



Northern Ireland  
Assembly

**Commissioner for Standards**

Presentation to the Committee on Standards and Privileges  
Complaints against Dr Steve Aiken OBE MLA and Mr Jim Wells MLA  
by Mr Bill Pauley

# The Complaint

## made by Mr Bill Pauley

- Bill Pauley is a senior civil servant at the Department of Finance
- He lodged a complaint alleging that during his evidence session at the Committee for Finance on 17 June 2020, Dr Steve Aiken OBE MLA and Mr Jim Wells MLA were aggressive towards him in their tone and behaviour on a number of occasions and **as a result he felt threatened, intimidated and unable to give his evidence effectively**
- He alleges further offensive comments were made by Mr Wells at the 24<sup>th</sup> June meeting and by Dr Aiken at the 2 February 2021 Assembly Plenary Session relating to his 17 June 2020 evidence session

# Reason for making complaint

## Bill Pauley:

“I will have to go back to this committee on many occasions. My staff will have to go back to this committee and in fact some other members of my staff have gone there since in relation to it and we have a duty of care to those staff that it will be a safe place for them to go and that they will not be bullied and harassed. I felt on that basis that my treatment had crossed a line, that it was personal, that I was prevented from giving evidence in a robust and angry and aggressive matter. That is not robust questioning. It overstepped that line to me and I am asking where that line is and whether that was crossed and that is the basis of my complaint. I believe it was in the way that I felt. I believe it had a significant impact on me. I believe that members of the committee recognised that impact. I believe that the chair did when he apologised three times.”

# Evidence

## Dr Aiken MLA and Mr Wells MLA

Based on:

- Videos of meetings
- Interviews and statements
- Definition of 'unreasonable' and 'excessive'
- Definition of Bullying and Harassment NI Assembly Commission
- Code of Conduct & CSP 2015 report in relation to Rule 15
- Committee for Finance policies
- Article 10 / Heesom, Janowski, Mamère and Calver cases
- Article 10 considerations by CSP in 2015 report

Other contextual issues:

- Imbalance of power
- Members of the Committee for Finance views
- External reporting

# Report on complaint by Bill Pauley against Steve Aiken OBE MLA

# Complaint against Steve Aiken OBE MLA

## Allegations

1. Dr Aiken responded to part of his evidence in an angry and aggressive manner and asked him to state his own position on the evidence he was giving on behalf of his Minister. Dr Aiken told him that he did not want to hear the evidence he had given again.
2. Dr Aiken intervened and interrupted a second time, in an angry and aggressive manner, and said he didn't want to hear evidence presented on what happened in other jurisdictions.
3. Dr Aiken did not take sufficient action to protect Mr Pauley from unacceptable personal attack from Mr Wells namely a) his comment "Do you want to phone a friend?" and b) his persistent questioning on Mr Pauley's personal view in relation to the evidence he was presenting on behalf of his Minister.
4. Dr Aiken's repeated bullying behaviour was unreasonable and completely unacceptable. It made him feel threatened and intimidated with the result that he was unable to deliver his evidence effectively.
5. Dr Aiken's description of the evidence session as 'unedifying' while speaking at the 2 February 2021 Assembly Plenary Sitting was insulting and offensive.



# Allegations 1 & 2

## Steve Aiken MLA

1. Dr Aiken responded to part of his evidence in an angry and aggressive manner and asked him to state his own position on the evidence he was giving on behalf of his Minister. Dr Aiken told him that he did not want to hear the evidence he had given again.

**[Video 1]**

2. Dr Aiken intervened and interrupted a second time, in an angry and aggressive manner, and said he didn't want to hear evidence presented on what happened in other jurisdictions. **[Video 2]**



# Allegations 1 & 2

## Evidence: Dr Aiken denies all allegations

**Commissioner:** Do you think that was aggressive behaviour?

**Steve Aiken:** No. I think that was robust behaviour, and that was behaviour that indicated my annoyance of the fact that I'd been misrepresented. [Document 5 at 08:00]

**Steve Aiken:** I believe the way I conducted myself was in a fully professional manner. [Document 5 at 04:30]

**Steve Aiken:** No, I didn't think my behaviour was threatening or intimidating. It was robust and it reflected the situation we were in. [Document 5 at 10:43]

**Steve Aiken:** Yes, I do. I believe that we were courteous. If he felt any offense and felt uncomfortable, I apologised for it so he didn't feel uncomfortable in the committee. And that is not an admission of guilt, or an admission of the fact that I believe I was being overly aggressive. [Document 5 at 40:57]





# Allegations 1 & 2

## Evidence: Dr Aiken's apologies

- Dr Aiken apologises on numerous occasion on 17 June 2020

**[Videos 4 and 5]**

# Allegations 1 & 2

## Evidence: Dr Aiken's apologies

**Commissioner:** You are apologising (in the video) so I am asking you what are you apologising for if you don't think it is wrong.

**Steve Aiken:** No but I am apologising because it is a general degree of politeness. I do not wish to make any witness feel uncomfortable. I do not wish people to come in front of our committee and feel as if they are being, put it this way I don't want officials to feel as if they are in the Health Committee where there is continuous attacks made on officials and their integrity and their professional integrity.

**Steve Aiken:** I apologised because the, I did not like the way the committee meeting was moving. I did not like the frustration that was in there. But again that frustration was based on the fact that the witness was not giving information. And I do not know how often I need to say this, the fact that we were being misled and he was deliberately impugning me from the beginning as we were coming through. That is not acceptable. It is not acceptable in a committee. It's not acceptable in the Assembly. It wouldn't be acceptable anywhere. And the fact that I apologised should not be taken as a view of my guilt or whatever happens to be.

**Steve Aiken:** I have used the method of giving apologies. What could have been deemed as I apologise if people feel uncomfortable, because that is my natural leadership style and flair. I do not wish people to feel uncomfortable, but it is my duty and responsibility to see that effective legislative scrutiny is conducted, particularly from civil servants.

# Allegations 1 & 2

## Evidence: Mr Pauley's perception

- Mr Pauley made his view clear when he stated that the behaviour of Dr Aiken made him feel intimidated, harassed and unable to give his evidence.
- Mr Pauley is a senior civil servant and has no doubt given evidence many times, his perception is likely a well-informed one.
- Having interviewed Mr Pauley and watched the video evidence, it is clear he genuinely felt threatened, harassed and intimidated by Dr Aiken's behaviour towards him.

# Unreasonable and Excessive

## Evidence: Definitions

- **Unreasonable** is defined as **not fair or acceptable**
- **Excessive** is defined as **more than is necessary, normal, or desirable; immoderate**

# Harassment, Bullying, Discrimination and Victimisation

## Evidence: Assembly Commission Definition

The NI Assembly Commission define behaviours of harassment, bullying, discrimination and victimisation as:

Any form of unwanted, unreasonable and offensive conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. Conduct shall be regarded as having this effect only if, having regard to all the circumstances and **in particular the complainant's perception**, it should be reasonably considered as having that effect.



# Committee on Standards and Privileges 2015 Report

## Evidence: Rule 15

“It is acknowledged that the exchange of ideas, and opinions on policies may be robust but this **should be kept in context and not extend to individuals being subjected to unreasonable and excessive personal attack.**

Members should keep in mind that rude and offensive behaviour may lower the public’s regard for, and confidence in, Members and the Assembly itself.

**Members should therefore show respect and consideration for others at all times.”**



# Committee for Finance

## Evidence: Protocol on conduct and courtesy in Committee meetings

Treat witnesses, members of the public, staff and other members with respect and courtesy. [7]

# Article 10: Freedom of Expression

## Evidence: Review and Case Law

1. Article 10 provides:

(1) Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers...

(2) The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions and penalties as are prescribed by law and are necessary in a democratic society, ...for the protection of the rights and interests of others....

In a political context, a degree of the immoderate, offensive, shocking, disturbing, exaggerated, provocative, controversial, colourful, emotive, nonrational and aggressive, that would not be acceptable outside that context, is tolerated.

There is little scope under Article 10(2) for restrictions on political speech or on debate on questions of public interest.





# Article 10: Freedom of Expression

## Evidence: Review and Case Law

However, the right to freedom of expression is **not absolute**. **Restrictions may be imposed to ensure that the conduct of public life, including public debate, does not fall below a minimum level so as to endanger public confidence in democracy.**

Public servants are subject to wider levels of acceptable criticism than other members of the public when matters of public concern are being discussed. However, the limits are not as wide as they are for elected politicians. **It may be necessary, for example, to protect officers from offensive and abusive verbal attacks as it is in the public interest that officers are not subjected to unwarranted comments that prevent them from performing their duties.**

# Article 10: Freedom of Expression

## Evidence: Review and Case Law

Janowski v Poland (1999) 29 EHRR 705

Heesom v Public Services Ombudsman for Wales [2014]

Mamère v France (Application no.12697/03)

Hickinbottom J:

“As well as in their own private interests in terms of honour, dignity and reputation, it is in the public interest that they are not subject to unwarranted comments that disenable them from performing their public duties and undermine public confidence in the administration. **Therefore, in the public interest, it is a legitimate aim of the State to protect public servants from unwarranted comments that have, or may have, that adverse effect on good administration.**”

**“What is more, civil servants must enjoy public confidence in conditions free from perturbation if they are to be successful in performing their tasks and it may therefore prove necessary to protect them from offensive and abusive attacks when on duty.”**



# Article 10: Freedom of Expression

## Evidence: CSP 2015 Report

“It should be pointed out, however, that the **right to freedom of expression by politicians is not absolute**. The Committee and the Assembly could restrict this freedom provided that the restriction was both prescribed by law and was, for example, necessary in a democratic society for the protection of the reputation or rights of others. The Committee has also noted that **gratuitous personal comments made by a politician do not fall within the definition of ‘political expression’ which attracts greater protection under Article 10**. The fact, therefore, that the new Code clarifies that it upholds Members’ right to freedom of expression is in no way inconsistent with Rule 15 (referred to in further detail below) which provides that Members shall not subject anyone to unreasonable and excessive personal attack.”

# Article 10: Freedom of Expression

## Evidence: CSP 2015 Report

“Despite the scope of the Code extending to committees, the fact that it upholds Members’ right to freedom of expression (and to privilege) means committee members should not feel inhibited from subjecting witnesses to challenging questioning. The Committee accepts that it would be entirely wrong if the Code of Conduct required members to modify their behaviour in committee in a way that undermined the democratic process.”

# Article 10: Freedom of Expression

## Evidence: CSP 2015 Report

“Of course, **this position does not mean that members are free to subject witnesses, or others, to bullying behaviour.** The provisions of Rule 15, which is considered in further detail below, continues to apply to Members when they are in committee.”

# Article 10: Freedom of Expression

## Calver (2012)

In approaching this case, in relation to Article 10, I considered whether

(1) The facts led me to conclude, on the balance of probabilities, that Dr Aiken failed to comply with the applicable Code of Conduct—in this case Rule 15 and the Respect principle.

(2) If so, whether such a finding in itself is *prima facie* a breach of the right to freedom of expression under Article 10.

(3) If so, whether the restriction involved by the finding was justified by Article 10(2), which allows restrictions that are necessary in a democratic society.

[R (Calver) v Adjudication Panel for Wales (2012) EWHC 1172]



## Leaders must speak out against bigotry

COVID-19 has dominated every aspect of our lives for the last three months and beyond but it does not mean that other serious issues on a range of fronts have simply gone away.

Sectarianism is seldom far from the surface in parts of Belfast and elsewhere, often at this time of year, and its dark shadow has sadly appeared again in recent days.

The Grove playing fields in north Belfast is a publicly owned shared space which is open to all, and has been a hugely important facility for both adults and children during the pandemic, but acts of intimidation against anyone vaguely connected to the GAA have been escalating there over the last week.

It needs to be stressed that no section of our divided society has a monopoly on bigotry, and people from all backgrounds have been the victims of sporadic and entirely unacceptable incidents in the north of the city, but it is the level of organisation involved at the Grove which is disturbing.

Firstly threatening banners targeting GAA members appeared at the park, then a group of up to 50 men assembled there and ordered anyone wearing particular jerseys to leave immediately, and a series of provocative social media messages have followed.

The playing fields should be open to all sports, but what makes the episodes at the Grove even more sinister is that it does not have GAA pitches and there is no evidence that any form of organised Gaelic games activity has ever taken place there.

Loyalist elements have instead aggressively objected to individuals attending soccer training sessions while wearing GAA or Glasgow Celtic tops or even casually pucking a hurling ball across the grass.

This represents blatant sectarianism, and it is essential that it is firmly rejected by community leaders and elected representatives, but sadly some have remained silent and others have offered bland statements suggesting that both sides somehow share equal blame.

It would be appropriate if senior politicians from all the main parties made it clear that everyone is welcome at the Grove playing fields, regardless of their personal sporting affiliations.

There will also be a firm expectation that the police will comprehensively investigate all the developments there over the last fortnight and ensure that those who have broken the law are brought before the courts.



REACTION: UUP leader Steve Aiken now appears as the angry man of politics who gets 'outraged' a lot

## Public interest is not served by grandstanding

LIKE most people I am bored with semi-lockdown. I even find myself watching the Arlene and Michelle Show for evidence of a sneaky makeover or a trim but no, our doughty leaders brave the bi-weekly media maelstrom unvarnished in solidarity with the rest of us.

So welcome news that barbers, hairdressers and beauty salons are to reopen, even if a visit may require a radioactive spacesuit. There is a 'Price is Right' feel about aspects of the reopening process as the public demands, so the politicians follow as long as we remember to wash our hands!

Over the past few months, I have taken exercise, read books, worked, written columns, cooked, created travelogues, cleaned, shielded, painted, planted, created date nights, studied mindfulness and even tried yoga. It was therefore inevitable that I would eventually get around to watching NI Assembly TV. Riveting viewing it is not.

Perhaps my choice was unfortunate. I chose the Finance Committee chaired by Steve Aiken, Ulster Unionist and former submarine commander. Unlike a submarine, the inmates are not in close proximity as all are appropriately social distancing. In a report about UK Select Committees, the Institute for Government said "some failed to understand the difference between making a headline and making an impact".

After nearly three hours of watching the proceedings on June 17, I could not help but feel if this committee achieved either or understood the difference.

Two senior civil servants from the Department of Finance were present, taking questions and providing answers to those listening. To this casual observer, there was an apparent lack of

Tom KELLY



civility or respect towards them. Public scrutiny must never descend into public put-downs.

Occasionally, the chair intervened to rein in some comments by members but then also undermined those rebukes with his own side quips.

Steve Aiken came into the leadership of his party with onlookers being quite optimistic. Here was an individual with a professional background, choosing public life and drawn in by the secular and inclusive unionism of former UUP leader, Mike Nesbitt.

Aiken supported remaining in the EU because it was right for Northern Ireland and he bravely said he would break the mould by running candidates in all Northern Ireland constituencies, only to embarrassingly back down on that pledge.

Subsequently, his party was eclipsed in so many unionist constituencies by the

Alliance Party. Aiken now appears as the angry man of politics who gets 'outraged' a lot.

During the proceedings, he lectured the civil servants then later apologised.

The conduct of any meeting is often set by the style of the chairman. Aiken's approach seems more confrontational than inquisitorial.

Another committee member remarked that a witness looked uncomfortable as he answered their questions. It was not surprising, I felt uncomfortable watching. Cringing with embarrassment as the hand of the witness trembled on camera.

To his credit, Jim Allister is Jim Allister, forensic in style; others less so.

Civil servants are well able to cope with the content of any questions relating to policy. Politics is not their bailiwick. Ironically, the politics behind the new policy on executive and spaid reform has been agreed by the entire executive, whose ministers cover seven of the nine members of the finance committee.

Constant barracking of civil servants to say whether they agree or not with their minister is inappropriate.

Civil servants at hearings represent the views of their minister. Politicians know that and if they don't they should. A committee is not a star chamber nor is it the Nolan Show. Public interest is not served by grandstanding.

The Institute for Government which encourages good practice also said of Select Committees that they don't always appreciate or seek feedback. Mr Aiken and his committee colleagues would do well to watch re-runs of their own proceedings.

Aspiring to have civil servants 'quaking in their boots' is no measurement of political performance.



“Aiken now appears to be the angry man of politics who gets ‘outraged’ a lot.

During the proceedings, he hectoring the civil servants then later apologised.

The conduct of any meeting is often set by the style of the chairman. Aiken’s approach seems more confrontational than inquisitorial.”

T Kelly, Irish News 22 June 2020



Commissioner for Standards



WITNESS AT STORMONT COMMITTEE SAID HE FELT 'INTIMIDATED'

# Senior civil servant levels 'bullying' claims against UUP and DUP MLAs

BY ADAM KULA  
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@News\_Letter

One of NI's leading civil servants has lodged formal complaints about the behaviour of two MLAs, stating that they left him feeling intimidated.

Bill Pauley is head of the Strategic Policy and Reform Directorate, a group within Conor Murphy's Department of Finance (DoF) which is tasked with improving performance across the whole civil service.

He came before Stormont's finance committee on June 17, and has now complained about the conduct of committee members Jim Wells and Steve Aiken.

The focus of the hearing was Jim Allister's "Functioning of Government (Miscellaneous Provisions) Bill": a piece of law which the TUV man says is aimed at eliminating the kind of government culture which led to the RHI catastrophe.

It would - among other things - make it an offence for ministers, civil servants or special advisors (Spads) to use private email accounts to keep government business of the official record, and place curbs on the appointment of



Bill Pauley during the June committee hearing

Spads (whose conduct was put under the spotlight during the inquiry into RHI).

Mr Pauley indicated that Sinn Fein MLA Mr Murphy believes a mere code of conduct - rather than an actual law - would "sufficiently address the issues".

Mr Pauley at one point referenced the 'New Decade New Approach' deal (which

had emerged out of long-running political talks, and led to Stormont being revived), saying the deal had "recognised the need for a new approach".

UUP leader Dr Aiken - the committee chairman - interjected to say that the Ulster Unionists believed the deal had been too weak on reforming Stormont so he had "never signed up" to its provisions.

"Let us make that abundantly clear right now," said Dr Aiken. "I do not want to hear that put in front of the committee again. I am sorry for being angry, but I am getting really fed up with this."

The quizzing of Mr Pauley continued, with the civil servant repeating that "we do not believe that legislation is required in this area" - and also

stressing he was there to repeat Mr Murphy's view, not his own opinions.

At one point in the questioning, DUP MLA Jim Wells asked Mr Pauley: "Do you want to phone a friend?" (He then withdrew the remark with an apology.)

Mr Wells suggested that Mr Pauley looked so uncomfortable because he did not relish

the idea of "dying in a ditch" in order to defend the idea that no new legislation is needed for reforming Stormont - adding that the best "deterrent" for bad behaviour would be to have both a written code and a new binding law, in case the code ended up being ignored.

Sinn Fein MLA Maolisa McHugh said the behaviour towards Mr Pauley had been "downright rude" during the evidence session.

In his complaint to Stormont's standards commissioner, Mr Pauley wrote he had been "treated with a lack of respect" and was "subjected to unreasonable and excessive personal attack" and "personally threatening behaviour".

The "bullying behaviour" made him "extremely uncomfortable" and "intimidated".

The News Letter contacted both Mr Wells and Dr Aiken, but neither would comment.

Standards Commissioner Dr Melissa McCullough said: "The law prohibits me from confirming or denying that a complaint against a particular MLA has been received or from disclosing any information on any complaint under investigation."

● See a full account of exactly who said what at [www.newsletter.co.uk](http://www.newsletter.co.uk)



Commissioner for Standards

# Imbalance of Power

## Evidence

When considering all of the circumstances, an imbalance of power existed in relation to Mr Pauley and the Finance Committee in favour of the Finance Committee— i.e. in favour of Dr Aiken.

# Allegation 1 & 2

## Reasoned Decision

- Having considered the video evidence, it is reasonable to describe Dr Aiken's tone as aggressive towards Mr Pauley.
- There is no defence to making Mr Pauley feel intimidated, threatened and harassed. Members must treat witnesses with respect at all time, no matter the circumstances.
- Dr Aiken has a duty to encourage conduct and behaviours conducive to the effective operation of the committee, to act fairly and objectively at all times, and to treat witnesses and other Members with respect. [Document 12 App A, B and D]
- Dr Aiken's explanation in relation to his numerous apologies to Mr Pauley are unreasonable.

# Allegation 1 & 2

## Reasoned Decision

- In consideration of all of the evidence, I am satisfied on the balance of probabilities, that Dr Aiken failed to comply with the Code of Conduct Rule 15 and the Respect principle.
- Dr Aiken's behaviour was **unreasonable in that it was not fair or acceptable to treat Mr Pauley in such a way**. It was **excessive in that the tone and manner was more than was necessary, normal or desirable**; it was discourteous, disrespectful and aggressive and as such was an unreasonable and excessive attack on Mr Pauley in breach of the Code.
- This finding is in itself prima facie a breach of the right to freedom of expression under Article 10.

# Allegation 1 & 2

## Reasoned Decision

- While my finding of a breach of the Code amounts to a *prima facie* interference with Dr Aiken's Article 10 rights, this interference is proscribed by law and necessary in a democratic society for the protection of the reputation or rights of others, namely Mr Pauley, and therefore justifiable. [Calver 2012]
- I uphold these allegations

# Allegation 3

## Steve Aiken MLA

Dr Aiken did not take sufficient action to protect Mr Pauley from unacceptable personal attack from Mr Wells namely

- a) his comment “Do you want to phone a friend?” **[Video 3]** and
- b) his persistent questioning on Mr Pauley’s personal view in relation to the evidence he was presenting on behalf of his Minister **[Video 7A and 7B]**

# Allegation 3

## Reasoned Decision

- Dr Aiken asked Mr Wells to withdraw his ‘Do you want to phone a friend?’ comment immediately and Mr Wells withdrew the comment.
- When pressed by Mr Wells on his personal view, Mr Pauley could have stated that he was there to represent his Minister’s view as he had stated earlier in the session.
- Members including the Chair should know and respect the fact that civil servants appearing before the Committee are there to provide evidence on behalf of their Minister.
- As Members of the Committee for Finance are not Dr Aiken’s staff, Rule 19 is not engaged in the context of this complaint.

# Allegation 3

## Reasoned Decision

- I do not uphold this allegation in relation to Dr Aiken failing to protect Mr Pauley from Mr Wells' questioning at 17 June meeting.
- I do not uphold the allegation in relation to a breach of Rule 19 of the Code.



# Allegation 4

## Steve Aiken MLA

Dr Aiken's repeated bullying behaviour was unreasonable and completely unacceptable and led to Mr Pauley feeling "threatened and intimidated" with the result that he was unable to deliver his evidence effectively.

# Allegation 4

## Evidence

- Dr Aiken refutes the allegations that he questioned Mr Pauley in a way that was disrespectful and beyond acceptably robust.
- Mr Pauley stated at interview and in his complaint that he felt intimidated, threatened and offended because of the way he was treated by Dr Aiken.
- The key question is again whether his behaviour ‘crossed the line’ in breach of Rule 15.

# Allegation 4

## Evidence

On two occasions, both at the 24 June meeting, Dr Aiken addressed bullying accusations in relation to the Committee.

**Steve Aiken:** Very careful with your use of language. We do not permit bullying or aggressive behaviour beyond any of the normal bounds of the Assembly or good procedure. **[Video 9]**

**Steve Aiken:** I will not tolerate any accusations of bullying. I will not tolerate any bullying in this committee. **[Video 11]**

# Allegation 4

## Evidence

Views expressed by other members of the Committee suggest that bullying behaviour has occurred and has been tolerated within the Committee [**Video 10**]

# Allegation 4

## Evidence

Dr Aiken asserts that his 'robust' behaviour was mild compared with other Committees. [Interview]

**Steve Aiken:** But the behaviour is not aggressive and if you would look at any of committees within the Northern Ireland Assembly if you look at the Health Committee, Infrastructure Committee, The TEO Committee and the rest of them, if anything I would say that I was probably one of the more reasonable of the committee chairs to do that as well.

**Steve Aiken:** That wasn't in anyway different than any other legislative assembly or indeed any other sort of committee here in the Assembly.



# Allegation 4

## Reasoned Decision

- This complaint relates to the treatment of Mr Pauley at the Finance Committee.
- Past events and times in other committees and jurisdictions does not persuade me that his behaviour was appropriate.
- Having interviewed Mr Pauley, my view is that he genuinely felt threatened, harassed and intimidated by Dr Aiken's behaviour towards him.

# Allegation 4

## Reasoned Decision

- The Code's principles require MLAs, as elected public officials, to conduct themselves in a manner that promotes the principles of objectivity, leadership, equality, promoting good relations, respect and good working relationships and further at para 3.1 in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Assembly.
- Treating witnesses, Members or colleagues in a hostile or aggressive manner does not create the inclusive, cooperative environment which the policies and the Code seek to promote. In my view, maintaining civility and respect at all times within our institutions, including our committees, ultimately leads to better outcomes for everyone.



# Allegation 4

## Reasoned Decision

1. Dr Aiken's repeated unreasonable and excessive behaviour caused Mr Pauley to feel threatened and intimidated and unable to effectively give his evidence in breach of the Code.
2. Dr Aiken's behaviour was unreasonable because it was **not fair or acceptable** to treat Mr Pauley in such a way. It was excessive in that the tone and manner was **more than was necessary, normal or desirable**; it was discourteous, disrespectful and aggressive and as such was an unreasonable and excessive attack on Mr Pauley in breach of the Code's Rule 15 and Respect principle.



# Allegation 4

## Reasoned Decision

3. While my finding of a breach of the Code amounts to a *prima facie* interference with Dr Aiken's Article 10 rights, this interference is proscribed by law and necessary in a democratic society for the protection of the reputation or rights of others, namely Mr Pauley, and therefore justifiable. [Calver 2012]

4. I uphold this allegation.

# Allegation 5

## Steve Aiken MLA

At the 2 February 2021 Assembly Plenary Sitting, Dr Aiken referred to the civil servants' evidence session on 17 June as 'unedifying' which was insulting and offensive to Mr Pauley.

# Allegation 5

## Evidence



### Official Report (Hansard)

Tuesday 2 February 2021  
Volume 135, No 6

As we worked our way through our evidence sessions, it became quite clear that there seemed to be a reluctance on the part of the Department of Finance and the Executive to make the changes that were needed. Indeed, we had the rather unedifying experience of being given evidence by senior officials in the Department of Finance who told us how guidelines were much more appropriate and that discussions had been held during the New Decade, New Approach negotiations. I was involved in those negotiations, which bore no relation whatsoever to what those discussions eventually became. At the same time, our Committee had to consider potentially compelling the Minister and the Department to give us the information that we sought.



# Allegation 5

## Evidence

Mr Pauley stated at interview:

**Bill Pauley:** And as I say for it to be described by Mr Aiken yesterday as unedifying experience of the senior civil servants of the department being there during that session, well it didn't feel very nice I can tell you that.

# Allegation 5

## Reasoned Decision

- In relation to the 2 February ‘unedifying’ comment made by Dr Aiken, it was wholly unnecessary and inappropriate and further offended and insulted Mr Pauley.
- However, the comment was made in the Chamber and therefore it is not within the Commissioner’s remit to consider such comments.
- I do not uphold this allegation because it is outside the scope of the MLAs Code of Conduct.

# Other Issues Arising

## Dr Aiken's conduct during the investigation

Dr Aiken was less than fully cooperative with the Office of the Commissioner for Standards in relation to respecting its procedures and in responding to requests from the Office in a timely manner.

Dr Aiken showed a lack of respect for the processes of the Office of the Commissioner for Standards. Dr Aiken's confrontational behaviour at times during his first interview and his lack of timely responses throughout the process which led to avoidable delays, were unnecessary and below the standards expected from an MLA.

