



**Northern Ireland
Assembly**

**PUBLIC ACCOUNTS
COMMITTEE**

**OFFICIAL REPORT
(Hansard)**

**Briefing from the Head of the
Northern Ireland Civil Service**

29 June 2011

NORTHERN IRELAND ASSEMBLY

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Briefing from the Head of the Northern Ireland Civil Service

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Members present for all or part of the proceedings:

Mr Paul Maskey (Chairperson)
Mr Joe Byrne (Deputy Chairperson)
Mr Sydney Anderson
Mr Michael Copeland
Mr John Dallat
Mr Alex Easton
Mr Paul Girvan
Mr Ross Hussey
Mr Mitchel McLaughlin

Witnesses:

Sir Bruce Robinson) Office of the First Minister and deputy First Minister
Mr Derek Baker) Department of Finance and Personnel

Also in attendance:

Mr Kieran Donnelly) Comptroller and Auditor General
Mr Richard Pengelly) Acting Treasury Officer of Accounts

The Chairperson:

We are joined today by Sir Bruce Robinson and Derek Baker. We will be receiving a briefing from Sir Bruce, head of the Civil Service, addressing the matters relating to the Committee's relationship with senior civil servants and questions members may have on the outworkings of the disciplinary process undertaken by him.

It was almost a year ago, nearly to the day, that the Committee embarked on its inquiry into NI Water. Unfortunately, due to events after the 1 July evidence session, the accountability process became a shambles from that day onwards. The Committee has been deeply concerned about matters relating to the letter from Peter Dixon on 5 July and is anxious to fully understand the

measures taken to address those. Individual members, and previous members of the Committee, to whom the letter was addressed have specific concerns, which will be raised in the course of today's session. Members should note the letter received yesterday from Paul Priestly and the memo accompanying the papers received today from the Committee for Finance and Personnel. As no members wish to express an interest in these matters, we will move on.

Sir Bruce, you are very welcome to today's meeting. I understand that you have other commitments shortly after 3.00 pm, so we will try to keep to that. We are here to talk about some of the issues that have arisen around the inquiry into NI Water and the guidance on the Paul Priestly matter. We do not want to hear exclusively how you interpret the guidance on confidentiality. We are here for you to satisfy for yourself and the Committee that the matter has been properly dealt with. I ask you to open the session by explaining the rationale behind the process, which started in July 2010.

Sir Bruce Robinson (Office of the First Minister and deputy First Minister):

Thank you very much, Chairman. I appreciate the opportunity to meet the Public Accounts Committee (PAC). It provides me with the opportunity to assure you of my personal commitment to the response to the first recommendation in the sixth report, in which I indicated that I believe that the NICS strives at all times to carry out its role in accordance with the principles and standards of public service. I am sure that it is important to the Committee that I reassure members that what has happened in the situation that was being investigated is, in my experience, unprecedented and does not in any way reflect my approach, or that of the Civil Service or Senior Civil Service, to the work and role of the Committee. It is a good opportunity for me to put that clearly on record.

Today gives me an opportunity to explain how I have dealt with the issues that I set out in correspondence to the Committee on 31 August, in which I made clear what the investigation was about and how it would be conducted. From your response at that time, I formed the opinion that the way I was taking it forward was certainly acceptable to the Committee. It is also important to say that today is an opportunity for me to put on record to the Committee that all this happened with the express approval of the Minister for Regional Development. He was content with the setting up of all the work and the undertaking of the investigation.

So, this hearing allows me an opportunity to reassure the Committee about a significant

number of issues and to help the Committee to understand what was happening.

Chairman, I appreciate you noting the timing issue of this afternoon's meeting. I am interviewing for an independent member for the OFMDFM board and, as it happens, the interview is with somebody who has come from England. If needs be, I will come back, if the Committee wants to follow up. There is no question of that in my mind.

You said that the question was whether I had reassured myself that the matter had been handled properly. I certainly believe that it has been handled properly.

This all started when it was brought to my attention on 17 August that Paul Priestly had played a role in drafting the letter of 5 July from Peter Dixon. That was a matter of serious concern to me. I felt that it breached the NICS standards of conduct, and I contacted the then Minister Conor Murphy, who, at that stage, was on holiday and out of the country. I proposed to him that we would undertake an independent investigation to establish whether that had happened and that I believed that that should happen under what I have referred to as the Northern Ireland Civil Service acting as an employer. The Minister made it very clear to me at that stage that he believed that that was the right way to deal with it, and he said that he did not believe that he should have any part in the investigation. I then developed the terms of reference, and we put those to you and to the Committee for Regional Development at that stage and commenced the investigation.

When I wrote to you on 31 August, I indicated that the investigation would cover Paul Priestly's role in the letter of 5 July. I also said to you that, in accordance with the obligations placed on employers by data protection legislation, the contents of the investigation report once completed would not be made public. You responded to me on 6 September. You thanked me for my letter and said that the Committee considered it at its meeting of 2 September, and that the information was useful in helping the Committee to decide its next steps. In another part of the letter, you asked me to keep you informed of developments.

I felt that that response indicated that the way in which the matter was being taken forward was acceptable to the Committee, and I have acted consistently with that at every stage, all the way through. In doing so, I have kept you informed in the way that I said I would. I informed the Committee at the end of the process. I also informed the Committee for Regional

Development. The only other parties that were informed at any stage in this were the civil servants under investigation in the Jon Shortridge report. At the time, when I was writing to you on 13 June with the outcome, I also informed the Ministers in OFMDFM of what I was saying to this Committee and to the Committee for Regional Development.

In acting in that way, I believe that not only is it in accordance with the HR policy and procedures of the Civil Service but it is in accordance with good practice and the requirement for the NICS to act as a good employer.

Therefore, in summary, I believe that I have acted consistently with our HR policy and procedures and consistently with the way that I indicated to you and your Committee that I would act, which was in a way that was accepted and endorsed by the Minister for Regional Development. I believe that I have acted appropriately in all of this.

The Chairperson:

OK, but when you sent us the letter with the outcome, you said that you would not be commenting further, yet you put out a press release the next day. We are all open to people getting their business out. If you need to be away at 3.00 pm, you will need to be brief in your answers.

Sir Bruce Robinson:

May I just pick up on that point?

The Chairperson:

Excuse me; let me finish. When you are giving responses, you need to be brief and factual. Go ahead.

Sir Bruce Robinson:

The additional point came as a result of media enquiries, and it was to elucidate what we meant when we said that the NICS was acting as an employer in this case. It was meant to draw out and to do no more than point back to exactly what we said in our press release of 31 August 2010 as to what the process would be.

The Chairperson:

OK. For me, as Chair of the Public Accounts Committee this term and when the debacle took place, it is about accountability mechanisms. I took part in Jon Shortridge's inquiry. I fed information into that and acted on behalf of the Committee. I believe that the accountability mechanisms of not only the Public Accounts Committee but the Assembly and the Executive have been undermined by Mr Priestly's actions. Indeed, if Mr Priestly was made a permanent secretary again, how could a Public Accounts Committee have confidence in dealing with that individual when he undermined the Committee's process? Have you any thoughts on that?

Sir Bruce Robinson:

At this point in time, he is demoted.

The Chairperson:

But what happens in the future? He was demoted only one level. What happens if he is promoted to permanent secretary again? That could happen in two months' time. There are no time frames in any of the stuff that we have seen. That could happen tomorrow or next week for all I know. How, as the Chairperson of the Public Accounts Committee, could I have faith and confidence in a permanent secretary who undermined the Committee?

Sir Bruce Robinson:

As a result of the outcome of this investigation, he will not be eligible to compete for any promotion for three years.

The Chairperson:

So, there is a three-year time limit on that.

Sir Bruce Robinson:

Correct.

The Chairperson:

That is before the end of this term.

I want to be brief. A letter from Mr Priestly came to the Committee yesterday. Some of the media have already got hold of that letter, so it will not be a surprise for you to learn that he sent

it. You may or may not have seen the letter.

Sir Bruce Robinson:

I have not seen it, Chair.

The Chairperson:

Maybe we can furnish you with a copy of it before the end of the meeting. Some Committee members may think that it is an apology, and others may think differently. So, it was not you who directed Mr Priestly to send that letter?

Sir Bruce Robinson:

Not at all, Chair.

The Chairperson:

OK. The letter gives Mr Priestly's address as care of the Department for Regional Development. Is Mr Priestly back in that Department?

Sir Bruce Robinson:

Not to my knowledge. At this point in time, he has not been assigned to a post.

The Chairperson:

OK. I suppose that, if you do not know anything about it, it is something that the Committee may have to address at a later stage.

It is almost a year since 1 July 2010. Do you think that the inquiry you instigated should have taken that length of time?

Sir Bruce Robinson:

I am not particularly happy that it took that length of time. I want to come back on a particular point in that regard. I understand the Committee's frustration and concern about what happened in this case, and I absolutely share that. The investigation that the PAC was undertaking had an Audit Office report on procurement in NI Water, and the Committee held a hearing on that. As I see it, two parallel processes then happened. The investigation into Paul Priestly's behaviour was undertaken, and, in parallel, you and your Committee continued your work on the report. As I

understand it, though I have no direct information, you commissioned the Audit Office to undertake some fairly extensive additional work as part and parcel of what had arisen in the course of the hearing and from your concerns about the letter and Paul Priestly's role in that letter. It took seven months for the Committee to produce the report, for understandable reasons, as I said. In my experience, the normal time for producing a report after a hearing is two to three months. So, clearly, these are complex and difficult matters that we were both dealing with in our respective situations.

The process that I worked through on the investigation into Paul Priestly's behaviour is set out in the HR strategy and code. As a responsible employer, I felt absolutely duty bound to follow that in all regards. To do otherwise would have left me open to the potential for a tribunal. I felt the need to follow though the process correctly. There were three stages to the process: the investigation; the board of inquiry; and the appeal. I wish that it had been completed quicker.

The Chairperson:

We were dealing with a wide range of complex issues; you were dealing with one, although it was wide-ranging. We are here to hold the Civil Service and the Departments to account; not the other way round.

My last question at this stage is: can you say with confidence that the Civil Service code of ethics and the Nolan principles will be borne out in officials' work for the Committee?

Sir Bruce Robinson:

I am sorry, Chair?

The Chairperson:

Will the Civil Service code of ethics and the Nolan principles be borne out when officials come to this Committee in the future?

Sir Bruce Robinson:

Absolutely, and that is what I wanted to convey at the beginning.

Mr Girvan:

Thank you, Sir Bruce. What was the sequence of events that led to the suspension of Mr Priestly

last August? Specifically, did the Minister speak to you before or after the decision was made to suspend Mr Priestly? The other point that I would like to find out about is whether there was any discretion to follow a process other than the one that you are bound to follow, which is set down in the human resources manual. But first, what was the sequence of events that led to Mr Priestly's suspension in August, and did the Minister consult you prior to that happening or directly afterwards?

Sir Bruce Robinson:

When this came to light on 17 August, it really was quite a shock to me. I was very concerned about it. In arriving at the proposal to the Minister to suspend Mr Priestly, I discussed the issue with some senior colleagues in the Department of Finance and Personnel (DFP) to make sure that their understanding of the seriousness of this was the same as my own. I contacted the Minister — I tracked him down and contacted him. When I spoke to him, I said that I was pretty sure in my own mind that we would conclude that Mr Priestly should be suspended and his behaviour investigated under the code of standards. I also said that I was still waiting for some final feedback and advice from DFP's corporate HR and the Departmental Solicitor's Office. At that stage, I was pretty sure in my own mind that that was where it was going to go. The Minister listened to what I had to say, and he agreed that this was obviously a serious issue. He immediately said that he believed it was an issue for the Civil Service to deal with — in other words, that it should be dealt with by the employer — and he specifically said that he did not want any role in it.

As regards an alternative, I do not think —

Mr Derek Baker (Department of Finance and Personnel):

Chair, I will pick that question up. So far as an alternative way of dealing with these issues is concerned, of course one could have stepped outside the provisions of the Northern Ireland Civil Service handbook. The handbook of itself is not enshrined in statute; it is an internal administrative arrangement. However, it is so constructed and designed to comply with employment legislation, where appropriate. An example of that is the facility to build in an appeals mechanism, which complies with dispute resolution regulations.

The key point is that, in effect, the Civil Service handbook represents the contractual terms and conditions between the employer and the employee. If the employer, in managing a

disciplinary process, unilaterally steps outside the arrangements that have been agreed, the employer leaves itself open to legal challenge or a grievance being brought against the employer and would have very little defence. The simple point is: what is the point of having such a code and such a handbook if, knowingly and willingly, you decide not to comply with it?

Mr Girvan:

I appreciate that, during that process, a panel was set up to hear evidence and to make a judgement. Was that panel's decision unanimous?

Mr Baker:

Yes.

The Chairperson:

Thank you for keeping that brief, Paul.

Mr Dallat:

Sir Bruce, thank you very much for agreeing to come here. I am very pleased that the session is open. That is important because, collectively, we all have to rebuild confidence in the system that we serve to the best of our ability. Hopefully, that is what we are doing this afternoon.

You and I have been here for a long time. I am sure that you will agree that it is a case of déjà vu. We have had problems before. You will remember that a clerk in the Public Accounts Committee was moved to a different department because there was disagreement about how the Committee was doing its work. However, let us focus on the present.

The letter from Paul Priestly arrived yesterday. That is pure coincidence. You have said that. I got a response from the Office of the First Minister and deputy First Minister at 9.39 am today telling me that the Sir Jon Shortridge report will not be made public. I assume that that is also coincidence.

You will know that this is not purely about a senior civil servant drafting a letter for the chairman of an independent review board to send to three members of the Public Accounts Committee threatening legal action and describing their behaviour as appalling — I suppose that that word covers all the adjectives used. You will know that that letter was deleted from the Civil

Service computer system. You will be aware that the Information Commissioner's Office regards that as criminal activity. What has been done to identify the person who deleted it? I am not suggesting that Paul Priestly did it. Where is that person now? Was that covered in the Shortridge report? Certainly, that was very adequately covered in my evidence to Sir Jon.

You will appreciate that that information is in the public domain. The public are watching today's hearing very carefully, and it will be reported on. We need to know whether the system is now squeaky clean. We have focused entirely on one individual, but there were others involved. You can agree with me or not, but it seems to me that, when you agree public funds to carry out an inquiry to be paid for from the public purse, it is very difficult to then tell the public that they will not find out what is in the report and how that report will change things and ensure that, in future, elected representatives have ultimate control over how Departments are run and behave.

There are a few issues there, but I want you to focus particularly on the deleting of not just one e-mail but a lot of e-mails. Indeed, there are still issues about one document even today. A response last week said that they will neither confirm nor deny that that document exists. Do you agree, Sir Bruce, that that is an appalling way to run a Department?

Sir Bruce Robinson:

I will work my way through the questions, and I am sure, Mr Dallat, that you will come back with any that I do not cover. The position on publishing the Shortridge report has been clear from 31 August last year. The reply this morning is the latest in a consistent line on that, which stems from the letter that I provided to the Chair on 31 August —

Mr Dallat:

If I may interrupt you for two seconds: do you agree that elements of the Shortridge report do not relate to the cover provided by the Civil Service handbook and that there were issues that should be in the public domain?

Sir Bruce Robinson:

I am in exactly the same position that I was in on 31 August, when I gave the Committee the reasons why the report would not be published. As I said, the Chairman responded in such a way that I understood that the Committee accepted that point.

Mr Dallat:

Continue.

Sir Bruce Robinson:

You have asked me a set of questions around the deletion of the e-mails. I can confirm that the investigation covered those actions and four civil servants were investigated as part of that work.

Mr Dallat:

And?

Sir Bruce Robinson:

No disciplinary action has been taken against the other three, on the conclusions of Jon Shortridge's investigation.

Mr Dallat:

Despite the fact that the Information Commissioner's Office regards that as criminal activity?

Sir Bruce Robinson:

All I can say to you is that, as regards the particular set of issues on the investigation, how the Information Commissioner's Office views those things has to be looked at in whatever way it will. On the specific point, four civil servants were investigated and disciplinary proceedings were taken against Paul Priestly only, as a result of Jon Shortridge's investigation.

Sorry, Mr Dallat, you had a third point, which has gone from my mind.

Mr Dallat:

You have probably covered it, in that you have said that there has been no disciplinary action taken against either the person who keyed in the letter that went to Peter Dickson or the person who ultimately deleted it when it became obvious that someone was looking for it. No action has been taken against them. How does that assist in restoring credibility to a system that has been battered and bruised by the whole affair? Next Friday, 1 July, will be the anniversary of this awful happening.

Three people got the letter that we have been talking about for so long: Patsy McGlone, Dawn

Purvis and me. How do you think that I felt when I discovered all that information floating publicly last week, when, I think, your Department must have released something to the media? Why has no one ever bothered to write to me, Patsy McGlone or Dawn Purvis to reassure us that, as public representatives, we have the support of government in carrying out our work to the best of our ability without fear or favour of party or anyone else? Are we non-persons in this whole thing?

Sir Bruce Robinson:

Let me deal with the first question, and I will come back to that point. You made the point about confidence as a result of nothing happening with regard to the deleting of e-mails. When I wrote to the Chairman, I indicated who was carrying out the report — Sir Jon Shortridge. Everyone accepted that at that time, and no question was raised about him not being fit to carry out an independent report. I come back to the point that, based on his investigation, disciplinary action was taken against one of the four civil servants investigated. I do not think that anything has emerged at any stage that would suggest that it was anything other than a thorough, independent, well done piece of work.

On the second point that you raised, as I said to the Chairman, I can well understand the frustration of the members of this Committee, and particularly the frustration that you, Mr McGlone and Ms Purvis felt about the reference to you in the letter that came to the Chair. I have made absolutely clear that I do not regard that as appropriate behaviour at all. Far from it. In fact, I have demoted the person who did it.

As I have seen this piece of work, this is about the institution of the Public Accounts Committee. I wrote to the Public Accounts Committee, and that is the important part of the devolved structures that have been engaged in this and that I have dealt with all the way through this. I had undertaken to make this Committee aware of the outcome, and, as a courtesy, I made the Committee for Regional Development aware of the investigation and the outcome. The only other parties I informed, because I believed that was consistent with what I said I would do, were the two Ministers in OFMDFM. I have not informed the former Minister for Regional Development, Conor Murphy, of the outcome. I have not informed anybody who was involved in the Shortridge investigation of the outcome. The only information on this has gone to the four civil servants who were under investigation as to the outcome.

So, Mr Dallat, I have sought to act in support of the institution, and I believe I was doing that correctly. That is what I said I would do, and I have carried that through consistently.

Mr Dallat:

I said at the outset that we both have a collective aim, and that is to restore confidence in the system, which I believe was very badly damaged by this incident. It is disappointing to know that you did not get anywhere in your disciplinary procedures with the people who went about deleting the e-mails. You know and I know that in future it makes an absolute nonsense of the discovery of documents that could be critical to any inquiry because the message is very clear now: nothing happens.

I am watching the clock carefully because I want other members to have the same opportunity to ask questions. A three-man panel made this decision. Are we allowed to know who they were? Finally, one person heard the appeal. Are we allowed to know who that is?

Sir Bruce Robinson:

Absolutely, Mr Dallat. The three people on the panel were Margaret Elliott, Patrick Haren and John Semple. The appeal was heard by Peter Housden, permanent secretary in the Scottish Government.

The Chairperson:

Just for clarification: when a letter comes from me, it gets the agreement from the Committee before I can send it out. So, it is an agreed letter that is sent out in all cases. It was not the Chairperson sending the letter out, but it was an agreed letter from all members on the Committee in the last term.

Mr McLaughlin:

You tell us of your personal commitment and that you regard this as a matter of serious concern. You also tell us that you sought to act in the interests of the institution. You explained in detail the disciplinary process and its grounding in the procedures of the Civil Service handbook, which is a public document. I have agreed with that approach from the outset. You do have the key line management function in the Civil Service.

It is clear that personal and data protections were observed, but it is equally clear that MLAs

— I think the vast majority of MLAs — and the public that we represent and to whom we are accountable — we are expected to explain and rationalise this to provide reassurance that it is an open and democratic process — are far from satisfied with the outcome. They do not believe that the process was transparent or the sanction or sanctions appropriate or proportionate.

Perhaps you could address some of those concerns. You tell us that Mr Priestly has not been reassigned. As well as being demoted as a sanction, did he have a reduction in salary?

Sir Bruce Robinson:

He did.

Mr McLaughlin:

Does that reflect the level to which he was demoted?

Sir Bruce Robinson:

Correct.

Mr McLaughlin:

He has not been assigned. Is he still on suspension?

Sir Bruce Robinson:

No, at present, I am engaged in exploring a range of options as to where he will be deployed.

Mr McLaughlin:

So, he is currently in a very senior position and receiving full pay but is not assigned to any task. One of the concerns of the public was that he was on suspension for the best part of a year. If you are unaware of that, it is commonly known as gardening leave, on which he was on full salary. Now he does not even have a job, but he is still on full salary. Is that the position?

Sir Bruce Robinson:

That is the position.

Mr McLaughlin:

Do you think that that adds to the credibility of the process?

Sir Bruce Robinson:

It is a situation that I am keen to resolve as quickly as possible. I absolutely agree with you on that. Mr McLaughlin, can I take you back to the point about the credibility of the processes? I believe that there is credibility in the processes and not only around codes or procedures. This was agreed with the Minister, so it was not a unilateral action on my part. I put it to the Minister that it was a matter of major concern to the Department, and I suggested to him that that was the best way to deal with it. The Minister agreed with that and endorsed it.

Mr McLaughlin:

I am trying to save you time, because I have not challenged that. I have agreed with that. We are talking about the outcomes and the sanctions and about whether the public can be reassured that the outcome was proportionate and appropriate. I am telling you, Sir, that they do not believe that. I am trying to save you time and to provide opportunity for colleagues to ask their questions. I would be very surprised if you were unaware of the level of disquiet that the episode has caused. On that basis, do you agree that the existing protocols and disciplinary procedures now need to be amended to address the lack of clear information on the findings, investigations, outcomes and the terms of sanctions and in a way that protects the legitimate interests of the individual?

Sir Bruce Robinson:

If the Committee were to call for something to happen along that line, I would be perfectly prepared to accept it, because I understand the point that you are making. However, on the other side, I will enter why I believe that that is an appropriate response to Paul Priestly's having been found guilty of a charge of serious misconduct. He has been demoted from permanent secretary. That has never happened before. He has lost salary, and he has had a serious personal impact. There are issues around the damage that he will have suffered to his career and to his reputation. I am absolutely clear that the decision is my decision, but the view is not just my view but that of a board of inquiry that looked at the matter. It is also the output of an open-ended appeal process, which could have decided that the outcome was too lenient or too severe. Therefore, my decision has been tested twice independently — I had no input into that process whatsoever.

Mr McLaughlin:

As a result of your last answer, I feel provoked to say that, manifestly, there has been no public

reassurance from the fact that this has been a unique set of circumstances and that no senior civil servant has been in this position before. I wish it were otherwise, but the fact of the matter is that there is a considerable amount of angst and anger. This was quite clearly an attempt by one of the most senior civil servants to interfere with the political process. It would be no more appropriate for us, as politicians, to interfere. Why it is not regarded as gross misconduct is beyond comprehension.

Sir Bruce Robinson:

I can only point back to the fact that those judgements were taken by people — not all of whom are civil servants — who have experience of the private sector, have legal experience and have experience of how the Civil Service operates in England, Scotland and Wales.

Mr McLaughlin:

And they and you agree that, at that level of seniority in the Civil Service, it is not a matter of gross misconduct to attempt to interfere with the political process?

Sir Bruce Robinson:

In the circumstances that we are talking about, that is the view that was independently arrived at. I absolutely assure you that I had no input whatsoever to either the board of inquiry or the appeal process.

Mr McLaughlin:

That is even more worrying.

Mr S Anderson:

Thank you, Sir Bruce, for coming along this afternoon.

My point has been touched on, but I want to tease it out a wee bit. I want an estimate of the likely loss to Mr Priestly as a result of his demotion. You just clarified that not only was he downgraded but he suffered financial loss. At the very beginning, you clarified for the Chair that there was a condition attached, which meant that he could not apply for promotion again for three years.

I ask my questions as someone who does not know the pay scales for the different grades. Is it

possible that he could receive increments in each of the next three years in his current pay band? Could he reach the top of that band and end up with a better salary than if he was on a low band of the top scale? Would that be possible? Will he qualify for incremental payments? Where has he landed in the pay scale of his new grade?

Sir Bruce Robinson:

No senior civil servant believes that there is the prospect of significant increases in their pay over the next few years, Mr Anderson.

Mr Dallat:

They do not need it.

Mr S Anderson:

The point is whether the opportunity is there for someone to consider whether he should get an increase or not. There is a bar on promotion for three years. Does that bar apply to income as well?

Mr Baker:

I want to pick up on a technical point, because there are some misunderstandings floating around. I have heard comment that senior civil servants get pay increments: they do not. They are the only Civil Service grades that do not have any pay increments whatsoever. So, the salary that senior civil servants are on does not increase unless there is a base-pay award. There are no incremental progressions year-on-year, and those are the only grades to which that applies.

With regard to where Mr Priestly might have been on his previous pay scale and where he landed on his new one, I am not really in a position to talk about his precise salary because, quite frankly, I do not know it. However, to give the Committee a scale of magnitude, I can say that the median salary of a permanent secretary — this is not the mean nor is it Mr Priestly's exact former salary — is £106,000. That figure is in the public domain. The median salary for a deputy secretary is about £92,000. That gives some scale of magnitude. There are no increments whatsoever in the Senior Civil Service.

Mr Easton:

Excuse my ignorance: I have only just joined this Committee, so I am learning along the way.

On the point raised by Mr Dallat about the deleting of e-mails, surely at that level you would need a password to access that computer. Knowing data protection, there is only one person who would know the password to access that computer to be able to write a letter and save it or delete it. How can you not identify who deleted the e-mail? To me, it is common sense that access to a computer at that level would require a password. I would have thought that it would be quite easy to identify who that was. That is my first question.

My next question is on the investigation panel. When the panel is investigating misconduct, does it take into consideration other issues, such as how long the person has been in service and any previous disciplinary record? Does that play into its decision?

As for the demotion of Mr Priestly, how long ago was he demoted and for how many months has he been waiting to be put into a new job?

Sir Bruce Robinson:

I will deal with those questions, and I may ask Derek to supplement some of the information.

On the issue of deletion, in general, in our policy on e-mails and e-mail deletion, there are a range of reasons for deleting to do with straightforward use. Given that we have one single system, it would fall over if there was not a requirement to delete e-mails and all sorts of information on a regular basis. The reasons for deleting vary, and that is a requirement of our policy. To repeat the point I made to Mr Dallat: Sir Jon Shortridge's investigation included looking at this. Arising from that, no disciplinary charges were laid. That was his recommendation.

The board of inquiry operates on the basis that it takes evidence as well as the charge against the person. In doing so, it takes evidence of all types. I do not think it unreasonable that the board would have considered issues of past performance and things such as that.

Sorry, what was your final point, Mr Easton?

Mr Easton:

How long ago was he demoted? So, how long has he been the way he has been?

Sir Bruce Robinson:

The completion of the process was 19 May, when the appeal was taken. In effect, that was the completion of the process.

Mr Easton:

So, it has been a month or so.

I want to go back to the deleting of e-mails. You have processes for deleting e-mails, but did you know what computer was used and who deleted it?

Sir Bruce Robinson:

All I can say is that Sir Jon Shortridge looked into those points. Mr Dallat said that that formed a significant part of his personal evidence to Sir Jon Shortridge. All those points were examined.

Mr Easton:

Did they find out who deleted it?

Sir Bruce Robinson:

It is the reason for deleting that becomes the key issue.

Mr Easton:

So, we may know who deleted it, but it is the reason that might be the issue that is getting them off the hook.

Sir Bruce Robinson:

I am relying on Sir Jon Shortridge's investigation. That is the process that we always indicated would be followed.

Mr Baker:

I would add one point —

The Chairperson:

Wait one second.

As head of the Civil Service, is it not your job to look into matters that have been brought to your attention if people are maybe misbehaving?

Sir Bruce Robinson:

My role in this situation is a little bit unusual. That is to do with the fact that a permanent secretary was involved. Strictly speaking, the employer is the Department. It is within the Department that those decisions are made and disciplinary procedures lie. The code specifically refers to the fact that, if a permanent secretary is involved, it is the head of the Civil Service who is drawn in to be part of the disciplinary procedure. However, I do not have any direct responsibility for employees of the Department for Regional Development.

Mr Baker:

I want to make a general technical point. As Sir Bruce says, every day, literally hundreds of thousands of e-mails are exchanged on the Civil Service network. Many, many thousands of those are, quite properly, deleted. The deletion of an e-mail does not in itself constitute any offence and does not conflict in any way with the requirements of the Information Commissioner's Office. The deliberate deletion of an e-mail may constitute an offence if it took place after a freedom of information request seeking a piece of information had been placed. That is a general point, but e-mails are deleted day in and day out; they have to be for housekeeping reasons.

The Chairperson:

OK, I think that we have got the point.

Mr Hussey:

Comments have been made about transparency and credibility. Nothing here has been transparent, and I feel that there is no credibility here this afternoon. When questioned about the salary, you answered that there was a median of £92,000 for a deputy and maybe a median of £106,000 for the chief knocker. We are on £43,000-odd a year. That is public knowledge. Everybody and their granny know what we earn. The illusion has been created here that perhaps, potentially, Mr Priestly has lost £42,000. He could also, potentially, have lost £6,000. He could have been on £104,000 and gone on to £104,000 in the deputy position. We do not know that. You did not answer the question that was asked. In my opinion, your answer was a bluff, because

using the median for those grades does not answer the question and you were deliberately vague.

You say that this report is a well done piece of work, but it could be a rubbish piece of work for all we know because we will not get the right to see it. The Public Accounts Committee is supposed to be publicly accountable. From what I can see, nobody is accountable to us. I am a new member of the Committee. I am very disappointed. John Dallat has gone through hell with this. If I were John Dallat, I would be a lot angrier than he is today. Comments made here today have wasted our time, Chairman. We have sat here and not really got any answers. This report that nobody can see: of the four civil servants involved, three have been absolved. Nobody knows who they are or the why, what, where and when. Somebody may have deleted an e-mail because somebody else told them to. We are not going to be told, but this report was a well done piece of work. You also commented that the people who dealt with this know how the Civil Service operates. I have a good idea how you operate, and I would not have been impressed.

Finally, I will make a comment in relation to one of the documents that we have here. It refers to the Minister, but I will make it:

“It is then the Minister’s responsibility to inform the Committee of what has happened, and of what has been done to put the matter right and to prevent a recurrence.”

Nothing that you have said here today assures me that there will not be a recurrence. I make that as a statement; I do not ask for a response. Nothing that has been said here today assures me that there will not be a recurrence of this.

Mr Baker:

Chair, do you want me to respond to the point about the salaries? It was suggested that I was trying to be vague with the Committee, but I was not.

Mr Hussey:

You put a blanket over it. You used a median, which did not answer the question.

Mr Baker:

That is because I do not know Mr Priestly’s actual salary. I can tell you that, when applied, our procedures for demotion mean that the individual is reverted to the salary that they were on before they were promoted. Therefore, there is a reduction. I can also tell you that the pay and promotion policy in the Senior Civil Service levels is that there will be at least a 10% increase in

an individual's salary. From that, you can deduce that there was at least a 10% reduction, but I do not have Mr Priestly's actual salary figures with me.

Mr Hussey:

I still do not think that it will equate to £42,000 that was inferred.

The Chairperson:

Would you like to respond to the point about credibility?

Sir Bruce Robinson:

Sorry, is that in terms of Mr Hussey's point?

The Chairperson:

Yes.

Sir Bruce Robinson:

I am a little in the dark here. Mr Hussey quoted from something, and I am not sure what —

Mr Hussey:

I am quoting from the 'Guide to the scrutiny of public expenditure', paragraph 4.28 of which deals with giving evidence before the PAC. I will repeat what it states:

"It is then the Minister's responsibility to inform the Committee of what has happened, and of what has been done to put the matter right and to prevent a recurrence."

Although not a Minister, you are a senior civil servant. The guidance goes on:

"Evidence to a Committee on this should be given not by the official or officials concerned, but by the Minister or by a senior official designated by the Minister to give such evidence on the Minister's behalf."

We are in a similar situation. You are here as a senior civil servant. Have you given us any reassurance that you have taken steps to prevent a recurrence?

Sir Bruce Robinson:

The point is that which I made at the very beginning, which is that my answer to the first recommendation of the PAC was my reassurance to you on that point. I reinforced that here and also made very clear my personal commitment. I am as upset as Committee members that this happened.

Mr Dallat:

No, you could not be.

Mr Hussey:

I agree with Mr Dallat — I do not think that you could be. Mr Dallat went through hell on this matter.

Mr Copeland:

I will be as brief as I can. Sir Bruce, thank you for undertaking to come here this afternoon. I am very new to this Committee, and I come from another place. It is a place where the state says that people can live on one tenth or one twentieth of the remuneration that Mr Priestly and people in similar positions receive. It is also a place where people who work for agencies can be summarily discharged from their work without being given time to get their coat from a peg. The people in that place pay for this institution and all that goes on here through their taxes, and they look here for some sort of propriety in behaviour and some sort of justice.

It strikes me that the essential issues here are the independence of this Committee and the House from which it derives its authority and the inherent relationship that exists between the Committee and members of your Civil Service. Mr Priestly did something wrong; that is not in doubt. The issue is whether the punishment that he received reflected the fact that he did something wrong or the fact that he was silly enough to be caught out. I am unclear as to how the process can stand up and ask or expect to be viewed with contentment by us, unless we can balance and judge for ourselves the level of admonishment that the civil servant concerned received.

I understand that there are certain questions that you cannot answer, but I also understand that there are certain questions that I can ask. I will ask those questions point-blank, because I believe that the answers to those questions may fundamentally go some way towards assuring the public of whether the admonishment was commensurate with the offence — if that is the right word — that was committed. I do not expect you to answer those questions now. I would be content if you would undertake to go away and consider that they have been put and to answer them if you can and feel free to do so. If you do not answer the questions, I would expect you to tell us the reasons why. My questions are quite simply: what position and place of work did Mr Priestly occupy prior to the events in question and what was the level of remuneration to which he was

entitled and drew? I also want to know what his place of work and title is now and what level of salary he currently draws. If you feel able to answer those questions, I would be interested to hear from you, but if you cannot I would accept that as a given.

My last point is slightly more obtuse. I believe that you will have to reply to it in writing, because I cannot hold you responsible for a letter that you may not have seen. However, in your view, would it be normal for an item of correspondence to come from a private individual, without an attachment of any particular position in the Northern Ireland Civil Service or anywhere else, using the Department for Regional Development at Clarence Court as a care of address? How does such a letter come to the Public Accounts Committee today using the Department for Regional Development as a care of address? I presume that that is not normal. I also presume that, as it was signed by the individual himself and does not appertain in what position he is acting, it is written by a private individual. I appreciate that you may not have seen that letter, so I would be content to take those answers in writing.

As I said, there is a world out there, which is looking in here, for whom salaries of £106,000, £110,000 and £120,000 are beyond comprehension. It is people who are looking for 50p to put into a gas meter. They look here. This House and this Committee owes a debt to them. It does not owe a debt to have a witch-hunt nor to embarrass or cause distress to someone who presumably has been a perfectly satisfactory civil servant for most of his life but to ensure that something like this will never happen again. If it does happen, a message must go out that those responsible are held in disdain by their fellows in the Civil Service and not brought back in under a cloak of understanding or with a view to the past.

I am also interested to know who paid for Sir Jon's report and about the terms of reference that were given to him when he set out. Again, I am content, if you are so content, to take the answers in writing.

The Chairperson:

The answer to that last question and some of the other questions were given in response to private Members' questions —

Sir Bruce Robinson:

There are some Assembly questions (AQs) that address some of those points. I will deal

comprehensively with the questions, but I think that it is best to do so in writing. I hear Mr Copeland's concern, and Mr McLaughlin's earlier points were very similar.

Mr Copeland:

Sir, it is not my concern; it is the concern of those who sent us here charged to look after responsibilities. I ask primarily on behalf of a young man who lives at the bottom of the Newtownards Road, who had worked for just short of two years for an agency and who was sacked on Monday morning for being in his own front garden at a time of civil disorder. There was no investigation, no severance, no, "We will find something for you" and no demotion to a £96,000-a-year job. It was, "Get your coat and get out" without evidence, simply for being in his own front garden.

Mr Byrne:

I welcome Sir Bruce and Derek. I am new to this Committee and am learning. I want to ask Sir Bruce about the relationship between a permanent secretary and his Minister. There may be a perceived difficulty whereby a permanent secretary breaches the code of procedures in the handbook and the head of the Civil Service is invoked to take charge. In a serious situation where the head of the Civil Service feels sufficiently concerned to contact the Minister on holiday, does the head of the Civil Service, given the serious nature of the issue at stake, give an opinion and advice to that Minister, or can that Minister exercise freedom of choice and decide what to do?

Lastly, how much did the Shortridge report cost? There is genuine public interest in that.

Sir Bruce Robinson:

From memory, the cost outlined in the AQ was £8,500.

The Chairperson:

It was £9,027.

Sir Bruce Robinson:

Thank you, Chair. On the former point: I contacted the Minister and said to him that, to the best of my knowledge, Paul Priestly had been engaged in the writing of the letter. I considered it a very serious matter and a breach of the code of conduct, and I suggested to the Minister that the

appropriate way to deal with it was through an investigation. I have worked with Minister Murphy in a number of areas, and I certainly view him as very capable of making his own decisions. Therefore, I am confident that, when he said that that was the way that he thought the issue should be dealt with, that was his view.

Mr Byrne:

Chairman, did Sir Bruce say earlier that the Minister said that he did not want any role in it?

Sir Bruce Robinson:

Correct.

The Chairperson:

You will be glad to hear that you are able to go to do your interviews now. However, the seriousness of this matter is paramount to the mechanisms of scrutiny in the Assembly.

Sir Bruce Robinson:

I accept that.

The Chairperson:

We, as a Committee, take that very seriously because, if we cannot have faith in the Civil Service, how can anybody from the outside have faith in the procedure of the Public Accounts Committee? The matter challenges not only the Public Accounts Committee; it challenges the entire Assembly. So, I hope that mechanisms are put in place. You have given us some answers today and have said that you will give us some others in writing. We, as a Committee, will discuss our way forward from this point. I appreciate you coming in at short notice, and I hope that you are not too late for your interviews. It is a very serious issue.

Sir Bruce Robinson:

I agree, Chair. I repeat that, if this Committee wants to talk to me again about it, I stand ready to do that.

The Chairperson:

OK. Thank you.