
- The Chief Legal Adviser [REDACTED] named [REDACTED] as the Mediator of the meeting in a letter dated the 29th June 2011.
- The Chief Legal Adviser [REDACTED] named [REDACTED] as my representative in a letter dated the 20th November 2011. He never was.
- The Chief Legal Adviser's correspondence on the actual meeting and the outcome of the meeting has had more changes than [REDACTED] at London Fashion Week.
- [REDACTED] as a BSO officer had no authority to settle the 191 Late Payment claims.
- [REDACTED] as a Senior Finance Officer had no authority to settle the 191 Late Payment claims.
- The Trust had not tested the 191 claims for accuracy prior to the meeting of the 19th June 2009.
- In follow up emails between [REDACTED], [REDACTED] and [REDACTED], [REDACTED] got the date of the meeting wrong three times despite prompting from [REDACTED].
- [REDACTED] also prompted [REDACTED] to agree a particular version of the outcome of the meeting.
- Given this debacle of a meeting it comes as no surprise that no written and signed agreement was produced.
- In any case, is any agreement valid when agreed under threat from a Senior Procurement Officer?
- I made a formal complaint to BSO PaLS about other Tendering procedures as I felt my company was being singled out for "payback".
- In this formal complaint two BSO PaLS Directors 'doctored' the minutes of the meeting.
- Given my experience with [REDACTED] threatening behaviour I secretly recorded this meeting.

- I offered [REDACTED] CEO BSO a copy of the recording but he refused the offer.
- The offer to listen to the recording is still open to anyone who wants to know the truth.
- [REDACTED] ex Finance Director Belfast HSC Trust is now the Finance Director of Queen's University.
- The Chair of the Audit Committee of Belfast HSC Trust [REDACTED] is [REDACTED] line manager at Queen's University.
- [REDACTED] of the Northern Ireland Audit Office told me that [REDACTED] declared this conflict of interest at the Audit Committee meetings.
- The minutes of the Audit Committee meetings show his conflict of interest was never declared.
- Is the NIAO wrong or are the minutes wrong?
- The Chair of the Trust [REDACTED] referred our representations to the Audit Committee for 'independent' review.
- The Non-Executives of the Trust were aware of [REDACTED] conflict of interest yet didn't appear to have informed the new Chairman [REDACTED].
- The Executive Officers of the Trust were aware of [REDACTED] conflict of interest yet didn't appear to have informed the Chairman.
- [REDACTED] has repeatedly refused to engage in correspondence with regard to [REDACTED] conflict of interest.
- [REDACTED] has repeatedly refused to engage in correspondence with regard to the January 2013 court ruling from the Blue Autumn Ltd and Glenview Nursing Home appeal, which is relevant to our case.

I am sure you will agree with me that this behaviour has no place in public service. Yet time after time I am told that this must be resolved between my company and the Belfast Trust. I am being asked to accept that the Belfast Trust can be the perpetrator, the judge and the jury. This company will never accept such a farcical situation. Doing what is right, just and fair seems to be anathema to public procurement in Northern Ireland.

They are all hiding behind the Chief Legal Adviser [REDACTED] They are all back covering for each other, and sadly it seems to have reached the office of the Permanent Secretary [REDACTED] He has continued where [REDACTED] left off.

The poor behaviour, in particular of [REDACTED] and [REDACTED], is being covered up by the Chief Legal Adviser. In submissions to the Hyponatraemia Inquiry the DLS came in for criticism:

"The conduct of the DLS.....demonstrates a desire not to share accurate information".

"The conduct of the Defence of the litigation by the DLS...was and remains appalling".

"The denial of liability....is indicative of a defensive culture and a failure to take responsibility at an earlier and more meaningful stage".

"For ten years the DLS were possessed of all the information to have allowed their client on advice to admit fault".

"The DLS....were involved with their client, the Trust, in a cover-up".

"Our clients remain unshakeable in their view that the DLS and the Trust attempted to cover up the truth".

These same statements could just as easily describe our case.

In the review of Public Procurement of 2002, the Committee for Finance and Personnel made a recommendation for a Supply Chain Ombudsman function in Northern Ireland.

"the committee believes that a conciliatory approach is needed in resolving procurement conflicts and consider that the absence of an independent mediator between purchaser and supplier is a key deficiency within the procurement process in Northern Ireland".

"The Procurement Board was content with the current arrangements for dispute resolution".

The Procurement Board cannot set aside a strong recommendation, ignore a "key deficiency", and then absolve themselves of any responsibility when something goes wrong in Public Procurement.

There can only be one of two scenarios for what has happened over the last 6 years:

1. That there has been a complete failure by Departmental civil servants, officers in the Health Trusts, and the Directorate of Legal Services to understand and implement the Late Payment legislation "Please see attached e-mail from [REDACTED] of Dept for BIS – would be good to clarify what the interpretation/application of the legislation actually is – is DLS's interpretation and approach correct? Or is [REDACTED] interpretation correct that interest is due on any overdue invoice, irrespective of whether other invoices were paid on time". Email from [REDACTED] DHSSPS to [REDACTED] DHSSPS 11th April 2012.
2. Civil servants and public servants fully understood the legislation but chose to carry out a vexatious campaign against a small business which had the temerity to challenge the problem of late payment "we should challenge [REDACTED] right to the claim at all and prevent him using the same basis of claim on behalf of other suppliers. The implication for us failing to successfully challenge these claims would create a serious damaging precedent for Belfast Trust". [REDACTED] BHSC meeting with [REDACTED], Solicitor Directorate of Legal Services.

Is this incompetence, vindictiveness, or both? I will let you choose.

Yours sincerely,

[REDACTED]

[REDACTED]