



Northern Ireland
Assembly

Committee on Standards and Privileges

Report on a complaint against Mr Tom Buchanan MLA

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Contents

Powers and Membership 4

List of Abbreviations and Acronyms used in this Report..... 6

Introduction 7

Role of the Committee 7

Background..... 8

The relevant rules in the Members’ Code of Conduct..... 9

The Commissioner’s reasoned decisions 9

The Committee’s consideration and conclusion..... 11

Annex – Apology from Mr Buchanan to the Committee 13

Links to Appendices..... 14

 Appendix 1: The Commissioner for Standards Report on a complaint against
 Mr Tom Buchanan MLA..... 14

 Appendix 2: Minutes of Proceedings 14

Powers and Membership

Powers

The Committee on Standards and Privileges is a Standing Committee of the Northern Ireland Assembly established in accordance with paragraph 10 of Strand One of the Belfast Agreement and under Assembly Standing Orders Nos. 51 and 57. Further provisions on the Committee's functions are also included in Standing Orders 69, 69A, 69B, 69C and 70.

The Committee has power:

- To consider specific matters relating to privilege referred to it by the Assembly;
- To oversee the work of the Assembly Clerk of Standards;
- To examine the arrangements for the compilation, maintenance and accessibility of the Register of Members' Interests and any other registers of interests established by the Assembly, and to review from time to time the form and content of those registers;
- To consider any specific complaints made in relation to the registering of declaring of interests referred to it;
- To consider any matter relating to the conduct of Members; and
- To recommend any modifications to any Assembly code of conduct as may from time to time appear to be necessary.

The Committee is appointed at the start of every Assembly, and has power to send for persons, papers and records that are relevant to its enquiries.

Membership

The Committee has nine members, including a Chairperson and Deputy Chairperson, and a quorum of five members. The membership of the Committee is as follows:

- Ms Carál Ní Chuilín MLA (Chairperson)

- Mr Stewart Dickson MLA (Deputy Chairperson)
- Miss Jemma Dolan MLA
- Ms Connie Egan MLA
- Mr Paul Frew MLA
- Mr Harry Harvey MLA
- Mr Brian Kingston MLA¹
- Mrs Cathy Mason MLA
- Mr Colin McGrath MLA

¹ From 8 April 2024 Mr Brian Kingston replaced Mr Stephen Dunne as a member of the Committee.

List of Abbreviations and Acronyms used in this Report

MLA:	Member of the Legislative Assembly
The Assembly:	Northern Ireland Assembly
The Code:	Assembly Members' Code of Conduct
The Commissioner:	Assembly Commissioner for Standards
The Committee:	Committee on Standards and Privileges

Introduction

1. The Committee on Standards and Privileges (“the Committee”) has considered a report from the Assembly Commissioner (“the Commissioner”) on her investigation into a complaint against Mr Tom Buchanan MLA of alleged breaches of the Assembly Members’ Code of Conduct (“the Code”). A link to the Commissioner’s investigation report, which includes a copy of the complaint correspondence together with the evidence gathered during the investigation, is included at **Appendix 1** (a limited amount of information has been redacted from the Commissioner’s report to accord with legal obligations).
2. A link to the applicable minutes of proceedings of the Committee is included at **Appendix 2**.

Role of the Committee

3. The arrangements for regulating the standards of conduct of MLAs include: the role of the independent Commissioner in investigating complaints of alleged breaches of the Code; the role of the Committee in considering the Commissioner’s investigation reports and adjudicating in light of the Commissioner’s findings and any other evidence or information obtained; and the role of the Assembly in plenary in deciding upon any sanctions recommended by the Committee where applicable.
4. It is the Committee, therefore, which ultimately decides on whether any breach of the Code is established, on the basis of the evidence, the facts and the legal position in respect of each allegation. To inform its decision-making on individual complaint cases, the Committee may seek additional advice and information to supplement evidence and findings presented by the Commissioner.

Background

5. On 23 February 2023, the Commissioner received a complaint from Mr Martin Tracey alleging that Mr Tom Buchanan MLA had disclosed confidential information to the Belfast Telegraph relating to a separate previous live complaint by Mr Tracey, thereby breaching Rule 17 of the Code.
6. Mr Tracey provided evidence of Mr Buchanan having been quoted in an article in the Belfast Telegraph on 22 February 2023 in which he spoke about the live complaint. Furthermore, Mr Tracey provided evidence in the form of a confidential letter to him from the Commissioner, which he alleged, was disclosed by Mr Buchanan.
7. The Commissioner considered the complaint and decided it was admissible, before commencing her investigation on 27 February 2023. On 4 April 2023, the Commissioner forwarded her report on the investigation to the Committee for consideration. The current Committee was appointed in February 2024.
8. Prior to the Committee commencing its adjudication and in accordance with its established disclosure process, the Committee Clerk sent the Commissioner's full investigation report to the respondent, Mr Buchanan, for written comment in respect of any matter raised with the report (where applicable, any written comments received from the respondent in such complaint cases are provided to the Committee at the same time as it receives the Commissioner's investigation report). Mr Buchanan was also offered the opportunity to appear before the Committee to make his comments in person and to answer any questions that members may have.
9. Mr Buchanan did not take up the opportunity to make a written response nor did he indicate that he wished to avail of an oral hearing.

The relevant rules in the Members' Code of Conduct

10. The relevant rule of conduct cited in the complaint against Mr Buchanan is as follows:

Rule 17: You shall not disclose details in relation to such an investigation except when authorised by law or by the investigatory authority.

11. In addition to Rule 17, the Commissioner decided that the complaint engaged Rule 12 which reads as follows:

Rule 12: You shall disclose confidential or protectively marked information only when you are authorised to do so.

12. In her investigation report, the Commissioner has detailed her approach to the investigation in paragraphs 1-3 and has set out the findings of fact in paragraphs 4-5.
13. The Commissioner's report also details the evidence she considered and her reasoned decisions in relation to the allegation made.

The Commissioner's reasoned decisions

14. The following extracts from the investigation report outline the Commissioner's reasoning in relation to why she upheld the allegations made by Mr Tracey in regards to the breach of Rule 17 and why she considers that there has also been a breach of Rule 12:

"9. Confidentiality is of vital importance to the Office of the Commissioner for Standards and for all of those involved in the complaints process. It is as important to the person raising a complaint as it is for the person against whom

an allegation of any sort has been made. Accordingly, there are two separate rules within the Code requiring Members to maintain confidentiality throughout the complaints process.

10. Mr Buchanan confirmed that he spoke to the Belfast Telegraph journalist; this is also apparent from the quotes attributed to Mr Buchanan in the Belfast Telegraph 22 February 2023 article. Mr Buchanan explained that he had a number of missed calls and when he returned the call, it was a journalist from the Belfast Telegraph. During that call he said he was caught off guard and whilst initially he was not intending to make comment, he then did so after some questioning by the journalist.

11. Mr Buchanan confirmed that it was his Office that disclosed the confidential letter to the DUP press office on 21 February 2023. He never imagined that the letter would have been shared beyond the press office. However, Mr Buchanan takes full responsibility and realises he should not have shared the letter with anyone as it was private and confidential and marked as such. Mr Buchanan asserts that he did not remove the 'Private & Confidential' marking on the letter. However, the marking was removed at some point after it left Mr Buchanan's office as the letter received in evidence from the complainant had no such marking.

12. Mr Buchanan was very clear during his interview with me that he understood the importance of confidentiality in general, for example, within his constituency office. It is my view that Mr Buchanan knew or ought to have known that speaking to the press about a live complaint and sharing a letter marked 'Private and Confidential' was inappropriate and a breach of the Code.

13. Both of these actions are in contravention of Rule 17 and also Rule 12 of the MLA Code of Conduct."

The Committee's consideration and conclusion

15. At its meeting on 13 March 2024, the Committee received an oral briefing from the Commissioner on her investigation report. Following the Commissioner's oral briefing the Committee deliberated and considered the allegations, together with the evidence, findings of facts and reasoned decisions of the Commissioner as set out in her investigation report. In undertaking its adjudication function, the Committee remains mindful that Members will only be found to have breached the Code when they have breached one of the rules of conduct.
16. Having considered the evidence provided within the Commissioner's investigation report, the Committee agreed that no further information was required from the Commissioner to enable it to decide on the complaint.
17. The Committee noted that Mr Buchanan had acknowledged the importance of confidentiality and that the Commissioner had found him to be cooperative, honest and open throughout the investigation.
18. Arising from its deliberations, the Committee decided that it agreed with the Commissioner's conclusion that there had been a breach of Rule 17 and of Rule 12 of the Code. Having considered the specific circumstances of the case, the Committee agreed that, rather than recommending to the Assembly that a sanction be imposed, it would seek to resolve the matter by requesting that Mr Buchanan make a formal apology in writing to the Committee to enable it to report to the Assembly that the complaint has been resolved. Mr Buchanan subsequently provided the necessary formal letter of apology, which is included as an **Annex** to this report.
19. Therefore, **the complaint is upheld and the Committee has concluded that Mr Buchanan breached rules 17 and 12 of the Code. However, following**

receipt of a written apology from Mr Buchanan, the Committee is content to report to the Assembly that the matter has now been resolved.

20. While deciding in this case that the matter could be resolved by a written apology, rather than recommending to the Assembly that a sanction be imposed on the Member, the Committee notes the point highlighted in the Commissioner's investigation report regarding the vital importance of confidentiality for all of those involved in the complaints process.
21. In that regard, **the Committee takes the opportunity of this report to remind all MLAs of the importance of maintaining confidentiality during the complaints process. In order to safeguard the fairness and integrity of the process and avoid any unnecessary reputational damage to any of the parties involved, it is imperative that the confidentiality of complaints is upheld until the consideration and, where applicable, the investigation and adjudication of complaints has concluded.**

Annex - Apology from Mr Buchanan to the Committee



Thomas Buchanan MLA

West Tyrone Constituency Office, 52 Market Street, Omagh BT78 1EH

Tel: 028 8224 7702 E-mail: tombuchananmla@hotmail.co.uk

**Ms Carál Ní Chuilín MLA
Chairperson
Committee on Standards and Privileges
Room 276
Parliament Buildings
Ballymiscaw
Stormont
Belfast
BT4 3XX**

25th March 2024

Dear Carál

I write to offer my apologies for the breach of Rules 17 and 12 of the Assembly Members' Code of Conduct.

I acknowledge the extreme importance of confidentiality when a case is being investigated and can assure the Committee that such an error will not occur again.

Again, please accept my sincere apologies.

Yours sincerely,

Tom Buchanan MLA

Links to Appendices

Appendix 1: The Commissioner for Standards Report on a complaint against Mr Tom Buchanan MLA

[Link to Commissioner for Standards Report](#)

Appendix 2: Minutes of Proceedings

[Link to the Minutes of Proceedings](#)

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Committee on Standards and Privileges

Shane McAteer

Northern Ireland Assembly

Parliament Buildings

Ballymiscaw

Stormont

Belfast BT4 3XX

Telephone: 028 90521843

Email: committee.standardsprivileges@niassembly.gov.uk