



Northern Ireland  
Assembly

Committee on Standards and Privileges

# OFFICIAL REPORT (Hansard)

Complaint Against a Member: Oral Hearing

28 September 2021



this Committee; in other words, a witness should not be able to run to teacher to complain if they are being asked difficult, searching questions.

I ask members to look at the evidence given to the Committee for Finance by Kingspan on 2 December 2020. Kingspan manufactured the cladding that was put on Grenfell Tower. That led to the most awful tragedy and the deaths of 72 people. Jim Allister QC took Kingspan to pieces at that meeting about the fact that it had ignored important safety tests on that cladding. I am absolutely certain that the two highly paid directors of Kingspan walked out of that meeting feeling that Jim Allister did not show them respect, but Jim Allister had to ask those questions because of the involvement of Kingspan in that terrible disaster. Therefore, Committees should never feel constrained about asking difficult or awkward questions.

The context of this is the Functioning of Government (Miscellaneous Provisions) Bill, which was introduced by Jim Allister as a private Member's Bill. The Minister clearly was totally opposed to the Bill, as, of course, he is perfectly entitled to be, but he threw the book at it. On 6 May 2020, David Sterling, the head of the Civil Service (HOCS), was sent to the Committee to oppose the Bill. On 13 May 2020, Conor Murphy, the Minister, came before the Committee and fought tooth and nail to stop the Bill. On 20 May, the permanent secretary was sent to oppose the Bill, and, on 17 June, Mr Pauley, the complainant, was sent to oppose the Bill. It was clear that the Minister did not want that Bill to pass, and I believe that is why I am sitting here today.

What was the nature of the Bill? Let us be honest about it: the behaviour of the spads — the special advisers — leading up to and during what was known as "the renewable heat incentive (RHI) crisis" was utterly disgraceful and put a great stain on the character of the Building. They ran riot. They did things that were totally unacceptable, and, as a direct result of their behaviour, devolution in Northern Ireland collapsed and was in suspension for three years. Many important decisions on health, education and roads etc could not be made as a direct result of the nefarious activities of the spads. Mr Allister's Bill sought to curtail the powers of the spads, and Mr Murphy threw the book at making certain that the Bill did not go through. It did eventually by a majority decision in the Assembly, and it has, to some extent, curtailed the activities of special advisers, who had simply got far too big for their boots and were exercising power way beyond what was stipulated in the legislation covering their activities.

After that series of events, where the Department threw the book at the Bill, Mr Pauley gave evidence. He was coherent, articulate and calm. Not once during that hearing did Mr Pauley raise the slightest concern about the conduct of what happened: not once. If he had had any concerns about that hearing, all he had to do was say, "Mr Chairman, Mr Wells or Mr Allister or whoever has gone too far, and I object to their line of questioning". Then it would have been up to the Chairman to bring them to book if he felt that those who questioned Mr Pauley had gone too far. In my 27 years, there certainly have been times when a Chairman has said that I have been too forceful and too incisive and have asked too many questions. In those situations, the moment the Chairman stepped in, I immediately stopped the line of questioning and obeyed his instructions. I sat in this room for many years as Chair of the Health Committee, so I have had to exercise the same discipline.

Mr Pauley did not raise one eyebrow during that hearing, so my view is that the complaint was not lodged by Mr Pauley but that he was instructed to lodge it by his Department because it objected to the strong line that I and others were taking in favour of the Bill. On 17 June, Mr Pauley sat without any form of concern. On 24 June, Mr McHugh, an MLA for West Tyrone, stated, no doubt at the behest of the Department, that he felt that the Committee had gone too far and had been far too strident in its questioning of Mr Pauley. It is noticeable that Mr McHugh did not raise that issue on the day of the hearing when Mr Pauley was there. He waited until 24 June when, no doubt, he was obeying instructions to raise the issue, because that was a forerunner to the complaint. I have no doubt that this is all collusion from the Department, which was bitterly opposed to what we had done.

It is noticeable that, because Mr Pauley had not raised any concerns with the Chairman, he realised that he was in a weak position, so he also lodged a complaint against the Chair to keep himself covered. It is unusual for someone to raise a complaint not only against the Member concerned but the Chair. No doubt you will hear that complaint in the future as well. Following that — this was many months later — I received a letter from Mr McAteer that stated that a complaint had been lodged against me. It was difficult at that stage to remember what had happened, but I had a chance to look back at the video of the hearing. One issue was raised that is legitimate. Mr Pauley does not have a sense of humour. Unfortunately, I do, and it gets me into trouble on many occasions. When Mr Allister was asking him particularly searching and difficult questions about the Bill, Mr Pauley was stuck for words. I used the phrase:

*"Do you want to phone a friend?"*

If someone had said that to me when I was Health Minister, I would have laughed and thought it was humorous. Mr Pauley did not consider that to be humorous. The Chairman immediately brought me to book for that statement, and I immediately withdrew it. I will be honest: from watching the tape, it is not certain that Mr Pauley heard it. Therefore, I have always been anxious to make certain that he realised that, the moment that Steve Aiken, who was the Chairman, brought me to book, I immediately withdrew the statement. I did not pursue it for one second, because I could see that Mr Pauley found it offensive. It was not meant to be offensive, but he perceived it to be. Clearly, it was not in my interest or that of anybody else to undermine him by saying something about him not appreciating the humour involved. I hope that, from listening to the tape, you have accepted that I immediately withdrew it, and I hope that Mr Pauley now accepts that I immediately withdrew it. However, I do not apologise one iota or scintilla for my line of questioning to Mr Pauley during that hearing.

Mr Pauley is an extremely experienced civil servant. You have to differentiate between a young, inexperienced civil servant who has come to give evidence for the first time and someone who has given evidence to Committees scores of times, which Mr Pauley has. I have met him on many occasions. Mr Pauley was more than capable of dealing with me or any other obscure Back-Bench MLA at that hearing and has done so in the past. I do not believe that he was remotely concerned, but I believe that the Department was and that it was determined to try to suppress those who supported a Bill that, it made clear, it did not like.

Many years ago, the then Economy Minister, Mrs Arlene Foster, decided to sell land at the Giant's Causeway to a private property developer called Seymour Sweeney. There was considerable concern about that. Eventually, Mrs Foster decided — wisely, in my opinion — to reverse that decision and sell the land to the National Trust. A hearing of the DED Committee was held shortly after that in which one MLA asked this famous question of Mrs Foster: "Mrs Foster, can I take this opportunity to congratulate you on an outstanding decision regarding the Giant's Causeway?". That really pinned her to the wall, did it not? If we are going to exercise our responsibilities as MLAs, we have to be fearless in our lines of questioning to senior departmental officials. If we start to worry that we will be hauled before this powerful Committee because we do so, that undermines the role of the Assembly. We must be in there to ask difficult, searching and sometimes painful questions of the Departments and senior officials; otherwise, you undermine totally the ability of the Assembly to do its work.

Ms Dillon, I think I have just about reached my 10 minutes. I do not want to be hauled before you again for exceeding my 10-minute limit. I am more than happy to answer any questions you may have.

**The Chairperson (Ms Dillon):** Thank you. We certainly would not haul you back for exceeding your 10 minutes. We tried to limit it because we have extensive papers in front of us and we want to allow members to ask questions. Thank you for keeping it brief; it is much appreciated by me and, I am sure, the Committee.

I will open it to Members to ask questions.

**Mr Wells:** I will not complain if you are too forceful in the questions you ask me.

**The Chairperson (Ms Dillon):** No problem.

**Mr McGlone:** Chair, maybe I could begin?

Mr Wells — I normally call you "Jim", but you will forgive me for going official — by way of background, have you encountered the said gentleman on any other Committees or in any other business where you crossed swords or anything like that? In other words, is there no history?

**Mr Wells:** I have encountered Mr Pauley on many occasions.

**Mr McGlone:** I mean, is there no history of confrontation?

**Mr Wells:** No. Mr Pauley is very well known. He is an extremely experienced and able civil servant. I encountered him, for instance, in the Department of Health and more latterly in the Department of Finance. He is a regular attendee at our Committee, and I have not once changed my questioning style. I think that there is clearly a series of coincidences that need to be explained; in fact, the Department took it extremely ill that I took the line I did on this Bill and others.

**Mr McGlone:** I viewed the video, and I watched the whole Committee because I thought I had maybe missed something, but that is another thing. At one stage, Mr McHugh raised his concern about the way the questioning was going, which is, factually, what you told us. I am subject to correction on that, Chair, but what I saw was an intervention at one stage from Mr McHugh.

As I watched the video, I saw the "phone a friend" comment, which has been made much of here. Just to elaborate on that point, I did not see it as smug, aggressive or smart-assed or anything. I saw it, maybe because I know you, as he should have done, as a witty comment. There was nothing intended by it other than a spontaneous witticism.

**Mr Wells:** That was my view. I have a rather warped sense of humour, I suppose. If I see a lady with a particularly attractive child, I often ask, "Where does that child get his good looks?". Now, 99% of the ladies will say, "Obviously, Mr Wells, it is from me". However, once a lady absolutely went through me and said, "How dare you? Are you suggesting that this child looks like the postman's? How dare you? It is obvious where this child gets his good looks. It is from me". That lady did not see the humour in that statement, and Mr Pauley did not see the humour in my remark. I made this clear in my written submission: if I have caused Mr Pauley offence by using that term, I apologise. It was not intended. When Steve Aiken immediately called me to book not only did I withdraw the remark but I immediately stopped any attempt at any further humour with Mr Pauley. Folks, the control of a Committee has to be with the Chairman, particularly if that Chairman is not a member of the party of the person who is apparently misbehaving.

If you watch Jim Allister in action in our Committee and the way he systematically pulls witnesses to pieces, one by one, using his obvious skills as a lawyer, you can see that, I am afraid, I am not even in the game with questioning. I accept that. I do not have L-plates on, but Jim Allister's style is so abrasive, and it will often elicit important information from the departmental officials. I suppose I was trying to emulate Jim Allister, rather badly. There was no intent. All my dealings with Mervyn Pauley — not Mervyn Pauley; I am showing my age. Mervyn Pauley is the former editor of the 'News Letter'. I meant Mr Pauley. All my dealings with him were just businesslike. There was never any problem. I did not go into that meeting to make life difficult for Mr Pauley, but I wanted to make absolutely certain that he justified his resolute opposition to Jim Allister's Bill. I thought that opposition was to the detriment of the Assembly. The fact was that we needed to reel in the spads who had caused absolute chaos. I must say that I am not referring to the SDLP spad, Mrs Bradley, in case you are concerned about that. I mean the other spads, who had reigned over absolute havoc in this place for years, as was revealed under oath at the RHI inquiry. The Assembly is a much better place as a result of Jim Allister's Bill, which my party, the DUP, supported.

**The Chairperson (Ms Dillon):** You made a comment that witnesses coming before Committees should be quaking in their boots. Do you really believe that that is how you get the best out of people? I do not disagree with a lot of what you said about the need for questioning to be robust. I absolutely agree. You need to get information in Committee, and I am sure that, as somebody who was on the Justice Committee with me, Sinéad Bradley will agree that there were many times when, given the amount of legislation we had coming through, we had robust questioning of officials. I will not lie: there were times when I was a bit uncomfortable with the line of questioning and with how officials were being treated, but that was my discomfort; it is not how I would behave. Having said that, I certainly do not want any of those officials, who are good people who, in my view, are doing their job to the best of their ability, to come before the Committee quaking in their boots. We talk at length in our Chamber and in our Committees about people's mental health, and we want them to come to their work quaking in their boots? That is not appropriate. I am not sure that is what you meant, and that is why I ask the question.

**Mr Wells:** First of all, that term was not used at the meeting.

**The Chairperson (Ms Dillon):** I know, yes.

**Mr Wells:** It was used when Mr McHugh, carrying the flag for his Minister, raised the issue at the following meeting. He did not specifically refer to me; he referred to the treatment of Mr Pauley by the Committee. Again, we must emphasise that we are dealing with people who are tremendously experienced. By the way, Mr Pauley had an assistant with him whom he could refer to at any time if he was feeling uncomfortable, but he never did. He took on all the questions. For a man who felt intimidated by me or any others, he was remarkably cool, as you can see if you watch the video. He was remarkably cool throughout the entire procedure.

What I meant by that is that, if something has been done badly in the Department and senior officials have made big mistakes, they should be quaking in their boots, as, for instance, they were during the RHI inquiry. People who came in front of the RHI inquiry, particularly the spads and the officials involved, were quaking in their boots because the chair was absolutely excellent in his cross-examination. They should be quaking if something has gone wrong, and something had gone terribly wrong in the Department of Finance because it had not kept control over the spads, who had wrecked this place. Not only had the Department not done that but its officials were coming to fight a Bill that tried to bring the spads under some form of control. Therefore, they had a lot to answer for. I will go back to the Kingspan officials. They were shaking in their boots, and they had every reason to be shaking in their boots because they knew that one of the most eminent QCs in this country was going to tear them to pieces over the fact that they ignored the tests on that cladding, which had led to the deaths of more than 70 people. Yes, it is a figurative term. I do not want them to be literally crying their eyes out. By the way, I should be shaking in my boots facing you today. I do not think that I have reached that stage yet, but I should be, because you should be questioning me in such a way. I would never complain about people questioning me in a forceful way.

That was a conversation that was had afterwards, and what I said was that senior officials should be shaking in their boots but also that they will go back to their mates afterwards and say, "Boy, I kept those boys under control. Didn't I do a good job there?". They are also very senior and very experienced, and they like to be able to put one over the politicians who ask them questions. Again, I make absolutely no apology for what I said there, and I make absolutely no apology, with the one exception, for my line of questioning to Mr Pauley during that hearing. I thought it was commensurate with the seriousness of the issue and balanced, and not once was there a raised voice or foul language or anything that anyone could take exception to, apart from that rather nebulous concept of whether I showed him respect or whether he felt I did not show respect.

Folks, if you go down the line of saying that a witness can report a member to this all-powerful body because they perceive that they were not shown respect, you are in deep trouble. Look at Margaret Hodge, who was chair of the all-party Select Committee on Transport in Westminster, and look at how she took to pieces those who had squandered taxpayers' money. That is way beyond anything I did with Mr Pauley.

**The Chairperson (Ms Dillon):** Do any other members have questions?

**Mr Wells:** I do not know this young lady. This is a completely new face to me.

**Ms Á Murphy:** Áine Murphy.

**The Chairperson (Ms Dillon):** Áine is a new member of the Committee.

**Mr Wells:** For which constituency?

**Ms Á Murphy:** Fermanagh and South Tyrone.

**Mr Wells:** So you are the new Mr Lynch.

**Ms Á Murphy:** Yes.

**Mr Wells:** Sorry, I have never met you before. I thought for a while that you were an official, but I have now worked out that you are an MLA. Nice to meet you.

**Ms S Bradley:** I will call you "Jim". Jim, I am new to the Committee, so there is a lot in front of me, as you will appreciate, and I am going through it. I have to say that, on the basis of the report that is here, you have been thorough in your answers, and there is plenty here to consider. In terms of adding to that, it seems that you have been robustly questioned on this so far, and there is good record of that.

**Mr Wells:** I had a long session with the commissioner and her colleague.

**Ms S Bradley:** Yes, and that was helpful. I genuinely believe that your answers have been as thorough as anything that could be added by me.

Jim, you have rightly talked about your experience and how long you have been here. Mr Pauley has, in that time, gotten to know you. Sometimes, things are very black and white on paper, and their meaning can become lost. Over the years, if you had got to know him, and Patsy mentioned this, is there anything that we should be aware of prior to this, or were relations always good? Would he have known you as well as you knew him? What is your take on that? Can you add anything?

**Mr Wells:** I got to know some officials in the Department of Health and the Department of Finance very well personally: people such as Andrew McCormick, for instance. Mr Pauley was not that type of person. I am not a drinking person, as you know, but he was not the sort of person whom you would take to the bar after a hearing. He was very matter-of-fact. He was also a very competent and able person.

I did not get the complaint until something like six months after that meeting, which I thought was a bit rich, to be honest, when what I had done had long since passed me by. I did not get any impression that he was remotely concerned about what I had said. He answered the questions effectively. I did not agree with the answers. If you actually look at the questions, apart from:

*"Do you want to phone a friend?"*,

which I wish that I had not said — I accept that — you will see that they were tough.

I expect you to raise the fact that I persisted on his support for the Minister's opposition to the Bill, so I will get my retaliation in first. I asked him this killer question: do you oppose the Bill because you have been told to do so by the Department or is it your personal opinion? His line should have been, and I am surprised that he did not say this, "Mr Wells, my personal opinion has nothing to do with this whatsoever. I am here as a servant of the Department. I am giving you the Department's point of view, and I will leave it at that". That is the answer that 99 people out of 100 would have given, but Mr Pauley did not. He said that it was his personal opinion. Once he did that, I was perfectly at liberty to go much further. Had he given the standard line, which I have heard here for 27 years, I would simply have let the matter drop at that stage, because you know when you cannot go any further. Unusually, however, he said that he was personally committed in his opposition to the Bill. He was given several opportunities to withdraw that, but he did not. That is why I persisted and asked him four further questions about a Bill that I felt was absolutely right for the Assembly. The Bill was watered down to some extent, but the legislation has in fact done a lot to make this place much better at running Northern Ireland.

The legislation was important. Had it been an SR on traffic-calming measures in Killyleagh, I would have just sat there and nodded my head. The Bill was fundamental to the running of Northern Ireland and the Assembly, however, and I felt very strongly about it. Mr Allister had also asked him some very searching questions. The Committee is quite top-heavy in experienced MLAs. I suppose that the last thing that Mr Pauley needed was for me to come along with tough questions. I tend to come in near the end, because of my status on the Committee. Paul Frew also asked some tough questions.

There was no attempt whatever to intimidate or annoy Mr Pauley, and there is no history between us. I have history with a few other civil servants but most certainly not with him. When you are around for 27 years, you bump into nearly all of them.

**The Chairperson (Ms Dillon):** Do you have any evidence to suggest that Mr Pauley was put under pressure or encouraged to make a complaint against you or that he was coerced into doing so? How did you become aware of the other complaint, against the Chair, to which you referred?

**Mr Wells:** He told me.

**The Chairperson (Ms Dillon):** The Chair told you.

**Mr Wells:** Yes.

**The Chairperson (Ms Dillon):** OK.

**Mr Wells:** I then told the Committee. After the complaint was lodged, I went around several members and asked, "Can you remember that meeting? Can you remember me being difficult or aggressive?".

They all said, "I cannot even remember the meeting, never mind whether you were aggressive", or "You were just being your normal self: belligerent, perhaps, but no different".

Yes, I was aware that a complaint had been made against the Chair. You should now also be aware that a complaint was made against the Chair. Indeed, some of the documents that came through to me should not have, so, if I had not already known, I would have known then anyhow. I accept that that was just a photocopying error. The sequence is as I have described. The Minister threw the book at this one: himself, David Sterling, the permanent secretary and Mr Pauley. He threw his four top guns to oppose the Bill.

**The Chairperson (Ms Dillon):** May I interject? I want an answer to a specific question, not the sequence of events. Do you have any evidence? You have now on a number of occasions said that it was not of Mr Pauley's own free will that he made this complaint. I do not know whether you are trying to say that he was asked —

**Mr Wells:** Encouraged.

**The Chairperson (Ms Dillon):** — encouraged or coerced by the Department or the Minister to make this complaint. Do you have any evidence to that effect? The sequence of events is not evidence. Do you have any actual evidence? I would be concerned if I thought that any civil servant had been pressurised or coerced in any way by a Minister into making a complaint.

**Mr Wells:** If you look at the comments made by Mr McHugh, who is often the official spokesman on behalf of the Minister at the Committee, you will see that he outlined a series of allegations that were then repeated in Mr Pauley's complaint. I suspect that Mr McHugh was encouraged to make that complaint to the Committee and that then — let me put it this way — Mr Pauley was not discouraged from making a complaint to the Committee. Frankly, I suspect that the Department had had it up to here with the strong opposition to its position that was being shown by the Committee. I think that that was the problem. I do not have any smoking gun that says that Conor Murphy instructed Mr Pauley to submit a complaint, but I have my very significant doubts about what was going on here, particularly Mr McHugh's involvement.

**The Chairperson (Ms Dillon):** We could all make many allegations against Ministers and Departments and talk about what we think goes on. I am not sure that it is appropriate for that to be given as part of evidence if there is no evidence to support what you say. I am a wee bit concerned that we may go down that road.

**Mr McGlone:** On that, Jim, the fact that you have suspicions or the fact that, in your mind, he was not discouraged is not actual evidence for us. I think that that is the point that you are trying to make, Linda. We have to go with the evidence. If something turns up under FOI or whatever, grand, that is OK. It may well be a good suspicion, but it is not actual evidence for our deliberations.

**Mr Wells:** I think that protocol in the Department is that he would have to have got permission from his permanent secretary in order to have made a complaint to this Committee. At that stage, if he spontaneously said, "Mr Wells was horrible. I want to make a complaint", the permanent secretary could have stepped in and said no. Clearly, the permanent secretary did not.

**Mr McGlone:** On that point, I presume that this Committee can establish whether that is the case.

**The Chairperson (Ms Dillon):** Yes, I would like to find that out. Shane, do you know that off the top of your head, or is it something that we would have to ask for? I would appreciate finding that out.

**The Committee Clerk:** Chair, the Committee could enquire in a general sense whether a civil servant can make a complaint as a civil servant without the permission of the permanent secretary or whether this was a case of a civil servant making a complaint in a personal capacity.

**The Chairperson (Ms Dillon):** I would like to find that out, because that is important.

**Mr Wells:** I would welcome that as well.

**The Chairperson (Ms Dillon):** It may well not impact on the outcome, but, as it has been raised, it would be fair to do so.

**Ms S Bradley:** Chair, may I raise another point? Jim, while you are here, the reported comment, "They will be quaking in their boots after that" was not made during the Committee meeting, was it?

**Mr Wells:** No. Mr McHugh, undoubtedly at the behest of the Department, because he is a very good spokesman for the Minister on the Committee, raised at the subsequent Committee meeting his concerns about the Committee's treatment of witnesses: not about my treatment of them personally, as Paul Frew and Jim Allister had been very strident as well, and not of this particular witness but witnesses in general. I stated very clearly that we were dealing with very senior civil servants who were well experienced in dealing with Committee members and that there was absolutely nothing untoward said.

Mr McHugh is a very new Member of the Assembly, so perhaps he is not aware of the rough and tumble of politics. I said, "Look, these folk will go back and have a drink or whatever and say, 'We showed them. We put Wells in his place' ". That is entirely in order. I am no shrinking violet, but, folks, if I came to this Committee every time that somebody in the Building, in my opinion, did not show me respect, I would never be out of the room. This past month, I have been called a "bigot" and a "dinosaur", and, worst of all, I have been accused of wearing a wig. You can call me a bigot or a dinosaur, but, if you accuse me of wearing a wig, you will hear from my solicitor.

**Mr McGlone:** So, it is not a wig.

**Mr Wells:** It is not a wig, no. *[Laughter.]* What I am saying to you is that, every day in life, people in this Building throw comments at me about which I could easily say, "He is not showing me respect", and a lot of people do not, but I take it on the chin and move on, because I have been here for 27 years. Similarly, Mr Pauley has been around the Building long enough to take whatever is thrown at him and move on. That is the nature of the beast and of working at that level in the Civil Service. For many years, civil servants did not have that, because the Assembly was suspended. It is therefore difficult for them to accept that we are under a new dispensation. His Department took its eye off the ball when it came to overseeing spads, and it had every right to face a tough time from me and others at that Committee meeting.

**The Chairperson (Ms Dillon):** There is a balance to be struck. I could say that I have broad shoulders and can take a substantial amount of abuse. To be honest, much of it would go over my head. I do not expect everybody else in the world to have the same nature as me, as that is not how people are. Some people would be extremely offended if things that have been said or done to me were said or done to them, but it is in my nature that I can probably take more abuse than most. I cannot, however, measure somebody else's ability to be offended or not offended by mine.

**Mr Wells:** The best —.

**The Chairperson (Ms Dillon):** I appreciate that there is a balance to be struck.

**Ms S Bradley:** Jim, I homed in on the words "They will be quaking", because the allegation is that it is a personal attack. I wanted to ask you about your understanding of "They".

**Mr Wells:** "They" are very senior civil servants. I was not attacking Mr Pauley. When the complaint came in, I could not even remember what the meeting was about. Do you remember that meeting? There was no public coverage of it, by the way. There was no mention of it in the media or anything like that. It was just one of those meetings. It is watched by the press, but none of them picked up on anything untoward, either at that meeting or the subsequent one.

The senior mandarins in the Department, who are on very high salaries — much higher than ours — and are in very senior positions, have to be responsible when their Department gets it wrong. If you do not accept that the Chairman is the person to step in at that stage and bring the MLA under control, you curtail members' right and enthusiasm to ask those difficult questions. You are on dangerous ground there. There is, of course, no place for insulting or bad language, or anything like that. That cannot be tolerated. I am sorry, but asking difficult and awkward questions is what we are paid to do. I go back to the Giant's Causeway question. If you ask, "May I take this opportunity to congratulate the Minister?", that does not achieve much for the people of the Province.

**Ms S Bradley:** Thank you, Jim.

**Mr Stalford:** Speaking as someone who was born in 1983, I have not been around here as long as you, you are right, although it sometimes seems to people that I was born 38 and was always involved in politics.

People on the Committee such as you, Paul Frew, Steve Aiken and Jim Allister are fairly robust people who enjoy debate and argument. I would put myself in that category as well. I enjoy a good argument in the Assembly as much as the next person. I have asked this question of the Chair on other occasions: is it possible — I have seen it happen and it has happened with me — that the blood gets up, you start hunting in a pack, and the tone becomes a bit too aggressive?

**Mr Wells:** That is a valid point. Nevertheless, if you look at the nature of the hearing, it did not become like that. It was abrasive and difficult. When you have people such as Steve Aiken, Paul Frew and Jim Allister coming in ahead of me, there are a lot of heavyweights there, all of whom have a huge amount of experience. The witnesses could feel a wee bit punch-drunk after that. I have to say that at no point did Mr Pauley give the slightest hint by his body language that he was concerned. If he was, all that he had to do was to say, "Mr Chairman, I think that this line of questioning is becoming aggressive". The Chairman would have stepped in and brought it under control.

When I was Chair of the Health Committee, we had a pretty heavyweight group of folk on that Committee. At times, I had to call them in and say, "You cannot have a go at the permanent secretary or the Minister like that. That is going too far". I do not think that the tone of that meeting was any different from that in any one of 100 Committee meetings in this Building. Again, to go back to the Grenfell Tower meeting, there is far more evidence for those two senior executives to say, "You're going too far here. You've got us in a corner", which we had, because what they did was totally unacceptable. Even they did not do that. They just took it on the chin. I have to say that some interesting information was revealed at that Committee about the tests on that cladding. That was therefore the right thing to do. If some people felt that they were not shown respect, yet we achieved that, That was the right thing to do.

**Mr Stalford:** You mentioned Jim. As you know, I worked for three years with Jim. I have sat in meetings with Jim Allister, Jim, in which I have felt uncomfortable.

**Mr Wells:** We call him "Clever Jim", and I am "Thick Jim". That is how we know the difference between us at the Committee.

**Mr Stalford:** "Jim QC" and "Jim W". I have sat in meetings, Jim, in which I have felt uncomfortable at the way in which people have been spoken to. There is a difference between a Committee hearing and a potential criminal in the box. I have reviewed the tape, and I am at one with you on the points that you make. I have seen worse on Belfast City Council and in other places. For people who may be used to a more genteel way of being handled, however, it can be difficult. Do you think that there is any validity to what Bill Pauley said about feeling that he had been disrespected?

**Mr Wells:** Mr Stalford, you are one of the abrasive big hitters in this Building. I have seen you in action, and I have to say that a few civil servants were quaking when you started asking questions, and that is the right thing to happen. When I looked at the tape of that meeting, as opposed to the subsequent meeting, I did not see anything on it that was anything but totally normal.

In this room, for many months, we debated the Bill on prostitution and human trafficking, and I can tell you that that was an awful lot more hot and heavy than the questioning of Bill Pauley, but nobody complained, because we were dealing with very emotive and difficult issues. Where do you start to constrain the right of an MLA to ask difficult, awkward questions that seem to show a lack of respect but that have to be asked? Do you set a precedent that, if any civil servants feel that they have not been shown respect, they can immediately run to this very powerful Committee, which has huge powers, to complain? If you go down that route, you are setting a very dangerous precedent. I have sat on this Committee, and I have given it plenty of business in my time, and, as far as I know, I have never heard of this happening before, where a civil servant has complained about a line of questioning in a Committee, when he had numerous opportunities to step in and say, "Hold on here. I don't like the line of this. This is going too far". He never did. He was the ultimate cool customer throughout the entire hearing. Not once did he refer to his learned colleague who was with him for support. I suspect that he walked out of that Committee and was then told to be offended.

**Mr Stalford:** I absolutely agree: there is no absolute right not to be offended. We will obviously make enquires, but I would not necessarily ascribe to conspiracy when it might be — might be — explained by coincidence.

You made a final point about how the complaint came to be. You said that it is your understanding that the protocol in the Department is that a senior figure such as Mr Pauley would have had to consult his permanent secretary before initiating a complaint process. Did I hear you right on that?

**Mr Wells:** Yes. He would have had to inform his permanent secretary before doing so, because he was there in his capacity as a senior official in the Department of Finance.

**Mr Stalford:** If that is the case, it may be worth finding out when he informed the permanent secretary of his intent.

**The Chairperson (Ms Dillon):** We are going to establish whether that is the case at all. We are jumping ahead of ourselves if we start to ask other questions before finding out whether that is the case. We are certainly open to doing whatever we need to do after establishing that.

**Mr Stalford:** That is great. Thank you very much, Chair. Thank you, Jim.

**Mr Wells:** Thank you, Chris.

**The Chairperson (Ms Dillon):** Nobody else has indicated to ask a question. I am —.

**Mrs Cameron:** Chair, this is not a question for Jim but more a comment about a previous meeting, at which I asked the commissioner whether she was looking at other Committees. We will all have examples from different Committees or of times when things became heated or a little bit personal or when some or all of us on the Committee thought that something was not appropriate. I think that the commissioner's response was something like that she had not considered it and would have to give some thought as to whether doing so would be appropriate.

That is very relevant. If you have been present at and witnessed Committees operating in a certain fashion, it is pretty reasonable to expect that it was OK if nothing happened, no complaint was made or the Chair did not step in and say, "No, that is not on". That has some bearing. I wanted to make that comment rather than ask a question.

**The Chairperson (Ms Dillon):** That is a fair point, to a degree. I do not disagree with some of what Mr Wells said about setting the bar too low, because we have a responsibility to scrutinise. The fact that other people have not complained when they may have thought that the behaviour was not appropriate does not mean, however, that someone else does not have a right to complain. I used to work as a waitress in a restaurant in which the chef threw plates at us. I ducked, but, if others had chosen to complain about that, they would have been well within their rights to do so, and they should have complained. I chose not to complain, but that does not take away somebody else's right to complain. I know that that is a very extreme example. I am not suggesting that you threw plates at Mr Pauley.

**Mr Wells:** No —.

**The Chairperson (Ms Dillon):** I make the point that others choosing not to complain does not mean that individuals who feel that they are within their rights to complain about something should not do so. We should never close down the ability for somebody to complain. Sometimes, a complaint will be quickly thrown out, because there was no substance to it. In this case, however, a complaint has come before the Committee, and we have to look at it and decide how we move forward.

You heard some of the comments that Committee members made, Jim — Mr Wells —. I am not sure which you prefer.

**Mr Wells:** You are the only lady in this Building who can look me in the eye, so you can call me "Jim".

**The Chairperson (Ms Dillon):** Very good.

Jim, from listening to members' comments, you will be well aware that no one wants to set the bar too low. We are all elected representatives. It would neither benefit any of us nor put us in a good position on our Committees or in the Chamber if we were to set the bar too low. That certainly is not our intention, and I think that you can feel some confidence about that. We also do not want to set the bar so high, however, that we can treat people in a certain way. They are witnesses, they are civil servants and they are well paid — they are all of those things — but, at the end of the day, they are people. It is not just about showing respect but about having a bit of humanity. I outlined at the beginning the impact that we could have on somebody's mental health. A balance needs to be struck.

**Mr Wells:** Think of the poor MLA who is rebuilding his life after he was told that he was wearing a wig. We are people as well.

I want to say a couple of things for clarity. The reason that I knew about Steve Aiken's complaint is that I went to Steve and said, "Steve, a complaint has been made against me. You chaired the meeting". It was at that point that Steve told me that a complaint had been made against him. He did not come to me. It is important to emphasise that. I also had a conversation with quite a few of the Committee members and asked them, "Do you remember this meeting? Did I go over the top?". None of them could remember, because the complaint did not come in until six months after the hearing. That is a bit of a pity. It was a bit slow in coming in. I had to go back and look at the tape to hear what on earth I had said, because I could not remember.

There was no intent. I have nothing against Mr Pauley. I worked with him for years, and he is a highly professional and able senior civil servant. I never had any intention of causing him the slightest hurt that day. Equally, however, would I be as strident in my questioning of a departmental official again? Yes, I would, because, otherwise, we start to lower that bar. Folks, compared with the Dáil or Westminster, the bar in this place is set so much lower. Look at what happens in the Dáil. Good grief. I have been down there and watched them in action, and I have seen how some of them utterly tear witnesses to shreds, under privilege, of course. There is also the situation with Margaret Hodge in Westminster, where she had senior officials in tears about the waste of money.

There was the situation on the all-party group on health in Westminster — or the Select Committee on Health and Social Care — for instance, when it transpired that they had wasted £1 billion on a computer system that could never be used. The officials came in shaking in their boots and left shaking in their boots, because that was a scandalous waste of public money. It is right that they should be concerned. What deterrent is coming before a Committee if you are not asked difficult, strident questions?

The only two successes of this Assembly are the Committees and questions. Those are the two aspects that have worked very well in this Building for the last 23 years. In my opinion, we have done a very good job. We are very good at asking questions — particularly questions for written answer — and we are very good on the Committees. The problem is, if you do anything to dilute that success, you are on very shaky ground.

Talk to an old veteran like Patsy here. How long have you been here, Patsy? I am sure it is about 20 years. Sorry, I should have said "a young veteran" like Patsy. He has seen the success of the Committees as they have developed a good way of cross-party working to produce excellent legislation. The Assembly does not get the remotest pat on the back for that work, but it works, and we cannot curtail that in any way.

**The Chairperson (Ms Dillon):** A couple of times, Jim raised the point that he was made aware of the complaint six months after the meeting. Can I establish whether the complaint was made six months after the meeting or there was a time delay in the process of Mr Pauley making a complaint and that complaint getting to a point where Jim was informed about it?

**The Committee Clerk:** A complaint needs to be made within six months of when it could reasonably be made. If it was not done within that time, it would not have been admissible. Without checking the record, I presume that it was made within the time frame.

**A Member:** It was.

**The Chairperson (Ms Dillon):** Can we establish how quickly after the meeting it was made?

**Ms S Bradley:** I have it here that Bill Pauley complained on 1 July 2020. *[Inaudible.]*

**Mr Wells:** The issue is when it came to me.

**Ms S Bradley:** The meeting took place on 17 June 2020.

**Mr Wells:** That is not the issue. When I became aware of it is more important than when it was lodged.

**The Chairperson (Ms Dillon):** That is fair enough, but you said that the complainant did not complain until six months after the meeting, as though he was not offended until six months after the meeting.

**Mr Wells:** Oh no, the issue is that it did not come to me.

**Mr McGlone:** You were not aware of it.

**Mr Wells:** I was not aware of it. Meanwhile, in that intervening period, I continued on my merry way in the Committee in exactly the same style. That included some special meetings that were held during the recess because of issues that had arisen with budgeting. I was totally unaware that a complaint had been made against me. I had many opportunities to reoffend, as it were, between that meeting and the complaint arriving on my desk.

**Mrs Cameron:** The chronology of events that we have from the commissioner is that, on 1 July 2020, Mr Pauley lodged a complaint alleging that on 17 June, blah, blah. The commissioner was appointed on 7 September 2020. On 30 September, an acknowledgement letter was sent from the commissioner to Mr Pauley in relation to his complaint, with a copy being sent to Mr Wells and the Clerk to the Committee on Standards and Privileges. That was on 30 September 2020.

**Mr Wells:** What was that?

**The Chairperson (Ms Dillon):** A commissioner was not in place, Jim. That is part of the reason for the delay. It is fair enough to raise the point that there was a delay in that information getting to you, but there was not a delay in the complaint being made.

**Mr Wells:** I am just saying that I had to go back to the tape and watch it. I then had a chance to go round the Committee and ask members whether they took offence. As I said, nobody even remembered that event.

**Mrs Cameron:** Did you get a copy of that letter dated 30 September 2020?

**Mr Wells:** It arrived with me some time in October, but I do not know where it went. Yes, I got it.

**The Chairperson (Ms Dillon):** Do any other members have any queries or questions? No. Thank you, Jim, for coming before the Committee and answering those questions and for taking us up on the opportunity. I appreciate that the meeting was cancelled on a number of occasions.

**Mr Wells:** I have not taken offence at any of the questioning. I have not felt offended, and I do not think that you failed to show me respect. Thank you very much.

**The Chairperson (Ms Dillon):** I am an excellent Chair, and I would not allow there to be any disrespect

**Mr Wells:** Exactly. That is how it should work. That is how it should be done. Thank you.