



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:
Mr Will Haire

3 April 2014

to ensure that the Minister would be fully briefed and accurate on issues to protect the Department's reputation and so on?

And then, secondly, have you or any of your officials, at any time, advised the Minister that the suggestion or the belief that the meeting with Turkington Holdings was actually with Turkington Holdings, as opposed to the Glass and Glazing Federation? I just want to know if yourself or any of your officials have, at any time, I mean, and bear in mind Michael Sands's evidence in regard to the written letter to the Committee in his evidence. So, they're fairly direct questions. The issue around your role, I think, is important as well because how do you see that?

Mr Haire: Thank you, Chair. I mean, obviously as permanent secretary, my role is the overall running of the Department and, in some sense, the value set of officials and how they approach their work. Clearly, I cannot see every aspect or bit of work and oversee in detail that process. As I said in my note, while notes are copied in on me in this process and I see correspondence going through, I'm quickly just checking them off — I'm just checking very quickly to have a sense of what broad issues are going on and that they're being allocated to the right people. But as, clearly, I've got a senior team who deal with the different areas of work, and it is in the area of this area; it's obviously housing division who has handled this particular issue and the senior — while Jim Wilkinson is the director, Michael Sands has been the senior official who has been handling this particular aspect of the work. As you say, the requests — we have had all the history of the particular requests coming in, and, quite clearly, officials, when they saw the letter coming in, Michael Sands put forward that it was from Turkington's, the understanding from the letter that went up to the Minister as such — I think the briefing went up as Turkington's.

It was, however, clearly on 16 May when there seems to be a series — the evidence that you have received indicates a series of discussions in the private office — around the private office — and the Minister goes on record — you have the record of the Minister saying this is the Glass and Glazing Federation. That was obviously in the light of — it had gone up to him, but, quite clearly, Michael saw that note, the Minister said that issue and Michael had put up his advice and in fact, some of the subsequent AOs coming through from Michael are still saying Turkington's, but — because after the original decision by the Minister, but clearly the Minister had got that position and had taken that decision and, I suppose, particularly the fact that Stephen Brimstone had had a pre-meeting, as you have heard about here, and had got that insight.

So, I think officials, having heard that clearly their view about it being Turkington's initially, they had put that up. Minister has explained his view on it and also Stephen has indicated his position, but the Minister had made his decision on that issue and so officials from that time on said, "Right, our understanding is that they have got an understanding" as it was with the Glass and Glazing Federation. Records were then changed and subsequent material goes up in the process. There's obviously issues, for example, the answer to the AO on 16 September to Daithí McKay clearly indicates it was — I think it refers to both Glass and Glazing and Turkington's, so it is in the record from both angles of that. But, that is my understanding of how officials dealt with it at that time.

I was not myself involved in any of those meetings at that stage, so I can't give you any more detail than Michael has particularly given you.

The Chairperson: But in the context of your role as the permanent secretary, given all of the controversy, given all the serious allegations, which, in fact, have led to an inquiry, will you have not have seen any responsibility on your shoulders to ensure that the correct information was, in fact, on the record and dealt with as such, and anyone who had any other understandings that those understandings would be corrected?

Mr Haire: Well, clearly, whilst the Department — the Minister having made the decision, the Department's position was, therefore, that it was the Glass and Glazing Federation. That was the position that had been taken. The Minister had quite clearly indicated that was the position, the Minister had heard the views that — had seen the stuff from Michael initially that that was the decision made. So, that was the case.

Now, the interesting thing, of course, it doesn't — it only comes back in June a year later that the issue about the Glass and Glazing is brought back. I think it is the 7 June letter from the 'Spotlight' programme that they raise that. It comes as a relatively small paragraph in that letter with quite a few queries, but it comes up at that stage. But, as you have seen this morning, the Minister was still very clear, "No, my belief was" and "I am not lying". He was stating, "I really believe that I was having a

meeting with the Glass and Glazing Federation." And that was a very strong line from the Minister at that time and the officials worked within that context, because the Minister had made his decision.

The Chairperson: OK, and — OK, fair enough for now. Thank you, Will, for that. Sammy.

Mr Wilson: Would it have made any difference, from the Department's point of view, whether this was with Turkington's or the glass and glaziers' federation or the man from the moon, given what the issue is?

Mr Haire: No, I mean — clearly, sorry, there is a really important issue that clearly if there was, you know, taken — the Minister taken very seriously big value is we tell this Committee as it is. We should do that. So, obviously there is an issue. The Minister has been embarrassed by this situation and obviously that angle of not getting it right to tell the Committee is obviously an issue which we always think about and a process that we think about. But actually in the processing of this contract issue, as I said in my note to you — and the key element from myself is, from the beginning and talking to Michael — because remember, this takes place post all the issues and debates about Red Sky and all those other issues. The clear mantra and clear understanding is contract issue are for the Housing Executive and for technical people to take views on. It was quite clear, and we were very happy that the Minister's line was very much on that point. He has the meeting with the Glass and Glazing Federation, and he says, as he has made quite clear, he says, "Right", and he had John McPeake there — he had the chief executive there, so it was nothing behind the back of that, and Declan Allen, the chief procurement person there — and he says, "Go look at it".

At the same time, the Department says, "Well, let's also check." We've got some specialists who are actually CPD specialists from DFP who are embedded within DSD, and we go to them and say, "Are you happy as well?". We wanted to give independent advice to the Minister as well as from the Housing Executive, and they come and say, "That's fine. This is a very fair point. This is the way we should go forward". And then the key point after that was, right, once the Housing Executive was taking it forward — I mean, another key point that I found assurance, the fact was the Housing Executive was already thinking along these lines. And so, in fact, I think in front of this Committee, the Housing Executive said it was really, it was as much their idea as anybody else. They saw it very much as their idea. They took it forward and they dealt with all the contract issues, and, I mean, that's — we have had no involvement, I understand, as a Department, and, of course, nor should we, so my, as accounting officer, the process issue was correct and was correct from the outset in that process, and that, you know, was very crucial to my position and to the advice that I gave my officials about handling this sort of issue.

Mr Wilson: So, you know, just so we're dead clear on this, from the point of view of kind of public propriety on all of this, the — whether it was Turkington's or glass and glazier federation or whatever, there is no issue that there was any impropriety in — and had it been Turkington's as opposed to glass and glazier federation or the other way round, that would not have made any difference regards concerns the Department may have had about how this might be interpreted.

Mr Haire: No. I mean, as I said, the key issue was the relationship with the Committee: the fact the Committee felt, I mean, misled in this process, and the Minister has made his position very clear on that issue. That was the key.

The Chairperson: OK, Sammy? Will, just for the record, before I bring Jim in, you were saying there about there was the response maybe for the Housing Executive in terms of contracts and so on, but, I mean, John McPeake and Declan Allen made it very clear in their evidence to this — sessions to this Committee — that they were not asked, "most unusually", I think, the term they used, to present any briefing to the Minister for the meeting on 16 April.

Mr Haire: Yes. I —

The Chairperson: They described it as "most unusual".

Mr Haire: Yes, it was, I mean, I'm sorry, I don't know the background to that issue — I mean, that process — and whether there was, and you have seen the notes. I mean, there were some notes, I think, in the process about that. I don't know the issue in that question. I have no background on why that took place, but I got a sense, and certainly, subsequently, talking to John about the issue is that I

don't have a sense of unhappiness that he felt that, once it was done, the meeting took place, the process was, that it was his process.

Mr Allister: Mr Haire, I'm intrigued by your evidence today that the Minister had taken a decision that the meeting was with the Glass and Glazing Federation. The Minister may be the Minister, but he's not entitled to his own facts, is he?

Mr Haire: The Minister had, I think — I was saying the point is that there's a reference — the note there says the Minister — I can't, sorry, and I apologise, I can't quote. It comes from the private office and it states that it comes — you know, maybe the secretary could give that answer. That's what I was referring to. It was a clear mind from the Minister that that was the issue of his understanding. Because the Minister, obviously, he has the political adviser, who was at the pre-meeting, and, presumably, the sense was there was an understanding from that pre-meeting about the terms of engagement. That was the take of —

Mr Allister: But it's a question of fact whether the meeting was with Turkington's or with the Glass and Glazing Federation. You seem to be suggesting to us the Minister took a decision, post facto, that the meeting was with the Glass and Glazing Federation.

Mr Haire: I refer to the note. I mean, sorry, I was saying that it was a clear understanding from — the Clerk can get you the note, which is in your *[Inaudible.]* of what comes as — that's what I was referring to there.

Mr Allister: Well, had there been a debate involving officials and the Minister and the special adviser as to with whom the meeting had been?

Mr Haire: Sorry, I was not involved at that stage. The answer is, as I say, Michael Sands has given evidence in this place on his position here. You've also heard from Stephen and from the Minister their position, and you've also got the record of how the decision — what, how the final change, which was saying it's clearly Glass and Glazing Federation. You have the reference there. That was made. That's the evidence that you and I share in common; I'm just saying I'm referring you to that.

Mr Allister: Well, Mr Haire, the Minister, having made the decision that the meeting had been with the Glass and Glazing Federation, the minutes are then changed. Is that the correct chronology?

Mr Haire: I think that that is the logical — that's my understanding. Once that is communicated somehow in the system and the system —

Mr Allister: So what light can you shed for the Committee on how that came about and who gave that direction?

Mr Haire: There is a record you have, which is a document, which says — Claire is trying to look it out, there — which actually puts down the Minister that *[Inaudible.]* — I presume that —

The Chairperson: I am just trying to establish what that actually is.

Mr Haire: That provides — now, I'm sorry, that might — clearly there was all the evidence you have seen and we have heard, there was a decision, a conclusion how we wished to place it that this was how it was and the Minister has in front of this Committee said that he takes responsibility for that. How that was communicated within the private office, sorry, I cannot give you any —

Mr Allister: Have you made any inquiries about that?

Mr Haire: I have made — I have — in preparation for this, I have talked to people and asked. Nobody can give any more insight than they have given in front of this Committee.

Mr Allister: To whom have you talked?

Mr Haire: I've been talking clearly — I was — In preparation for this, I've asked Stephen Brimstone, I've been talking around Stephen Brimstone and he has said about and it's clearly clear indicated in his lines that this is the line that he has taken. Minister — I mean obviously I've been talking to the

Minister in preparing for these sessions and that's the line he's taken. Barbara I have not talked to in that process but I've seen Barbara's evidence *[Inaudible.]*

Mr Allister: We heard Barbara tell us that, yes, the change was made but not in her volition.

Mr Haire: But it wouldn't be.

Mr Allister: No, it wouldn't.

Mr Haire: It's quite clear it's the Minister's volition. Maybe it's is a good way of describing, I suppose, decisions: the Minister's volition. The Minister makes the decision, he's the head of the Department, it's the Minister's decision. He makes decisions and the system then puts that in place.

Mr Allister: Yes but somebody has to tell whoever physically makes the change to the minutes on the Trim system. Somebody has to tell them to do that.

Mr Haire: But, and the bit which I find — You are absolutely right, somebody has to get that message. I am not too sure what is your concern about naming the individual because whoever is doing it is finding the name of the individual because it clearly is the volition of the Minister. And that, I mean, I just —

The Chairperson: Barbara McConaghie said she did the change but she didn't do it of her own volition.

Mr Haire: Exactly. We know the Minister's volition is there. We know that Barbara does something. How the message got transmitted across and the fact people can't remember that, I'm not, I mean I'm not, I'm just slightly concerned — I can't see — Listening to your evidence, your debates, why are you concerned about that issue?

Mr Allister: Is that another way of saying to us that the Minister, it was on the Minister's direction that the change was made?

Mr Haire: But that's the record you have. It says that.

Mr Allister: That's your belief; it was on the Minister's direction that the change was made.

The Chairperson: No, it's not the Minister's —

Mr Haire: Sorry, the note says —

The Chairperson: Sorry, the Minister has not said, if I remember correctly — In fairness to the Minister, his evidence is that he didn't make the change.

Mr Haire: He's not saying that he told Barbara to do it, but there is, I think, a reference in your text which says, you know, this — Have I got it right, Claire? Maybe —

The Chairperson: There are two separate issues. There was a letter to the Committee, which was changed via the draft. That's the one that Michael Sands referred to in his evidence. But the — and that was changed on 22 May and then the minutes of that meeting were changed on the sixteenth, so — my recollection is the Minister said he actually didn't instruct Barbara McConaghie to change —

Mr Haire: Yes, but I mean — I'm not saying — I mean, he was saying — but it is not that he necessarily himself said it but the point is his volition is made clear in the private office and then the system runs and does these things. That's how Departments run. That's the — *[Inaudible.]*

Mr Allister: But it has to be conveyed to Barbara McConaghie.

Mr Haire: Undoubtedly it has to and the question — And it doesn't seem that anybody can give us an answer how it was conveyed and I have not got —

Mr Allister: But does that — ?

Mr Haire: But that seems to me — I've worked in private offices for 35 years —

Mr Allister: You have heard her evidence that, doing the best she can, she says, she assumes the instruction came either from the Minister or the special adviser.

Mr Haire: And, presumably, the special adviser passing on the Minister's volition.

Mr Allister: And is that what you believe happened?

Mr Haire: I think that decisions — watching how work is done here — and everything is run past the Minister, and the Minister decides. OK?

Mr Allister: So, do you think the chain of communication was Minister/special adviser/Barbara McConaghie?

Mr Haire: There are, you know, it's — I can't —

The Chairperson: I think we need to be — in fairness, I don't think we can expect Will Haire to answer —

Mr Allister: Well, just unless he discovered something.

The Chairperson: Yeah.

Mr Allister: So, just to track back a little bit: the letter comes in from Turkington's. It is quite clear, on the face of the letter, who's asking for the meeting; no one can be in any doubt. Isn't that right?

Mr Haire: The letter's from Turkington's, but clearly — and that is how officials interpreted it —

Mr Allister: Yes.

Mr Haire: — the process. But, there is then this pre-meeting. —

Mr Allister: Yes.

Mr Haire: — and you have heard Stephen's explanation of that pre-meeting.

Mr Allister: Yes, yes, yes. But just deal with the question, if you would. The letter comes in; it would be hard to interpret it otherwise than a request from Turkington's for a meeting, and that is how Mr Sands interprets it. Isn't that right?

Mr Haire: That's the way that Michael has interpreted it, yes.

Mr Allister: Yes. And we now know that, having been invited to the meeting, that's how the Housing Executive interpret it. Is that right?

Mr Haire: Well, they are advised, of course, by, I think, the team under Michael. So Michael will have passed on the message in that way. So that's why —

The Chairperson: Or John McPeake.

Mr Haire: So that will be how they got the message, Chair, to be unsurprising; you know, it's not surprising that they got this.

Mr Allister: Yes. And we know that the original record of the meeting — before they're changed at the sixth revision — all are consistently saying meeting with Turkington's. Isn't that right?

Mr Haire: That is how the meeting — you've got the record of that issue. They're not six — I mean, they're very small and minor changes; it is not as though they're six major changes —

Mr Allister: I didn't say major.

Mr Haire: No, I understand that. They're six iterations: some of them are at the same time, if I understand the process. There are two or three times, I think, that people go into the system to do with that process. And, clearly, it is changed, and that goes back to the question of the Minister's volition being clear, his understanding being clear. And, as the Minister has made clear to this Committee, as Stephen has made clear to this Committee, that's what happens and the system is changed. That's how the system runs.

Mr Allister: Are you agreeing that the first five versions all proclaimed the meeting with Turkington's?

Mr Haire: Ahm.

Mr Allister: Yes or no?

Mr Haire: Clearly, the record's there.

A Member: Yes. I'll take that as a yes. So, you have the original letter —

The Chairperson: Sorry, Jim. I'm not sure whether you are indicating a doubt. Will. I think —

Mr Haire: I just think, sorry, it's going to this issue of versions.

The Chairperson: — it's a valid question to ask you.

Mr Haire: The point is you are looking at the electronic system here. So, it's not as though there are five drafts which are changed. It's electronically you are looking into this. People go in and somebody changed a name of somebody — I think they've got Michael Sands's name early on — The private secretary forgot — ah, Barbara forgot, so they put that in. Now, is that a version? It's actually —

The Chairperson: It's an iteration.

Mr Haire: These are just — these are small issues. So, I am just saying I think it is about three times.

Mr Allister: Do you want me to put it another way? It's not till the final version that we have any proclamation that the meeting is with the Glass and Glazing Federation.

Mr Haire: Yes. There, it's quite clearly — That's when the Minister's —

Mr Allister: So, the Minister is making a decree that the meeting's with the Glass and Glazing Federation, but the Department has the evidence of the letter, which speaks for itself, originally asking for the meeting. It has the senior official, quite clearly believing it's with Turkington's. It has the Housing Executive, quite clearly believing it's with Turkington's. It has the original records of the meeting, proclaiming it's with Turkington's. It has the first draft of the letter to the Chairman of this Committee, proclaiming it's with Turkington's. It has the first draft of a reply to an MLA, proclaiming it's with Turkington's. All that's correct, yes?

Mr Haire: Those are all right, because the key point is that the key evidence issue is the understanding — my reading of what's happened here, and you will see, is the key issue is that the pre-meeting, the understanding of the pre-meeting and the understanding of the meeting itself leads the Minister to say that, quite clearly, that's it. All the things you've pointed to are pointing, in a sense, to the original letter. There's a train of thought that comes from the Turkington letter, but there is obviously the pre-meeting and the understanding that came out of that meeting which says, yes, of course they were meeting Turkington's but it is in their role as Glass and Glazing Federation. So, that's how the two things come —

The Chairperson: Sorry, Mr Haire, I think you need to be — I think, Will, with all due respect, you're straying into the versions of why someone or somebody had an understanding. For you to say who had an understanding and why they had an understanding, you're straying into being speculative there, I have to say now, and I am not allowing —

Mr Haire: Well —

The Chairperson: Sorry, I'm not allowing members to put speculative questions to you.

Mr Haire: OK.

The Chairperson: So you shouldn't be giving speculative answers, in fairness now, to the inquiry.

Mr Haire: All I am just trying to do is explain my understanding from the evidence in the process. As I've said to you all, I was not involved in any active way in that process. So, I cannot give you any more information than that, and I'm just trying to answer Mr Allister's questions to try and explain, because he was asking why the difference here, and I was saying it was my reading of it, clearly, that the key element in this process was coming from their understanding at the pre-meeting and the understanding that the political adviser took from that and his discussions with the Minister. That's all I'm saying.

The Chairperson: OK. Jim. I can't understand that.

Mr Allister: Mr Haire, I'm not going to recite them again, but you know the half dozen pointers —

Mr Haire: Yes. Yes.

Mr Allister: — that I referred you to. Now, given that those were all within the Department's knowledge, why, in your briefing note to this Committee of 10 March, did you say:

"The meeting on 16 April 2012 was also referred to in letters from and to BBC Spotlight in June 2013. However, the Minister still believed at this time".

June 2013.

"that this meeting was with representatives of the Glass and Glazing Federation and officials were not aware of alternative evidence to indicate this was not the case."

Why did you say that to us when you had a whole range of alternative evidence?

Mr Haire: I'm talking to new — The Minister had made his decision.

Mr Allister: Yes, but he's not entitled to his own facts.

Mr Haire: No, no. He's taken his position, and that is the position of the Department. I'm saying that, when it came to that time, we had no additional material in front of us, on the 28th, which changed the view which we had before that process, because, if there had been this discussion, the officials had talked originally about Turkington's and the process and this one. It had gone to the Minister. The Minister had discussed this issue and had made very clear that he, at that time, had come to this view, and that had gone into the departmental record in that process. So, what I'm saying is, on the 28th, when we came to that time, there was nothing new. What we were hearing about, but I think it only arrived in the Department on the 28th, was, and I think you've got it, the manuscript note from Declan Allen, which is his manuscript note. Now, his manuscript note, I suspect, was not too different probably from any manuscript note any other person had. He writes against the name of Iain, the name Turkington. So, it adds nothing new to what his sentence is. That is the point. But, I say, that goes back to the original. He had been briefed. He'd been asked by the Department to come to a meeting with Turkington's because that was the — So, there is nothing new. The only thing we had was a statement from the BBC at that stage.

Mr Allister: You say —

Mr Haire: But, the point is, our view was that that was not external evidence — the BBC coming with their view on that process. We did not have evidence. The Minister was very strongly, at that time, saying very clearly it was his belief that it was and, likewise, the political adviser. So, it was that context. We did not have that position.

Mr Allister: Mr Haire, forgive me, but it sounds very much like what you're saying to this Committee is that, once the Minister decreed that the meeting was with the Glass and Glazing Federation, that expunged any other contrary evidence that the Department had and it was never to be referred to again. That seems to be what you're saying to us.

Mr Haire: I'm saying that the Minister had had the stuff originally. Michael has given you the evidence that he gave to the Minister. The Minister had looked at, been conscious of that issue and was conscious of the other issue from what had been said by Stephen Brimstone, presumably, and had come and had taken responsibility for that decision and that process. And that was the position which we had at that stage.

Mr Allister: But, Mr Haire, are you not under a duty within the Department not to just nod to everything the Minister says but, where you have evidence which would suggest the Minister is, in fact, factually wrong, to robustly challenge that and not to expunge that evidence, never to have it referred to again?

Mr Haire: The Minister had had the evidence before. He had got other evidence in relation to — from his political adviser on the process, and he had come to that position. We had made sure, as a Department — By September 2012, the fact that it was both the details of that meeting, including members of the Glass and Glazing Federation and Turkington's, was in the public domain. So, that was our understanding at the time, and so the core issue, and, of course, the core evidence is when the Minister hears from Turkington's itself, from your meeting, and that is the one which clearly does give the core element at that time.

Mr Allister: So, what you are saying to us, really, is that the Department had its own view from senior officials, which seemed to be the same view as the Housing Executive, and that all the other evidence that pointed to a particular conclusion about the meeting being with Turkington's, and the Minister decrees, "No, the meeting was with the federation", and, thereafter, that evidence that you had has got no weight whatsoever.

Mr Haire: The key point for us was there had been a meeting. It wasn't as though the Minister had — he has a political adviser who has been at a previous meeting who comes away with a strong impression, has in fact told Barbara that it will come from the Glass and Glazing Federation in that process. I think that is recorded in the system. So, there is a strong element there. It is not an unreasonable position for him to —

The second point, of course, which we have emphasised, the Department makes sure in this situation that exactly the same and correct process takes place in relation to the contracts. So, those are the issues. The Minister, going back to the terms of reference that you are exploring here, the misleading of the Committee takes place in May of 2012, so you are talking about issues that, after that time and that process, that had become part of the system. It actually had gone, until the 'Spotlight' programme comes up, it had kind of gone reasonably quiet in the process. It wasn't an issue in the process. That was the issue.

Mr Allister: Tell me, Mr Haire, at what point, when the Department has evidence that points in one direction, and the Minister decrees that, in fact, the opposite is the truth, at what point does the Department failing to stand up for itself amount to cover-up for the Minister?

Mr Haire: It's not my concern. I do not think that that is a —

The Chairperson: OK, that's fair enough. Jim, again, I'm —

Mr Allister: The evidence is staring you in the face.

The Chairperson: Sorry, Jim, let me just finish this, because, again, we are kind of nearly there in terms of these sessions, so, I do not expect any witness to have to again get into speculation or

conjecture or interpret other people's motivations. You have a direct line of questioning there, and that is fair enough, so go ahead on that direct line of questions.

Mr Allister: The evidence is staring you in the face. To be as neutral as I can, it is simply parked, it is removed from the scenario, because the Minister says, "No, the meeting is with the Glass and Glazing Federation", and then everyone sits back and waits. In spite of the BBC programme, in spite of the BBC letters, in spite of all of that, everyone sits back and waits for the Minister to realise that he was wrong, when he hears from Turkington's in this Committee, and no one in the meantime has dared to say, "In fact, Minister, you are wrong about this". That is really the scenario that we are looking at.

Mr Haire: Well, the key, from a, clearly, after the 'Spotlight' programme took place, obviously, we knew this inquiry was going to take place and would look into all these issues in great detail. Clearly, we waited for this inquiry in that process. When we saw the evidence from Turkington's, we clearly made that clear to the Minister in the situation, and that is where his decision made. Because that seems to me the core evidence of the issue, it was, but what you are asking is: "In what guise did those individuals come? What was their understanding for coming to that meeting?" The Minister never denied that Turkington's were there. I mean, it is on the record, it is in the minutes. The question is on what hat were they wearing at that time. The Minister, and the political adviser was there, repeated, very confident, and expressed very confidently that it was with a particular hat on — Glass and Glazing Federation. Clearly, when it comes from — [*Inaudible.*] — clearly that Turkington's were not in that process, and that — the Minister sees that it is that core evidence that comes that makes the Minister's decision and that's the Department did wait to that time to see what the position was.

Mr Allister: Meanwhile, Mr Haire, you had had letters from the BBC and a major meeting on 28 June that you are at, and one of the allegations of the BBC relates to who this meeting was with. Now, particularly since the Minister was being asked to do a public interview, did no one, yourself most particularly, say to him, "Well, now, Minister, there is this issue of who the meeting on 16 April was with; you would need to be very sure of your ground before you think of doing an interview as to who you actually met because that is a key issue highlighted in this correspondence."? Did nobody even say that or say, "Well, maybe it is time to reflect on who that was with; maybe it is time to investigate a little further."? Was everyone just so in awe of the fact that the Minister had decreed that it was with the federation that no one dared squeak about the fact that, in fact, there was evidence the other way?

Mr Haire: By the meeting of the 28th, clearly we had had the situation in relation to 'Spotlight'. As you know, 'Spotlight' was talking about programmes for six months beforehand — you are aware of that process — but yet did not do programmes. And then, in June it comes forward and starts billing a number of other areas that it has got to do in that process. Clearly, I had taken advice from the executive information service. I had talked to Stephen Grimason. My press officer had been heavily involved. We had talked to 'Spotlight' at the time to try to get some understanding of the meetings in that process.

Clearly, we were looking at that question and deciding whether it was sensible. If they were going to do a programme, how did we get the Minister's position on the record? The meetings took place were to try and decide how to do that, whether you actually offered an interview or whether you made sure that the Minister's letters — his position was put there in letters, and that is usually the correspondence that takes place. We have various meetings at different times. Different letters come in, and they cross over each other a bit as takes place at that time, and that is the correspondence that takes place. The key point of which was not — I don't think there was concluded — it was very unlikely that an interview would be appropriate, but what is very important is that the Minister — and the Minister felt very strongly and was very intrepid that his firm belief should be put on the record, and, as you know from the programme, in fact, is the letters were successful in getting the BBC to recognise that that is what his thoughts were. So, it was a carefully thought-through process of trying to get on the record the Minister's position. Those letters are a faithful way of demonstrating that process, and that is what we are involved in.

Mr Allister: And you, at the 28 June meeting, no pause to reflect on whether it was sustainable to say whether the meeting was with the federation back in April, given that the Housing Executive had obviously been asked by the BBC who they thought the meeting was with, and there was a great flurry, if not a panic, to find out what their FOI material contained. No reflection on the fact, "Well, Minister, bearing in mind the evidence we originally had, which we buried once you decreed it was with the federation, we need to be sure of our ground here." No discussion like that whatsoever.

Mr Haire: The Minister is very clear on his position at that time and the meeting —

The Chairperson: Sorry, Will.

Mr Clarke: They didn't "bury" anything.

The Chairperson: I don't want — again, Jim, using language like "buried" information and so on like that is not acceptable.

Mr Allister: Ignored.

The Chairperson: Well, don't use it. Will.

Mr Haire: The Minister was very clear on his position, and that was the position that we were representing on behalf of the Minister.

Mr Allister: So, whatever the Minister said, you, as permanent secretary, simply accepted because the Minister could not be wrong.

Mr Haire: Do I have to — I mean I —

Mr Allister: Isn't that what it amounts to, Mr Haire?

The Chairperson: Well, in fairness, Will, it is a question because it goes to the heart of, if you have an understanding of one set of evidence and the Minister has another understanding, do you take issue with the Minister on that or anyone else for that matter? But, I mean, you clearly have evidence; the Minister has a different understanding. Given the importance of these issues, we're asking, "What is your role in that?"

Mr Haire: Sorry, what's the difference, you're saying, between myself and the Minister.

The Chairperson: Well, the evidence would say, because there's a list of evidence that you had at your disposal for the meeting on the 28th, for example, including the letters Barbara McConaghie forwarded on from Turkington's, so everything was all pointing to Turkington's, and everyone has accepted, to this moment, including the Minister who came here and advised the Committee that he inadvertently misled the Committee. So, everyone accepts that the meeting was with Turkington's. All the evidence, electronic, and so on and so forth, and Jim outlined some of them earlier on, points at Turkington's. We're saying what we can't get our head into is that the Minister eventually, you used the term, maybe it was the Minister's volition to say it was Glass and Glazing Federation, but all the evidence is to the contrary. So, where is your role in that?

Mr Haire: I am sorry, I don't think — I'm saying is there's all the — the Minister — that had been discussed a year before in a process. Michael — in a process — and the Minister had made clear his understanding of what it was the meeting — including in the light of the previous — and therefore that had gone into the departmental record, and that was the understanding, and that was the position of that one. That was from the May 2012 changes. That has gone into the system, right. And that was, and I say, I'd personally had not been involved in any other, you know — that's when it came into my sort of consciousness that that's where that was, you know — because I wasn't close to it at this stage. So, I knew that that had been debated out, and that's how it stood. And that's a process. So, when it came a year later towards the issues here, and this came up in June, that was the departmental understanding, because the Minister — that was the clear understanding from the private office what the meeting was around. That's how they understood the hats, as it were, of the people walking into the room were wearing. Right. And, that was certainly the position which we understood.

And, I am not saying, and, you know — Michael Sands and other people at the meetings who were at these pre-meetings, and were preparing drafts, they were preparing the drafts of these letters and that process. That's what's coming up in the process. Right. So, there was not — I don't see the difference, as I say, between the Department and others. I'm saying, by this time, that's how it got — the Minister's position was clear.

The Chairperson: We want to let Mr Allister finish his line of questioning.

Mr Allister: Could I just suggest to you, the Minister got it wrong? He said that. Right. Now —

Mr Haire: He —

Mr Allister: Isn't that right?

Mr Haire: He accepts and allows that issue that clearly —

Mr Allister: — he got it wrong.

Mr Haire: He got it wrong.

Mr Allister: So, you are the head of the Department which sat back. Once he'd made the decree that the meeting was with the federation and did nothing to challenge, to check, to recheck any of that, even when you get letters from the BBC making those very strong assertions. Now, do you think the Department failed in simply rolling over and accepting the Minister's decree, which, ultimately, turns out to be false?

Mr Haire: The Minister and his political adviser had been at the special — at the pre-meeting of that, which sets the nature of the engagement at that meeting. So, you had somebody, you know, saying that as part of the process, and they are feeding that into the system and same process. How do other officials — you know, that's, you make a judgement that calls, and that was the situation where the officials judged on that process.

Mr Allister: What's the pre-meeting you're talking about?

Mr Haire: There was a pre-meeting, if I understand rightly, between — I mean, it's been referred to. Stephen Brimstone —

Mr Allister: But you tell us.

Mr Haire: Stephen Brimstone met the people from Turkington's in the Radisson —

The Chairperson: Radisson hotel —

Mr Haire: That's the meeting which Stephen comes saying, "This meeting is going to be a Glass and Glazing Federation".

Mr Allister: But you were sitting with a letter from Turkington's saying, "I, the general manager, would like to meet you to talk to you about my company and our view and all of that".

Mr Haire: My officials saw that meeting but they — when Stephen and the Minister — they said, "Well, that must be an understanding".

Mr Allister: The Minister wasn't at the January meeting.

Mr Haire: When you hear that Stephen, even when he looks at the letter again, says that still —

Mr Allister: The Minister wasn't at the January meeting.

Mr Haire: No, I'm not saying — I am saying that when Stephen — it was clearly the understanding, and Stephen, even when he sees the meeting this time, he still believes very much, he is adamant, about the meeting still being —

Mr Allister: I'm going to ask you one last time. Do you think that given that the Minister got it wrong, and given that the Department acquiesced for, what, 18 months, of it being wrong, do you think you served the public interest by not challenging and relying upon and raising the evidence that you had that he was wrong?

Mr Haire: I, personally, was not aware of the nature of this problem until much later in the process that there was this — I knew I had trusted officials who saw this issue and made a judgement at that time, and I trust those officials made the judgement in that way.

The Chairperson: Could I — Is that you — Have you finished there, Jim?

Mr Allister: I just had one last answer. Did you get a letter from the BBC?

Mr Haire: I got letters from BBC, yes. It is referred to — well, it is references to — it is a different issue, which came up in relation to the former chair of the Housing Executive. It is referred to in the 'Spotlight' report, and they also put my comment on that. So that was the only issue. So it's a different issue.

The Chairperson: Well if I could draw your attention to tab 14 actually, and it's a response from you to Turkington's. The response was *[Inaudible.]* Barbara McConaghie is actually responding to Ian McKeown who wrote on behalf Turkington Holdings.

Mr Allister: Which tab are we at?

The Chairperson: The back end of tab 14.

Mr Copeland: And 29 February, yeah?

The Chairperson: You're on 27 February.

Mr Haire: Yes. This one here.

The Chairperson: You're in that, permanent secretary, and Nelson McCausland. 27 February, the letter from Susan McCartney.

Mr Haire: Yes, that was because that was the time Stephen was off, so I would've just put this through to the Minister for clearance.

The Chairperson: It shows you that you had sight of the —

Mr Haire: Sorry, I mean, undoubtedly. I mean I knew that there was an agreed meeting to go ahead. I will readily admit I likely cleared that. It is my job to clear those sort of issues, but I have no recollection any more of being involved in the meeting other than just saying —

The Chairperson: Yeah, but that's our problem, you see, because you're saying you cleared it, and you're now saying that you can't remember what it was, or do you remember? I mean —

Mr Haire: Sorry, you know, sorry, you know, I —

The Chairperson: The issue here was, were you aware that the letter came in, a request came in from Turkington's?

Mr Haire: Yeah, the answer is —

The Chairperson: You cleared it.

Mr Haire: Undoubtedly I cleared the process, but, I mean, sorry, by the time the meeting takes place and the debate in May, I am out of the picture on that one, and I am not aware of what's going on in this debate. I mean I only see it when it is Turkington's at this stage, and I will readily admit I can't remember. I would clear, in his absence, I would've cleared — as well as all my work and the Department's work, I was just checking these things going through the Minister, but I would not have a detailed knowledge.

The Chairperson: The reason why I would press that is because, again, that it goes back to the issue for us is that — and we are trying to square this circle — that, as you said, the Minister ultimately then makes a decision that the letter, or that the meeting, was with Turkington's Holdings. What I'm presenting to you is a set, a sequence of evidence, which Jim has already done, and a few other Members done it previously. Now, which would be to the contrary, which shows that the meeting was not with Glass and Glazing Federation but with Turkington's.

What I want to put to you directly, Will, is this: on the last day when you were here, I asked you the last day when you were giving evidence, could you account for how — you were actually in this room when Michael Sands gave evidence, which was subsequently proven to be incorrect. Maybe that is not his evidence, but there was a contradiction in the evidence presented by Michael Sands and others around the meeting on 16 April, which was sitting about on 20-odds of May to this Committee. The difficulty for me in this is that, you, in your response the last time round, said you were aware, I put it to you, that you were aware, when Michael Sands was giving his evidence, that there was a conflict in actual what happened. You referred to the TRIM system and what have you. Your response at that meeting, in your last evidence, was that you were waiting, because I asked you, at what point, if you were aware that there was incorrect evidence being given to this inquiry because of evidence and information sitting in the Department's disposal, at what point would you bring that to the attention of this inquiry. You told us on that occasion you were expecting Michael Sands would deal with that when he returned to the inquiry. In saying that, I also did point out to you on that occasion, if I remember correctly, because you'd made us aware that Michael Sands wouldn't be at that next session because he was off ill. My problem here is that, notwithstanding the list of evidence that there is which proves that the meeting was with Turkington's, up until very, very recently — in fact, until the Minister actually says, "I got it wrong" — the Department was prepared to accept that, even though all of the evidence pointed to the contrary. I put this question to you in my opening remarks: as the permanent secretary, do you not see that that is an absolutely unacceptable situation?

Mr Haire: Michael is not back here to give his evidence, being seriously ill —

The Chairperson: But you're aware the evidence is there, so leaving Michael out of it —

Mr Haire: But, I mean Michael is very central, because he is, in a sense, my person who has been dealing most closely with the issue here. You will readily understand, as the biggest Department in this process, I rely on a lot of people to do the detailed work I cannot get into. So, I would like to hear Michael on this position here. But what I am saying is, looking at this process, clearly there was a situation here where there was a letter came in and was processed. There was obviously a pre-meeting in the Radisson about this question, and you're going to get more evidence as you — Out of that, Stephen Brimstone, as he has made evident to this Committee, came with a very clear impression of what the process was. The Minister, when he goes into the meeting — and I don't know the pre-discussions the two of them had — but he likewise comes and says, "No, I was meeting them in that guise". Clearly, as I say, the record indicates that that decision is made in that process, and Michael makes his comments about this issue and the process. But I have Michael and other people saying, "Well, fair enough, that's the judgement they accept in that process". That's the judgement call, and I rely on those officials, and I think they are good people who make good judgements of what is appropriate for officials to do. So, that's all I can say.

The Chairperson: My final point: so, if someone's making a wrong assertion, you're not going to correct that if you think, ultimately, they've made that decision.

Mr Haire: I think these people are well able to judge, and if I haven't got evidence to the contrary. I have to back that Michael had made the right call at that time.

The Chairperson: OK; thank you.

Mr Haire: OK.

Mr Clarke: Just finally, in terms of the meeting — and I just want to get your thoughts on this one— and I can understand to a degree in terms of the question comes, once the report has got to a certain stage. But I presume you're not across the level of detail of each and every one of the meetings the Ministers have.

Mr Haire: Certainly, no. I can't be.

Mr Clarke: I presume that. But in terms of — so, whether it had have been from the Glass and Glazing Federation or Turkington's, but if it had been recorded as Glass and Glazing Federation and it had turned out to be Glass and Glazing Federation, or if it had have been Turkington's and it continued to be Turkington's, what do you see the net effect to the Department?

Mr Haire: I mean, if this had been a non-issue, it would've been Turkington's and nobody had raised the question around that, it would be much easier for us in that process. But the answer is, in terms of process, no difference. I mean that was the big issue for myself, as my notes indicated, was, I kept on saying to people, "Make sure; I want to make sure", and this was because the Red Sky issue and all those issues, "Make sure everybody's clear that contracts are done by the Housing Executive, the Department's very careful limits in the process what is it and that this was".

Mr Clarke: And if this meeting had have been recorded as Turkington's, and the meeting took place with Turkington's, what difference would that have made to the Department?

Mr Haire: None at all.

Mr Clarke: None at all. OK.

The Chairperson: OK, Trevor. Thank you for that. Fra McCann.

Mr F McCann: Just one point. If it made no difference whether it was Turkington's or the Glass and Glazing factory — or, Federation — why are people going to so many lengths to try to say that it wasn't?

Mr Haire: Sorry, and the answer is, I can only assume, is because they felt that was what it was with was the Glass and Glazing Federation, because I think — I presume — it's because that's what they felt it was. I mean, especially since, publicly, they're very quickly saying, explaining that the Glass and Glazing Federation it was Turkington's in the process.

The Chairperson: Don't enter into speculation of other people's —

Mr Haire: I am just saying; I have been asked to speculate. I'm just saying — a good point; I shouldn't. OK?

Mr Clarke: Sorry, Chairman. You're — and I'm not asking you to speculate, but it's on the record today in terms of what BBC have said in relation to that. There was a summary. I think Stephen possibly read it today. I'm not sure if it was Stephen or the Minister. Your impression of what BBC had — I mean, have we got a copy of that, where they said that they could see — what was the bit where they —

Mr Haire: Yes, they have the transcript there.

Mr Clarke: Can we just get a copy of that again a second?

Mr Copeland: See where the Minister might have thought, possibly.

Mr Clarke: Yeah, I think that is the words, can you see where the Minister may have thought. Can you understand why the BBC would have thought —

The Chairperson: Is the reference where some of the programme-makers or presenters said it is possible the Minister may have thought —

Mr Clarke: Can you see where BBC could have drawn the conclusion that it may have been possible for the Minister to think it was the Glass and Glazing Federation?

Mr Haire: I think it is because the Minister had made very clear in his letters of 28, 26, 27 exactly his views and made — I think the BBC had accepted that point.

Mr Clarke: Can we read that into the record again just, Chairman. That paragraph.

The Chairperson:

"It is possible Mr McCausland thought that they may have been Turkington's or there as representatives of the federation. Housing Executive has told".

Mr Clarke: So, that's his words. That's BBC's words.

The Chairperson: Yeah, but there is more than that.

Mr Allister: You should hear it all.

Mr Clarke: It is not like you to want to hear it all, Jim.

The Chairperson: I'm only just going — I'll only read the paragraph, or the full sentence or whatever, but:

"It's possible Mr McCausland thought that they men from Turkington's or there as representatives of the federation, but the Housing Executive has told us that their two officials who attended the meeting were not aware that the men from Turkington's were representing Glass and Glazing Federation. What is even harder to understand is why Nelson McCausland changed the draft letter to say he also met Fusion 21"

I can continue, but —

Mr Clarke: No, I think it's important. The opening part of the paragraph was —

The Chairperson: But if you want to pick — I am only making the point, if you want —

Mr Clarke: Well, others picked portions and paragraphs because it suits their arguments, right Jim.

The Chairperson: Fair enough, yeah, but you asked for it to be read out. I am only finishing to the full stop. That's all I'm doing.

Mr Clarke: That's right.

The Chairperson: No, I mean, Trevor, you've obviously put your point and all; that's fair enough.

Mr Clarke: Yeah, I'm happy.

The Chairperson: OK, well, just to make the point, then, that really what I'm putting to yourself, and this is just my final remarks, is that there is a raft of evidence, written, email, verbal, oral evidence, which points out to the meeting with Turkington's, and all I'm suggesting to you that we're being asked to accept from yourself, and, indeed, others, that, notwithstanding all of that, that people jumped to an understanding or took on board an understanding that Turkington's were representing someone else. That's at the core of the Committee being misled. That's the allegation, and I'm asking you then — and I've asked you before, but I'm not going to labour it again — you know, at what point would you have actually tried to convince those people who were making those assertions that they were actually incorrect? Do you understand or do you accept that there was a different version?

Mr Haire: Clearly, the point was, when we had the Turkington — sorry, the Turkington evidence to your Committee came through and we had, from the voice of Turkington's themselves, their position of it. When that came through, that was clearly — this went to the Minister and the Minister looked at that material, and that's where the Minister changed the position.

The Chairperson: And is that where you changed your position?

Mr Haire: Sorry, that was the key evidence, that process, yeah.

The Chairperson: OK. Is there any other comments, Will, that you want to make before you — OK, no other members asking to speak. OK, so, Will Haire, thank you very much for your evidence here this afternoon.