



26 August 2021

PRIVATE & CONFIDENTIAL

Ms Lizzie Carlisle

By way of email - request-778048-76d81581@whatdotheyknow.com

Dear Ms Carlisle

Information request ref: IR20210026

I refer to your email received by this office on 29 July 2021. You have requested the following information:

“Please advise:

- 1. The date when the External Advisor was requested to appraise the investigative methodology used in the investigation.*
- 2. The date on which the External Advisor provided the appraisal referred to in the report to the Ombudsman.*
- 3. Details, including dates, advertisements, supporting procurement and contract documents, for the process followed relating to the appoint of the External Advisor.”*

In considering your request for information, I have reviewed the files and records which contain the applicable information. I have also considered the following pieces of legislation:

- The Public Services Ombudsman Act (Northern Ireland) 2016 ('the 2016 Act')
- The Freedom of Information Act 2000 ('FOIA 2000')
- The Data Protection Act 2018 ('the DPA 2018')
- The General Data Protection Regulation ('the GDPR')

Your email has been treated as an information request under section 1(1) of the FOIA 2000.

My response

Following consideration of your request for information, I have established that the material below provides the information you seek.

Request 1 - The date when the External Advisor was requested to appraise the investigative methodology used in the investigation

The External Advisor was appointed on 26 January 2021

Request 2 - The date on which the External Advisor provided the appraisal referred to in the report to the Ombudsman.

The External Advisor provided the appraisal referred to in the report on 14 February 2021

Request 3 - Details, including dates, advertisements, supporting procurement and contract documents, for the process followed relating to the appoint of the External Advisor

The External Advisor was appointed using a direct award contract ('DAC'). The DAC was authorised by the Ombudsman as the NIPSO Accounting Officer. This means the provider was selected without competition. Where there are convincing reasons DAC's are an appropriate and acceptable method for procurement. A DAC was considered to be the most suitable and appropriate method in respect of this engagement of an External Advisor. All DAC's require the approval of the NIPSO Accounting Officer, who will sign off on them.

The DAC was justified for technical reasons. Owing to the specific and detailed prior knowledge and experience of the provider in respect to the technical area of the investigation, and their availability within the necessary timeframe to provide an independent and impartial opinion on an urgent and highly contentious investigation. It was not possible for this service to have been obtained from any other external source within timeframe required. This was the Ombudsman's rationale in considering a DAC to be the most appropriate method for the appointment of the External Advisor in this investigation. The Ombudsman approved and signed off on this engagement. The DAC was awarded in accordance with CPD Policy Guidance Note 03/11.

A PDF copy of the covering letter to the External Advisor and their contract have been attached to my response. Personal data details have been redacted in accordance with section 40(2) FOIA 2000 as it relates only to personal data.

Conclusion

As explained above, I trust the information provided to you in this letter satisfies your request.

If you are not satisfied with this response to your request, you may ask for an internal review within two calendar months of the date of this letter. You should contact:

Mr John McGinnity

Director of Corporate Services
Northern Ireland Public Services Ombudsman's Office
Progressive House
33 Wellington Place
Belfast
BT1 6HN
Email: john.mcginnity@nipso.org.uk

If you are not content with the outcome of any internal review requested by you, you then have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
WILMSLOW
Cheshire
SK9 5AF

Yours sincerely

Gregory Smyth

Gregory Smyth
Legal Officer

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