

Committee on Standards and Privileges

**Report on a complaint against
Mr Pat Ramsey MLA from
Mr Bertie Faulkner OBE**

**Together with the Report of the Northern Ireland Assembly Commissioner for Standards
and the Minutes of Proceedings of the Committee**

**Ordered by The Committee on Standards and Privileges to be printed on 5th June 2013
Report: NIA 114/11-15 Standards and Privileges Committee**

Committee Powers and Membership

1. 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 Order Nos. 51 and 57.
2. 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 arrangement for the compilation, maintenance and accessibility of the Register of Members' Interests and any other registers of interest 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 or declaring of interests referred to it;
 - to consider any matter relating to the conduct of Members;
 - to recommend any modifications to any Assembly code of conduct as may from time to time appear to be necessary.
3. 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.
4. The membership of the Committee is as follows:

Mr Alastair Ross (Chairperson)
 Mr Kieran McCarthy (Deputy Chairperson)
 Mr Steven Agnew
 Mr Sydney Anderson¹
 Mr Cathal Boylan
 Ms Paula Bradley²
 Mr Colum Eastwood³
 Mr Declan McAleer^{4 5 6}
 Mr Fra McCann
 Mr Ian McCrea⁷
 Mrs Sandra Overend⁸
5. The Report and evidence of the Committee are published by the Stationery Office by order of the Committee. All publications of the Committee are posted on the Assembly's website: (www.niassembly.gov.uk.)
6. All correspondence should be addressed to the Clerk to the Committee on Standards and Privileges, Committee Office, Northern Ireland Assembly, Room 254, Parliament Buildings, Stormont, Belfast BT4 3XX. Tel: 02890 520333; e-mail: committee.standards&privileges@niassembly.gov.uk

1 With effect from 07 May 2013 Mr Sydney Anderson replaced Mr David McIlveen
 2 With effect from 15 April 2013 Ms Paula Bradley replaced Mr Jonathan Craig
 3 With effect from 23 April 2012 Mr Colum Eastwood replaced Mr Patsy McGlone
 4 With effect from 03 July 2012 Mr Alex Maskey replaced Mr Pat Doherty
 5 With effect from 07 September 2012 Mr Francie Molloy replaced Mr Alex Maskey
 6 With effect from 15 April 2013 Mr Declan McAleer replaced Mr Francie Molloy
 7 With effect from 03 December 2012 Mr Ian McCrea replaced Ms Paula Bradley
 8 With effect from 26 September 2011 Mrs Sandra Overend replaced Mr Michael Copeland

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Report

1. The Committee on Standards and Privileges¹ has considered a report from the Northern Ireland Assembly Commissioner for Standards on his investigation into a complaint against Mr Pat Ramsey MLA by Mr Bertie Faulkner OBE. The Commissioner's report and the complaint are appended to this report.
2. Mr Faulkner's complaint relates to Mr Ramsey's conduct and comments during a meeting of the Committee for Employment and Learning on the 14th March 2012. In his letter the complainant, who is the Chairperson of the North West Regional College, alleges that Mr Ramsey breached the principle of respect by making a series of, what were in Mr Faulkner's view, unfounded and damaging accusations against the College's Governing Body, as well as Mr Faulkner personally.
3. Mr Faulkner objected to Mr Ramsey's assertions that evidence submitted on behalf of the Governing Body to the Committee for Employment and Learning had been "manufactured and fabricated"; that the Governing Body was involved in a "cover-up", and that he regarded Mr Faulkner as having no more to offer than "a bit of process". Mr Faulkner objected particularly to Mr Ramsey's assertion that he (Mr Ramsey) had "grown men in tears telling me that you wrecked their lives". Mr Faulkner also complained about a press statement issued by Mr Ramsey's office several days later which repeated some of these claims.
4. Mr Faulkner, together with Mr Seamus Murphy (the Principal of the College), had been invited to appear before the Committee for Employment and Learning because of widespread concerns about developments at the North West Regional College. There was anecdotal evidence, later confirmed by an independent review, that working relationships at the College had deteriorated and that there had been a diminution of trust across the organisation. Meanwhile, the College was preparing to implement a redundancy programme on the basis of what had been referred to as the 'curriculum audit'. This expression, used at a meeting with elected representatives in March 2011, gave rise to the assumption that there existed a document by that name and prompted successive requests for a copy, first from Mr Ramsey and then (on three occasions) from the Chairperson of the Committee for Employment and Learning. However, neither Mr Murphy, nor Mr Faulkner, nor the Minister of Employment and Learning, all of whom corresponded with the Committee on the subject, saw fit to make clear that 'curriculum audit' was a process and not a document. When the Committee's three requests to Mr Murphy failed to meet with the desired response, the Committee wrote in February 2012 asking him and Mr Faulkner to attend a Committee meeting on 14th March 2012.
5. The Commissioner has reviewed the minutes of evidence of the committee meeting and has listened many times to the audio recording of it. Having done so the Commissioner holds that no breach of the Code of Conduct has been established. The Commissioner points out that language and tone used by Mr Ramsey at the meeting were at all times within acceptable limits. He concludes that Mr Ramsey's allegation that the Redundancy Business Case document was "manufactured and fabricated" as part of a "cover-up" was understandable in the circumstances; his interruption of Mr Faulkner may have been unfortunate, but it was calm and not ruled out of order; and his allegation that Mr Faulkner had "grown men in tears" was directed instead at the Governing Body, and is consistent with representations from staff and the findings of the independent review on industrial relations. As for the press statement released several days after the event, it did no more than repeat views that Mr Ramsey had expressed at the Committee meeting of the 14th March and were thus already a matter of public record.

1 The Chairperson, Mr Alastair Ross MLA, and Mr Fra McCann MLA declared an interest in this matter as members of the Committee for Employment and Learning at the time when the conduct complained about occurred. Neither Mr Ross nor Mr McCann participated in the Committee's consideration of this complaint.

6. The Commissioner is scathing about the 'extraordinary failure' of Messrs Faulkner and Murphy to disabuse the Committee of their belief that the 'curriculum audit' was a document. The Commissioner has no doubt that, had this simple step been taken, events at the Committee meeting would have been very different.
7. The Committee on Standards and Privileges considered the report at its meeting on Wednesday 22nd May 2013. The Committee has given careful consideration to the evidence gathered by the Commissioner and the reasoning behind his conclusions. The Committee is satisfied that Mr Ramsey did not subject the complainant to an unreasonable and excessive personal attack. **The complaint is not upheld.**
8. The Committee shares the Commissioner's view that it was inexplicable that at no time prior to the meeting on 14th March 2012 did Mr Faulkner or Mr Murphy inform the Committee for Employment and Learning that the curriculum audit was a process rather than a document. Given this omission by the witnesses it is unsurprising that they were questioned robustly at the Committee meeting.
9. It is particularly notable that the Deputy Chairperson, who was chairing the meeting, only had to intervene once when it was Mr Faulkner rather than Mr Ramsey who was called to order.
10. This complaint was transferred to the Commissioner on 19th September 2012 from the Deputy Ombudsman who had been investigating the complaint in place of the interim Assembly Commissioner for Standards (who had recused himself from the investigation). At the point at which the complaint was transferred the Deputy Ombudsman had already decided that the complaint was admissible. The Commissioner informed the Committee that if he had been asked to consider the admissibility of this complaint (under the General Procedures Direction which came into effect on 12th November 2012) he may have come to the view that it was inadmissible on the grounds of triviality. The Committee is sympathetic to this view.
11. For a democracy to function properly the people's elected representatives must be free to raise any matter. If a Member speaking in the Assembly believes a fact or opinion needs to be raised in a debate, that Member should not be deterred from raising it by a fear of liability for defamation. It is for this very reason that absolute privilege attaches to the making of statements in proceedings of the Assembly. It is not the purpose of the Code of Conduct to curtail or limit this important statutory privilege.
12. The Commissioner has correctly pointed out that witnesses before a committee should expect to be asked questions and be subject to challenging comments. That is particularly the case when they have failed to co-operate fully, or are perceived to have so failed. Committees play an important oversight role and to fulfil it may have to challenge witnesses in a way that they find uncomfortable.
13. The Code currently provides, under the principle of respect, that individuals should not be subjected to unreasonable and excessive personal attack. However, even without this provision there is a responsibility on committee chairpersons to ensure good order within a committee. Committee members should cease speaking at the request of the chairperson. A chairperson could suspend a committee meeting in the event that member refused to comply with or wilfully disregarded the rulings of the chairperson. It is this therefore in the first instance a matter for chairpersons, rather than the Code of Conduct, to ensure good order in committees.
14. The Committee would only expect complaints about conduct in committee to be admissible in exceptional circumstances, and the conduct of a Member would have to be of a significantly greater magnitude than the conduct in this case before the Committee would consider upholding such a complaint.



Northern Ireland
Assembly

Appendix 1

Report by the Assembly Commissioner for Standards

**Report by
the Northern Ireland Assembly Commissioner for Standards
on a complaint by
Mr Bertie Faulkner OBE
against
Mr Pat Ramsey MLA**

This report is privileged and is the property of the Northern Ireland Assembly Commissioner for Standards.

It has been prepared for presentation to the Committee on Standards and Privileges (the Committee). Neither the report nor its contents should be disclosed to any person unless such disclosure is authorised by the Northern Ireland Assembly Commissioner for Standards or the Committee.

The report remains confidential until such time as it is published by the Committee.

1. **Introduction**

- 1.1 This is the report of the investigation of the complaint by Mr Bertie Faulkner OBE, the Chairperson of the Governing Body of the North West Regional College against Mr Pat Ramsey MLA.
- 1.2 In essence Mr Faulkner has complained that by comments he made at the Committee for Employment and Learning meeting on 14 March 2012 Mr Ramsey was in breach of the principle of respect set out in the Code.

2. **History of the Investigation**

- 2.1 On 19 April 2012 your Clerk forwarded Mr Faulkner's complaint [Document 1] to Dr Frawley, the Interim Assembly Commissioner for Standards.
- 2.2 By letter dated 2 May 2012, Dr Frawley acknowledged receipt of the complaint but advised your Clerk that Mr Faulkner was known to him and that he considered it necessary to recuse himself from the investigation.
- 2.3 At its meeting on 6 June 2012 the Committee determined that Ms Marie Anderson, the Deputy Ombudsman, should investigate the complaint. On 8 June 2012 Ms Anderson informed both Mr Faulkner and Mr Ramsey of that determination.
- 2.4 By letter dated 27 June 2012 Ms Anderson advised both Mr Faulkner and Mr Ramsey that she had decided that the complaint was admissible.
- 2.5 On 4 July 2012 Ms Anderson received a letter from Mr Ramsey [Document 21] refuting the allegations in the complaint.
- 2.6 On 19 September 2012 I assumed responsibility for the investigation by virtue of section 34 of the Assembly Members (Independent Financial Review on Standards) Act (Northern Ireland) 2011.

- 2.7 On 20 September 2012 Ms Anderson wrote to both Mr Faulkner and Mr Ramsey advising them that it had not been possible to progress the investigation 'due to the limited availability of other witnesses during the Assembly's Summer Recess.' She explained that responsibility for the investigation had now passed to me.
- 2.8 Having considered the papers I obtained an audio recording of the DEL Committee meeting on 14 March 2012.
- 2.9 On 7 November 2012 I interviewed Cathie White, Clerk to the DEL Committee.
- 2.10 On 16 November I interviewed Mr Faulkner and Mr Seamus Murphy, Principal of the North West Regional College.
- 2.11 In January 2013 I became aware that the Department had commissioned an independent review of industrial relations at the North West Regional College and that the report was to be published shortly. I resolved to delay interviewing Mr Ramsey until after publication.
- 2.12 On 25 February 2013 I interviewed Mr Ramsey.
- 2.13 All the above interviews were conducted on a voluntary basis and without the use of my powers under section 28 of the 2011 Act. Where revisions to the draft meeting notes were requested they were made.
- 2.14 Mr Ramsey was afforded the opportunity to challenge my draft findings in fact. He sought no changes to them.

3. **Relevant elements of the Code of Conduct**

- 3.1 The most relevant elements of the Code of Conduct are set out in following paragraphs.
- 3.2 Under the heading 'Scope' it is provided –

'Furthermore, Members are entitled to legally express any political opinion that they may hold. In

*doing so, however, Members should have regard to the principles of conduct and should not express opinions in a manner that is **manifestly** (my emphasis) in conflict with the principles of conduct.'*

3.3 Under the heading Principles of Conduct it is stated –

'Members shall observe the following principles of conduct.'

3.4 One of the principles is set out as follows -

'Respect

*It is acknowledged that the exchange of ideas and opinions on policies may be robust but they should be kept in context and not extend to individuals being subjected to **unreasonable and excessive** personal attacks (my emphasis). Members should keep in mind that rude and offensive behaviour may lower the public's regard for, and confidence in, Members and the Assembly itself. Members should therefore show respect and consideration for others at all times.'*

3.5 Under 'Rules of Conduct' it is provided as follows –

'Members shall at all times conduct themselves in a manner which would tend to maintain and strengthen the public's trust and confidence in the integrity of the Assembly and never undertake any action which would bring the Assembly into disrepute.'

4. **Events leading up to the Committee meeting**

4.1 To enable me to consider what transpired at the meeting of the DEL Committee in context I reviewed the events leading up to it.

4.2 It appears from the Official Reports of its meetings that the Committee was interested in two particular issues at the North West Regional College, namely the circumstances

leading to a number of staff redundancies and allegations of poor relations between the teaching staff and the management. The Committee and Mr Ramsey held a genuine belief that there was a document known as 'the curriculum audit' which set out the rationale for the decision to declare a number of redundancies. By letters dated 10 November 2011, 23 November 2011 and 14 December 2011, the Chairperson of the Committee wrote to the Principal of the College, Mr Murphy, requesting a copy of that document.

- 4.3 The Principal did not provide the requested document in response to any of these letters. Instead on at least two occasions he passed the letters to Mr Faulkner. It was the view of Mr Faulkner that such letters should not have been sent to the Principal but should instead have been directed to him as Chair of the Governing Body. He considered that as he was responsible directly to the Minister it was for the Department to respond to such letters on behalf of the Minister.
- 4.4 Having asked in vain three times for a copy of the 'the curriculum audit', the Committee decided to ask the Principal to attend before it to explain the failure to produce it. As Chair of the Governing Body, Mr Faulkner was asked to accompany the Principal.

5. **Admissibility of Complaint**

- 5.1 The complaint is concerned with the conduct of a Member in a meeting of an Assembly Committee. In paragraph 8 of his advice to the Committee on Standards and Privileges on the complaints against Mrs Iris Robinson MP MLA the Interim Assembly Commissioner for Standards said –

'My understanding is that the Committee on Standards and Privileges has no remit to consider the position of a Member within another Committee. Any concerns within a Committee about a Member's behaviour would be a matter for that Committee to draw to the attention of the

*Assembly for whatever action they considered appropriate.'*¹

- 5.2 The Committee's report on the complaint is silent on whether or not it endorsed the Interim Commissioner's view on that matter.
- 5.3 I do not agree with the view of the Interim Commissioner. In my view there is nothing within the Code of Conduct that precludes me from investigating a complaint of conduct within any Assembly Committee. Nor am I aware of practice or procedure that would preclude the Committee on Standards and Privileges from dealing with such misconduct following receipt of my report.

6. **Evidence**

- 6.1 The complaint and evidence obtained in the course of my investigation and used by me in my consideration of this complaint are at Annex A.

7. **Facts Established**

- 7.1 That from at latest 22nd June 2011 the Committee for Employment and Learning was aware of issues concerning management and staff at the North-West Regional College. [Document 2]
- 7.2 That from prior to that date until the present the complainant, Mr Faulkner, was Chair of the College's Governing Body. [Document 3]
- 7.3 That during that period Mr Murphy was Principal of the College. [Document 4]
- 7.4 That during that period Mr Ramsey was both an MLA for the Foyle Constituency in which the College was situated and a member of the Committee.
- 7.5 That these three individuals were known to each other for some time prior to the Committee meeting on 14 March

¹ Report:46/08/09R (Committee on Standards and Privileges) Appendix 1 paragraph 9

2012. There was no bad blood or ill feeling between them.
[Documents 3 - 5]

- 7.6 That on 4 March 2011 a meeting to discuss redundancies and industrial relations at the College was held between the Governing Body of the College and four elected representatives. Mr Ramsey was not present. [Document 6]
- 7.7 That the note of that meeting shows that Mr Murphy stated that a curriculum audit had been carried out as part of the redundancy decision making process.
- 7.8 That on 20 April 2011 Mr Ramsey emailed Mr Murphy asking for a copy of the curriculum audit. [Document 7]
- 7.9 That Mr Murphy responded the same day questioning the relevance of the request. He did not state that there was no curriculum audit document. [Document 7]
- 7.10 That on 10 November 2011 the Committee Chairperson wrote to Mr Murphy requesting a copy of the curriculum audit. [Document 8]
- 7.11 That in his response dated 16 November 2011 Mr Murphy said that he had referred the request to the Chair of the Governing Body (Mr Faulkner) who would respond not to the Committee Chairperson but to the Minister. Mr Murphy did not say that no curriculum audit document existed. [Document 9]
- 7.12 That on 23 November 2011 the Committee Chairperson wrote again to Mr Murphy seeking a copy of the curriculum audit document. [Document 10]
- 7.13 That on 25 November 2011 Mr Faulkner wrote to the Permanent Secretary of the Department for Employment and Learning advising him of the Committee's request for a copy of the curriculum audit and asking that the Department respond to the request. Mr Faulkner did not explain that there was no curriculum audit document. (Document 11]
- 7.14 That on 1 December 2011 Mr Murphy responded to the Committee Chairperson again stating that the request had

been referred to Mr Faulkner who would respond not to the Committee chairperson but to the Minister. Mr Murphy again failed to state that no curriculum audit document existed. [Document 12]

- 7.15 That on 13 December 2011 the Chairperson of the Committee wrote again to Mr Murphy requesting a copy of the curriculum audit document. [Document 13]
- 7.16 That the Committee received no response to that letter. [Document 14]
- 7.17 That on 10 January 2012 the Minister wrote to the Committee Chairperson concerning the review of redundancy and redeployment procedures at the College but indicating his knowledge of the requests for a copy of the curriculum audit document. The Minister did not state that there was no such document. [Document 15]
- 7.18 That on 11 January 2012 the Committee Chairperson wrote to Mr Murphy expressing the Committee's disappointment that a copy of the curriculum audit document had not been provided and asking that he attend in person to brief the Committee on the issue. [Document 16]
- 7.19 That on 9 February 2012 the Committee Chairperson wrote to Mr Murphy asking that Mr Faulkner accompany him to the briefing of the Committee scheduled for 14 March 2012. [Document 17]
- 7.20 That on 6 March 2012 Mr Murphy wrote to the Committee Clerk enclosing papers in relation to the proposed briefing. [Document 18] Amongst the papers was the Redundancy Business Case document. [Document 1 Appendix 2]
- 7.21 That on 14 March 2012 Mr Faulkner and Mr Murphy came before the Committee. [Document 1 Appendix 1, 3 – 6]
- 7.22 That the Official Report of that meeting is an accurate record of what took place. [Document 1 Appendix 1]

- 7.23 That the DVD is an audio recording of the relevant part of that meeting. [Document 19]
- 7.24 That the Redundancy Business Case document was produced shortly prior to its submission on 6 March 2012. [Document 1 Appendices 1 & 2]
- 7.25 That attached to the Redundancy Business Case were documents that had been used by Mr Murphy during the curriculum audit process. Document 1 Appendices 1 & 2]
- 7.26 That there never was a formal curriculum audit document. [Documents 3 & 4]
- 7.27 That within the College curriculum audit was an annual informal process used by Mr Murphy to monitor performance and use of resources and to inform important staffing decisions such as the one to seek approval of the redundancies by the Governing Body. [Document 3 & 4]
- 7.28 That on 18 April 2012 Mr Faulkner wrote to the Assembly Commissioner for Standards making his complaint against Mr Ramsey. [Document 1] He enclosed with that letter a copy of the Official Report of the Committee meeting [Document 1 Appendix 1], a copy of the Redundancy Business Case [Document 1 Appendix 2], a copy of the press release referred to in his letter [Document 1 Appendix 3] and an extract from the Code of Conduct [Document 1 Appendix 4]
- 7.29 That in February 2013 the Department published the report 'Review of Industrial Relations in the North-West Regional College'. [Executive Summary at Document 20²]
- 7.30 That the Review found, inter alia, that there was a culture of fear amongst staff at the College which many attributed to Mr Murphy's management style. Concerns were also expressed about the effectiveness of the oversight of management exercised by the Governing Body. [Document 20]

² The full report can be viewed at www.delni.gov.uk/nwrc-review

8. Reasoned Decision

- 8.1 It is not for me to express any view on whether proper and full information was placed before the Governing Body prior to it taking the redundancy decisions. Nor is it for me to comment on the management style in place within the College, the extent of effective oversight of management by the Governing Body or whether the fears of staff, which undoubtedly existed, were justified. My role is solely to consider whether the comments made by Mr Ramsey at the Committee meeting on 14 March 2012 constituted a breach of the Code of Conduct.
- 8.2 That said, the information before the Governing Body, its effectiveness as an oversight body, the management style and the culture of fear were all matters on which Mr Ramsey had expressed concerns prior to the Committee meeting. These, together with the extraordinary failure of communication regarding the curriculum audit document, provide the background against which the complaint about Mr Ramsey's conduct must be viewed.
- 8.3 It is plain that since at least April 2011 Mr Ramsey believed that the redundancy decisions were taken following consideration of a curriculum audit document. I am satisfied, given the note of the meeting between Mr Murphy and the elected representatives, his exchange of emails with Mr Murphy, what he had been told by College staff and from the contents of letters and emails received by him as a local MLA and Committee member, that Mr Ramsey's belief was reasonable albeit no such document, in fact, existed.
- 8.4 It is plain that, by at least November 2011, the Committee also believed that the redundancy decisions had been based on a curriculum audit document. It was as a result of that belief that on three occasions the Committee Chairperson wrote to Mr Murphy seeking a copy of the curriculum audit document. I find it inexplicable that at no time prior to the meeting on 14 March 2012 did Mr Murphy, Mr Faulkner or the Department inform the Committee that curriculum audit was a process and that there was no curriculum audit document. Had this simple step been taken I have no doubt

that events at the Committee meeting would have been very different.

- 8.5 In the absence of any explanation of why their repeated requests for a copy of the curriculum audit document had, apparently, been ignored it is not surprising that some of the questioning by Committee members on 14 March 2012 was robust. Witnesses before a Committee should expect to be asked questions and be subject to challenging comments. That is particularly the case when they have failed to co-operate fully with the Committee, or are perceived to have so failed. Committees play an important oversight role and to fulfil it may often have to challenge witnesses in a way that they find uncomfortable. The Code recognises, when dealing with the respect principle that *'the exchange of ideas, and opinions on policies may be robust'* but that the principle is breached when an *'individual is subjected to unreasonable and excessive personal attack'*. Providing the questioning and comments are within the bounds of the Code of Conduct there is nothing improper. It must be born in mind that the right of Committee Members to freedom of expression under Article 10 of the European Convention on Human Rights is in no way diminished at Committee meetings.
- 8.6 I have listened many times to the audio recording of the Committee meeting and have found nothing untoward in the language used or the tone in which the exchanges were conducted. I note that the Acting Chairperson intervened only once when it was Mr Faulkner, not Mr Ramsey, who was called to order.
- 8.7 With the foregoing in mind, I have considered each example of alleged disrespect set out in Mr Faulkner's complaint. The first two examples are inextricably linked. In essence it is said that Mr Ramsey's assertion that the Redundancy Business Case document had been 'manufactured and fabricated' for the Committee hearing in an attempt to 'cover up' a failure to follow the proper process prior to taking the redundancy decision showed a lack of respect.
- 8.8 It is plain from the Redundancy Business Case document itself that it was prepared for the Committee meeting. That has been accepted both by Mr Faulkner and Mr Murphy. I

offer no view on whether that document was prepared for the purpose suggested by Mr Ramsey or, as asserted by Mr Murphy, as a briefing document to aid the Committee. Whatever may have been its actual purpose I am satisfied that, given the repeated failures to give any explanation as to why the curriculum audit document had not been produced, Mr Ramsey's comments were understandable. I note that in the complaint Mr Faulkner describes these two examples as being 'an attack on the integrity of the College's governing body'. I accept that as being an accurate description. I do not accept that they were a personal attack on Mr Faulkner. Nor, given the circumstances, do I accept that they were '*unreasonable and excessive*' comments.

- 8.9 The third example given by Mr Faulkner in support of his complaint is that Mr Ramsey interrupted him when making the point that Mr Faulkner was more interested in the correct process than in the real issues. It is plain that Mr Faulkner did, perhaps rightly, attach considerable importance to the process for responding to requests from the Committee. It is also plain that insistence on following the 'proper' process contributed to the misunderstanding about whether there had ever been a curriculum audit document. Whilst it is perhaps unfortunate that Mr Ramsey interrupted the witness in the way he did, I note that his actions were not considered to be out of order. His intervention was made in a calm manner. I do not consider that this example assists Mr Faulkner's complaint.
- 8.10 The next example relied upon by Mr Faulkner is Mr Ramsey's statement that '*he had grown men in tears telling me that you wrecked their lives*'. Mr Faulkner asserts that this comment was a scurrilous personal attack which he was surprised was not ruled out of order. I am satisfied that Mr Ramsey has received very many representations from staff and former staff at the College about the Principal, the management style and the culture of fear. Mr Ramsey was not the only Member to receive such representations. The independent review of industrial relations at the College lends strong supporting evidence on these matters. I have no grounds for doubting the veracity of Mr Ramsey's statement. Further, it is clear from the Official Report that by '*you*' Mr Ramsey was referring not to Mr Faulkner as an

individual but to the Governing Body as a whole. I do not consider that the statement made constituted an 'unreasonable or excessive personal attack' on Mr Faulkner.

- 8.11 The last example given by Mr Faulkner relates to a press release issued by Mr Ramsey's office a few days after the Committee meeting. In it Mr Ramsey repeats the allegation of a cover-up made at the Committee meeting. In my view this example adds nothing to Mr Faulkner's complaint. The allegation of a 'cover-up' made at the Committee meeting was, through the Official Report, already in the public domain. If making the remark before the Committee was not disrespectful I do not consider that repeating it in a press release could have a different outcome.
- 8.12 I have also considered whether, when taken in the round, Mr Ramsey's conduct at the Committee meeting was disrespectful. I have identified nothing to satisfy me that it was.
- 8.13 Accordingly, I am not satisfied that a breach of the Member's Code by Mr Ramsey At the meeting of the Committee for Employment and Learning on 14 March 2012 has been established.

Douglas Bain CBE TD Advocate
Northern Ireland Assembly Commissioner for Standards
22 April 2013

Annex A

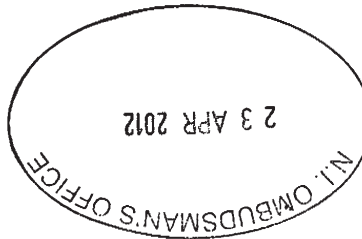
EVIDENCE OBTAINED AND USED IN CONSIDERATION OF COMPLAINT

Document No	Description
1	Complaint – Letter Faulkner – Assembly Commissioner for Standards dated 18 April 2012.
2	Letter McCrea – Farry dated 22 June 2011.
3	Note of Meeting with Bertie Faulkner OBE.
4	Note of Meeting with Seamus Murphy.
5	Note of Meeting with Pat Ramsey MLA.
6	Note of Meeting between NWRC Governing Body and Elected Representatives 4 March 2011.
7	Email Ramsey – Murphy dated 20 April 2011.
8	Letter McCrea – Murphy dated 10 November 2011.
9	Letter Murphy – McCrea dated 16 November 2011.
10	Letter McCrea – Murphy dated 23 November 2011.
11	Letter Faulkner – Shannon dated 25 November 2011.
12	Letter Murphy – McCrea dated 1 December 2011.

Document No	Description
13	Letter McCrea – Murphy dated 14 December 2011.
14	Note of Meeting – Cathie White.
15	Letter Farry – McCrea dated 10 January 2012.
16	Letter McCrea – Murphy dated 11 January 2012.
17	Letter McCrea – Murphy dated 9 February 2012.
18	Letter Murphy – White dated 6 March 2012.
19	DVD DEL Committee Meeting 14 March 2012.
20	Executive Summary from 'Review of Industrial Relations in North-West Regional College'.
21	Letter Ramsay – Anderson dated 3 July 2012.



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Assembly Commissioner for Standards
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18 April 2012

Dear Sir

I am writing to complain about the behaviour of Mr Pat Ramsey MLA for Foyle in relation to the meeting of the Committee for Employment and Learning on 14 March 2012 which I attended by invitation together with the Principal of the North West Regional College, Mr Seamus Murphy. The matter under discussion at the meeting related to redundancies which occurred at the College in August 2011.

I consider that, during the debate, Mr Ramsey breached the Code of Conduct of Members, in particular the section on Respect, on a number of occasions by the unreasonable and excessive personal attacks he made on both me, the Governing Body of the College and the Principal. These unwarranted attacks then continued in the form of a press release dated 19 March 2012 from Mr Ramsey's SDLP office in Derry.

As evidence of my assertion that Mr Ramsey breached the Code, I cite the record of the meeting as contained in the Hansard Report (HR) dated 14 March 2012:

- on two occasions during the meeting Mr Ramsey claimed, without putting forward any evidence, that the documentation (the "Redundancy Business Case" (RBC) – copy attached) which had been supplied in advance to Committee members "was manufactured and fabricated for today" (HR page 2) and "not the retrospective, manufactured or fabricated case that has been prepared for a number of weeks leading up to today's meeting" (HR page 4). I consider these remarks to be a personal attack on the integrity of the College's Governing Body particularly as the documentation contains essential papers which are clearly dated - some as far back as 2008. (See RBC Tables 1 to 7 inclusive.) I can only assume that either Mr Ramsey had not read the papers prior to the meeting or that he had deliberately chosen to ignore the evidence in order that he could launch this attack on the Governing Body.
- Mr Ramsey's attack on the integrity of the Governing Body continued later in the meeting when he accused it of "a cover up" and "they are trying to protect themselves" (HR page 9) again without any attempt to justify his remarks.
- on a more personal note, I found remarks made by Mr Ramsey concerning myself highly offensive and not in keeping with the standards of behaviour I would expect from a member of the Assembly. On one occasion he interrupted me with the derogatory comment: "It says a lot about the chair of the board of governors that, given the comments that I have made, all he has to offer is a bit of process"

Principal & Chief Executive:
Mr Seamus Murphy BA Hon., MEd, PGCE, DASE

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(HR page 5). Of greater concern to me personally is his claim, without providing any evidence, that he had “grown men in tears telling me that you wrecked their lives.” (HR page 9). In my 40 years as a volunteer in public service, I have never come across a public representative making remarks of such a scurrilously personal nature and doing so without providing a shred of evidence in support of his comments. I am surprised that such remarks were not challenged or ruled out of order.

In addition, I would wish to draw your attention to a press release issued by Mr Ramsey’s office on 19 March 2012 following the DEL Assembly Committee meeting (copy attached). Once again Mr Ramsey repeated his previous statement “that the document being presented to us was a fabrication” and then added “and I make no apologies for that.” In the press release he continued to accuse the College of “a cover-up” (I assume in relation to the redundancies at the College). Shortly after its release, someone then circulated Mr Ramsey’s statement amongst the staff of the College.

As I have indicated above, Mr Ramsey’s claims in relation to the RBC are factually incorrect. He appears to have chosen to ignore the evidence with which he was provided by the College, dismissing it as irrelevant and preferring to make unfounded accusations, both at Committee and to the public, questioning the integrity of the Governing Body. I am concerned that a public representative considers it appropriate to go as far as placing into the public domain mis-information which has the potential to undermine confidence in the College and gives no credit to the excellent work and achievements of the staff and students of the North West Regional College since it came into being in 2007, a summary of which was supplied to members in the information they received prior to the meeting (see RBC pages 1 & 2).

I appreciate the opportunity I have been afforded to write to you on this matter. Should there be any further information which I could supply to assist you in your enquiries, please do not hesitate to contact me.

I look forward to hearing from you in due course.

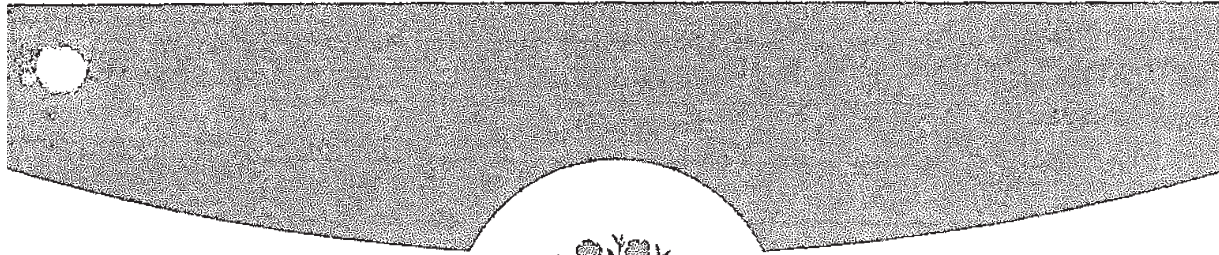
Yours sincerely

H Faulkner OBE
Chair of Governing Body

Attached:

Copy of Hansard Report – 14 March 2012
Copy of NWRC Redundancy Business Case – presented to Assembly Committee on 14 March 2012
Copy of Mr Ramsey’s press release – 19 March 2012

Doc 1 App 1



Northern Ireland
Assembly

Committee for Employment and Learning

**OFFICIAL REPORT
(Hansard)**

North West Regional College

14 March 2012

NORTHERN IRELAND ASSEMBLY

Committee for Employment and Learning

North West Regional College

14 March 2012

Members present for all or part of the proceedings:

Mr Thomas Buchanan (Deputy Chairperson)
Mr Sammy Douglas
Mr Chris Lyttle
Mr Fra McCann
Mr Barry McElduff
Mr David McIiveen
Mr Pat Ramsey
Mr Alastair Ross

Witnesses:

Mr Bertie Faulkner OBE North West Regional College
Mr Seamus Murphy North West Regional College

The Deputy Chairperson: I welcome Mr Bertie Faulkner, the chairman of the governing body of the North West Regional College, and Mr Seamus Murphy, the principal. Gentlemen, thank you for coming to the Committee today and for the redundancy business case that we received a week ago. Members have gone through the business case and scrutinised it, and the Committee is not happy to discuss it today because we see no evidence that the document formed any part of the decision about redundancies in October 2010. You will know that, on three occasions, the Committee has asked for a copy of the curriculum audit, and, as yet, we have not received it. We believe that the curriculum audit determined the redundancies and that this was more or less a prepared case or a choreographed case to present to the Committee today. Therefore, we have no intention of discussing this particular document today. However, we would like to hear from you on staff morale and the ongoing difficulties and unrest in the college. Then we will open up the Floor for questions for any members who may have concerns.

You will know that this been a matter of concern for the Committee for some time. A number of questions have been asked, a number of documents have been sought, and to use an old country term, it has been like pulling teeth out of a hen to try to get what we have been looking for. However, we are glad that you are with us today and we ask you to give us some indication of the staff morale in the college and the ongoing unrest and uneasiness, and what is being done to address that matter.

Mr Seamus Murphy (North West Regional College): Chair, I believe that I was asked to come today to address the issue of the business case in relation to the redundancies, and I have prepared a paper in relation to that. At no stage was I asked to bring any papers in relation to any other part of the

organisation. It is somewhat unreasonable to say that you want to have a briefing on an issue when I have not been told in advance that you wanted to be briefed on it.

Mr P Ramsey: There is growing concern in the Committee that the so-called business case that your office has presented was manufactured and fabricated for today.

Mr S Murphy: I take offence at that, Chair.

The Deputy Chairperson: Can I stop you one moment, Pat? The Committee wrote to the college requesting the principal to brief the Committee on the curriculum audit.

Mr S Murphy: The curriculum audit is in the documents.

The Deputy Chairperson: That is what we wrote and asked for the briefing on.

Mr P Ramsey: If I can finish, what you said is that, ultimately, we are not prepared to discuss it without having, singularly and solely, the documents that were originally presented to the board of governors in October. There is something fundamental to this issue, and I think that you have elaborated on it. There is a crisis in industrial relations in the college. Seamus, as the principal, you will know that. Bertie, as chair of the board of governors, you will know that. The Committee has raised the issue a number of times. It is not the first time that it has been raised at this Committee. In fact, I recall a previous meeting that you were at, Bertie, when you said that there was only one group to blame for all the problems and that was the University and College Union (UCU). I recall that vividly. It is fundamental because unless we get the curriculum audit, there are a number of other areas that we will be tested on in respect of the crisis.

For the record, the Labour Relations Agency made efforts to enter into some dialogue to improve that but that was denied by the college. The Minister's office, through the head of further and higher education, wrote to the college asking and encouraging it to participate and said that it would give the college support to improve employee relations in the college, but they were ignored.

Mr S Murphy: Untrue.

Mr P Ramsey: They were ignored. Chair, you are quite right to point out that the principal was asked specifically to come here to discuss the curriculum audit. I am not shocked that Seamus does not want to do that because he shied away from it entirely. The curriculum audit is important because away back when the MLAs and the MP met the board of governors on Friday 4 March 2011 — I am sure you can recall that meeting, Seamus, and I have the minutes here — when representatives questioned why the redundancies were necessary, the principal explained that a curriculum audit had been carried out that identified two areas where there had been no growth in the past few years. Those are your minutes, not mine or anyone else's. Let us see that curriculum audit.

Mr S Murphy: You have it. It is in the papers.

Mr P Ramsey: We do not have it. I think that this is a retrospective rationale of the business case that was used to make 13 people redundant in the North West Regional College. I want to take the opportunity, because it is important that Hansard officials are here today. Members have been inundated, certainly in the north-west area, by existing staff. I have a letter that came in overnight, and I want it on the record. I understand that other members have received the letter, which states:

"As an ex-member of the North West Regional College teaching staff, I feel that I have a moral duty to contact yourself to speak for present members of staff who will not speak because of fear and intimidation and a draconian management style. There is no professional consultation with the teaching staff. Management make the decisions, irrespective of the practical concerns of the classroom practitioners. Staff in the North West Regional College are treated in a bullying, abusive and intimidating manner that would not be tolerated in any other environment."

I have a folder here of issues of an individual nature that have been raised with me over the past three years. If necessary, I can read them for the Hansard report as well. The college has been in absolute

denial of that for so many years. It is the case that there were promises made to the MP by the chair, when he was acting chair, that he would make it a serious priority going forward to resolve a most important issue, and that was industrial relations among the staff. I feel that I have to, given the number of people who contacted me. This is from a staff member:

"Relations between staff and management have poisoned since the present management team is in place. Up until then, relationships were cordial and workmanlike, but since the present management team arrived, conditions of employment relations have deteriorated significantly."

Another one states:

"For the past number of years, the bullying atmosphere has worsened to the point that some of my colleagues are afraid to inject in case we are then targeted as troublemakers."

That is fundamental to what we wanted to see the curriculum audit as. There is a concern out there that it was contrived to get rid of certain staff. That is the bottom line. We need to see it, separate from the 15-page report that was presented here. I am going to read again; there are only a few of them, Chair.

Mr Bertie Faulkner (North West Regional College): Chair —

Mr P Ramsey:

"I have been a lecturer at the college for more than 10 years. In the last number of years I have noticed that relationships between management and staff have become increasingly fractious and it has become apparent that there now exists a management style and ethos which is based on instilling fear in the workforce."

— that is not my language; it is from a lecturer in the college —

"which allows to happen to continue in a public environment should not be allowed."

I am saying that there is a concern. It is not about the 13 most recent redundancies. Scores of people have come to my office. Other members are having the same. I have shared that with some of my colleagues here in going forward. They are very firmly of the opinion that their lives have been wrecked and destroyed by the atmosphere and the bullying that is going on in the college. Something has to be done to stop it.

Mr S Murphy: We have 700 staff in the college. Five unions are represented, and four of them are quite happy with management.

Mr P Ramsey: Chair, this is being recorded by Hansard. Mr Murphy may feel he can do it with others but he is not going to intimidate and bully me. He will sit there and wait until he is asked a question. It is as simple as that.

I make the point about lives being destroyed. I say directly to both of you: you should be ashamed of yourselves. You really should be ashamed of yourselves.

Mr Faulkner: Pat, can I —

Mr P Ramsey: No you can't, Bertie.

Mr Faulkner: I can't what?

Mr P Ramsey: Chair?

The Deputy Chairperson: I say to you folk that Pat is in the middle of going through his concerns on this issue. He is in order to do that, so I ask you to please wait until he has finished and posed his questions. You will then have the opportunity to answer Pat's questions and concerns.

Mr P Ramsey: I get so frustrated because I am the single member of the Employment and Learning Committee from the wider north-west area. Clearly, I am getting a lot of this. There are wider issues here, and I have repeatedly called for a totally independent investigation of employment practices in the college. That is important going forward and is required to restore morale, trust and confidence generally among the UCU members in the college.

We were led to believe, through the Minister's office, that we would receive a report today on a so-called subgroup of the board of governors, which was examining and, in the words of Seamus's office, carrying out a forensic review of the curriculum audit and the business case that led to redundancies. What has happened to this group? We were told that, Chair. You read some of the letter in which the Minister confirmed that he would have that in his possession. I certainly had concerns leading up to that because we have had previous reviews that looked only at employment processes and not at the employment difficulties that occurred.

We have to reflect, first of all, on why the college felt it was necessary not to send us the curriculum audit separately — not the retrospective, manufactured or fabricated case that has been prepared for a number of weeks leading up to today's meeting.

I have some other points that I want to make but I want to make it very, very clear that there needs to be an independent investigation into employment practice in the North West Regional College. The issue is whether the chair of the board of governors concedes to that or whether this Committee considers carrying out an inquiry into employment practices. We will call witnesses, including former staff and existing staff, to the Committee.

I have a brother who is an alcoholic. He has suffered for a number of years. Thankfully, he is off the drink now but he was always in denial and contriving some excuse to not do something. This puts me in mind of an alcoholic: completely in denial and not wanting to listen to people's concerns. These are not my concerns. All the parliamentarians in Derry, including the local MP, have raised this issue continuously. We met Danny Kennedy, Stephen Farry and Sir Reg Empey, and we have had no joy. He is not listening to his own Department, which is meant to be managing this. Dr Mary McIvor offered assistance. The Minister offered assistance. I am saying that unless we have the curriculum audit and a clear commitment today from the chair of the board of governors, we have to look at alternatives as a Committee.

The Deputy Chairperson: OK, folks.

Mr S Murphy: Chair, can I make a number of comments? First, we have 700 staff employed in the college and five recognised trade unions. The relationship between four of those trade unions and management is very, very good. It is disappointing to me, the board of governors and the other unions that one union has opted out of the consultation process in the college and refuses to come back on board. In front of you, you have the curriculum audit, which stretches back to the year 2008-09, which is when this problem started in relation to the redundancy areas. The curriculum audit is in the papers.

Now, I came here today to speak to the curriculum audit —

The Deputy Chairperson: Can I ask you, sir, why the curriculum audit was not forwarded to us separately when we as a Committee specifically asked for it on three occasions? The reason we gave in our letter to ask you to come today was as follows:

"At the Committee meeting which was held today,"

— that was 11 January —

"members agreed to write to you concerning their request for sight of the College's Curriculum Audit. The Committee expressed its disappointment that you have not yet provided this information, and agreed to ask you to brief the Committee on this issue in person."

That was simply because, after three written requests, we still have not got it. What we have received is a business case but we have not received the curriculum audit. What we are asking for, and Pat has already asked for it, is a copy of the curriculum audit separate from the business case.

Mr S Murphy: First of all, the curriculum audit is the business case; there is no separate document. When the governing body was informed originally, in, I think, October 2010, before I wrote to the staff associations, I informed it, as I have to do as principal, that there was a requirement to reduce staff in a number of areas. The board of governors was informed of that. The board of governors does not get the full details of all the curriculum areas involved. This document that I have today goes back to 2008-09. That identifies the areas; that is the curriculum audit, and it is presented today as part and parcel of the business case. The two go together. There are no other documents apart from what you have here.

Mr P Ramsey: There clearly was a paper presented to the board of governors, and that is what we want to see. We want to see the curriculum audit that was referred to, and I have the documents here. Let us go back again:

"The principal explained that a curriculum audit had been carried out which identified periods where there was no growth in the past three years."

That is specifically what we want because that is what he referred to at the meeting.

We can go a stage further. Bertie, on 7 January 2011, you made a major statement to the 'Belfast Telegraph'. This is all to do with the curriculum audit:

"There will be a total of 16 posts going. We have identified where the fat is"

— those are your words, Bertie; verbatim —

"and we will be taking the necessary action."

So it had nothing to do with the curriculum audit. It was to do with a decision, according to the chair of the board of governors, to remove the fat. Do you think it was responsible and mature to say that in the circumstances?

Mr Faulkner: Through the Chair; absolutely.

The Deputy Chairperson: Allow Bertie to answer. Go ahead, Bertie.

Mr Faulkner: First of all, I thank you for the invitation to be here. I am sorry that this is degenerating into an atmosphere that I did not expect. First, again, I thank you for coming. Let me re-emphasise, Chair, that there is a protocol. I respect that this Committee has the right to invite anybody, but I would like it to understand the process and the procedure around the accountability of a governing body in a college. I am answerable to the Minister. The principal is accountable and answerable to me, the governing body and the permanent secretary. All I ask is that the Committee respect the protocol and write to the chair as a protocol. You have absolutely the right to write to anybody, but I am just asking that the protocol be observed in correspondence, and that would cut out any delay in responding and any misunderstanding. That is just a statement.

Mr P Ramsey: It says a lot about the chair of the board of governors that, given the comments that I have made, all he has to offer —

Mr Faulkner: I am only starting.

Mr P Ramsey: — is a bit of process. Chair, it is important. We cannot dismiss the curriculum audit. We are not going down that road. We want to see the document that was presented to the board of governors. That is the bottom line.

The Deputy Chairperson: That is the bottom line. That is what we want to see, and until we see it, that is what we will continue to press for, but perhaps we can let Bertie continue.

Mr Faulkner: Thank you very much.

At the very outset, the governing body was asked by Department for Employment and Learning (DEL) officials and the Minister to carry out an independent review into the redundancy. We invited PricewaterhouseCoopers (PwC) in to do that on 18 August 2011, and that document has been sent to the Minister in its fullness. That was a completely independent review by PricewaterhouseCoopers. The UCU regional secretary asked for a copy of that, and he got what is called a redacted copy, because, in the full copy, there is information that, under the Data Protection Act, could not be disclosed in the public domain because a lot of members are noted. That was the first instance.

We were then told, again by Mr Ramsey, through DEL, that the terms of reference of the independent review into the redundancy were too narrow, and he then asked whether we could have an independent review or a review of the business case and the curriculum review. Again, the governing body set up a committee comprising four members of the governing body. Two were chartered accountants who would examine the business case, and two were ex-principals of highly esteemed colleges who would understand a curriculum review. We invited a member of staff to join that for transparency, and we also invited DEL to nominate. So, we had six members involved in that review of the business case and the curriculum audit.

The member of staff, who is the branch chairman, nominated one person out of 300 lecturers. That person was involved in the redundancy and in the schools and could not possibly sit on that committee because there would have been a conflict of interest. The secretary of the governing body wrote to the branch chair and told him that it would be a conflict of interest for that staff member out of 300. The committee went over the head of the branch chair and appealed directly to the staff members to nominate, and we got nominations from the staff. The staff member sat on that independent review, which carried out a forensic audit of the curriculum and the business case. So those six people have now completed that review, and that review will be discussed.

However, as the principal pointed out, what you have received today is the business case and the curriculum review. I, as chair, have now received that copy, and that will be discussed at a special governing body meeting. You will certainly receive a full copy of that.

The Deputy Chairperson: Bertie, with respect, you have said here now that the curriculum audit and the business case were two different documents.

Mr Faulkner: No, they are the same.

The Deputy Chairperson: Hold on. You have alluded to the fact that there were two different documents, so why then are we saying today that they are all tied into one document rather than the two different ones that we have been asking for?

Mr S Murphy: Sorry; if you want the detail on the curriculum aspect, it is at documents 2, 5 and 6 of the pack you have. The context of the curriculum is also the affordability of what you can run in any individual area and the effectiveness of that. Both go together. If you are looking for the paper that was presented to the board of governors, what was presented to the staffing committee of the board of governors was a recommendation from me that, having looked at the curriculum, there was a need to do a staff adjustment. That was accepted by the staffing committee and by the board of governors. We then went into the process of the redundancies.

There were two aspects to the redundancies: 13 were linked to the curriculum to move money from inefficient areas into front line services in other areas where there was a demand, and three were linked to restructuring. Of those 16 redundancies, 15 were satisfied through agreed redeployment of staff or voluntary severance. There was one compulsory redundancy when one individual member refused a management post at over £30,000 a year and preferred to take a redundancy. Only one redundancy of the 16 was compulsory, and we offered a redeployment opportunity.

The case is basically quite simple; we have redeployed £600,000 of underused resources into front line services to ensure that no student, part-time or full-time, who applied for a course in the north-west was turned away. Over the past three years, including this year, we have delivered £7 million of provision out of our reserves and efficiencies — that was not funded by the Department. That is because we believe two things; first, that it is absolutely essential that we provide the highest quality education possible to the people in the region, and secondly, that we do so at the least cost to the public purse.

The Deputy Chairperson: On that, Seamus, how are you meeting the priority targets set by DEL?

Mr S Murphy: On essential skills levels one to three, we are meeting targets. On priority skills areas, such as computing, construction and engineering, like most colleges, we are below target. We are 9% below the 28% target but we are in line with most colleges. In the north-west, that has partly been exacerbated by the fact that our priority skills numbers have remained steady but our overall numbers have increased.

The Deputy Chairperson: Yes, but in today's climate, when DEL sets priorities that the North West Regional College is funded to deliver, is it not in your interest to ensure that those targets are being met? We are actually sitting at 10% below, which is quite a bit below. Given that it is a priority target funded by DEL, it is quite a bit below target.

Mr S Murphy: The main aspect of the priority skills recruitment in the north-west is from the construction industry. For the past two to three years, the construction industry has not been recruiting.

The Deputy Chairperson: Is it fair to say that the areas that were reduced — some of the redundancies and the areas identified in the curriculum audit that we cannot get hold of — are pulling back these figures on the priority skills target?

Mr S Murphy: That is completely untrue. If you look at documents 2 and 4, you will find, first, that business studies is not a priority skill. We reduced staffing in computing, but with the staffing we retained, we have increased our student numbers this year. The problem in some of the priority skills areas is lack of demand. If you wish to go through the details of the curriculum in the documents that you have got, I am quite happy to do that, because the figures stack up and the redeployment has been successful.

Mr Douglas: I have a couple of comments to make before I ask a question. First, I was elected to the Assembly last May, and this was one of the issues that came up in the early days. It strikes me that this has been festering for many months, as we are now into a new year.

Secondly, like Pat, I have been contacted by people. I am more distant a local representative than Pat is, but people have expressed their concerns. One letter was from a person who said:

"The minutes of a meeting between the governing body on 4 March indicate that the principal explained that a curriculum audit had been carried out."

That was on 4 March, so my question is, if this curriculum audit was carried out, at what stage did it merge with this business plan?

Mr S Murphy: We carry out a curriculum audit each year as part of the planning process. I will take you very briefly through it. In the year 2007-08, which was the first year of the college, numbers were below the numbers agreed with the Department, but that recruitment had been through the legacy colleges. The year 2008-09 was the first in which the college had been in control of its own recruitment. In November 2009, we had a three-day workshop with all managers to look at the performance of the college over the first two years. That was the first aspect of the curriculum audit as defined by this Committee. Document 2 shows the result of that curriculum audit. It shows a number of schools significantly underperforming in relation to the staff:student ratio, which is the main focus of

delivery through staff. The staff:student ratio is, in effect, the audit of the performance of that curriculum area over the year.

We did the same exercise in 2009-2010. The result of the 2008-09 exercise was that the senior staff in those schools believed that they could improve their performance through the recruitment of extra students. When we looked at it in 2009-2010, based on the past year, the performance had not improved. We then looked at those two areas for the enrolment for 2010-11 and, again, the enrolment numbers had not improved. Therefore, having tried for two years to improve the situation by recruiting extra students, and having seen that that had not been the result in the third year, there was a requirement, since we had a demand in other areas, for extra provision. There was a demand to redeploy the resources to meet the areas of demand. I believe that, from the management point of view, that is the correct and proper thing to do when providing a public service.

Mr Douglas: Pat mentioned the scores of people who have come to his office, and we have been contacted by people. I know that you said that one of the trade unions has opted out of any negotiations. Who are these people who are coming to Pat's office and writing to us? There is definitely a problem here.

Mr S Murphy: As I said in my paper, we have a small number of people who do not accept the college philosophy of putting the student first. There is a cohort around an active member of one union that basically is of the view that we should go back to the way that FE was in the past. I believe that they are small in number. We have carried out focus groups internally with staff over a period of time, and some of the issues that you referred to did not arise in those focus groups. The inspectorate has been in to look at course provision over a two-year period, and it did not find any issues linked to what you have been talking about. I am not for one moment saying that there are not some disillusioned members of staff; there are. However, when we did a full staff survey last year — it went to the Department for a comparison with the previous year — we found that the main area of concern was job security in the current climate, and all the other issues had showed significant improvement on the previous year. So I believe that staff morale and the issues that have been addressed are improving.

In relation to the staff association that you are referring to, the governing body has yet again written to the regional secretary to try to improve relations. I believe that the regional secretary is meeting the staffing committee on 23 March. This is the second attempt to do that. The result the last time — I am quite happy to say this — is that the chair of the branch suggested to the chair of governing body that if he sacked me, the chair of the branch would consider standing down. That was their solution.

Mr Faulkner: Chair, can I follow up on Mr Douglas's question? There is an orchestration of letter writing, and I can give you one very clear example. Five alleged whistle-blowing letters were sent to the Minister anonymously, and I was mentioned in them. It was quite vile what was said in those letters that were sent anonymously to the Minister — it was Minister Kennedy at the time. I am a volunteer, and I do not receive any remuneration. All the members of the governing body are volunteers, and I resent some of the comments that Mr Ramsey has made about me personally. As I was mentioned in those letters, there was no way that we were going to carry out a review, even though the letters were anonymous. So the governing body invited DEL to do a forensic audit of what was contained in those anonymous whistle-blowing letters, and we got a completely clean bill of health. We closed that loop even though those letters were anonymous. I could give you other examples, but that was one that really hurt me personally.

The Deputy Chairperson: There is certainly a problem here, and it has been rumbling on for some time. That problem has not been dealt with, and it is still rumbling on. I get quite a number of e-mails and correspondence from people who are not anonymous. These people are genuinely concerned about the situation and the fact that it is not being dealt with. One reason why the Committee is looking into this particular issue is that there are ongoing difficulties and problems that are not being taken on board and dealt with. We are talking about one of the unions, the UCU, pulling out and not taking part in this, but let us remember this and not hoodwink ourselves this morning: the UCU represents up to 50% of staff. So do not think that because one union is not taking part, it does not represent many staff. That union represents up to 50% of staff. Again, that raises questions about why this matter is not being dealt with. I just want to put that on record.

Pat, you indicated that you want to speak again.

Mr P Ramsey: Again, both Bertie and Seamus are in denial. The red herring that has been thrown in about whistle-blowing that happened years ago is nothing to do with what we are sitting here talking about. It is an absolute red herring. People have sent anonymous letters. I have seen anonymous letters. I saw them before I became involved in the Committee for Employment and Learning. That was for the Department to deal with. Thomas, as the Deputy Chairperson, is saying now that we are inundated, and I mean inundated. I have had people in my office, Bertie, in tears, grown men in tears, telling me that you wrecked their lives.

Mr Faulkner: I wrecked their lives?

Mr P Ramsey: Yes; the board of governors that is overseeing this. It is not being challenging enough as regards the senior management of the college. That is what they have been saying to me.

With all these independent reviews, you would imagine that there is a swinging door into the North West Regional College in Derry. I just want to say, for the record, that the independent review that was carried out by PwC was on the process of redundancies. It had absolutely nothing to do with redundancies, the curriculum audit, the business audit, or anything else. It was very limited in its scope. You are right; I did raise it as being unsatisfactory. A subcommittee has been set up. Somebody has the cheek to come in here now to tell me that a lecturer was not allowed on that subcommittee because there was a conflict of interest. The board of governor members on this subgroup have a conflict of interest because they made the decision to make people redundant. You cannot have it one way and then have it another way.

Honestly, I think that people's positions on this one are becoming untenable in not promoting and being more challenging. I do not like this idea of rubbishing staff. I spent three years in the North West Regional College. I took great pride in my City and Guilds qualifications when I did them, many moons ago now. How dare anybody tell me that a lecturer does not put the student first? That was said here today; that lecturers in the college do not put students first. How dare anybody make that statement? The amount of absolutely good work that goes on in the North West Regional College for people who are not in education, employment or training — NEET — and who are trying to secure employment opportunities, get through their training and get NVQs is fantastic. That is what it is all about. The language that was used today epitomises what happens in the North West Regional College — if you do not conform in that college, you put a big sign on your back to be targeted. That is what has happened here.

Chair, I propose that we move on and that, after the meeting, we consider the options going forward with regard to the curriculum audit. The two or three points that Seamus refers to are graphs. There is no text at all. So I think that we have to consider the options. Absolutely, we have a scrutinising role in terms of public money. I am more concerned, given some of the responses today — I really am, Chair — that, in some way, there is a cover-up of this. I say that quite deliberately. They are trying to protect themselves. So I propose that we move on and reaffirm our position. We need to see the curriculum audit and the business case that led to the curriculum audit. We will consider what we think is best going forward. If that includes a Committee inquiry into employment relations, we should do that, if nobody else is prepared to do it.

Mr Faulkner: Two weeks ago, when, again, you were abusing me personally, the governing body and the college on the radio, you were asked how many redundancies there were. What was your answer?

Mr P Ramsey: Well, Chair, irrespective —

Mr Faulkner: What was your answer?

Mr P Ramsey: Chair, first of all —

Mr Faulkner: What was your answer?

The Deputy Chairperson: Hold on, folks. I think that we are out of order here. This is not an issue. The meeting was not called to allow two individuals to question each other in such a fashion. Therefore, I am ruling that completely out of order.

Mr Faulkner: Can I give the answer, Chair?

The Deputy Chairperson: I am ruling it out of order. A proposal has been made that we move on.

One thing I wanted to ask was —

Mr McElduff: Chair, can I ask whether we as a Committee are satisfied that we are not in possession of the curriculum audit? Are we as a Committee satisfied that we are not in possession of a standalone document — I think that October 2010 was mentioned — namely the curriculum audit?

The Deputy Chairperson: I think that that is the feeling of the Committee — that we are not in possession of that document. That is why we have forwarded the letter. After writing on three occasions to ask for a copy of the document, we still had not received it, so we sent a letter specifically addressed to the principal of the college to get him to come along here today and give a verbal report on why we have not received it. As a Committee, we are strongly of the opinion that we still have not received it. Bertie, you said in your comments earlier that a redacted copy had been given to the union.

Mr Faulkner: No.

The Deputy Chairperson: I wonder why that copy could not have been given to the Committee.

Mr Faulkner: A redacted copy?

The Deputy Chairperson: Yes.

Mr Faulkner: A redacted copy of the redundancy document was given to the unions.

Mr P Ramsey: The redacted document that he is talking about is the so-called independent review by PwC, which did not look at the curriculum audit or — *[Inaudible.]* It only looked at the processes.

The Deputy Chairperson: We have not seen that document either.

Mr P Ramsey: Really and truly, it was looking at the processes of Colleges Northern Ireland only; it was not about North West Regional College. That is what the independent review —

Mr Douglas: Chair, may I just link in a question? I just want to get clarification on a point that Pat raised about some of the staff not putting the students first. It clearly states on page 3 of your proposals:

"in a staff of 700 ... some individuals find change difficult and ... have a difficulty in putting the students first".

That is in your paper.

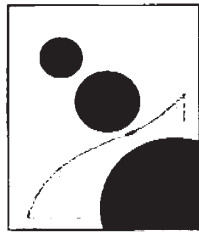
Mr S Murphy: A small number.

Mr Douglas: I am just going to ask you how many people we are talking about and whether they exist in the college at the moment.

Mr S Murphy: I think that we have a small number of actives around the UCU branch; I would say no more than 10. The vast majority of staff do a very good, professional job, and I want to put that on record. I want to come back to the Chairman's comment. There is no other curriculum documentation, except for what you have here. Documents 2, 5 and 6 are the curriculum audit.

The Deputy Chairperson: With all due respect, we as a Committee will decide whether there is any other document. We are not happy. As you have heard from the tone of this morning's meeting, we are still not happy. A proposal has been made to move on, and in the interests of the Committee, we will do so on this occasion. Thank you for coming along to the Committee, folks. Again, it has not been the type of meeting that we would have liked to have had. However, we appreciate your time and your coming to the Committee. We are going to move on.

Mr Faulkner: Thank you very much.



north west regional college

Derry/Londonderry • Limavady • Strabane

ASSEMBLY COMMITTEE - 14 MARCH 2012

REDUNDANCY BUSINESS CASE

Members, before commenting in detail on the business case relating to redundancies I will take a moment to place the redundancies in the context of the organisation. As Principal of the College and leader of the Senior Management Team I believe that my role is to ensure that:

- (i) the student is at the centre of the work of the College;
- (ii) the curriculum is delivered to the highest quality possible;
- (iii) where possible, irrespective of the level of Department funding, all demand for courses is met to ensure the enhancement of the skills levels of the region;
- (iv) efficiencies are achieved to provide best “value for money” to the public purse.

In the last four years I believe that as a Senior Management Team we have delivered on that agenda.

- The further and higher education provision in the College has grown by over 42%.
- Despite a lecturer salary increase of approximately 9% the teaching staff percentage of spend has only increased by 3%.
- In 2009/10 the College delivered 385 FLUs, or £1,309k of provision not funded by DEL.
- In 2010/11 the College delivered 730 FLUs, or £2,482k of provision not funded by DEL.
- In the last two years the College has provided £3.8m of education provision into the city region from a combination of efficient use of staff with a small contribution from College reserves.
- In the 2010/11 year the student success rate grew by 9%.
- In 2010/11 the student retention rate was 82% and the student achievement rate was 75%.
- In 2010/11 all areas inspected by the ETI were graded “good” or “very good”.
- The Quality Assurance Agency which manages quality in higher education provision found quality systems to be of a high standard.
- Over the four year period the College made an educational investment of £3,861k in curriculum projects and additional capital equipment.

- The internal audit reports were all graded as “substantial” or “satisfactory” and the overall audit grade for the 2010/11 year was “substantial”.
- The external audit, audited by the NIAO, provided a clean bill of health and demonstrated that the College was a financially well managed organisation.
- The College estate is now of a high standard and provides an excellent learning environment for students.

The College, as part of quality delivery, places a high focus on student competitions and before progressing I would also wish to draw attention to the success of our students in competitions. In the last year:

- (i) a student won the UK Skillelectric Gold medal;
- (ii) a student represented the UK in tiling at Wörldskills;
- (iii) a student came third in the World Hairdressing competition;
- (iv) a student is currently in the final five of the Young Designer of the Year competition;
- (v) NWRC students won 8 awards at the Ulster Media Show;
- (vi) NWRC students won 5 of the 12 regional STEM Awards;
- (vii) catering staff and students demonstrated at Worldskills;
- (viii) a College Media student won the BBC bursary;
- (ix) a College Performing Arts student won a role on GLEE;
- (x) a member of staff won the CGL1 Gold Medal of Excellence.

I believe that I and the Senior Management Team have provided good leadership and management for the College. The ETI reports show good leadership and management in terms of the curriculum, evidenced also by the high rate of student achievement. The Audit Reports show good leadership and management in the College support functions. I would want, in particular, to mention the audit reports in relation to the management of Human Resource procedures. Despite comments made to this Committee I would want to place on record that the application of all Human Resource procedures has been audited by internal audit on four occasions in the last four years. The audits have examined thirteen areas, including grievance and disciplinary processes, and all areas have been graded substantial, the highest grade that can be achieved. The report in June 2011 is the only audit report I have received in 28 years in management which did not have any recommendations about how systems might be improved and that report included an audit of disciplinary processes.

I believe that it has also been stated at this Committee that industrial relations have broken down. That is untrue. The College employs over 700 staff and they are represented by five staff associations or trades unions. Relationships between College Management and four of those associations are excellent and the College consultative forum, the Liaison Committee, is chaired by one of those associations. As part of the industrial action a few years ago one staff association withdrew from the forum and has, despite requests from the Governing Body, College Management and the other associations, refused to re-engage. Despite its disengagement College Management continues to consult with that association in a bilateral manner. As part of its policy of putting the student at the centre of the organisation, and to

ensure the quality of delivery, College Management has an emphasis on performance management. It is inevitable that in a staff of 700 that some individuals find change difficult and, in a changing environment, have a difficulty in putting the students first and delivering to them an efficient service.

I believe also that comment has been made to this Committee that staff morale in the College is low. I would accept that in the current economic climate there is a morale issue with some staff in terms of long-term job security. However, in general terms, I do not believe that there is low morale. The College has an established format of staff focus groups to address staff issues and those groups do not report "low morale". The ETI in their inspections in 2010/11 did not report any low staff morale. Indeed as I stated earlier performance in all areas inspected the grading was "good" or "very good".

I will now address the question of redundancies. I recognise that the Committee's request for this meeting relates to the curriculum justification for thirteen redundancies. However, that interrelates with the reasons for another three redundancies so I will deal with the overall situation.

The business case in relation to redundancies has two distinct aspects. One aspect deals with thirteen redundancies linked to a decline and the need for efficiencies in curriculum delivery and the second aspect deals with three redundancies linked to a restructuring of curriculum management. The intended result of both processes was to allow management to move resources to other areas of course delivery to meet the demand from growth in student applications.

The North West Regional College was founded on 1 August 2007 and the enrolment for the 2007/08 academic year was the result of planning in the legacy Colleges. It was clear during the year that the FLU generated by the enrolments was inadequate to meet the target agreed with the Department and plans were laid to expand the student numbers in the 2008/09 academic year, the first year when the new College had full control of the business planning process.

During the 2008/09 academic year data indicated that not all academic units had been equally successful in expanding enrolments and on 24 October 2008 I wrote to the Staff Associations, Document 1, indicating the possibility of redundancies in a number of areas. However, College Management obviated the need for most of the redundancies by the redeployment of staff hours and, with one exception in Craft Services, the redundancies were avoided. In October 2009 I wrote to the staff associations indicating that it was probable that the College could avoid redundancies in August 2010 but indicated that it was possible that there could be redundancies in the craft areas, business studies and computing.

In November 2009 the Senior Management Team, as part of the College Development Planning process, arranged a two day workshop for all managers to review the first two years of operation and to set targets for the next three year period.

Document 2, which is an analysis of the efficiency in curriculum delivery, was used as part of a wider range of material to review the performance of academic schools in the 2008/09 year. The document outlines the Student:Staff Ratio (SSR) of each School. Whilst there will be a range of SSR performances, depending on issues such as practical work, health and safety legislation and specialist delivery, such as literacy and numeracy with capped class sizes, one

would normally expect classroom-based provision to have a SSR of greater than 16:1. The data demonstrated that four Schools were under-performing.

<i>SCHOOL</i>	<i>SSR</i>
Business and Financial Services	10.44
Community Education	9.69
Computing	10.62
Foundation Access and General Education	11.34

It was noted that the main contributing factor to the level of performance was the low level of Average Class Size (ACS) which ranged from 8.81 to 12.84, though given that the School of Foundation Access and General Education had responsibility for all literacy and numeracy delivery its ACS level had some justification. In two of the Schools the low level of ACS was exacerbated by a low Average Lecturer Hours (ALH) performance.

Other data of a financial nature supported the SSR data. Documents 3 and 4A were an initial financial analysis of the Cost per FLU by School for the 2008/09 year. It again showed the same Schools as having a high delivery cost structure. Following discussion with line managers it was agreed to incorporate all data into the Schools format and to provide an analysis on the basis of "Lecturing Cost per FLU" and "Total (Teaching) Cost per FLU", Document 4B. This became the agreed cost base data for the 2008/09 year. The FLU referred to is the funding learning unit of income for the College and has a value of £3,400 per FLU. The "Lecturing Cost per FLU" is the actual cost of the lecturing input whilst the "Total (Teaching) Cost per FLU" would include items such as technician support, books, materials and examination fees. It does not include any allocation of central overheads.

The normal cost structure of a Further Education College would show that lecturing costs should not be greater than 50% of total expenditure. Therefore, on average the lecturing cost per FLU delivered should be around £1,700. Areas such as engineering, construction and catering would be expected to be higher and general classroom based subjects would be lower. An area like community education, employing mostly part-time staff, would be expected to have a lecturing cost as low as £1,300 per FLU delivered.

The final agreed data from the November 2009 planning event, Document 4B, shows the following cost structure.

<i>SCHOOL</i>	<i>LECTURING COST PER FLU (£)</i>	<i>TOTAL (TEACHING) COST PER FLU (£)</i>
Business and Financial Services	3,132	3,495
Community Education	1,994	2,731
Computing	3,274	3,723
Foundation Access and General Education	2,134	2,409

It was clear from the data that the income earned from the FLU by the Schools of Computing and Business and Financial Services just covered the cost of the lecturing input but did not

cover total teaching costs. Neither made any contribution to overheads and, indeed, were a financial drain on overheads. The School of Community Education, given that its lecturing costs were mainly at a part-time hourly rate, had an unacceptably high cost structure for delivery mainly due to its low ACS.

Following extensive discussion it was agreed that the situation would be addressed, in the 2009/10 academic year, by the enrolment of extra students to increase the ACS and SSR rather than by reducing staff through redundancy.

Ongoing monitoring during the 2009/10 academic year showed that, whilst some modest improvement was taking place, the overall situation showed areas of continuing problems. However, despite my letter of October 2009, I wrote to the staff associations in February 2010 and informed them that the College had managed to avoid redundancies in August 2010. It was still the intention of management to find a solution through increased recruitment rather than staff redundancies.

At this point it might be helpful to reflect on the second part of the redundancies, the restructuring of curriculum management. The College had attempted, unsuccessfully, to fill a Head of School vacancy on two occasions and became aware in March 2010 that another Head of School intended to retire in August 2010. The Senior Management Team was aware also that the Governing Body had agreed the original structure on condition that it was reviewed after two years and the SMT commenced that review during the 2009/10 academic year.

Management reported to the Staffing Committee on 29 March 2010 that a detailed paper relating to the Head of School vacancies would be brought to the June meeting of the Committee and that paper proposed a change of structure. The discussion paper on restructuring, which outlined four options, was approved by the Staffing Committee on 14 June 2010 and was discussed by the Board of Governors at its meeting on 23 June 2010. The Board agreed two options to be circulated to staff as part of a consultative process and a full report on the outcome of the consultation was discussed by the Board at its meeting on 29 September 2010 and agreement reached on a new structure.

The outcome of the restructuring was that twelve academic Schools would be reduced to eight and the post of Principal Lecturer, VEP, would be removed. Following the matching of existing Heads of School to the new Schools five managers were left to compete for the two vacant posts of Head of School of Business Services and General Education and the Head of School of Media, Multi-Media and the Arts. Three applicants applied for the first post and two for the second. One was successful in each case leaving three displaced managers, two of whom applied for offers of voluntary redundancy. Efforts were made by College Management to redeploy the other individual but, having refused a redeployment offer of the post of Training Manager of the Steps to Work programme, at a salary of over £30,000, he was made compulsorily redundant in August 2011. The question of the appropriate management structure for the delivery of the curriculum was a matter for decision by the Board of Governors and at all stages the Board of Governors was fully involved.

Having dealt with the organisational restructuring I will now return to the thirteen redundancies linked to the curriculum.

In October 2010, again as part of the CDP process, the performance of the organisation was again reviewed. The review, supporting the data monitoring of the second half of the 2009/10 academic year, proved that the projected improvement had not materialised and this is detailed in Document 5. In terms of ACS and SSR the comparative performance of the four Schools was as follows.

<i>SCHOOL</i>	<i>ACS 2008/09</i>	<i>ACS 2009/10</i>	<i>SSR 2008/09</i>	<i>SSR 2009/10</i>
Business and Financial Services	8.81	9.31	10.44	12.94
Community Education	9.94	9.21	9.69	10.00
Computing	11.10	10.47	10.62	11.18
Foundation Access and General Education	12.84	11.34	11.34	10.97

Despite some marginal improvements all four areas were still underperforming. The data on ACS and SSR performance for the 2009/10 academic year was supported by financial data, Document 4. The analysis for the 2008/09 year, Document 4B, compared to the performance in the 2009/10 year, Document 4C, shows the following performance.

<i>SCHOOL</i>	<i>LECTURING COST PER FLU (£)</i>		<i>TOTAL (TEACHING) COST PER FLU (£)</i>	
	<i>2008/09</i>	<i>2009/10</i>	<i>2008/09</i>	<i>2009/10</i>
Business and Financial Services	3,132	2,696	3,495	3,003
Community Education	1,994	2,344	2,731	3,292
Computing	3,274	2,533	3,723	2,833
Foundation Access and General Education	2,134	2,065	2,409	2,263

It can also be seen from Document 4C that all four Schools were carrying significant deficits, ranging from £202,242 to £334,548, but totalling £1,153,968. Whilst some of the areas had shown some in-year improvement all four Schools were performing at an unacceptable level and it was clear that growth alone was unlikely to address the situation.

It was the view of the Senior Management Team that the restructuring, approved by the Governing Body, would improve the effectiveness and efficiency in the delivery of literacy, numeracy and community-based education programmes and thereby address the problem of two areas. The Senior Management Team investigated the 2010 enrolments to check if increased enrolments had been achieved in the areas of Business Studies and Computing. An analysis of the timetables showed that, with all work timetabled, there was a significant surplus of lecturing hours in both Schools. This is detailed in Document 6 where the audit, by pivot table, shows a surplus of 5,871 lecturing hours in the areas of Business. Computing had a surplus of 3,887 hours in October 2010 which would grow to 5,097 when some short-term project work was completed. It was clear therefore that the 2010/11 enrolments in both areas had not generated the growth necessary to deal with the underlying problem of overstaffing. Management, therefore, decided that staff reductions were necessary, to allow for the redeployment of the resources to growth areas, and, after informing the Staffing Committee of the Governing Body, I wrote to the Staff Associations, Document 7, indicating redundancies in the areas of business and computing.

The College proceeded to implement the processes in relation to redundancies and was able to facilitate all thirteen of the proposed redundancies through voluntary severance or agreed deployment with full protection of salary.

SUMMARY

Thirteen redundancies resulted from changing curriculum demand in two curriculum areas and all were accommodated through voluntary severance or agreed redeployment with full protection of salary. Three redundancies resulted from a management restructuring. Two were accommodated through voluntary severance and the third through compulsory redundancy when the individual refused the offer of a management post at a salary of over £30,000 per year.

The restructuring of the management of College academic Schools was to provide a more effective service to the students and to allow the redeployment of resources into areas of growth.

The redundancies in the areas of business and computing were to deal with overstaffing in those areas to allow resources to be redirected to areas of growth. The initial problem was identified in the review of the 2008/09 academic year and the situation was resolved by the redeployment of staff and the plan to increase student numbers in both areas. That growth did not materialise during the 2009/10 year and a review, in October 2010, showed that the enrolments for the 2010/11 year had not increased to alleviate the overstaffing. Therefore, the only option remaining was to reduce staff and to redeploy the resources. The restructuring and the redundancies allowed £650,000 to be redeployed into areas of growth.

In essence dealing with the inefficiencies allowed the College to redirect more resources to classroom delivery and the success of management in managing that aim can be tracked over the last number of years.

I have already stated that in 2009/10 the College delivered 385 FLUs, or £1,309k of educational provision not funded by DEL. In 2010/11 it was 730 FLUs, or £2,482k of provision. In 2011/12 we were planning with the redeployed resources to deliver 981 FLUs, or £3,335k not funded by the Department. However, some recent additional funding from the Department means that our end of year position will be a delivery of 933 FLUs, or £3,172k of provision, not funded by the Department. The redeployment of the £650,000 has allowed the College to employ staff in growth areas to deliver extra provision to the value of £769,000. The redeployment has allowed the College to provide a service to a number of students who might not have been accommodated if the redeployment had not occurred.

The business case to deal with declining demand and inefficiencies in curriculum areas was to allow the redeployment of under-used resources into the front-line services of classroom delivery in growth areas. I believe the business case has been delivered.

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D/SM/GG

24 October 2008

Mr J McKeown
Regional Official
UCU
94 Malone Road
BELFAST
BT9 5HP

Dear Mr McKeown

REDUNDANCIES

The North West Regional College has reviewed the staffing levels within each school on the basis of current timetables and projections for the next academic year. We are anticipating redundancies in the following areas:

Computing/IT	-	3 FTE posts
Business & Financial Services	-	4 FTE posts
Engineering	-	1 FTE post
Craft Services	-	1 FTE post

In addition, there may be redundancies among the part-time lecturing staff. Unfortunately this is difficult to quantify at this stage as it will be dependent on the student numbers for the academic year 2009/10.

It would be useful if we could meet to discuss those redundancies which will be effective from August 2009.

Yours sincerely

S MURPHY
Director

KEY PERFORMANCE INDICATORS 2008/9		28-Oct-09									
SCHOOL	FTE STAFF	FTE STUDENTS	ALH	ASH	ACS	SSR					
ART & DESIGN	13.83	238.06	19.83	17.95	15.57	17.21					
BUSINESS & FINANCIAL SERVICES	36.35	379.47	19.33	16.31	8.81	10.44					
COMMUNITY EDUCATION	27.21	263.75	22.81	23.39	9.94	9.69					
COMPUTING	30.03	318.94	16.92	17.68	11.1	10.62					
CONSTRUCTION, ENGINEERING & SCIENCE	33.13	461.27	21.59	16.42	10.59	13.92					
CRAFT SERVICES	42.4	818.72	22.19	13.71	11.93	19.31					
EARLY YEARS, CHILDREN & YOUNG PEOPLE	25.14	488.62	21.27	15.49	14.16	19.44					
FOUNDATION ACCESS & GENERAL EDUCATION	35.94	407.65	17.97	20.34	12.84	11.34					
HAIRDRESSING & BEAUTY THERAPY	26.9	518.27	21.67	18.01	16.01	19.27					
HEALTH & SOCIAL CARE	40.12	778.4	20.98	16.16	14.94	19.4					
HOSPITALITY, TOURISM & SPORT	35.15	645.74	20.07	15.38	14.08	18.37					
MEDIA, MULTIMEDIA & PERFORMING ARTS	21.25	401.19	21.43	15.62	13.77	18.88					
TOTAL	367.45	5760.91	20.56	16.72	12.75	15.68					

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TEACHING COSTS PER SCHOOL					
03-Nov-09					
SCHOOL	GROSS	SERVICING	NET	TOTAL	COST
	TEACHING		TEACHING	FLU	PER
	SPEND		SPEND		FLU
ART & DESIGN	647850	0	647850	387	1676
BUSINESS & FINANCIAL SERVICES	1310854	-60343	1250511	361	3464
COMMUNITY EDUCATION	724014	36250	760264	376	2032
COMPUTING	1138282	-74255	1064027	314	3392
CONSTRUCTION, ENG. & SCIENCE	1358861	-307207	1051654	605	1738
CRAFT SERVICES	0	0	0	0	0
EARLY YEARS	857566	42613	900179	538	1674
FOUNDATION ACCESS & GEN. ED.	1086281	132955	1219236	562	2171
HAIRDRESSING & BEAUTY THER.	1188976	22550	1211526	908	1335
HEALTH & SOCIAL CARE	1564454	26374	1590828	839	1895
HOSPITALITY, TOURISM & SPORT	1269974	35836	1305810	746	1749
MEDIA, MULTIMEDIA & PER. ARTS	700091	10400	710491	506	1405
PROJECTS		70784	0		
TRADE UNION		36621	0		
TOTAL	11847203	-27422	11819781	6142	2048

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SSR - 2009/2010

School	FT	PT	FTE TOT	ALH	FTE Studs	ASH	ACS	SSR
AFG	33.42	8.94	42.36	801.50	464.72	23.01	11.34	10.97
ART	13.53	3.25	16.78	678.26	290.24	17.10	15.69	17.29
BFS	27.99	2.46	30.45	723.22	394.06	14.45	9.31	12.94
CED	9.07	21.27	30.35	790.41	303.54	20.21	9.21	10.00
CES	29.63	1.41	31.04	739.18	519.25	16.25	13.24	16.73
CSS	37.78	6.58	44.37	773.94	667.66	15.49	10.84	15.05
EYR	18.23	10.73	28.97	778.39	542.24	13.44	11.64	18.72
HBT	23.11	21.29	44.40	819.06	752.28	17.84	13.29	16.94
HSC	36.03	11.01	47.03	807.35	962.07	14.98	13.67	20.46
HTS	30.50	6.35	36.85	804.01	767.80	14.73	13.74	20.84
ICT	30.66	0.32	30.98	684.37	346.49	17.79	10.47	11.18
MMP	17.18	4.86	22.04	770.74	464.18	13.63	13.41	21.06
Totals	307.14	98.47	405.61	778.53	6474.53	16.25	11.99	15.96

Notes:

FT Includes FT & AL plus less servicing less reductions for non contact - ie EU projects etc
PT is taken from NOA data

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OCTOBER 2010

SCI		BFS						
Job ID	Name	Cont Weekly Hours	Cont Annual Hours	Teaching	Other Contact	Total Contact	% Teaching	% Total Contact
Associate Lecturer		12	432	359	0	359	83%	83%
		4	144	0	0	0	0%	0%
		15 25	549	510	0	510	93%	93%
		3 25	117	0	0	0	0%	0%
		10	360	258	0	258	72%	72%
		10	360	279	0	279	78%	78%
		10 25	369	449	0	449	122%	122%
		15	540	408	0	408	75%	75%
		15	541	52	24	76	10%	14%
		16 5	594	416	0	416	70%	70%
		20	720	283	4	287	39%	40%
		12	432	449	0	449	104%	104%
		12	432	250	0	250	58%	58%
		3	108	328	0	328	304%	304%
		15	540	422	0	422	78%	78%
	16 5	594	545	0	545	92%	92%	
	12	432	168	0	168	39%	39%	
Associate Lecturer Total		204.75	7264	5174	28	5202	74%	72%
Business Support Officer		23	828	240	108	348	29%	42%
Business Support Officer Total		23	828	240	108	348	29%	42%
Head of School		0	0	628	0	628	#DIV/0!	#DIV/0!
Head of School Total		0	0	628	0	628	#DIV/0!	#DIV/0!
Lecturer		23	828	330	0	330	40%	40%
		23	828	668	0	668	81%	81%
		23	828	610	0	610	74%	74%
		23	828	838	0	838	101%	101%
		23	828	411	30	441	50%	53%
		23	828	802	0	802	97%	97%
		23	828	801	0	801	97%	97%
		23	828	800	0	800	97%	97%
		23	828	0	16	16	0%	2%
		23	828	787	0	787	95%	95%
		23	828	787	0	787	95%	95%
		23	828	396	0	396	48%	48%
		23	828	378	4	382	46%	46%
		23	828	744	0	744	90%	90%
	23	828	740	0	740	89%	89%	
	23	828	750	0	750	91%	91%	
Lecturer Total		368	13248	9840	50	9890	74%	75%
Senior Lecturer		20	720	330	0	330	46%	46%
Senior Lecturer Total		20	720	512	0	512	71%	71%
Senior Lecturer Total		40	1440	842	0	842	58%	58%
Grand Total		632.75	22760	16723	186	16909	73%	74%

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OCTOBER 2010

SCL		ICT						
Job ID	Name	Cont Weekly Hours	Cont Annual Hours	Teaching	Other Contact	Total Contact	% Teaching	% Total Contact
Associate Lecturer		12.5	450	243	0	243	54%	54%
		10.5	378	204	0	204	54%	54%
		9	324	230	44	274	71%	84%
		12	432	153	150	303	35%	70%
		16	576	482	88	570	84%	99%
Associate Lecturer Total		60	2160	1311	262	1593	67%	73%
Lecturer		23	828	539	160	699	65%	84%
		23	828	398	248	646	48%	78%
		23	828	479	264	743	58%	90%
		23	828	534	168	702	64%	85%
		23	828	463	294	757	56%	91%
		23	828	758	150	908	92%	110%
		23	828	382	88	470	46%	57%
		23	828	428	165	593	52%	72%
		23	828	473	0	473	57%	57%
		23	828	583	195	778	70%	94%
		23	828	575	23	597	69%	72%
		23	828	150	643	793	18%	96%
		23	828	418	0	418	50%	50%
		23	828	552	182	733	67%	89%
		23	828	487	77	564	59%	68%
		23	828	753	5	758	91%	92%
		23	828	419	258	678	51%	82%
	23	828	526	0	526	63%	63%	
	23	828	362	160	522	44%	63%	
	23	828	419	492	911	51%	110%	
	23	828	335	342	677	40%	82%	
Lecturer Total		483	17388	10028	3918	13941	58%	60%
Senior Lecturer		20	720	489	170	659	68%	91%
		20	720	194	540	734	27%	102%
		20	720	715	180	895	99%	124%
Senior Lecturer Total		60	2160	1597	890	2287	65%	106%
Grand Total		603	21708	12737	5085	17821	59%	82%

P/SM/GG

25 October 2010

Mr J McKeown
Regional Official
University and College Union (UCU)
Northern Ireland Office
94 Malone Road
BELFAST
BT9 5HP

Dear Mr McKeown

POTENTIAL REDUNDANCIES AMONGST LECTURERS

I refer to your letter of 27 September 2010 on the above. The North West Regional College has reviewed staffing within each School based on current performance indicators which, when combined with enrolment projections for the current and future academic years, indicate that redundancies will be required.

The redundancies are likely to arise from three different circumstances. Firstly there will be redundancies linked to areas of curriculum decline or overstaffing. Secondly there will be redundancies occurring when NWRC ceases to “overtrade”. Thirdly there may be redundancies caused by a decline in budget allocation following the Comprehensive Spending Review.

In relation to the areas of declining demand it is possible to identify the following areas for redundancies.

Computing - 6 posts
Business Related areas - 7 posts

These may include a number of posts at middle management level.

In relation to the Business Related areas the College has 22,780 lecturer staff hours available but only 16,909 currently timetabled.

In the area of Computing there are 21,708 lecturing hours available but only 17,821 are timetabled. The 17,821 includes hours on three funded projects which will end between

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25 October 2010

Mr J McKeown

December 2010 and March 2011. When these terminate the shortfall of 3,887 hours will grow to 5,097 hours.

I enclose the relevant information in relation to both Schools.

Due to restructuring the College also anticipates 3 redundant management posts.

Secondly the NWRC has, for a number of years, delivered courses beyond the level funded by DEL. In the 2009/10 and 2010/11 academic years the College used its reserves to "overtrade" in terms of FLUs and thereby maintained a higher level of employment than was supported by the allocated budget. Such a position cannot be maintained beyond June 2011 and thereafter the College will have to balance income with expenditure and this could lead to reductions in staffing of areas previously deemed to be growth areas. The level of "overtrading" for each of the years involved is in the region of £1m per annum.

If the Department's budget allocation does not increase for the 2011/12 year the College will have to reduce staffing levels. The actual number of staff, and the curricular areas, involved cannot be determined until a predictive budget is received.

Should the budget allocation for 2011/12 be reduced following the announcement of the CSR the NWRC will have further redundancies but again it is not possible to quantify a number until the budget information is received. These may include part-time staff as well as permanent staff. We hope to confirm the details in relation to both the overtrading and the impact of the CSR when budget details are known.

It would be useful if we could meet to discuss these redundancies which will be effective, at the latest, from 31 August 2011.

Yours sincerely

S MURPHY
Principal & Chief Executive

Enc

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RAMSEY: INDEPENDENT INVESTIGATION INTO NORTH WEST REGIONAL COLLEGE VITAL

SDLP Foyle MLA Pat Ramsey has repeated his call for an independent investigation into decisions made by the management of North West Regional College.

Speaking following a session of the Assembly's Employment and Learning Committee, which was attended by the Principal and Chair of the Board of Governors of the College, Mr Ramsey said:

"The Principal and Chair of the Board of Governors attended the DEL Committee on Wednesday morning at our request to answer questions about the on going industrial relations crisis at the College, specifically around the rationale for redundancies and documentation that the Committee had sought from the College on more than one occasion. The documentation that was brought before the Committee was roundly rejected by Members and was not the infamous 'Curriculum Audit' that was the basis for making several people redundant at the College.

"I commented at the meeting that the document being presented to us was a fabrication, and I make no apologies for that. Time after time the College have told us that a Curriculum Audit was carried out to justify these job losses, yet when the Committee asked for it, three times, the issues was sidestepped by the College management. The College Principal and the Chair of its Governors are simply in denial about the seriousness of the issues we asked them to explain at the meeting.

"When I repeatedly put a number of issues to the Chair and Principal about hatchet job reviews, conflicts of interest and challenged them on comments made previously about the redundancies, adequate reasoning for their decisions were not provided.

"Other members of the Committee from throughout the North made it clear that they feel that relations between staff and management are 'poisoned' and that there is a 'bullying atmosphere' at the College. It is plain for all to see that serious issues are still prevalent on the back of decisions made by the management to make staff redundant - indeed one Member commented that this 'has been festering' and 'there is definitely a problem'.

"I have repeatedly called for an independent investigation into industrial relations issues at the College and I repeated that call on Wednesday - indeed I suggested that the Committee itself should instigate an investigation.

"The College's Management position is becoming untenable, those before us yesterday went as low as to comment that there are some disgruntled staff members who do not put the students first - this is outrageous and I was furious that anyone would dare besmirch the hard working staff - former and current - of the North West Regional College.

I am very concerned that there has been a cover up at the College, and we have a duty to fully investigate the circumstances which resulted in 13 high-level posts being lost to our city."

Northern Ireland Assembly - The Code of Conduct together with the Guide to the Rul... Page 4 \

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Members should be as open as possible about the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demand it.

Honesty

Members should act honestly. They have a duty to declare any private interests relating to their public duties. Members should take steps to resolve any conflicts between their private interests and public duties at once and in a way that protects the public interest.

Leadership

Members should promote and support these principles by leadership and example in order to establish and maintain the trust and confidence of the people of Northern Ireland, and to ensure the integrity of the Assembly and its Members in conducting business.

Equality

Members should promote equality of opportunity and not discriminate against any person by treating people with respect regardless of race, age, religion, gender, sexual orientation, disability, political opinion, marital status and whether or not a person has dependents.

Promoting Good Relations

Members will act in a way that is conducive to promoting good relations by providing a positive example for the wider community to follow by acting justly and promoting a culture of respect for the law.

Respect

It is acknowledged that the exchange of ideas, and opinions on policies may be robust but this should be kept in context and not extend to individuals being subjected to unreasonable and excessive personal attack. Members should keep in mind that rude and offensive behaviour may lower the public's regard for, and confidence in, Members and the Assembly itself. Members should therefore show respect and consideration for others at all times.

Good Working Relationships

- Between Members - Members should work responsibly with other Members of the Assembly for the benefit of the whole community. Members must treat other Members and the staff of other Members with courtesy and respect. Members must abide by the Assembly Standing Orders and should promote an effective working environment within the Assembly.
- Between Members and Assembly staff - The relationship between Members and Assembly staff must at all times be professional, courteous and based on mutual respect. This also applies to contract staff at the Assembly.

Rules of the Code of Conduct

Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.



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Assembly

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**Basil McCrea MLA, Chairperson
Committee for Employment and Learning**

Dr Stephen Farry MLA
Minister for Employment and Learning
Department for Employment and Learning
Adelaide House
Adelaide Street
Belfast
BT2 8GB

22 June 2011

Dear Stephen

At the Employment and Learning Committee meeting of 22 June, a very serious issue was raised by a Member concerning the management and staff at North West Regional College, and Members agreed that I should write to you seeking further information as a matter of urgency.

It is my understanding that the Department is aware of the situation, and I request that the Committee is provided with an update on what, if any, actions have been taken.

The Committee would be grateful for a response to be received in time for Members to consider it before the summer recess.

Yours sincerely,

**Basil McCrea MLA
Chairperson**

Committee for Employment and Learning
Room 283, Parliament Buildings, Ballymiscaw, Stormont, Belfast BT4 3XX
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E-mail: cel@niassembly.gov.uk

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INVESTIGATION INTO COMPLAINT AGAINST MR P RAMSEY MLA

Meeting with Bertie Faulkner OBE, Chair of Governing Body of North West Regional College

16 November 2012
Coffee Stop, Drumahoe
Start: 11.30am End: 12.40pm

Present: Douglas Bain, Commissioner for Standards
Pamela Carson (Note of meeting)
Bertie Faulkner, Chair of the Governing Body

Procedures of the investigation and the legal framework were explained. A summary of the background of the complaint and how the investigation would proceed was provided.

Mr Faulkner said that he was almost always known as 'Bertie'. He had been a member of the Governing Body since the College was established in 2007 and had been the Chair of its Governing Body since 2009. He had also served on the College's Staffing Committee.

He had known Mr Ramsey personally for a number of years. There was no bad blood between them.

Mr Faulkner understood that 'curriculum audit' was a process used widely in schools and FE colleges. Its purpose was to ensure that there was the right number of staff with the right skills in place to cater for the anticipated number of students for each course and that the cost was affordable. North-West Regional College had followed such a process since it was established. There was, so far as he was aware, no document produced called 'the Curriculum Audit' but in the course of the process a number of data sheets which informed the process were produced by College staff. Mr Faulkner understood that the Principal, Seamus Murphy, kept a watchful eye on the data sheets throughout the year.

Mr Faulkner confirmed that the events leading up to the redundancies that had given rise to the DEL Committee interest were substantially as set out at pages 3 to 7 of the Redundancy Business Case document provided to the DEL Committee which he had attached to his complaint. He explained that the Governing Body had not

closely examined each of the data sheets now included in the Redundancy Business Case but had received an oral report on the issues from the Principal. He pointed out that there was in fact only one compulsory redundancy. That arose only after the post holder had refused an offer of redeployment within the College and had lost an unfair dismissal case. There had been a number of voluntary redundancies. Some of these were the result of restructuring which had taken place after the College had been operating for two years. The others were the result of the curriculum audit process. Whilst Mr Faulkner recalled the Governing Body considering a paper on the restructuring he did not recall any detailed discussion of the redundancies flowing from the curriculum audit process.

Mr Faulkner said that he had no clear recollection of the Principal having received three letters from the Chair of the DEL Committee requesting a copy of 'the curriculum audit'. He did recall that one such a letter had been received and he had considered it inappropriate for the Committee to be writing direct to the Principal. Mr Faulkner's view was that the Principal was accountable to him and he was accountable to the Minister. In his view the Committee should have written to the Minister or the Department if they needed information. This was matter about which he felt strongly – it was important that the correct protocol was observed. Mr Faulkner observed that the Committee had again failed to follow protocol when inviting him to accompany the Principal to its meeting on 14 March 2012. It should have been the other way round.

Mr Bain asked Mr Faulkner to consider the matter from the Committee's standpoint. It appeared that on three occasions the Committee had written to the Principal seeking a copy of the curriculum audit document that they plainly believed existed and upon which they believed the redundancy decisions had been based. They had not received the document. Nor had they ever been told by anyone at the College that no such document existed. The Committee had then invited him to attend along with the Principal and to bring with them a copy of the document. In response they were provided with the Redundancy Business Case document. Only at the meeting were they told that no curriculum audit document existed. Against that background Mr Faulkner understood why members of the Committee might have been annoyed.

Mr Bain asked Mr Faulkner about the tone of the Committee meeting at which he was present. Mr Faulkner advised that he had no concerns about appearing in front of the Committee as he had done so on previous occasions without incident. He stated that he did however find this occasion difficult. When he tried to respond to questions from the MLAs, Mr Ramsey challenged the Deputy Chair to stop him doing so. He advised that he had no antagonism towards Mr Ramsey but found it very difficult to be accused of manufacturing information and ruining peoples' lives. He felt these accusations were defamation of his character. Mr Faulkner added that Mr Ramsey's office had issued an email to the press but that the press did not print the information.

Mr Bain took Mr Faulkner through the detail set out in his letter of complaint.

- The Redundancy Business case had been manufactured and fabricated

Mr Faulkner accepted that the document had been prepared for the Committee but took exception to use of the phrase 'manufactured and fabricated' which clearly suggested that it was a false document. It was clear from the document that it had been prepared as a briefing document for the Committee. No one had ever suggested that it was the 'curriculum audit' although it did contain some of the data sheets that informed that process.

- Accusation that the Governing Body tried to 'cover up' the background to the redundancies.

Mr Faulkner advised that he was in constant contact with the Department, including the Permanent Secretary, and the Minister but that there appeared to be a stand-off between the Minister and Department. Mr Faulkner understood the Committee's frustration but he would not accept personal abuse. Neither he, nor the Governing Body, had covered up anything.

- The lack of intervention by the Deputy Chair and the excessive personal attacks by Mr Ramsey.

Mr Faulkner advised that he felt the Members were being dismissive and that he was not given the opportunity to explain matters. It was important to follow the protocol and he simply wished to point that out.

- The lack of evidence that Mr Ramsey had 'grown men in tears' visit his office.

Mr Faulkner advised that Mr Ramsey had accused him of 'wrecking people's lives' and that he had grown men in tears in his office. He said that as there had only been one compulsory redundancy he did not see how this allegation could be true. In response to the suggestion from Mr Bain that another interpretation of what was said was that Mr Ramsey was simply reporting what grown men had said to him in the privacy of his office when there were unlikely to be witnesses present. Mr Faulkner responded that as the Chair of the Governing Body, he would like to know what evidence existed to prove that people's lives were wrecked.

- Press release repeating accusations of a 'cover up' and 'fabrication'.

Mr Faulkner expressed concern that, after having had time to reflect, Mr Ramsey had repeated the unfounded allegations in a press release.

Mr Faulkner said that what had taken place had left him with the feeling that MLAs could say whatever they wanted but due to parliamentary privilege, no action could be taken. Mr Bain explained that whilst what was said during Committee proceedings was protected by privilege Members were still required to comply with the Code of Conduct.

Mr Bain queried why it had taken Mr Faulkner four weeks to submit his complaint to the Interim Commissioner for Standards. Mr Faulkner explained that he had never been treated so badly as he had been by Mr Ramsay and was not sure of what he could do. He advised that he searched on the internet for the Code of Conduct and how to complain to familiarise himself with the process. Mr Faulkner said that he complained on 18 April and it took until June for the Interim Commissioner to advise him that there was a conflict of interest. He said that he had been deeply affected by the incident and, as Derry~Londonderry was as small intimate community, the exchange appeared in the local media. He thanked Mr Bain for the speed with which he had taken matters forward.

Mr Bain thanked Mr Faulkner for his assistance with the investigation and for the information provided. He reminded Mr Faulkner that a draft note of the meeting would be sent to him as soon as possible and that he would give careful consideration to any suggested revisions made by Mr Faulkner.

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INVESTIGATION INTO COMPLAINT AGAINST P RAMSEY MLA

Meeting with Seamus Murphy, Principal of North West Regional College

16 November 2012
North West Regional College
Start: 11.30am End: 12.40pm

Present: Douglas Bain, Commissioner for Standards
Pamela Carson (Note of meeting)
Seamus Murphy, Principal of North West Regional College

Mr Bain outlined the process for investigation of the complaint and for the interview. He drew attention to his powers, the relevant offences and to the prohibition on disclosure

Mr Murphy confirmed that he had been the Principal of North West Regional College since 2007 following the amalgamation of two colleges. He advised that he had met Mr Ramsey MLA previously when he (Mr Ramsey) had been an adviser to Mr John Hume. He had met with Mr Ramsey on a number of occasions since then. There was no bad blood between them.

Mr Murphy also confirmed that he had known Mr Faulkner, Chair of the Governing Body, since taking up his role in 2007.

Mr Bain asked if a document called the 'Curriculum Audit' existed. Mr Murphy responded that there was no single document titled 'Curriculum Audit'. Rather 'curriculum audit' was a term used in the sector for a process in which a series of documents setting out the financial impacts, measure of performance and usage of staff were considered as part of the annual review the performance of the College. Mr Murphy advised that the documents used for the curriculum audit are prepared by the Director of Learning Services and he, as Principal, uses them to review the performance of each school and any underperformance or staff usage.

Mr Murphy stated that he was unsure what the Committee expected to receive in terms of a curriculum audit document. Mr Bain suggested that to someone who

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was unfamiliar with the process it would be easy to assume that this document existed. Mr Murphy agreed that this was a reasonable understanding but explained that any documents requested by the Committee would be sent through the Department for Employment and Learning. As Principal it was his practice, in accordance with verbal instructions received from the Department, not to deal direct with the Committee.

Mr Bain suggested that, having received the letters from the Committee requesting a copy of the curriculum audit used for the redundancies it might have avoided the impasse that had occurred if he had informed the Committee that a single document called 'The Curriculum Audit' did not exist and that the term 'curriculum audit' referred to was a process. Mr Murphy accepted that might be correct but reiterated that he never contacted the Committee direct.

Mr Bain asked Mr Murphy to confirm that the curriculum audit was an annual process in which the various statistical tables were considered by the Senior Management Team. Mr Murphy agreed. He explained that to comply with the legal requirements it was the practice to give warning of possible redundancies most years. This practice was common throughout the sector. Giving notice was a safeguard; often no redundancies were actually necessary.

Mr Bain queried if there was a formal business case drafted on which the decision to declare the redundancies had been based. Mr Murphy said there was not. He advised that the decision was not based on a formal business case but on Documents 2, 3, 4, 5 and 6 of the document 'Redundancy Business Case' which had been provided to the Committee. Mr Bain asked if that document had been prepared for the sole purposes of the Committee. Mr Murphy agreed that it had been but advised that the documents originally used would have been out of context so the information was formatted for the Committee. The attachments to the document were copies of those generated during the curriculum audit process.

Mr Bain asked about events leading up to the redundancies in question. Mr Murphy advised that under the regulations, the College had to inform the Staff Committee and Trade Unions of any possible redundancies. He stated that he felt that Mr Ramsey and the Trade Unions organised a campaign to 'up the anti' about the redundancies. He explained that alternative posts were offered to almost all the staff involved and that there was only one compulsory redundancy, out of a possible 13.

Mr Murphy advised that when the colleges were amalgamated, it was agreed with the Governing Body that a review should take place after 2 years to evaluate the new structure in terms of growth. Mr Bain asked if a paper was submitted to the Governing Body setting out the outcome of the review. Mr Murphy responded that the information was provided to the Governing Body. Mr Bain observed that the minutes of the discussion, at the subsequent meeting of the

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Governing Body, were incredibly short given the length of meeting and the importance of the subject. Mr Murphy advised that the College had a very experienced minute taker. He (Mr Murphy) could not remember the discussion but that it was not necessary to have lengthy minutes given that the decision on the redundancies had been taken. He advised that at the Governing Body meeting he simply informed the Governing Body of the decision.

Mr Murphy stated that along with his four Directors he made the redundancy decision during their weekly meeting by reviewing the enrolment in September and evidence available in respect of the last three years.

Mr Bain asked Mr Murphy why he thought it took Mr Faulkner more than a month to complain if he was seriously annoyed by the comments made by Mr Ramsey. Mr Murphy said that he could not explain this but that he suspected Mr Faulkner wanted to 'mull it over'. He advised that Mr Faulkner was very annoyed after the meeting. Mr Faulkner had told him that he felt the meeting got out of hand and should have been dealt with by the Deputy Chair, Mr Buchanan. Mr Bain asked if he (Mr Murphy) considered complaining. Mr Murphy advised that he did not consider it but did feel that it was completely 'over the top' and the politicians had been allowed to say what they wanted. He believed that it was a disgraceful performance by MR Ramsey.

Mr Bain sought Mr Murphy's views on the specific complaints made by Mr Faulkner. Mr Bain queried if Mr Murphy felt that Mr Ramsey's comments were an unreasonable and personal attack on Mr Faulkner. Mr Murphy stated that he did feel they were on two counts –

- As witnesses they were invited to address an issue, it was discourteous of the Committee not to address that issue; and
- The tone of comments and the attitudes were personal to Mr Faulkner who had served the City well over numerous years. This was particularly so of the accusation that he ruined lives.

Turning to the comment that submitting the Redundancy Business Case document to the Committee in response to the requests for the curriculum audit might be considered to be misleading, Mr Murphy agreed but explained that it was difficult to provide anything else. This had been explained to the Committee at the start of the meeting. He also stated that he felt it was insulting to refer to the document as fabricated.

In relation to the allegation of a 'cover up' Mr Murphy said that Mr Ramsey accused the Governing Body of a cover up but did not provide any evidence to support his allegation.

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As regards the complaint that the remarks made by Mr Ramsey were highly offensive and not in keeping with the expected standards of behaviour Mr Murphy's view was that while the words used during the meeting would not cause offence, it was the tone of the words that was offensive.

Mr Murphy advised that he had offered to meet with Mr Ramsey and advised that if he had a query he only had to call him. He felt that the emphasis was put on these redundancies due to the fact that the College had terminated the employment of a cousin of the former Office Manager to Mr Ramsey on grounds of ill health. Mr Murphy advised that if he had to do the redundancy process again he would keep the Governing Body informed but would not involve them in taking the decision. That was because they formed part of the appeal mechanism and he would not want to flaw the appeal process.

Mr Murphy finished the meeting by advising that while he did not have any angst with the Committee, he felt that it was not a way for them to conduct their business.

Mr Bain thanked Mr Murphy for his assistance with the investigation and for the documents provided.

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Northern Ireland
Assembly

INVESTIGATION INTO COMPLAINT AGAINST P RAMSEY MLA

Meeting with Mr Pat Ramsey MLA

25 February 2013

Room 283

Start: 9.30am

End: 10am

Present: Douglas Bain, Commissioner for Standards
Pamela Carson (Note of meeting)
Pat Ramsey MLA

Procedures of the investigation and a reminder that the information to be discussed was not in the public domain were outlined at the start of the meeting.

A summary of the background of the complaint and how it will proceed through to the final stages was also provided.

Mr Bain reminded Mr Ramsey that he was only interested in investigating the complaint made by Mr Faulkner and thanked him for his initial response to the process.

Mr Bain asked if Mr Ramsey believed at the time of the Committee meeting on 14 March 2011 that the Curriculum Audit was an actual document. Mr Ramsey advised that he did believe the Curriculum Audit was a document due to the meeting with the Members and MP in Derry~Londonderry on 4 March 2013 and the emails exchanged between him and Mr Murphy on 20 April in which Mr Murphy did not deny the existence of the document.

Mr Bain queried that if Mr Murphy had advised the Committee that the document did not exist, when they wrote to him four times seeking a copy of the document, would things have been different. Mr Ramsey agreed that it may have been different and that at no stage did anyone advise him or the Committee that the document did not exist.

Mr Ramsey advised that suspicions were raised as they thought the college didn't want to share the document. He stated that the redundancies caused

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concern as areas such as the business community's demand for the business section of the college was increasing so the redundancies did not make sense.

Mr Bain raised Mr Faulkner's complaint around the issue of respect and that on two occasions during the Committee meeting Mr Ramsey accused them of manufacturing the business case. Mr Ramsey stated that he had a strong belief that it was produced solely to convince the Committee that the correct decision had been made. He also advised that he could not query the three attached documents as the Committee had only been presented with them for the meeting.

Mr Ramsey advised that he was not the only Member showing concerns around the decision and documents produced, that there was an increased concern of Committee members whose constituencies are closely aligned with the North West Regional College.

Mr Bain asked Mr Ramsey to confirm that there was no evidence of the fact that he had 'grown men in tears' in his office as it would be inappropriate to disclose details of these individuals without their prior permission. Mr Ramsey advised that he had discussed this previously with Mr Faulkner during a private meeting but that, as some of the individuals involved still worked for the college, there was a need to protect those individuals.

Mr Bain queried the fact that Mr Faulkner felt that Mr Ramsey had accused him of being responsible for the 'grown men in tears'. Mr Ramsey advised that he meant the Governing Body collectively, not solely Mr Faulkner.

Mr Ramsey advised that following concerns from him and others, Mr Murphy was asked to put the redundancies on hold. Mr Murphy conducted a review but did not look at the process of the redundancies in the college. This further compounded views of the process.

Mr Ramsey advised that he became very upset with Mr Murphy and Mr Faulkner during the Committee meeting when one of them advised that there were 6 or 7 'trouble makers' in the college. He had the feeling that staff were targeted because they did not conform to the views of the Senior Management.

Mr Bain thanked Mr Ramsey for his assistance with the investigation and for the documents provided.

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NOTE OF MEETING BETWEEN MEMBERS OF NWRC GOVERNING BODY AND LOCAL MEMBERS OF PARLIAMENT AND THE NI LEGISLATIVE ASSEMBLY HELD IN THE NORTH WEST REGIONAL COLLEGE ON FRIDAY 4 MARCH 2011 AT 2.45PM IN THE BOARDROOM, STRAND ROAD CAMPUS

Present:

Governing Body: Mr H Faulkner (Chair)
 Mr M Agnew
 Ms E Cavanagh
 Mr L Gallagher
 Dame Geraldine Keegan
 Mr D Limb
 Mrs G McCafferty
 Prof F Monds
 Mr S Murphy (Principal and Chief Executive)
 Mr A Rainey

Local Representatives: Ms M Anderson MLA (Sinn Fein)
 Mr P Callaghan MLA (SDLP) (from 3.00pm)
 Mr M Durkan MP (SDLP)
 Mr R McCartney MLA (Sinn Fein)

In attendance: Mr D McClelland (GB Secretary)

1. Welcome. The GB Chair welcomed the local Representatives to the meeting which was being held at their request. He invited members of the Governing Body to introduce themselves. He indicated that two matters had been identified for discussion: redundancies and industrial relations.

2. Redundancies. The Representatives requested information on why redundancies were necessary. The Principal explained that a curriculum audit had been carried out which had identified two areas where there had been no growth over the last 3 years. During that period, College reserves had been used to encourage growth but computing and business had not expanded and so remained overstaffed. The College would shortly be in a financial position where it would not be possible to sustain this additional funding. The Principal said that the College had a responsibility to ensure that public funds were used efficiently in identified areas of need including the promotion of STEM subjects. He assured members that opportunities for re-training or re-deployment of staff would be considered.

The local Representatives expressed concern that one of the areas identified for redundancies was Computing and that making redundancies in this curriculum area at this time could lead to a shortfall in opportunities for training envisaged in the ILEX Regeneration Plan for the city. The Principal explained that a number of years ago, EU grants had been made available to encourage uptake and growth in basic computer skills. At that time a number of staff had been recruited for this task. However, present day requirements were for computer skills in creative technology and multi-media applications with little demand for basic skills. A member of the Governing Body closely associated with identifying modern computer skills for the local area confirmed that the profile required had changed and that the College is seeking to respond to these changing needs. It was agreed that the MLAs would be provided with a full list of the range of courses associated with computing provided by the College.

The Chair indicated to the Representatives that the Governing Body would be scrutinising the process which College management had followed in identifying potential redundancies including opportunities for re-skilling and for voluntary redundancy before any decisions would be taken to implement compulsory redundancies.

3. Industrial Relations. The Chair, in introducing this item, expressed his disappointment that a section of staff had, apparently, directly or indirectly, chosen to conduct their dis-satisfaction with aspects of their employment through the press and by writing anonymous whistle-blowing letters of complaint to DEL, rather than seeking to resolve issues in-house. He pointed out that DEL had found no substance to the allegations made in the letters it had received. He outlined the actions taken by College management and the Governing Body to seek to improve the situation. These included meeting with the staff Unions, a 'listening to staff' survey together with implementing a follow-up action plan, and planned meetings with Heads of Schools. He said that the GB was genuinely seeking to promote good relations but was being rebuffed particularly by one of the Unions whose responses were generally negative. The Chair suggested that it might be helpful for the local Representatives to receive a copy of the action plan and staff responses. A GB member contrasted the positive attitudes shown by staff in 2 of the 3 College main campuses. Another member pointed out that good performance by the majority of staff demonstrated that poor industrial relations were not widespread amongst staff.

One of the Representatives pointed out that they had a public duty to investigate complaints which they had received. They encouraged the Governing Body to take the initiative and explore additional ways to seek to resolve outstanding matters including further meetings with Unions if necessary.

The Principal offered to arrange briefing meetings with local Representatives.

They indicated that there were further issues which they would communicate to the College by letter.

The Chair, in concluding the meeting, emphasised the importance of further education to the Derry area. He thanked everyone for their attendance and closed the meeting at 4.50pm.

Doc 7

APPENDIX C

From: Pat Ramsey [mailto:pat.ramsey.mla@googlemail.com]
Sent: 20 April 2011 09:40
To: Murphy, Seamus
Subject: Curriculum audit

Seamus

Further to the meeting with MP and MLAs with NWRC Governing Body on 4th March and your reference and I quote for the minutes,

Redundancies. The Representatives requested information on why redundancies were necessary. The Principal explained that a curriculum audit had been carried out which had identified two areas where there had been no growth over the last 3 years.

Could you forward to me on behalf of the parliamentarians this curriculum audit.

Pat

Office of Pat Ramsey MLA
1 Infirmary Road
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N. Ireland
BT48 7HG
e-mail: pat.ramsey.mla@gmail.com
www.patramsey.ie

From: Murphy, Seamus <Seamus.Murphy@nwrc.ac.uk>
Date: 20 April 2011 11:06
Subject: RE: Curriculum audit
To: Pat Ramsey <pat.ramsey.mla@googlemail.com>
Cc: "Gray, Geraldine" <Geraldine.Gray@nwrc.ac.uk>

Pat

The College has managed to avoid compulsory redundancies in both curriculum areas so I am unsure of the relevance of the information you have requested.

Seamus

Doc 8



**Northern Ireland
Assembly**

**Basil McCrea MLA, Chairperson
Committee for Employment and Learning**

Seamus Murphy
Director
North West Regional College
Strand Road
Derry
BT48 7AL

10 November 2011

Dear Seamus,

At its meeting of the 9 November 2011 the Committee agreed to write to the North West Regional College and request a copy of the College's Curriculum Audit, which was carried out, the audit identified the areas in which redundancies were to be made. Members would be grateful if you would provide this information.

I would be grateful for a response by 24 November 2011.

Yours sincerely,

**Basil McCrea MLA
Chairperson**

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P/SM/GG

16 November 2011

Mr Basil McCrea MLA
Chairperson
Committee for Employment & Learning
Room 283
Parliament Buildings
Ballymiscaw
STORMONT
Belfast
BT4 3XX

Dear Mr McCrea

I refer to your letter of 10 November 2011 requesting a copy of the College's Curriculum Audit which identified the need for redundancies.

I have referred the request to the Chair of the Governing Body who will make the necessary response to the Minister, Dr Farry.

Yours sincerely

S MURPHY
Principal & Chief Executive

cc **B Faulkner**

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Limavady
Main Street
Limavady
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028 7127 8700

Strabane
Derry Road
Strabane
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028 7138 2317

Director: Mr Seamus Murphy BA Hons, MEd, PGCE, DASE

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Northern Ireland
Assembly

Doc 10

**Basil McCrea MLA, Chairperson
Committee for Employment and Learning**

Seamus Murphy
Director
North West Regional College
Strand Road
Derry
BT48 7AL

23 November 2011

Dear Seamus,

At its meeting of the 23 November 2011 the Committee agreed to write to the North West Regional College, in response to your letter of 16 November 2011 regarding the College's Curriculum Audit and request that the College responds directly to this Committee with the appropriate information.

I would be grateful for a response by 7 December 2011.

Yours sincerely,

**Basil McCrea MLA
Chairperson**

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Doc 11



north west regional college
Derry/Londonderry • Limavady • Strabane

Derry/Londonderry

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T. 028 7127 6000 F. 028 7126 0520

25 November 2011

Mr Alan Shannon
Permanent Secretary
Department for Employment and Learning
Adelaide House
39-49 Adelaide Street
BELFAST
BT2 8FD

Permanent Secretary's Office
23 NOV 2011
132

*Callahan
We'll need to
change the
correspondence.*

AK 26/11

Dear Permanent Secretary

The Assembly's Employment and Learning committee has written to the Governing Body requesting sight of the College's curriculum audit in respect of its Business and Computing Department. I understand that the Department has received a similar request.

The Governing Body is of the view that the Committee's request is more properly a matter for the Department's consideration.

I can confirm that the Governing Body fully considered the business case for reducing the staffing complement in Business and Computing and were entirely satisfied that the reduction proposed was both appropriate and necessary.

It was on that basis that the Governing Body authorised the College's senior management to proceed with a limited programme of staff redeployment.

I will be writing to the Committee Chair to acknowledge his request, however, I will be advising that the College considers it more appropriate that a formal response is issued by the Department and I would ask, therefore, that the Department respond to the Committee regarding this request.

Yours faithfully

Mr H Faulkner
Chair of the Governing Body

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P/SM/AMcH

1 December 2011

Mr Basil McCrea, MLA
Chairperson
Committee for Employment & Learning
Room 283
Parliament Buildings
Ballymiscaw
STORMONT
Belfast
BT4 3KX

Dear Mr McCrea

I refer to your letter of 23 November 2011, which arrived in my office on 28 November 2011.

I have referred the request for information to the Chair of the Governing Body who will make the necessary response to the Minister, Dr Farry.

Yours sincerely

SEAMUS MURPHY
Principal and Chief Executive

Copy to B Faulkner

Doc 13



**Northern Ireland
Assembly**

**Basil McCrea MLA, Chairperson
Committee for Employment and Learning**

Seamus Murphy
Director
North West Regional College
Strand Road
Derry
BT48 7AL

14 December 2011

Dear Seamus,

At its meeting of the 14 December 2011 the Committee agreed to write to the North West Regional College, in response to your letter of 1 December 2011 regarding the College's Curriculum Audit and insists that the College responds directly to this Committee with the appropriate information.

I would be grateful for a response by 28 December 2011.

Yours sincerely,

**Basil McCrea MLA
Chairperson**

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Doc 14

PROTECT - INVESTIGATION



Northern Ireland
Assembly

INVESTIGATION INTO COMPLAINT AGAINST P RAMSEY MLA

Meeting with Cathie White, Committee Clerk Committee for Employment and Learning

7 November 2012
Room 283
Start: 3pm End: 3.35pm

Present: Douglas Bain, Commissioner for Standards
Pamela Carson (Note of meeting)
Mrs Cathie White, Clerk to the Employment and Learning
Committee
Mrs Nuala Dunwoody, Clerk Assistant

Procedures of the investigation and a reminder that the information to be discussed was not in the public domain were outlined at the start of the meeting.

A summary of the background of the complaint and how it will proceed through to the final stages was also provided.

Mrs White confirmed that she had been the Clerk to the Employment & Learning Committee since May 2011 and had been a committee clerk since 1998. She explained that the role was to support for the Chair of the Committee, providing briefing and reminding of housekeeping issues such as quorum requirements.

Mrs White confirmed that the Deputy Chair of the Committee, Mr Buchanan MLA chaired the meeting on 14 March 2012.

Mrs White agreed that the main issue at the meeting was the alleged failure of the North-West Regional College to provide the Committee with a copy of the 'curriculum audit'. This had been requested on

PROTECT - INVESTIGATION

PROTECT - INVESTIGATION

three occasions but had not been produced. Mr Faulkner and Mr Murphy had been asked to attend the meeting to explain the failure to produce the audit document.

In response to questions from Mr Bain as to the tone of the meeting Mrs White said that it was unremarkable. The Deputy Chair only had intervened only twice. The first occasion was to remind Mr Faulkner that he had to answer the questions put to him by Mr Ramsay; the second was to rule out of order an attempt by Mr Faulkner to question Mr Ramsey about what he had said during a radio interview some two weeks before the meeting. She explained that on occasion during the meeting voices may have been slightly raised.

Mrs White explained that at the meeting Mr Ramsey had a folder containing information on redundancies at the College, the curriculum audit and staff concerns. He appeared to have a good knowledge of these issues.

Mrs White explained that the document headed 'Redundancy Business Case' was received from the College about one week prior to 14 March. A copy of it had been included in the meeting pack given to all Committee members.

When asked whether she was aware of whether Mr Ramsey knew Mr Faulkner and Mr Murphy prior to the meeting, Mrs White said that the College was in Mr Ramsay's constituency and that it appeared to her that he was acquainted with both witnesses. She knew of nothing to indicate that 'bad blood' existed between Mr Ramsey and the witnesses.

Mrs White provided a folder of the correspondence between the Committee, Minister and College; minutes of the meetings in which the issue is referred to; and any other information pertinent to the investigation

Mr Bain thanked Mrs White for her assistance with his investigation and for the documents provided.

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After the Note of Meeting had been agreed Mrs White agreed the following addendum

One of the documents I handed to the Commissioner was a copy of the minute of a meeting on 4 March 2011 between the North West Regional College Governing Body and Mark Durkan MP, Ms M Anderson, Mr P Gallagher MLA and Mr R McCartney MLA.

According to that minute the meeting was chaired by Mr Faulkner. Mr Ramsey was not present.

On the subject of 'redundancies' the minute records –

'the Principal explained that a Curriculum Audit had been carried out which had identified two areas which there had been no growth over the last three years. During that period, college reserves had been used to encourage growth but Computing and Business had not expanded and so remained over staffed.'

Mrs White confirmed that the Committee had not received a response from Mr Murphy to the Chairperson's letter of 14 December 2011.

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Doc 15

FROM THE MINISTER



Mr Basil McCrea MLA
Chairperson
Committee for Employment and Learning
Room 283
Parliament Buildings
Belfast
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email: private.office@delni.gov.uk

Our Ref: COR-1323-11

10 January 2012

Dear Basil,

Review of Redundancy and Redeployment Procedures in NWRC

Thank you for your letter of 11 November 2011 regarding the Pricewaterhouse Coopers' review of redundancy and redeployment procedures in North West Regional College (NWRC). I am also aware of the Committee's subsequent correspondence to the college about this matter.

I am sorry that I have not been in a position to reply earlier but I had asked officials to ensure that we were fully apprised of recent developments on this dispute.

The Committee will appreciate that the Further Education Order (1997) bestows a significant degree of authority on a college governing body and the Department would not ordinarily seek to influence its oversight of operational decisions. Nevertheless, because of the concerns that have been expressed about redundancy and redeployment in NWRC, I asked the Governing Body to commission a review of this programme to ensure compliance with all agreed procedures.

The subsequent PWC report identified some weaknesses in communication and training but, overall, concluded that the process had followed the steps laid down in arrangements agreed throughout the Further Education sector. To that extent, therefore, the Department accepts that the college has demonstrated procedural compliance on this matter.

In the course of the PWC review, a number of staff raised issues that were outside the terms of the review; these related to the elements of the business case. Whilst the Governing Body accepted the original business case, it acknowledges the issues that have since been raised.



In view of the issues raised by a number of college staff, in particular, I understand that the Governing Body will again consider the redundancy and re-deployment programme, including the findings of the PWC review and the business considerations that led to the programme's implementation. These matters will be on the agenda of a special meeting of the Governing Body's staffing committee to be held shortly.

I have asked the Governing Body to keep me fully informed of progress on this further review. I appreciate the Committee's concern about some of the allegations that have been made regarding this issue but I suggest that it would be prudent to facilitate the governing body's completion of this exercise. The Department will then be better placed to make its own assessment of this dispute and to advise the Committee of its conclusions.

Pending the completion of this additional work, I will be pleased to provide any additional information you might require.

Yours sincerely,

DR STEPHEN FARRY MLA
Minister for Employment and Learning



Doc 16



Northern Ireland
Assembly

**Basil McCrea MLA, Chairperson
Committee for Employment and Learning**

Seamus Murphy
Director
North West Regional College
Strand Road
Derry
BT48 7AL

11 January 2012

Dear Seamus,

At the Committee meeting which was held today, members agreed to write to you concerning their request for sight of the College's Curriculum Audit. The Committee expressed its disappointment that you have not yet provided this information, and agreed to ask you to brief the Committee on this issue in person.

You may wish to note that, under Section 44 (1) of the Northern Ireland Act 1998, the Committee is empowered to

“require any person (a) to attend its proceedings for the purpose of giving evidence; or (b) to produce documents in his custody or under his control” relating to any matters in which statutory functions are exercisable by Ministers or Northern Ireland departments.

I would ask you therefore to contact the Clerk to the Committee, Mrs Cathie White, to arrange a date for your evidence session.

Yours sincerely,

**Basil McCrea MLA
Chairperson**

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Due 17



**Northern Ireland
Assembly**

**Basil McCrea MLA, Chairperson
Committee for Employment and Learning**

Seamus Murphy
Director
North West Regional College
Strand Road
Derry
BT48 7AL

9 February 2012

Dear Seamus,

At its meeting on 8 February 2012, the Committee for Employment and Learning agreed to write to you to request that the Chairperson of the Board of Governors of the North West Regional College accompany you, to participate in the briefing scheduled for 14 March 2012.

Yours sincerely,

**Basil McCrea MLA
Chairperson**

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P/SM/GG

6 March 2012

Ms Cathie White
Northern Ireland Assembly
Clerk of the Committee for Employment & Learning
Room 283
Parliament Buildings
Ballymiscaw
Stormont
BELFAST
BT4 3XX

Dear Ms White

***REDUNDANCY BUSINESS CASE – DEL ASSEMBLY COMMITTEE MEETING –
14 MARCH 2012***

Please find attached papers in relation to the above for discussion at the next meeting of the DEL Assembly Committee meeting on Wednesday 14 March 2012.

Yours sincerely

S MURPHY
Principal & Chief Executive

Encs

Doc 20

Review of Industrial Relations

in

North West Regional College (NWRC)

**Review conducted on behalf of
Department for Employment and Learning (DEL)**

by

**Harry McConnell
Equality & Human Resources Consultant**

February 2013

Executive Summary

- (i) I have been asked to conduct a review of industrial relations in North West Regional College (NWRC) following a difficult period involving a redundancy programme during which relationships between management and in particular one of the unions became particularly strained. This report examines the general morale, trust and communication evident in the College as the basis for charting a way ahead.
- (ii) Industrial relations at a regional level seem to operate fairly well for non-teaching/support staff. On the other hand there seem to be major difficulties eg in disseminating and interpreting agreements and conducting business between the joint secretaries to the regional Lecturers' Negotiating Committee. The subject matter of discussions is generally accepted as difficult but the potential to reach agreement seems to be exacerbated by widely acknowledged tensions between the joint secretaries, the Regional Official for UCU (University & College Union) and the Principal / Chief Executive of NWRC (for management side).
- (iii) There have been various attempts to ensure effective consultative engagement in the NWRC through a local committee – the Liaison Forum. UCU have resisted requests to join on several occasions, citing instances of how they perceive senior management in the College have treated them or their members unfairly or with disrespect.
- (iv) Management in NWRC have characterised the employee relations difficulties as emanating only from one union, UCU (about 320 members), and ultimately characterise the dispute as a struggle for 'who manages the College'. Management has also said that they have no difficulties with the four other unions, with whom they assert they have good working relationships. This has to be seen in context - two of the other unions have limited membership - one union with one member, recently standing down from representative duties, and another union of only about a dozen members largely representing middle and senior management. A further union indicated it could not secure representatives over the last 16 months to take part in union duties because of staff reporting fear of retaliation from management. The final union is seen by some as 'too close to management', reflected - they would argue - in its representative not being re-elected as a nominee to the Governing Body. The difficulties therefore seem to relate to wider problems of trust throughout the College, not just to the actions of UCU.
- (v) I have conducted interviews with staff in different positions in the College, and those with an interest in the College, and have taken account of related views identified in surveys and work undertaken by middle management in a Deloitte project to determine any relevant issues in the culture of the College that might impact on a sense of low morale, mistrust or poor communication, which might harm employee relations. The

research was qualitative to determine perceptions and the reasons for holding them, rather than focussing on establishing the prevalence of attitudes.

- (vi) Many staff interviewed stated that they did not consider they were valued because of a range of behaviours they observed as carried out by management. In particular Course Reviews or other performance meetings were described as being conducted in a confrontational and intimidating way, causing them fear and anxiety. This was also borne out by concerns expressed by middle management. Some remarks made by senior College figures in public discourse could be and had been construed as being offensive and demeaning to staff; although statements from the senior UCU official tended to be highly personal in reference to the Principal / Chief Executive. Neither of these were appropriate.
- (vii) Some staff described a tendency on the part of senior management to an almost instinctive response of regulation or punishment, rather than support. The number of disciplinary cases taken at 29 since merger is probably not beyond the bounds of what would be reasonably expected. However other examples pointed to (non-disciplinary) sanctions adopted or proposed in minor situations where different communication or influencing styles might have been more appropriate eg to suggest introducing guidelines for conduct of meetings.
- (viii) It was also suggested that staff did not always feel that they were 'getting the full picture'. Evidence was identified of a lack of full transparency and openness in the provision of information in relation to disciplinary and grievance matters, although this in part may have reflected a sectoral position.
- (ix) Many of the staff interviewed also pointed to a perceived abuse of natural justice. Where a controlling style of management seemed to be a dominant perception for many - with senior management's involvement in decisions at a lower level than expected - this contributed to a perception of unfairness and a sense of fear because of perceived disproportionate use of power.
- (x) It was also suggested that communication did not address people's needs, but it is noted that the College was actively trialling different approaches in this regard. The main concerns seemed to be the need for effective two-way communication, for staff to have a clear vision for the college and of structural changes well in advance, and for them to have a genuine consultative say in key decisions affecting them.
- (xi) There was a concern amongst many staff interviewed that they did not know whom to go to for support – suggesting problems both for the unions – (some considered UCU too focussed on their 'on-going battle' with management), and for Workforce Development, who were not considered sympathetic nor independent of senior management. Some staff interviewed also expressed the concern that the Governing Body was not

- adequately seen to hold senior management to account, although some recent examples to the contrary were provided by the Board.
- (xii) Some staff also expressed concern that senior management made or implemented decisions in a way that was inconsistent with the College's values eg action or comments suggesting staff were not 'valued', a lack of 'care and consideration' for those facing change, a lack of support, a lack of 'open and transparent' communication and a failure in not always providing full, credible information.
 - (xiii) Evidence as presented suggested a strong sense of not being valued in general, a sense of fear / anxiety especially surrounding how performance matters and structural changes were handled; which had led to a diminution in trust across the College – not just amongst teaching staff. The perceptions expressed by some were more positive; it is also accepted that some of the negative feelings may reflect a wider response to sectoral change, and that the ETI inspections in the College pointed to good performance generally.
 - (xiv) It is evident to me that employee relations is in something of a 'stand-off' between UCU and NWRC management, and that communication in the current context, as with all engagement, is strained. The perceptions identified suggest effective change cannot happen in employee relations until measures are taken to challenge some of the perceptions expressed, where they are not validly based, or, where based on valid reasoning, to change the behaviours encouraging them.
 - (xv) The recommendations made in this report therefore address the need to first of all commit to promoting mutual respect, trust and support across the organisation, as a pre-requisite to effective change in employee relations.
 - (xvi) It is recommended that the focus of the change should be on 're-building' trust. This requires the development of a medium-term human resources strategy, incorporating employee relations, employee involvement and employee communications, providing clarity to all as to what is expected of staff, how they will be treated and the mechanisms for supporting and recognising this. Commitment to and accountability for living out the College's values are central to this.
 - (xvii) It is recommended that accountability be ensured by an annual employee relations audit, partly including the current work of the employee relations framework in monitoring and reporting, but also measuring levels of discipline, grievance, sickness, counselling and leavers to allow the College proactively to determine any patterns of behaviour which may raise concern for how staff are being treated. Similarly there should also be an annual audit of how successfully the College's values are demonstrated through the work of its staff at all levels.
 - (xviii) Specific obligations will be required at all levels. The Governing Body must exercise close oversight of the strategy, assume a clear profile, and

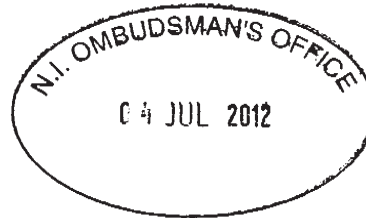
ensure that it holds – and is seen to hold - management to account; senior management must concentrate on local, non-sectoral issues and demonstrate how behaviours are changing to reflect the collegiate values; middle management is key and must be empowered to drive through this change. Making the performance review process come across as less threatening and more supportive must be a key element of this. I accept that there is some recognition of this and that some work has already been undertaken, but negative perceptions in this area were very strong. Staff must respond flexibly to reasonable change which is identified and planned for in advance and continue to demonstrate their ability to teach and inspire.

- (xix) Interaction between management and the unions can then be part of the process of rebuilding – when a commitment by management to the above change has been provided. This will require a completely new character to the discourse of UCU and management from what has been evident in the last three or so years; UCU must commit to re-engage in a local consultative forum with other unions also assisted to participate fully. Management and UCU must disengage from public point-scoring and re-engage in effective joint working, perhaps initially with the help of an external facilitator. Dispute resolution and face to face influencing skills should characterise progress, rather than a perception of threatened sanctions on the one hand and, for example, sustained correspondence on minutiae, or recourse to the media on the other.
- (xx) It will be for the Governing Body ultimately to ensure that leadership of the College implements the requisite leadership skills to re-establish trust through building a different culture organisation-wide, as outlined in the College's value system. It will be for UCU to ensure that their local players have the skills and capacity to assist in the rebuilding of trust by engaging constructively in a consensual manner with management in the College.
- (xxi) From this review, in order to re-establish effective employee relations senior management must be seen to adopt the requisite flexibility to develop an appropriate strategy to effect a change in culture and reconnect with staff generally, whilst maintaining its strong commitment to performance. It must show that this will be achieved through support, openness, involvement, and recognition. Staff and unions must recognise the changing environment within the sector and continue to develop the flexibility to work collectively and through effective employee involvement and employee relations to achieve the College's wider goals.

Doc 21



Ms Marie Anderson
Deputy Ombudsman
Assembly Ombudsman for Northern Ireland
Progressive House
33 Wellington Place
Belfast
BT1 6HN



3/7/12

Re: Your correspondence of 8 June
Your ref: S 2/12

Dear *Marie*,

I write regarding your correspondence of 8 June which I acknowledge. In the letter relating to a complaint from Mr Bertie Faulkner regarding his view of my behaviour at a Committee for Employment and Learning meeting on 14th March 2012, Mr Faulkner makes reference to a number of points, which I will address in turn.

Primarily, Mr Faulkner states that "I can only assume that either Mr Ramsey had not read the papers prior to the meeting or that he had deliberately chosen to ignore the evidence in order that he could launch this attack on the Governing Body". I want to refute the allegation that I had not read the papers, indeed all Members had scrutinised the papers given to the Clerk prior to the meeting, and I would draw your attention to Hansard relating to the documentation presented:

"Members have gone through the business case and scrutinised it, and the Committee is not happy to discuss it today because we see no evidence that the document formed any part of the decision about redundancies in October 2010." Deputy Chairperson, DEL Committee 14/3/12

The Committee, and my office in particular, had sought copies of documents relating to the redundancies that took place in the College, and as the Deputy Chair eluded to further, we were not given the documents.

"You will know that, on three occasions, the Committee has asked for a copy of the curriculum audit, and, as yet, we have not received it. We believe that the curriculum audit determined the redundancies and that this was more or less a prepared case or a choreographed case to present to the Committee today. Therefore, we have no intention of discussing this particular document today. However, we would like to hear from you on staff morale and the ongoing difficulties and unrest in the college. Then we will open up the Floor for questions for any members who may have concerns.

Pat Ramsey MLA
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Partí Sóisialta Daonlathach an Lucht Oibre
Member of the Party of European Socialists and Socialist International





You will know that this been a matter of concern for the Committee for some time. A number of questions have been asked, a number of documents have been sought, and to use an old country term, it has been like pulling teeth out of a hen to try to get what we have been looking for. However, we are glad that you are with us today and we ask you to give us some indication of the staff morale in the college and the ongoing unrest and uneasiness, and what is being done to address that matter.” Deputy Chairperson 14/3/12

The allegation that I in some way personally sought to besmerch the complainant as a result of the Committee seeking to ignore the documentation presented is ludicrous, as it was a position conveyed by the Deputy Chair that the Committee had sought the relevant documentation for some time relating to the redundancies, and that Members were not happy with the documentation received. I find the complainants view that I sought to abuse him on that basis, to be invalid.

On the complainants second point of contention, regarding my comments of a ‘cover-up’ and ‘they are trying to protect themselves’, I know you will want to look at the Hansard in full, and to aid you in that, I quote my words on the matter;

“The two or three points that Seamus refers to are graphs. There is no text at all. So I think that we have to consider the options. Absolutely, we have a scrutinising role in terms of public money. I am more concerned, given some of the responses today — I really am, Chair — that, in some way, there is a cover-up of this.” Pat Ramsey MLA, DEL Committee, 14/3/12

In terms of my comments regarding ‘cover-up’ that the complainant referred to, I raised my concerns relating to the presentation of documents which the Committee sought to refuse, as it was not the documentation that we as Members had sought for some time, but rather were created for the purpose of the meeting, which is obvious given that previously we were told the rationale for the redundancies was the ‘Curriculum Audit’ (page 9 onwards on the document presented to the Committee) in which I point out has no text in order to explain the meaning of the quoted figures.

In terms of my comment ‘they are trying to protect themselves’ – I believe those comments to be measured and justified given the efforts of the College to halt the Committee in obtaining the documents it had asked for on a number of occasions.

Indeed, I refer to the Principles of Good Administration which your office uses as the appropriate standard for public bodies, namely the ‘Being open and accountable’ standards, and I quote;

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“Public administration should be transparent and information should be handled as openly as the law allows. Public bodies should give people information and, if appropriate, advice that is clear, accurate, complete, relevant and timely.

Public bodies should be open and truthful when accounting for their decisions and actions. They should state their criteria for decision making and give reasons for their decisions.

Public bodies should handle and process information properly and appropriately in line with the law. So while their policies and procedures should be transparent, public bodies should, as the law requires, also respect the privacy of personal and confidential information.

Public bodies should create and maintain reliable and usable records as evidence of their activities. They should manage records in line with recognised standards to ensure that they can be retrieved and that they are kept for as long as there is a statutory duty or business need.”

On the complainant's third point of contention, I would point out again, from the Hansard, that indeed it was Mr Faulkner who interrupted me;

“Mr P Ramsey: It says a lot about the chair of the board of governors that, given the comments that I have made, all he has to offer —

Mr Faulkner: I am only starting.

Mr P Ramsey: — is a bit of process. Chair, it is important. We cannot dismiss the curriculum audit. We are not going down that road. We want to see the document that was presented to the board of governors. That is the bottom line.”

I find it incredible that the complainant would seek to convey otherwise. I further refute any allegation that I acted towards the complainant in a manner that was, as he contends, ‘highly offensive’. Public servants invited before the Committee are subject to questioning by Members in our role as a scrutiny body for the provision of services provided by the Department of Employment and Learning.

As a matter of context, can I refer you to the deliberations between Mr Jim Allister and Dr Stephen Farry at the Committee on Wednesday 21st March in order that you may gauge the sometimes, rightly so, heated discussions that are had as part of our scrutiny role. I do make no apologies for serving the people of this jurisdiction with a robust scrutiny of public services and servants.

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As a matter of further contention, can I point out, and indeed you are quite welcome to listen to the audio of the closing minutes of the conversation between myself and the complainant, the complainant effectively shouted across the room, interrupting me. I find that, as a Member of the Assembly duly elected, to be unacceptable conduct of a public servant at a scrutiny Committee meeting.

“Mr Faulkner: Two weeks ago, when, again, you were abusing me personally, the governing body and the college on the radio, you were asked how many redundancies there were. What was your answer?”

Mr P Ramsey: Well, Chair, irrespective —

Mr Faulkner: What was your answer? [ADDED: Mr Faulkner raises his voice]

Mr P Ramsey: Chair, first of all —

Mr Faulkner: What was your answer?

On a further point of contention that I referred to at the Committee, namely my quote “grown men in tears telling me that you wrecked their lives”. The complainant refers to me not being able to provide evidence of this. I contend that the conversations encountered in my constituency office between myself and my constituents on any subject to be confidential, and I sought and was granted permission by the individuals involved, to mention that aspect of the deliberations had on the North West College. To provide evidence of such would be a breach of the trust between my constituents and I, and that I cannot permit. The many letters sent to the Department by staff, former staff, UCU representatives and public representatives to both the College and the Department are testament to the feeling on the redundancy issue, though many further letters and phone calls to my office and me personally were conveyed in a private environment, so as to ensure those individuals could not be identified by the College management for fear of intimidation, whether real or perceived.

Further to the next point of contention of the complainants letter, he states ‘In my 40 years as a volunteer in public service, I have never come across a public representative make remarks of such a scurrilously personal nature and doing so without providing a shred of evidence in support of his comments. I am surprised that such remarks were not challenged or ruled out of order.’

In response to that, I would point out that in any situation if a Chair/Deputy Chair or Presiding Officer felt comments from a Member to be out of order in accordance with the Standing Orders, he or she would indeed be ruled out of order. In that context, that I was not ruled out of order indeed shows that my comments to the complainant were in order, though that is not a matter for him. Furthermore, I contend that my comments regarding the complainant were in the business of scrutinising his role as Chair of the Governing Body, and in no aspect of the Hansard can it be contended that they were anything other than relating to that role.

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In conclusion, I wish to refer to the complainant's letter regarding a press release which was issued following the meeting, which you have a copy of. Qualified privilege entitles me to quote from Hansard in releasing a public statement, and indeed I had this checked before releasing the statement.

In the complainant's letter, he accuses me of providing mis-information in my release, and again raises the issue of my having ignored information provided by the College – again this is information that was refuted by the Committee Deputy Chair on behalf of Members – if this was not the case, then a Member would indeed have raised his or her objection with the Deputy Chair, and if one consults Hansard, there is no such objection.

I would contend that the complainant was indeed not happy with the release, but that is not something that I took into consideration, I sought to put information in the public domain as a public representative using quotes from a meeting in the Assembly recorded by Hansard, which my constituents are fully entitled to be informed of.

The complainant came to my constituency office to obtain a copy of the press release and spoke to my staff regarding the implications of my quotes, to which he was informed of the qualified privilege aspect. He is more than welcome, as a constituent, to seek clarification on any aspect of my work or indeed any other issues he may have, with which I am more than happy to assist him.

I refute all the allegations made by the complainant, and I contend that if the complainant in his role – which is the only reason he was called to the Committee, he was not called in a personal capacity, but as Chair of the Governing Body of the North West Regional College – and the College, had've complied with the Principles of Good Administration, he may not indeed feel it necessary to make the complaint.

Under the Personal Conduct section of the Code of Conduct for Members of the Assembly, namely the Respect subsection, which states;

'It is acknowledged that the exchange of ideas, and opinions on policies may be robust but this should be kept in context and not extend to individuals being subjected to unreasonable and excessive personal attack. Members should keep in mind that rude and offensive behaviour may lower the public's regard for, and confidence in, Members and the Assembly itself. Members should therefore show respect and consideration for others at all times.'

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I am of the opinion that the debate which took place at the Committee on 14/3/12 was indeed robust, but that no personal attacks were undertaken, merely scrutiny of the complainant's role as Chair, and that of the Principal of the College, which we are charged to undertake. I would further add that the complainant's lack of respect for me during the debate is notable, though as a public representative I am quite happy to be the subject of scrutiny in all forms.

Indeed, within the Rules of the Code of Conduct, it states;

'Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Assembly and never undertake any action which would bring the Assembly into disrepute.'

I am confident that the scrutinising role I acted in on the day in question towards the complainant and his colleague in their respective roles maintained and strengthened the public's confidence in the integrity of the Assembly.

I am grateful for the opportunity to respond to your correspondence, and I acknowledge as stated in your letter that any response was not required from me at this time, though I felt it necessary in my role as an elected representative to defend my role and my constituents. I look forward to hearing from you further.

Sincerely,

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Appendix 2

Proceedings of the Committee Relating to the Report

Wednesday, 22 May 2013

Room 21, Parliament Buildings

Present: Mr Alastair Ross (Chairperson)
Mr Kieran McCarthy (Deputy Chairperson)
Mr Steven Agnew
Mr Sydney Anderson
Mr Cathal Boylan
Ms Paula Bradley
Mr Colum Eastwood
Mr Declan McAleer
Mr Fra McCann
Mrs Sandra Overend

In Attendance: Mr Paul Gill (Assembly Clerk)
Ms Hilary Bogle (Assistant Assembly Clerk)
Mr Jonathan Watson (Clerical Supervisor)

Apologies: Mr Ian McCrea

5. Report from the Assembly Commissioner for Standards on a complaint against a Member

The Chairperson and Mr McCann declared an interest in agenda item 5 as members of the Committee for Employment and Learning. Each stated that they would not participate in the Committee's consideration of the report on the complaint.

Members noted the Clerk's Paper and the Report from the Assembly Commissioner for Standards.

The Chairperson welcomed Mr Douglas Bain, Assembly Commissioner for Standards and invited him to brief the Committee on his Report.

1:37pm Mr Declan McAleer joined the meeting

Following discussion the Chairperson thanked Mr Bain.

Agreed: The Committee agreed with the Assembly Commissioner for Standards' conclusion that the Member had not breached the Code of Conduct.

Agreed: Following discussion the Committee agreed that the Clerk should draft a Committee report, reflecting the Committee's views, for consideration at the next meeting.

[EXTRACT]

Wednesday, 5 June 2013

Room 21, Parliament Buildings

Present: Mr Alastair Ross (Chairperson)
Mr Kieran McCarthy (Deputy Chairperson)
Mr Steven Agnew
Mr Sydney Anderson
Mr Cathal Boylan
Ms Paula Bradley
Mr Fra McCann
Mr Ian McCrea
Mrs Sandra Overend

In Attendance: Mr Paul Gill (Assembly Clerk)
Ms Hilary Bogle (Assistant Assembly Clerk)
Mr Jonathan Watson (Clerical Supervisor)

Apologies: Mr Declan McAleer

1:30pm The meeting commenced in closed session.

6. Report from the Assembly Commissioner for Standards on a complaint against a Member

The Chairperson, Mr Alastair Ross and Mr Fra McCann declared an interest in this item as members of the Committee on Employment and Learning at the time when the conduct complained about occurred. Neither Mr Ross nor Mr McCann participated in the Committee's consideration of this complaint.

Agreed: Members discussed and agreed the draft Committee Report and ordered that the report be printed today.

[EXTRACT]



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