

Claire Hyndman

From: Helen Hanna on behalf of Alphy Maginness
Sent: 16 May 2012 09:07
To: Claire Hyndman
Subject: FW: Letter from

Helen Hanna,
Senior Legal Assistant/PA
Directorate of Legal Services
Business Services Organisation
2 Franklin Street
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Please ensure the DLS case reference is on all correspondence

From: Knox, Malcolm [mailto:Malcolm.Knox@dhsspsni.gov.uk]
Sent: 15 May 2012 16:29
To: Alphy Maginness
Cc: Neelia Lloyd External
Subject: FW: Letter from [REDACTED]

Alphy

When I spoke to you a few days after this E Mail, you indicated that you would only accept mediation on the instructions of your client, the Southern Trust and that you would discuss this issue with senior officers in the SHSCT and get back to us.

Are you now in a position to provide an update on this issue?

Happy to discuss.

Malcolm

90 765628

From: Knox, Malcolm
Sent: 13 April 2012 16:33
To: 'Alphy.Maginness@hscni.net'
Cc: Lloyd, Neelia; Dooley, Bryan
Subject: Letter from :

Alphy

I rang you earlier this afternoon to discuss this but I understand you are on leave today.

Attached is an extract from a recent letter from [REDACTED] to Julie Thompson. I would welcome your views on the highlighted sections of the above letter and in particular on the previous attempts at mediation involving

16/05/2012

BHSCT. When I spoke to you a few weeks ago you didn't feel that either intervention by the Department or mediation would be helpful in resolving the current dispute between SHSCT and [REDACTED] Is this still your opinion?

In relation to the current dispute between SHSCT and [REDACTED], It would also be useful if you could quote the legislation under which the claims for compensation and interest were refuted, since this would assist us in countering [REDACTED] argument that that interest is due on any overdue invoice, irrespective of whether other invoices were paid on time.

Happy to discuss

Malcolm
90 765628

[REDACTED]

22nd March 2012

Julie Thompson
Senior Finance Director
Resource & Performance Management Group
Department of Health, Social Services and Public Safety.

Dear Ms Thompson,

This dispute began over three years ago in January 2009, which is proof enough that civil servants involved in this dispute have not sought to resolve the issues. There can be no doubt that there was a very serious problem with the payment performance of the Belfast HSC Trust in January 2009.

"For your information-[REDACTED] have included all users so it might help us if we're looking for paperwork from staff, however it is typical of a lot of calls we're getting today regarding seriously overdue accounts".

Jem Caldwell Senior Finance Manager (BHSCT) to Fiona Cotter (Head of Financial Services BHSCT) and Larry O'Neill (Finance Director, BSO), 5th January 2009.

With 34 years experience in the Healthcare Industry I have never come across the type of behaviour which I have endured in the last three years. In the first six months of 2009 the behaviour of officers within the Belfast HSC Trust and the Business Services Organisation included:

- The refusal to pay legitimate claims made under the Late Payment of Commercial Debts Regulations. The refusal to pay the claims and the threat of involving the Legal Services Directorate was clearly used to intimidate this company.
- Unsubstantiated and totally false allegations in correspondence to Mr Stephen Moutray MLA about the administration of [REDACTED] I totally refuted every single allegation and asked for an apology from the Trust. None was given.
- The drawing up of a list of alternative products to every single product (both Contract and Non-Contract) sold by [REDACTED] to the Health Service in Northern Ireland. The implications were very clear.
- The verbal abuse of me by a senior procurement officer in a meeting when I reminded him of the unpaid Late Payment claims to Belfast HSC Trust. When I raised the issue of the unpaid claims he pointed at me and angrily responded with the words "Don't do it, just don't do it".

- The naming by the Chief Legal Adviser of two mediators (one of whom is the same senior procurement officer mentioned above) in the same meeting.

When the Chief Legal Adviser was informed by [REDACTED] that the behaviour of his first named mediator was almost as bad as his mediation skills, he then named [REDACTED] as the mediator in the meeting. [REDACTED] has confirmed to me in writing and to the first mediator by telephone that he was there as an attendee only. Despite a number of requests, no correction or retraction has been made by either the Legal Services Directorate or the Chief Executive of the Business Services Organisation.

In your letter of the 10 February 2012 to my colleague [REDACTED], you asked that [REDACTED] liaise with the Southern Health Trust and its legal advisers to resolve the refusal of the Southern Trust to pay legitimately made claims under the Late Payment of Commercial Debts Regulations. Setting aside what appears to be a systemic failure of governance with respect to this legislation, I have absolutely no confidence given previous behaviour, that the dispute with the Southern Trust will be resolved.

On a number of occasions [REDACTED] has suggested independent mediation to resolve the disputes with the Southern Trust and the Belfast Trust. Our view remains the same, and we will approach the mediation in an open and transparent manner, confident in our position, in order to resolve what has become quite frankly a farce. The alternative will see both disputes continue with likely progress in to a public forum. Our clear preference however is for an independent mediation at the earliest possible opportunity.

Yours sincerely,

[REDACTED]