



Northern Ireland
Assembly

Committee for Social Development

OFFICIAL REPORT (Hansard)

Inquiry into allegations, arising from a BBC NI
'Spotlight' programme aired on 3 July 2013, of
impropriety or irregularity relating to NIHE-managed
contracts and consideration of any resulting actions:
Briefing by Barbara McConaghie

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Members present for all or part of the proceedings:

Mr Alex Maskey (Chairperson)
Mr Mickey Brady (Deputy Chairperson)
Mr Jim Allister
Ms Paula Bradley
Mr Trevor Clarke
Mr Stewart Dickson
Mrs Dolores Kelly
Mr Fra McCann
Mr Sammy Wilson

Witnesses:

Ms Barbara McConaghie Department for Social Development

Please note that this is a fully verbatim Official (Hansard) Report of evidence given under oath or affirmation.

The Chairperson: Could I extend a formal welcome now to Ms McConaghie for this particular evidence session. Barbara McConaghie is a former private secretary to the Minister for Social Development. I would just like to acknowledge in the first instance that I can understand that it can be quite a daunting experience to give evidence to a Committee, never mind an inquiry. So, I just want to make sure, from the outset, that you're comfortable enough in terms of giving your evidence. You'll have ample opportunity to have you say. You will, obviously, have questions from the various members, including myself, to address, relating to your own evidential role in all of this. But, as I say, you'll have plenty of time to do that, and I think that you have been provided with the relevant documentation from this side that we wanted you to, kind of, specifically deal with.

Obviously, it's probably even a little bit more stressful to be required to give evidence under oath. In your case, I think I understand you're wanting to take an affirmation. Just to state for the record, obviously both are equal in terms of standing and, more importantly, legal implications. So, on that basis, I want to say that, in the administering of an oath or requiring a person to give evidence by way of an affirmation, we are not calling into question anybody's integrity. We said from the outset that we would take people and their professional integrity at face value, and that's what we have been seeking to do, but, of course, where we get what appears to be a conflict of evidence between people who are presenting evidence, then we are duty bound to make sure that we are rigorously exploring that. In this case, therefore, for yourself, as you're aware, Barbara, you had presented the inquiry with a submission some weeks ago, and then Michael Sands had also then given oral evidence at the

inquiry, and there is a conflict between the evidence provided. It's not up to us. We haven't made any judgements as to where the inaccuracy might lie, but you understand our position that we have then, on the basis that we are not treating one person differently to another or have anything against one member or one witness, in this instance, required both people to be here. As you know, Michael Sands won't be here today due to illness to give further evidence under oath or by way of affirmation.

Without any further ado, and just in terms of the housekeeping here and good practice, as I understand it, you have opted to make an affirmation as opposed to the oath, which, as I said earlier on, has the same standing. I understand that you've been advised by the Department's officials of the potential legal implications of all of that.

Ms Barbara McConaghie (Department for Social Development): That's right.

The Chairperson: On that basis then, I am happy, if you are happy, that we will initiate the affirmation. I will ask Kevin Pelan, the Clerk, to give you a copy of the affirmation, which then I will ask you to — I will let you have a look at it for a moment or two, so that you are comfortable enough with the wording of it. As soon as you are happy enough, just let me know, and then we will administer that affirmation.

Ms McConaghie: It's fine. Go ahead.

The Chairperson: Are you happy enough?

Ms McConaghie: Yes.

The Chairperson: Could I then formally, Barbara, ask you to verbalise the affirmation, just for the record, to the inquiry?

Ms McConaghie: I do solemnly, sincerely and truly declare that the evidence I shall give shall be truthful and honest, and that I will give the Committee all such information and assistance as I can to enable it to discharge its responsibilities.

The Chairperson: OK. Thank you.

Moving ahead into the core of the business, I suppose there are just a couple of points that I could make before I take members in order of their requests. There are probably essentially two points that I want to address with yourself, Barbara. On the one hand, Stephen Brimstone, earlier on, had indicated that he had advised, I think, yourself to expect an invitation or a letter from what he described as the Glass and Glazing Federation, but the emails, I think on page 97 — First of all, could you advise us — Were you advised by Stephen to expect a letter from the Glazing Federation?

Ms McConaghie: Yes. I do recall a conversation that Stephen had with me to expect a letter coming in from the Glass and Glazing Federation.

The Chairperson: But your email on 22 February relates entirely and exclusively to Turkington's.

Ms McConaghie: Yes. I think, when the invitation actually came in, my interpretation when I read that was that the meeting was from Turkington's, so that's therefore the reason why I had interpreted that it should be a meeting with Turkington's.

The Chairperson: Yes. No, I think that's clear, because the letter does indicate clearly it was from Turkington's. I'm just trying to just establish this for accuracy, so, but, could I ask you, how would you then, I mean, obviously, you saw the letter from Turkington's. How then was it agreed that Turkington's meeting would go ahead? Did you advise, because, obviously, if you had been advised by the special adviser to expect a letter from the glazing federation and that that meeting should go ahead, but if you got a letter from Turkington's, would you have made a judgement, "Well, it's the same thing really"? Why would you have made a determination, because, obviously, you would receive other letters, and other requests were denied, so —

Ms McConaghie: Basically, I have to go on what was written, you know? At that time, Stephen was actually off, I believe, on paternity leave, so he wasn't around to actually clarify, so the fact that the letter came in from Turkington's, it's recorded on our knowledge network system as an invitation case,

and that is sent out to the branch saying "For advice" for the Minister as to whether he should accept or decline the invite.

The Chairperson: But Stephen didn't go off until the 27th, which is five days after the 22nd email.

Ms McConaghie: I honestly can't recall the details, but, as far as I know, Stephen wasn't around for me to clarify with him, but the normal procedure for me when I receive an invitation is to have it logged on the system and sent out to officials for advice.

The Chairperson: OK. Now, in your —

Ms McConaghie: Sorry, just say as well, sometimes, there is maybe conversations go on outside out of what I would be privy to, you know. And things can move on, so, you know, there is no reason for me to question where the letter or where the invitation was coming from or it was any different, you know?

The Chairperson: Can you — I mean, we received evidence from the Department on actually 6 January which gives us a schedule of amendments to the 16 April, your aide-memoire, your — I am not sure whether we call this a minute or an aide-memoire, but we should call it one or the other, so will just, will members agree if we can call that a minute? I do not mind. It is a toss-up if it is an aide-memoire or a minute. So —

Mr Clarke: The only thing, Chairman — I have no real issue with that, but I think, just in speaking back a few meetings ago, there was reference, a minute — if it was a minute, it would have been circulated. Because it was not circulated, I think we should be referring to it as an aide-memoire, I think, only for procedural purposes, to be honest.

Mr Allister: But the Minister repeatedly referred to it as a minute —

Mr Clarke: He may have done.

Mr Allister: — in the Assembly, in his evidence.

Mr Clarke: He might have done, Chairman, but we did hear that it is normal practice if it is a minute, it is circulated to all those who present. Now, we did take an awful lot of weight from Turkington's and what they have said. They said they didn't get a copy of the aide-memoire, so I don't think we can call it a minute.

The Chairperson: Well, OK. I'm easy, but, I mean, we can probably interchange the term because we are maybe going to — do not have to agree as such, but, in respect of that, there have been a number of changes to that, and, I think, a total of six. And on, up until the fifth aide-memoire iteration, Michael Sands, for example, had been recorded as having made two amendments. And then you have been recorded as having — I am just trying to get my page — is this a hundred and —

Ms P Bradley: Page 70.

The Chairperson: This is 69, is it?

Ms P Bradley: It's 70.

The Chairperson: No, it is not that one. That is a schedule of —

We have a number of changes made, according to this table that we have provided, and that is on page 70, is it? Page 70, Barbara. The number is actually clipped on my page here, so it is —

Ms P Bradley: It is 70.

The Chairperson: You have 70. Have you got — So, it is just to ensure Barbara has that. So, again, in Michael Sands's evidence, he had said that he had not seen this at any time, but this schedule appears to — well, it indicates clearly that Michael Sands on 17 April added to the list of attendees, and then, on version 5, is amended with the tracked changes which people have, and then it goes on

to say that the finalised version changes from version 5 to 6 were made by you. In your written submission, if I remember correctly, you had said you had not seen any of that until the fourth or the final version. So, what we are interested in establishing here is, in the first instance, from the version 5 to the version 6, the two significant changes of concern to this Committee are that the name of the organisation supposed to be holding the meeting was changed from Turkington's to the Glass and Glazing Federation and then, further down that letter, it changes Turkington's and again replaces that with the glazing federation. Can you explain why, according to this schedule, you made that change?

Ms McConaghie: From the outset, I know it says there is actually six versions, but maybe it would be worthwhile to explain that, when I actually go in to draft or take it from the manuscript to put it to on an electronic version, if I go out of that at all, that will save that as a version, even though if I just make sort of a couple of minor mistakes, it is classed as a draft. Once I recorded my interpretation of the meeting, that would have been sent, obviously, to Michael Sands, and he would have had sort of responsibility to make any amendments. The reason that is sent to Michael is really just to, number one, make sure it is an accurate reflection of what happened at the meeting and, number two, is to follow up then on any action that will come out of the meeting. Michael made his changes and then, as you say, I did change it, but, in all honesty, I cannot recall at this point as to who or why I made the changes to that final version. The role that I have as PS was extremely, extremely busy. I would have been acceding to requests from various people from various parts of the Department, whether it be urban regeneration or housing or Social Security Agency, and to recall, to go back and recall specifically why I made the change to this one, unfortunately, I can't.

The Chairperson: Would you agree that, in your previous written evidence, you said that you would not normally be asked to make such changes? So, would it not be reasonable for us to expect that, if it is not normal for you to do that, when you were asked to make changes that you then made those changes? And could I suggest that they are not minor changes; they are significant changes? So, you're asking us to accept that you can't recall what would've been a very unusual transaction.

Ms McConaghie: Well, as I said, on a daily basis, I would've got a number of requests to, you know, change submissions, briefings, maybe, you know, correspondence cases, invitations cases. And, amongst a wide range of correspondence, I can't honestly recall the specific details around this. In my role, I would say I maybe was attending maybe 25 minutes — well, 25 meetings, sorry — a week, which, you know, on average, is about 1,000 a year, and I was PS to Minister McCausland for four years. So, amongst 4,000 meetings and amongst dealing daily with a number of submissions, a number of correspondence cases, "treat official" cases, general mail cases, I can't honestly recall the specific details.

The Chairperson: Can you recall any other occasion when you would've changed a diary entry for the Minister?

Ms McConaghie: Well, again, I would've been in the diary very, very regularly. Part of my role would've been sort of monitoring the diary and keeping it up to date, and, again, you know, the diary could've changed at the last minute. And to be in the diary for me was not — you know, that is a regular part of that. It was a daily part of my duties.

The Chairperson: But, the question is — I mean, you changed the diary entry to reflect a different meeting, as I would describe that. So can you explain how usual that might be? It is one thing looking at a diary and so on and so forth, but to actually go into a diary entry a month later when it was put in to actually change it — I mean, did that did not seem unusual?

Ms McConaghie: Well, again, I can't recall the details of why the diary was changed but it's not unusual for me to go into a diary entry retrospectively. Again, that could be to add if there was a briefing for the events or the meeting and that wasn't actually attached to the diary. It could've been maybe just to ensure that the records were up to date and try and update who was at the meeting or maybe if the meeting, you know, the venue changed at the last minute. It could've been to go in to update, you know, that part of it. But I don't recall the actual details of what I changed.

The Chairperson: Well, again, you are asking us to accept that you made what are significant changes to an aide-memoire/minute. And you also changed a diary entry retrospectively, but you have no understanding at all how that might have happened or did anybody request that. And, the key question that I want to ask here is that, with the distribution list on that aide-memoire, there are a relatively small number of people who received that from yourself. So, who among those people

would have had the authority — if I could narrow this down a little bit to help recall here — who among that group of people would have been able to have the authority to come back and say, "Actually, no, that is who we met"?

Ms McConaghie: Well —

The Chairperson: Because I mean — you have to help — I think you have to help us out here.

Ms McConaghie: Yes, and I am to the best of my ability, but I obviously don't want to say anything that is going to implicate somebody wrongly either.

The Chairperson: But you have to give us your best recollection.

Ms McConaghie: Yes.

The Chairperson: It is not a question of doing anybody any wrong; this is about following evidence. This is about following people's — we have heard people giving evidence here this morning that they had a clear recollection of something, which clearly was incorrect, but they gave it as their recollection. So, I would suggest to you that, if you have a recollection, you can put that and you can qualify it however way you think is appropriate. But, this is not about not doing anybody wrong or doing anybody right; this is about us exploring the evidence, as we have said from the outset that we are determined to do, and we will get to the bottom of it. So, could I suggest, if you are unsure about something, you might actually volunteer that information and caveat that as you see fit, as opposed to saying, "Well, I'm not sure, so I'm not going to say"? Because that is what I am interpreting it as —

Ms McConaghie: I know. Well, the person that could have authorised or instructed me to change anything probably would have been the Minister, or the special adviser or it could have possibly been somebody from the housing — a senior housing official.

The Chairperson: As in?

Ms McConaghie: Well, it could have been Michael, although I am not sure that it would have been Michael, because I think he was under the impression that the meeting was with Turkington's.

The Chairperson: Yeah, and also that there wouldn't have been any other officials at the meeting. You know — well, the Housing Executive, for example, weren't asked but they have also, in their evidence, said that they had no sight of it. So —

Ms McConaghie: No, because it was just an aide-memoire. Really, the idea behind this is more of a — was to keep me correct if there was any follow-up action so that I had an internal document that I could go back to and follow up on, you know. So, the note wasn't circulated to those people who were at the meeting.

The Chairperson: And could you maybe offer some explanation as to how — if you received a letter from Turkington's and recorded that as such in your email, and in fact distributed that email to a number of people — that how, after, as even this table shows us that Michael Sands, for example, as one of the people who may have been able to make a change, made two changes, that in the finalised version that we get, which the only explanation we have at this moment in time is that you changed that? So, at this moment in time, you have to provide an explanation as to why you changed that.

Ms McConaghie: Well, I'm assuming —

The Chairperson: And, if you know what I mean, so —

Ms McConaghie: Yeah.

The Chairperson: — you have to offer us some rationale as to why you changed the reference to who the meeting was with and why you did that, despite that fact that you had a letter from Turkington's.

Ms McConaghie: Yeah. Well, I'm assuming that the instruction come from either the Minister or the special adviser since they were under the impression that the meeting was with the Glass and Glazing Federation.

The Chairperson: And you can't offer any explanation as to how that was conveyed to you. Did somebody come in till you? Did somebody send you an email? Did somebody phone you up? Did somebody stop you in the office and say, "By the way, you need to change that"?

Ms McConaghie: I honestly don't recall the incident at all. And, again, as I said before, I would have received numerous requests. I could have been — you know — it's a very, very busy post.

The Chairperson: But, it is your job; it is your post to do that.

Ms McConaghie: It's my job to, you know, accede to requests and to reprioritise my work. And, you know, in the middle of attending meetings and maybe answering the telephone and dealing with officials, sometimes you just become sort of almost automatic or robotic in what you do, you know.

The Chairperson: OK. To Jim Allister.

Mr Allister: Just explain to us the chain of command in the private office. You are the private secretary to the Minister.

Ms McConaghie: Yes.

Mr Allister: But what is the hierarchy? Who can tell you what to do and who can't?

Ms McConaghie: Well, I obviously have my line manager at DP level. I also have then — on top of that, there would have been the grade 7 ahead of the DP.

Mr Allister: Can you put names on those?

Ms McConaghie: Yes, if you need to be. My line manager, at that time, was Billy Crawford, and the grade 7 ahead of Billy then would be Alastair Newell, and that would have been my hierarchy in terms of line management.

Mr Allister: But in terms of your role as private secretary, that was to the Minister. Obviously, you would take his instructions.

Ms McConaghie: Yes.

Mr Allister: Would you equally take the special adviser's instructions?

Ms McConaghie: If the special adviser had asked me to do something, yes; uh-huh.

Mr Allister: So, he had that status to tell you what to do or not do.

Ms McConaghie: Well, obviously, it depended on what the requests are as well, you know. But, yes, if the special adviser had asked me to do something, for me, he is a more senior member of staff than what I am.

Mr Allister: Dealing with the two specifics on the one day — I remind you it was the one day, 16 May 2012 — the retrospective change of the diary entry to change who the meeting was with and the change to the minutes to show — to change who the meeting was with: they both happened on 16 May. Can you give any indication as to why both those matters were addressed on the same day?

Ms McConaghie: Again, I can't recall actually doing this, so, therefore, it is hard for me, you know. I cannot recall actually going and changing this specifically.

Mr Allister: But you accept that you did make those changes.

Ms McConaghie: Well, the evidence is there that I made the changes; yes.

Mr Allister: Previously, your statement to us suggested that maybe you did not, but you now accept that you did; is that right?

Ms McConaghie: Did I say that? I do not recall saying that I did not —

The Chairperson: In your initial statement. In your submission to us, you said — and it is on page 101 — you said that you were not normally required to make amendments, and you went on to say that you had only sight of the final version when it was provided to you by the DALO. But today, in your evidence, you are saying that you made the changes, but you cannot recall why you made them. So, that is a conflict. Do you understand where we are coming from?

Ms McConaghie: Well —

The Chairperson: You are conflicting your own evidence.

Ms McConaghie: Sorry, what I meant in this actual paragraph here of the written submission was, based on the evidence that I had that I was the last one that actually recorded on the minute, that I made the changes. On the basis of the version that was provided to me, yes, I accept that I done that. However, could I just say, you know, if somebody had provided me a separate version of a minute and said, "You were the last person to change that", well, then, you know, I would have accepted that.

Mr Allister: Well, let us be clear. Your evidence to us is that you did not make either of those changes to the diary or to the heading on the minute of your own volition; is that right? Someone told you to do it.

Ms McConaghie: I am not denying. I made the changes.

Mr Allister: I am not quibbling that. I am asking did you do it of your own volition in either or both cases, or did somebody tell you to do it?

Ms McConaghie: I would have done it under instruction.

Mr Allister: Under instruction. So, the question now is: help us where you can as to who would have given that instruction.

Ms McConaghie: At this point, I cannot recall who exactly gave me the instruction to change that.

Mr Allister: Mrs McConaghie, you have already said to us in your written statement that being asked to change minutes was unusual. It was not something that you were normally doing. So, the very fact of its unusualness would cause — would it not? — for it to somewhat stick out in your memory.

Ms McConaghie: Well, no, because, as I said before, I would have made numerous changes on a daily basis to various documents — not just, you know. There would have been ministerial submissions, there would have been ministerial correspondence, there would have been "treat officials" cases coming up, and I could be making changes to any of those documents.

Mr Allister: But you were changing something here that coloured the trail in respect of this meeting. This was, as I said earlier, rewriting the script of who the meeting was with. It was as fundamental as that; wasn't it? The diary was being changed to say "Meeting with Turkington's" to "Meeting with Turkington's representing Glass and Glazing Federation". That is the change that was made there. The heading change that was made on the minutes was meeting, scrub Turkington's, "Meeting with Glass and Glazing Federation". That was the commonality of the change. It was fundamental to the trail of who the meetings was with. They were made on the same day. One of them, we know, made at 12.32 pm, just before lunchtime I imagine.

Ms McConaghie: Lunch?

Mr Allister: You don't get lunch? *[Laughter.]* A notional lunchtime. Are you seriously saying to us that in those circumstances, where you were asked to change not one but two documents for the same

purpose, and the purpose being quite dramatic in terms of changing who the meeting was with, that you cannot help us about who asked you to do that?

Ms McConaghie: Well, on hindsight now, and the fact that this inquiry has opened, yes, I can see how it is a big factor, do you know what I mean? But, at the time, it didn't mean anything to me that I was changing something like that. On hindsight now, yes, I can see that it is something that I — that should've been sticking in my mind but —

Mr Allister: It meant this to you: you had seen the 2 February letter asking for the meetings. It unequivocally was from Turkington's. You had seen the pre-meeting briefing, unequivocally with Turkington's. You were at it. Turkington's evidence is they never represented themselves as anyone but Turkington's. And now, suddenly, one month later, after the meeting, you're asked to rewrite the script of who the meeting was with. So it was quite striking, was it not?

Ms McConaghie: I fully accept what you are saying but, you know, as I said before, there's conversations go on outside of my role as a PS. I'm only a very small cog in the wheel, you know, and if there's conversations going on and things move on and I'm asked to change something, I obviously think it's because maybe I've got the wrong end of the stick, or you know —

Mr Allister: I'm not asking you to discern why you were asked to make a change. I am asking you to focus very strongly on who asked you to make the change on the same day on two different documents. Now surely you can help us with that?

Ms McConaghie: If I could, I would. I honestly can't.

Mr Allister: Did you see the Minister on 16 May? Have you checked back? Was he in the country? Was he in Stormont? Where was he? Have you checked any of that?

Mr Clarke: You would think she was in the witness box.

Ms McConaghie: I'm sorry. This is now 2014.

The Chairperson: The witness is asked the question. Sorry, sorry Barbara. We just need to ask one question at a time, please.

Mr Allister: Have you sought to check if you saw the Minister on 16 May?

Ms McConaghie: No, I haven't, because I do not have access. I have since moved post and I don't have access to private office registers.

Mr Allister: Just going back to the manuscript copy of the minutes that you took, where did the manuscript copy go to?

Ms McConaghie: Well after I do the manuscript copy and then I put it on as an electronic version, it's shredded. There's no reason for me to keep that.

Mr Allister: So it was shredded.

Ms McConaghie: If I was to keep all those minutes —

Mr Allister: And let's be quite clear, you wrote up that first minute as a meeting with Turkington's. That right?

Ms McConaghie: Correct.

Mr Allister: And the subsequent versions of that minute until the last one were all proclaiming it to be with Turkington's. Isn't that right? And then someone said to you, change that from "Turkington's" to "Glass and Glazing Federation." And you can't help us as to who that was?

Ms McConaghie: You know, as Stephen said, he interpreted that the meeting was with the Glass and Glazing Federation.

Mr Allister: Don't let's worry about what he interpreted. Can you help us as to who told you to do that?

Ms McConaghie: Unfortunately, I can't recall.

Mr Allister: Are you taking refuge in that?

Mr Clarke: How many times are you asking the same question?

The Chairperson: Could I actually, just at this juncture, because I think this is where — We need to make an important —

Mr Clarke: Do you think she is in court?

The Chairperson: Sorry, Trevor. Just, sorry. People. Every member around this table is entitled to ask questions providing those questions are not badgering anybody and they're giving the witness ample time to answer and, equally, that they stay within the terms of reference. And I know it can be a wee bit difficult but, I mean, we've managed, I think, this inquiry quite well thus far, and hopefully, on a professional basis, we'll continue to do that. But, you know, we are here to probe questions and answers and explore evidence that has been presented to us, particularly when that conflicts. And unfortunately, we have evidence which conflicts. That's the difficulty we have, which is why people were called this morning here to give evidence either under oath or by way of affirmation. And, I mean, I want to underline just again the importance of that, because we have had evidence from both the Minister and Stephen Brimstone here this morning, who both said they had no role in changing that version of the minute. No role. So that means in your evidence, that — And you've accepted that you changed it. And you're saying, obviously, you would've changed it by way of instruction or whatever. You're not quite sure by whom. But your evidence is telling us at this moment in time that you changed it, and a number of the people, Michael Sands included, who is not here, but in his evidence he said that he had never even saw it despite what the evidence has now thrown up to the contrary. But, nevertheless — and we will address that with Michael in due course, but in his evidence, which is all we can deal with, he had said very clearly that he saw no aide-memoire and never made any changes. Both the Minister and Stephen Brimstone have both said in their evidence to this inquiry that they didn't make the changes.

So, you have accepted that you had made the changes, and you have offered up that it may have been a limited number of those individuals who you named. Do you understand that the position that you now stand in? So, you're standing and making this declaration that you've made a change to the document and others, are saying that they had no role in that. So, again, you're being put on the spot, I would suggest, to explain —

Mr Clarke: Chairman, when does badgering not become badgering? Whenever a question has been asked a number of times and the person giving the witness here has said she can't remember. Now, as well as that — and, I mean I agree, with you There is a shadow over Michael Sands's evidence. But now you are actually accepting what he said to try and badger the witness even further.

The Chairperson: I am not accepting —

Mr Clarke: That's what you're doing.

The Chairperson: I am not accepting — it's not my job to accept anybody's evidence. My job is just to moderate the conduct of this inquiry. The members of this Committee —

Mr Wilson: No, Chairman, you are going further. With respect, you are going further than that. Someone has sat here and told you — and I don't think you fully understand what a private secretary has to do on a day-to-day basis. We have received evidence here today — and in fact I think it's been underplayed — as to the pressures which are on somebody who has a PS role on a day-to-day basis. She has indicated that she cannot remember on a number of occasions. She cannot remember who, if anyone, gave an instruction. And to choose a name out of the names which have been suggested will have severe implications for the individual who she happens to choose.

Now, you and this Committee have to then accept that if the witness decides that she cannot remember and she is not prepared to take pot luck in a busy day to decide who may have given that instruction because of the implications that would have and because she wants to try and, as honestly as possible, answer the question. Then there is no — it amounts to badgering for you or anyone else in this Committee to say, "Give us a name." And that is what you're doing.

Mr F McCann: Chair.

The Chairperson: Well, at no point — sorry, I will just take members in their turn. At no point am I saying to Ms McConaghie that she's to give a name. At no point have I said that, and the record will show. What I am obliged to do, as is every other member, is to explore the evidence, and when we have a conflict —

Mr Wilson: You're past exploring the evidence, Mr Chairman.

The Chairperson: No, we're not. I am sorry, we're not.

Mr Wilson: You are past exploring the evidence, because you've had — I don't know how many times, and you've had a perfectly good explanation as to why the information may not be forthcoming, and I don't know how many times you have been told the information is not forthcoming. So, you can keep asking the question and asking the question and demanding a name or asking for a name, and that becomes badgering.

If the witness has given you — and it's not that the witness has not given good reason as to why a name cannot be recalled. And I guarantee if somebody asked you to remember — and you probably don't do half of what a private secretary has to do in a private office. If somebody asked you to recall every conversation you had and every instruction you got two years ago on a specific day, you couldn't remember either.

The Chairperson: That's fair enough. And that's not the point we're making here, and I will stand over the procedural fairness which guides the conduct of this inquiry from A to B. And it will be up to anybody, in particular witnesses — and I've made it very clear I understand the difficulty would be for any witness, including the Minister, who'd be a well experienced political representative, to be here to give evidence. I accept that and acknowledge all that. But we are here to follow what we hear, and it'll be up to every person, particularly those who are required to give evidence, to be able to challenge if they are considering that they're being treated badly.

So, you know, let's be fair and reasonable. The conduct of this inquiry thus far has been, in my view, held quite professional, and that will pertain until this inquiry concludes. I will not be making judgement on anybody's evidence. This Committee, in its entirety, will deliberate on what we hear. What we are duty bound to do here is to explore what we hear. I am simply — I feel it very appropriate to make Ms McConaghie aware that she has given her evidence, and I am reminding her of other evidence that was presented by the people that she has suggested may have directed her. They have both said to this inquiry that they didn't. I am just making that point. You may or may not wish to comment on that. That is entirely a matter for you. You are not being coerced to make any comment at all. If you want to refer to —

Mr Allister: That is the point I was coming to, that you have just touched upon. Ms McConaghie, you identified three possible instructors: the Minister, the SpAd and Mr Sands. As the Chairman has pointed out, each of those, at various stages, have denied to us that they were involved at all in any of these changes. I simply wanted to give you the opportunity. In light of that, have you anything further to say about how these changes came about?

Ms McConaghie: I've nothing really further to add than what I've already said. I would've been instructed to have made the changes. I wouldn't have done it off my own bat. At this point, I can't remember who instructed me to make the changes.

Mr Allister: Look at page 71 of the bundle, would you? Sorry, it might've been put in upside down. It says:

"Meeting with

*Attendees:
Minister McCausland
Barbara McConaghie."*

What's that referring to? Sorry, it's 71.

Ms McConaghie: That is the first draft. That would be my first attempt at actually trying to write up the minutes. As I was sort of trying to explain earlier on, I'm trying to do the minutes in the middle of doing meetings, dealing with telephone calls and my normal duties, so —

Mr Allister: So does that mean that the Minister was there when you were doing that and you showed them to him and discussed them with him? What does that mean?

Ms McConaghie: No. That was me starting to draft the minutes.

Mr Allister: Why does it say:

*"Attendees:
Minister McCausland".*

Ms McConaghie: Because Minister McCausland was at the meeting.

Mr Allister: Yes, but so were half a dozen other people.

Ms McConaghie: Yes, but that was me just starting to draft the minutes. I must've got called away to do something. That was the first version of those minutes.

Mr Allister: Oh, I see. That was as far as you got.

Ms McConaghie: That was as far as I got when I started to do the minutes, or the aide-memoire or whatever you want to call it.

Mr Allister: In all subsequent versions, of course, you're not the second person listed, for what it matters. Not that it really matters, but I'm just —

Ms McConaghie: The process that I use to actually start to type my minutes is that I would've probably copied a previous minute. So I obviously was deleting those people that weren't at the — do you know what I mean? I was copying a previous minute, deleting all the information that wasn't appropriate, and that was the only information that was appropriate at that time.

Mr Allister: So that is the full extent of version 1? Two names?

Ms McConaghie: Well, I was obviously called away to another meeting or something. That is all I got done —

Mr Allister: That's when you went out of the system or whatever. I understand. In terms of what was referred to as the TRIM system, were the minutes on that system?

Ms McConaghie: Yes. The TRIM version holds — that's what that is. That was obviously my first attempt, so —

Mr Allister: And who has access to that?

Ms McConaghie: Well, TRIM can be accessed by anybody really in the Department — in DSD.

Mr Allister: The special adviser told us he couldn't access it. Does that surprise you?

Ms McConaghie: No. As far as I remember, that is correct. The reason for that is, as far as I recall, there was some sort of guidance, possibly from OFMDFM at that point, to say that special advisers

were not allowed to access previous correspondence from previous Ministers etc. So they don't have access to TRIM.

Mr Allister: Yes, I understand.

The Chairperson: Is that you, Jim?

Mr Allister: Do you know anything about the instruction issued at the end of June to the Housing Executive that the meeting, in fact, was with the glazing federation?

Ms McConaghie: No.

Mr Allister: You had no involvement in that?

Ms McConaghie: No.

Mr Allister: Had you any contact — sorry, one final question — had you any contact with the Department of Finance and Personnel about the meeting, given that the request letter was cc'd to DFP?

Ms McConaghie: No.

Mr Allister: Thank you.

The Chairperson: OK. Mickey Brady.

Mr Brady: Mr Wilson has alluded to how busy a private secretary is. I fully accept that and I think we all would accept that it's a difficult job when you're multitasking and all of that. But I would presume you are doing that job because you are efficient and you are capable of doing it. I mean, that may be an inverted compliment, but I know you would have to be good at what you do; otherwise presumably you would not be in that position, and it would be accepted that you are very, very capable of doing that. Just to make that point.

Two questions really. The diary changes. You mentioned that diary changes can be made retrospectively, but I would presume that that's to reflect accurately the meeting, and yet in the first five versions of the aide-memoire/minute, it says very clearly "Turkington's", and then the last version and the amended version in the diary says "Glass and Glazing Federation". So, obviously, that change came about when somebody had to, presumably, initiate that change. I do accept that you have said that you have no recollection of that.

The other question you may not be able to answer, but it's a kind of a general query. On page 14, there is a briefing which was for the meeting, and Stephen Brimstone has said he didn't see that until the actual day. It was done on 11 April 2012, and it talks about a meeting with Turkington Holdings, and you accepted an invitation to meet with Jim McKeag and Ian Young of Turkington Holdings. Now, I would assume that's not part of your remit, but would you have any idea who would normally prepare those briefings, because it was inferred earlier by Mr Brimstone that it would probably be a departmental official because there would be no need, presumably, for you necessarily to have a copy of that at the meeting because you are there to get the aide-memoire or the minutes or whatever. That would be your function at the meeting to accurately reflect the content of the meeting.

Ms McConaghie: Well, the housing officials, they prepare the briefing and they send it up to private office, and then the private office would prepare a briefing pack for the Minister, and I actually would have a copy of this myself as well.

Mr Brady: But would you accept then that, on the face of that briefing, it was very clear that the meeting was with Turkington Holdings and not the Glass and Glazing Federation? Just from sight of that.

Ms McConaghie: Yes.

Mr Brady: Thank you.

Mrs D Kelly: Thank you, Chair, and thanks, Barbara, for your evidence. Can I just clarify for my own point of view? In the versions on page 78, you know the way some of the lines are underlined and some of them are scored out, you know, why would that be and who would have — I mean, is that something that you would have done on your own computer system or would that have been something —

Ms McConaghie: Normally, when I do up the draft version, I would send it out for officials and ask them to track the changes on it. So it gives me an idea just of what has been changed on it. So that would be automatically done by the system using that sort of facility.

Mrs D Kelly: So that's what tracked changes look like within your system basically.

Ms McConaghie: Yes.

Mrs D Kelly: You know, some people use a wee box at the side type of thing.

Ms McConaghie: That would be the tracked changes facility.

Mrs D Kelly: I note there's a line under Michael Sands's name in the tracked changes in version 5. Why would that be? Is that the first time he's been added to the —

Ms McConaghie: Yes. I omitted him when I was doing it, unfortunately.

Mrs D Kelly: It was in version 4, sorry, as well, yes. So that just then continued through. And who would have advised of those tracked changes being required?

Ms McConaghie: When I had sent my version of my interpretation of the meeting to the official, I would have said to them, "Look, would you mind tracking the changes on that?".

Mrs D Kelly: That would be Michael.

Ms McConaghie: So Michael would have just, you know, used that facility. It just gives me an indication as to what was different from my version really.

Mrs D Kelly: No, no, that is fine. Barbara, I note in your briefing, and you also made reference to the fact, that you are no longer a private secretary. Where are you working now?

Ms McConaghie: I'm working in the regional development office based in Ballymena and —

Mrs D Kelly: Is it closer to home for you?

Ms McConaghie: Exactly, yes.

Mrs D Kelly: I thought I heard a bit of a Ballymena twang there, given that I am married to a man from up round Glenravel.

Ms McConaghie: I'm actually Ballymoney, so —

Mrs D Kelly: Ballymoney.

Ms McConaghie: So it's handy.

Mrs D Kelly: And you're no longer working as a private secretary then, no?

Ms McConaghie: No, I gave up the post last January. January 2013.

Mrs D Kelly: What post do you hold then now?

Ms McConaghie: At the minute, I'm working in the regional development office —

The Chairperson: Well, I don't know what —

Mrs D Kelly: Just in relation to —

The Chairperson: I don't know what — I mean, that really wouldn't have any relevance to the —

Mrs D Kelly: I was just interested to see when you said you were no longer — I didn't know whether you had left the service overall or whether you were still within it.

The Chairperson: Well, if it's a matter of interest, then it will be on your own time.

Mrs D Kelly: Sorry about that.

The Chairperson: Fair enough. I was just trying to keep it —

Mrs D Kelly: That is fair enough.

I think that you will appreciate from others' perception that, given that you said in your evidence that the changes are extraordinary rather than run-of-the-mill, and accepting that you have a busy day and all the rest, you can understand why others would think, "Well, if it is an extraordinary thing to happen, you would then have a better recollection." At these evidence sessions, we have heard a lot of lecturing and badgering, allegedly, and memory loss, allegedly, so there are some common themes emerging throughout the course of the inquiry. In terms of all these changes, the freedom of information requests and the Assembly Member questions, you would have no role in any of those? Those dates, how do they sit? If Barbara is not able to tell us, and I suspect that you might not be, could we find out in terms of the timescale, in terms of the freedom of information requests and Assembly questions in relation to those changes? That might be useful for us to have. In terms of the six versions —

Ms McConaghie: Sorry, what page are you on?

Mrs D Kelly: Page 70. In relation to all those changes, it would be interesting to know how they relate to requests by way of Assembly Members questions or FOI requests. What I am trying to say is that you might not have knowledge, but, from my perspective, it would be useful if we could add to that chronological timescale in relation to those.

Obviously, the Chairman was trying to inform you of how others have said that they would not have any role in amending any of the minutes, but, as I understand it, that is not what you have said. Both the Minister and the special adviser could suggest amendments. That would be correct, and that would not be unusual.

Ms McConaghie: It would not be unusual.

Mr Wilson: Barbara, I have some sympathy with the point you made about not remembering, but it might be useful for the Committee to know, in a bit more detail, what a day for a private secretary is like with a Minister. Will you elaborate on the kinds of things —

The Chairperson: With all due respect, Sammy —

Mr Wilson: It is relevant.

The Chairperson: We understand that people work and work hard. There is nobody taking exception to that. It is not relevant to go through someone's day job.

Mr Wilson: It is relevant to the ability to recall detail. That is the point that I am making. I think that it would be useful to hear the kinds of things that a private secretary does on a daily basis.

Ms McConaghie: On a daily basis, you could be starting work for meetings at 8.00 am. During the course of the day, you could be attending six or seven meetings. On top of that, you are dealing with,

in the Department for Social Development, not only housing, you have urban regeneration, the Social Security Agency and the child maintenance and enforcement division. You also have all the policy documents.

On top of all that information coming into the private office, you could also be dealing with changing diaries at the last minute. If the Minister is running late, you could be changing diaries to try to bring things on track. So, it is a really busy day. You are acceding to requests from other MLAs, and you are dealing with the permanent secretary and senior officials. That is on a daily basis. That is something that happens every day. Do you know what I mean? So, you go into a case of working almost on automatic pilot at some cases. I could have been working until 8.00 pm, and then I still had an hour and twenty minutes to go home. So, it is an extremely busy post, and forgive me if I do not remember every single detail of what I did.

Mr Wilson: I think that it is hard to encapsulate. I know that private secretaries work far harder than Ministers, by the way, but I will leave that aside. It is hard to encapsulate the kind of pressures and, therefore, the difficulty in remembering the detail, but when we come to the changes in the minute that were asked to be made, would it not have been unusual, given that there were still liberal references to Turkington's in this, for you to have thought that that actually changes the significance of this if a request was made for those changes?

Ms McConaghie: Well, as I said earlier, when Stephen had said to me about the possibility of a letter coming in from the Glass and Glazing, I think there was maybe some confusion from my perspective, because I am not sure — did the meeting move on? Were there conversations that happened outside of the meeting that I am not aware of, even with officials? Turkington's and the Glass and Glazing, yes, I know there is a difference, and it does affect the minute, but, in my mind, I was not aware of the conversations that are happening outside of that.

Mr Wilson: And there were still plenty of references to Turkington's in the minute, as it stands, anyhow, even in the last version.

Ms McConaghie: Yes.

Mr Wilson: I think that there are three references to Turkington's in it in the opening and in the last paragraph of the letter.

You have been, and I can understand it, reticent about asking who made — who asked for the change to be made. Again, given the busyness of the office, would that be unusual? If, on a day-to-day basis, someone came in and asked for some changes, would it be usual for you to remember who that individual happened to be anyhow?

Ms McConaghie: I couldn't remember. Forgive me, but I actually have a bad memory. For me, part of my role, when I was in private secretary, I would have had different mechanisms for recording and reminding me to do things, whether that be using the diary, Post-it notes, follow-up, even on Microsoft Outlook to bring up something to say, "You need to do this". Taking copious notes was my way of trying to remember what happened at particular meetings. My memory is bad anyway, but for somebody to come in and ask me to do something, you do it almost automatically, because you know what has to be done. Sometimes, things have to be done because they are urgent, and, for me, my role is to do my job to the best of my ability and let the people that it affects know that if something has been done, it has been done for a reason.

The Chairperson: OK. I do not have any other members. I have a couple of points to finish off on myself. You have accepted that you have presented evidence that you actually made the changes, both to the minute and to the diary entry. You have confirmed that.

Ms McConaghie: Yes.

The Chairperson: And, as was pointed out early on, you also said that you would not have done that of your own volition; you would have done that under some type of direction. You cannot remember where that direction came from. I did point out, too, that all the other people who gave evidence pertinent to that actually said that it wasn't them. Can you then offer any explanation, or would you have had any personal motivation to change it yourself? Because, if we follow what other people are

saying, they didn't do it, so you did it, for some reason or other, so can you give us a reason? Would you have had any personal motivation to change the minute?

Ms McConaghie: I have absolutely no personal motivation to change the minute. I would have done it under instruction. There is no reason for me to go in to change it, unless I was instructed to do it.

The Chairperson: OK. Thank you for that. No other members have indicated that they want to speak. Barbara, could I thank you for being here this afternoon to give your evidence? Thank you.