Oifíg an Ard-Rúnaí
An Roinn Oideachais agus Scileanna

Office of the Secretary General
Department of Education and Skills

Mr Kieran Lenihan
Clerk to the Committee
Committee of Public Accounts
Leinster House
Dublin 2

29th March 2018

Dear Mr. Lenihan

I refer to my attendance at the meeting of the Committee on 22 March 2018 and to the conduct of that meeting.

I am acutely conscious and respectful of the critical role which the Public Accounts Committee plays in ensuring efficient and effective use of the public's money. As an Accounting officer, I regard my personal accountability to the PAC is a matter of the utmost seriousness. This is reflected in the extent of preparation which I undertake for my appearances as a witness and also the degree to which I am personally involved in ensuring that comprehensive follow-up information is expeditiously provided by my Department.

In that context, there is one particular area of interaction at the meeting that I would like to refer you to.

Deputy MacSharry stated that in May 2014, "the then Chairman of the Committee of Public Accounts asked Mr. Ó Foghlú what qualifications a contract manager should have and what qualifications the contract manager in this case actually had. Mr. Ó Foghlú said he was not aware of the details but that he would get them. I have checked through the records and he did not come back to the committee." I said that I would check and he further stated that "to the best of my research, Mr. Ó Foghlú did not come back". I responded that "I have a system in place to make sure we come back on every follow-up but I may have made a mistake." Deputy MacSharry then said that "Maybe it was a mid-term approach", seeming to reference in a mocking manner earlier responses by me on a different matter and I indicated that it was unfair. At the lunch break I received confirmation from my office of the date on which I responded to the committee on this matter and provided this information to you. The Chairman noted this at the end of the meeting.

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In the continuing dialogue with Deputy MacSharry he said that "I know from other engagements here, and we will be going back to them directly, that CIT has a history of lavish parties. Was Mr. Ó Foghlú at the retirement party for this individual?" He repeated the question again. The Chairman asked me not to answer. The Chairman also indicated on a number of occasions that the line of questioning was not relevant to the subject matter for the meeting. I indicated that there could be an insinuation being made by the Deputy.
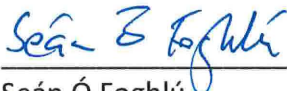
You will appreciate that I have significant experience of attending the committee as a witness. I expect to receive challenging and robust interrogation on matters related to the issues before the Committee, but I do not expect to be treated unfairly or to be the subject of unfair and unwarranted insinuation. I consider that Deputy MacSharry's manner of asking the question was unfair and could, to any reasonable member of society watching proceedings, injure my professional reputation.

I am therefore seeking to highlight what I believe was unfair treatment of me as an invited witness to the committee.

I would suggest that Deputy MacSharry might now acknowledge that his comments regarding my alleged non-response to queries regarding qualifications for a particular post at a meeting held almost 4 years ago were misleading and untrue and that his question regarding my attendance at a putative retirement party was also unwarranted. I think this would send a strong signal that the high standards set out in the committee's own protocols for witnesses are consistently adhered to, namely that "you have confidence [as a witness] that you will be treated fairly, with respect and consideration and that your evidence will be assessed on its merits alone".

I would also like to request that you would ensure that at future meetings I am not placed in an unfair position again. I would be happy to meet you and the Chairman to discuss how this might be achieved.

Yours sincerely

Seán Ó Foghlú
Secretary General