



Northern Ireland
Assembly

Report by the NI Assembly Commissioner for Standards on
a complaint against Dr Patrick Brown MLA
by Mr Steve Pagan and Mrs Denise Medea

Assembly-Confidential

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Summary

This is a report on my investigation into a complaint made against Dr Patrick Brown MLA by the Mr Steve Pagan, Principal of Shimna Integrated College and Ms Denise Medea, Chair of the Board of Governors at Shimna Integrated College.

The complainants allege that Dr Brown breached the MLA Code of Conduct when he 1) conflated what he claims to be in the public interest with what is his own personal interest, 2) failed to declare a relevant interest which could reasonably be said to have influenced his approach 3) used his MLA letterhead in relation to personal matters relating to his unsuccessful DE governor application for Shimna Integrated College and 4) challenged the integrity of the Chair of the Board of Governors and made significant allegations about the professional conduct of the principal. The complainants also allege that Dr Brown failed to observe a number of the principles of the Code.

I commenced my investigation on 15 June 2023. After considering all of the evidence, it is my view that Dr Brown inappropriately conflated his own interests with the public interest (Rule 1), failed to declare a relevant interest (Rule 5), inappropriately used his MLA letterhead to create an advantage for himself (Rule 14), failed to observe the principles of selflessness, integrity, openness and objectivity and, in failing to observe these principles, brought the Assembly into disrepute.

Timeline of Investigation

6 June 2023	Complaint received by Commissioner
6 June 2023	Preliminary assessment meeting
15 June 2023	Commissioner commenced investigation
3 July 2023	Interview with Patrick Brown MLA
9 Aug 2023	Interview with Denise Medea, BoG Shimna Integrated College
14 Aug 2023	Interview with Steve Pagan, Principal Shimna Integrated College
16 Aug 2023	Request for information from [REDACTED]
24 Aug 2023	Interview with Michael Kennedy, BoG Shimna Integrated College
28 Aug 2023	Receipt of information from [REDACTED]
3 Oct 2023	Request for email confirmation from Dr Brown's anonymous constituents
10 Oct 2023	Request from Dr Brown for copy of SAR response
17 Oct 2023	Sent Dr Brown Findings of Fact
22 Oct 2023	Requested further information from M Kennedy

Complaint

1. I received a complaint from Mr Steve Pagan, Principal of Shimna Integrated College ("Shimna") and Ms Denise Medea, Chair of the Board of Governors ("BoG") at Shimna on 6 June 2023 in relation to allegations that Dr Brown had breached the MLA Code of Conduct ("the Code").

Allegations

2. The allegations as stated in the complaint are as follows:

Rules

3. Rule 1: Dr Brown's correspondence conflated what he claims to be in the public interest with what is, in fact, his own personal interest.
4. Rule 5: Dr Brown failed to declare a relevant interest which could reasonably be said to have influenced his approach.
5. Rule 14: Dr Brown wrote about his personal concerns on Assembly headed notepaper; previously, he also wrote to the College in January 2022 as a serving local councillor using Council headed notepaper.
6. Rule 15: Dr Brown challenged the integrity of the Chair of the Board of Governors on numerous occasions, without justification or substantiation; similarly, he has made significant allegations about the professional conduct of the principal, including the defamatory and potentially libellous claim that 'teachers with years of loyalty to the school have been undermined, bullied into resignation, resigned in principle or gone off on stress-induced sick leave.'

Principles

7. Selflessness: In his letter to the principal on 4 January 2023, Dr Brown acts not in the public interest but to further his own personal agenda.
8. Integrity and Openness: Dr Brown has disclosed information on a number of occasions which was confidential to the Board of Governors and, as such, he has failed to identify the source of this information.
9. Objectivity: As demonstrated by two separate rounds of exchange of letters with the Board (the first starting on 13 January 2022 and the second commencing on 9 February 2023), Dr Brown has repeatedly failed to provide evidence to support a number of serious allegations, against the Principal, the Chair of Governors and the Board of Governors. In good faith, Dr Brown was given numerous and extended opportunities to do so.
10. Promoting Good Relations: Dr Brown's actions have clearly failed to promote good relations, understanding and respect.
11. It is alleged that the cumulative effect of these actions potentially brings the Assembly into disrepute.

Investigation

12. In the course of my investigation, I carried out the following:
 - Reviewed the complaint and evidence provided¹
 - Held a preliminary assessment meeting with complainants
 - Interviewed Dr Patrick Brown MLA²
 - Interviewed Ms Denise Medea³
 - Interviewed Mr Steve Pagan⁴
 - Interviewed Mr Michael Kennedy⁵
 - Requested and received written evidence from [REDACTED]⁶
 - Requested response from Dr Brown to [REDACTED] evidence⁷
 - Requested from Dr Brown confirmation from his anonymous constituents
 - Requested documentary evidence of the DE Subject Access Request (SAR) from Dr Brown
13. All documents and evidence I have relied on in reaching my decision are at Annex A.

¹ Document 1a-i

² Document 2

³ Document 3

⁴ Document 4

⁵ Document 5

⁶ Document 6 and 7

⁷ Document 8

Issues arising

14. My investigation focussed on Dr Brown's behaviour in relation to allegations of a breach the Code of Conduct. It is not within my remit to investigate the validity of Dr Brown's complaint to Shimna vis-à-vis governance at Shimna. However, in light of the complainants raising serious doubts as to the existence of anonymous constituents to whom Dr Brown refers in his complaint, I requested that Dr Brown ask those anonymous constituents to contact me directly, in confidence. For the avoidance of doubt, I have received evidence to satisfy me that the anonymous constituents Dr Brown referred to in his complaint to Shimna do exist and that governance issues were raised by them with Dr Brown in his capacity as an MLA.

Background to complaint

15. On 13 January 2022, Dr Brown, then a Councillor, wrote to the Shimna BoG on letter headed paper outlining concerns that he said had been raised by multiple constituents relating to the governance at Shimna. Issues outlined in his correspondence included a co-opted governor being brought onto the BoG and an extension of the term of another of the Governors beyond the two four-year terms; both he alleged were in contravention of the Memorandum and Articles of Association of the College ("Articles"). He added that he would not take the matter further provided an outcome can be reached to bring the school back in line with its Articles.⁸
16. On 18 January 2022, Ms Medea in her capacity as Chair of the BoG, wrote to Dr Brown asking for clarity on whether he was writing in his capacity as a former student or as a member of the Alliance party. Dr Brown confirmed that he was writing in his capacity as an elected member of Newry, Mourne and Down District Council, not as a member of the Alliance Party.⁹
17. On 21 January 2022, Ms Medea wrote to Dr Brown in response to his 13 January 2022 letter, and explained that the information he appears to have received (from his letter's contents) was confidential and the minutes Dr Brown referred to had yet to be ratified by the BoG.¹⁰
18. On 22 January 2022, Dr Brown replied to Ms Medea challenging her assertion that "*information regarding governor's terms is inherently confidential in nature*".¹¹
19. On 9 February 2022, Ms Medea wrote to Dr Brown confirming that some of the material he referred to in his 13 January letter was confidential in nature and further invited him to name the constituents who had raised concerns, to which Dr Brown did not reply.¹²

⁸ Documents 1f

⁹ Documents 1c and 1d d

¹⁰ *ibid*

¹¹ *ibid*

¹² *ibid*

Evidence

20. My investigation focussed solely on the question of whether Dr Brown's behaviour as an MLA was in breach of the Code as alleged by the complainants. Much evidence has been provided by all parties; some relevant and some irrelevant to my investigation into whether or not Dr Brown breached the MLA Code of Conduct Rules 1, 5, 14 and 15 and the principles outlined in the complaint.
21. On 7 June 2022, soon after Dr Brown was elected as an MLA for South Down, he applied to become a Department of Education ("DE") governor for Shimna.
22. On 22 June 2022, Ms Medea wrote to the DE confirming that the majority of the BoG felt that Dr Brown would not be a good fit for Shimna *"in particular because he is a MLA for the Alliance party and as an integrated school this could be perceived as we support a particular party and are not inclusive of others"*.¹³
23. On 14 July 2022, the DE offered Dr Brown a governor opportunity at a different school. Dr Brown responded asking why he hadn't been matched for a position at Shimna.¹⁴
24. On 2 September 2022, Dr Brown wrote to the DE asking for an update on his Shimna application stating that "I am aware that the application has been discussed by the existing BoG at Shimna and I am keen to know how much longer the process will take".¹⁵
25. On 21 September 2022, the DE offered Dr Brown a DE governor opportunity at another school.¹⁶
26. On 22 September 2022, Dr Brown replied to the DE with a number of questions including his concerns about extension of governors by the DE. He stated that *"he could only conclude there is some sort of serious oversight or discrimination at play here"*, and wrote that *"there have been a large number of parental complaints made about the school in recent weeks, and the school is undergoing a period of significant instability"*.¹⁷
27. On 23 September 2022, DE responded to Dr Brown stating that the authority to appoint DE representatives to BoG rests with the Minister of Education. They further advised that *"If you wish to raise a complaint in relation to a school you should follow the individual school complaints policy"*, and that if he is unsatisfied with the school's decision on any complaint he may make, he has the right to refer the matter to the Northern Ireland Public Services Ombudsman (NIPSO).¹⁸

¹³ Document 1e

¹⁴ Document 9 emails DE and DB 14 july-2 sept

¹⁵ Ibid

¹⁶ Document 10

¹⁷ Ibid

¹⁸ Ibid

28. On 28 September 2022, Dr Brown asked the DE when he should expect the outcome of his application to Shimna as “6 months seems like an awfully long time for the Minister to make a decision on a single application”.¹⁹
29. On 4 October 2022, DE confirmed that it had in fact been just over three months since Dr Brown applied, that there is no set timescale for it to be considered and that it can vary greatly as it depends on the timely receipt of documentation and information from a number of vested parties. Dr Brown responded on the same date asking further questions to which the DE responded on 12 October 2022.²⁰
30. On 27 October 2022, DE wrote to Dr Brown informing him that he was not selected for the Board of Governors at Shimna Integrated College.²¹
31. On 28 October 2022, Dr Brown wrote to the DE stating:
- “I would like a copy of your appeals procedure please. It is my understanding that not only were there not more eligible candidates for this role, but my application was subject to a vote amongst current governors, which is not how these decisions should be made. I would also be interested to know who, as a former pupil, young person, MLA and member of the Protestant community (all things which should be desired by the Shimna board at present) have been rejected.”*²²
32. On 9 November 2022, in response to Dr Browns emails of 12 October and 26 October, the DE stated:²³

“In relation to DE governor appointments please note that whilst the Department affords Boards the opportunity to provide comment on potential candidates, the authority to appoint Departmental representatives to the Board of Governors rests with the Minister of Education. I should clarify that there were more than three eligible candidates under consideration for the three DE governor positions at Shimna Integrated College. The criteria for making such appointments is that when more than one applicant is being considered for a particular post, the Minister assesses the applicants on merit. Merit is interpreted widely, to include knowledge which would be of use in the governance of a school. You should note that while comments on potential candidates are requested from the Board, the Department does not discriminate between applicants on the grounds of gender, race, age, disability, religion, marital status, sexual orientation or community background.

There is no appeals process in respect of the selection of DE governors. Under Article 13(7) of the Education and Libraries (NI) Order 1986 (as amended) it stipulated that “any question as to the right of any person to be, or to appoint or nominate, a member of the Board of Governors of a grant aided school shall be decided by the Department whose decision shall be final”.

¹⁹ ibid

²⁰ Document 10

²¹ Document 11

²² Document 10

²³ ibid

33. On 13 November 2022, Dr Brown submitted a Subject Access Request (SAR) to the DE requesting any and all correspondence held by the Department after 7 July 2022.²⁴
34. On 13 December 2022, Dr Brown received the information requested from his SAR.
35. On 4 January 2023, Dr Brown submitted a formal complaint to Mr Pagan, Principal of Shimna, considered a “Stage 1” complaint which he copied to the CEO of NICIE.²⁵ The complaint was written on Assembly letterhead and raised the following issues:
1. Failure to follow the school’s Articles of Association with regards to appointment of governors
 2. Failures by the BoG to adequately raise, discuss and resolve previous complaints and concerns
 3. Attempts to bully, threaten, demean and remove governors who raise concerns
 4. Misinformation provided to governors during consideration of applicants for Department of Education governor positions
 5. Political discrimination against BoG applicants
 6. Loss of cultural balance in the BoG
 7. Erosion of the ethos and character of the school
36. In clarifying the points, Dr Brown stated in his letter in relation to issue 1 that *“I feel it is my duty as an elected representative to make the school aware of these issues and place them on record with you”*. On issue 2, Dr Brown raises the manner in which his previous concerns were responded to which he stated was *“highly alarming”*.
37. In relation to issue 3 in his complaint, Dr Brown asserted that there had been a significant number of governor resignations and *“it has been levied that this is a result of an ongoing culture of bullying and threatening behaviour by board members in leadership positions”*. He went on to state that he had witness statements from constituents alleging this information and behaviour, but that he couldn’t go into specifics for fear of reprisal towards these constituents. He did not provide witness statements to support his complaint.
38. In regards to issue 4 in his complaint to Shimna, Dr Brown stated that he felt his application to become a DE governor at Shimna was not treated fairly by the school and that he had made a complaint to the DE in this regard. He outlined that through a Subject Access Request to DE, he was made aware that the Chair of the Board, Ms Medea, had written to the Department on 22 June 2022 in relation to his DE governor application.
39. Dr Brown further requested that the school confirm 1) that all governor applications are treated with the same scrutiny as his own, 2) whether it is school policy to reject elected members from positions on the board at Shimna, 3) whether his alleged failure to comply with any police investigation was raised and discussed when his application was considered, and 4) how many times in the last 8 years the Shimna BoG has written to the Department recommending rejection of a DE governor’s application.

²⁴ Document 10

²⁵ Document 1g

40. On issue 5, Dr Brown asserted that the treatment of his application constituted political discrimination in breach of Section 75 of the Northern Ireland Act 1998²⁶.
41. On issue 6, Dr Brown addressed what he believed to be a loss of cultural balance in the BoG at Shimna, and encouraged the school to *“do an urgent audit of the perceived background and subsequent community balance with the board in order to ensure the ethos of integration the school is respected and enhanced”*.
42. Finally, on issue 7, Dr Brown states in his letter that he has received numerous and formal correspondence regarding changes that have occurred at Shimna in recent times and that in addition to the feeling that the school is *“trying to emulate a traditional grammar school, focused on academic outputs and strict uniform codes rather than student well-being”*, he further asserted that *“long-standing teachers with years of loyalty to the school have been undermined, bullied into resignation, resigned in principle or gone off on stress-induced sick leave”*.
43. Dr Brown concluded the letter stating that *“It is my view that there are serious issues with the school at present that must be urgently addressed, and I look forward to receiving your response to my complaint outlining how you intend to deal with them”*.
44. On 31 January 2023, Mr Pagan wrote to Dr Brown suggesting that issues 1-6 in his complaint should be referred to the Chair of the BoG in accordance with the school’s complaints policy. He further asked for evidence to substantiate Dr Brown’s claims relating to issue 7 in his complaint, as without such evidence Mr Pagan would not be in a position to address the matters raised. Dr Brown did not provide any such evidence.²⁷
45. On 9 February 2023, Dr Brown submitted his complaint (Issues 1-7) to be considered by the BoG as a Stage 2 complaint, requesting that the complaint be circulated to all governors in advance of any board meeting as he believed it to be *“in the interests of transparency and good governance that the complaint is circulated to all governors with ample time for them to review its content”*. He further stated that it would be his intention to escalate the complaint to NIPSO should he be dissatisfied with the school’s response or handling of his complaint.²⁸
46. On 21 February 2023, Ms Medea confirmed receipt of Dr Brown’s complaint. She informed him that the complaint would be circulated to the full board and that a panel of governors will be formed to review the complaint in line with the complaints policy.²⁹
47. The BoG convened a Complaints Panel (sub-committee of the BoG) to review Dr Brown’s Stage 2 complaint. Michael Kennedy was appointed as Chair of the Complaints Panel, and on 2 March 2023, wrote to Dr Brown requesting all empirical/specific evidence that Dr Brown relied on to substantiate

²⁶ <https://www.legislation.gov.uk/ukpga/1998/47/section/75>

²⁷ Document 1b

²⁸ *ibid*

²⁹ *ibid*

his position within five working days. After being granted further time by the Chair, Dr Brown provided a response to Mr Kennedy's request.³⁰

48. In his response, Dr Brown did not provide evidence in relation to his assertions that governors who raised concerns were *"bullied, threatened, demeaned and removed"* as he was *"not at liberty to release this evidence in case it would identify those who have brought it to me on the understanding of confidentiality."* He asserted in relation to misinformation provided to governors during consideration of his application to the DE governor role at Shimna, *"Through a Subject Access Request (SAR) I have access to information that states false information was presented to the Board in order to dissuade board members from agreeing to my appointment to the Board as a DE governor."*³¹
49. On 5 May 2023, the Complaints Panel sent its response to Dr Brown's Stage 2 Complaint.³² In it, they stated the following:
1. That the BoG has NICIE's full support;
 2. That they recognise that there are unresolved questions in relation to its adherence to the Articles of Association and that the current BoG commissioned a full independent review of governance which is ongoing;
 3. That they had concerns as to BoG confidential information he appears to have had access to in his complaint;
 4. That they were concerned as to why Dr Brown would be so hesitant in accepting the word of the Chair with no evidence to support challenging her integrity;
 5. That a total of five governors resigned between December 2020 and January 2023 with none stating that their reason for resigning was as a consequence of "bullying and threatening behaviour by board members in leadership positions";
 6. That Dr Brown provided no evidence (no names, dates, meetings) to substantiate his claim that "Governors who raise concerns about governance are allegedly shouted down, demeaned, bullied and even threatened with expulsion" and no BoG meetings reflect this alleged behaviour;
 7. That Dr Brown did not provide evidence of the SAR or correspondence from the DE Governance branch to which he refers in his complaint;
 8. That a full and robust meeting of the BoG took place to discuss his application with no misleading information provided to the board during his application process and that the fact he had previously raised of concerns was not a material factor in the board not supporting his application.
50. On 6 June 2023, in an email exchange between [REDACTED] and Ms Medea, [REDACTED] quoted directly from a letter sent by Dr Brown to the Michael Kennedy, Chair of the Complaints Panel. Ms Medea responded to [REDACTED] on 19 June 2023 asking *"In the interests of transparency, I would*

³⁰ ibid

³¹ Document 1h

³² Document 1i

*be grateful if you could confirm how you are able to quote directly from this letter as this letter has not been shared with the full Board".*³³

51. At the 26 June 2023 BoG meeting, ██████████ acknowledged that Dr Brown corresponded with her and had sent her his "additional information" of 26 March 2023 which he had sent to the Complaints Panel. She said he sent it to her at the time as Dr Brown was aware she "was a member of the Board".³⁴
52. Due to ██████████ disclosure at the 26 June 2023 BoG meeting and her agreement at the meeting to supply the correspondence to the BoG, Mr Kennedy wrote to ██████████ requesting any and all communications between her and Dr Brown.³⁵ ██████████ subsequently changed her mind, and wrote to Mr Kennedy on 29 June 2023 stating that she had "*decided that I do not want to interact further on this matter*", but that she "*will be very happy to correspond with the commissioner who I am sure will ask me if required*".³⁶
53. On 16 August 2023, I requested further evidence from ██████████ in order to substantiate whether Dr Brown had been "colluding" with ██████████ as alleged by the complainants.³⁷ I received her response on 28 August 2023.³⁸ Her evidence included the following excerpts in respect of the sharing of information with Dr Brown:

The small number of emails sent by Patrick to me during this time period are attached. As with the letter already drawn to your attention, the emails were sent in order to inform me of the progress of his approach to the board of governors. None of the emails required a reply, nor did I send a reply. I understood that Patrick was simply updating me.

Most of my contact with Patrick in relation to our board of governors has been in a small number of formal meetings. I originally requested a meeting with Patrick ██████████ on 5th December 2021. This meeting took place in Downpatrick and it was at that meeting that I first raised my concerns with him.

I subsequently met with Patrick on two occasions, once at my home when Patrick updated me on the response he had received to the concerns raised. Secondly, I requested a short meeting with him ██████████ in November 2022 at which I updated him with my escalating concerns about governance which by that stage I believed were directly affecting staff. I requested a meeting with Patrick at his constituency office in July 2023 in order to ask his advice on raising my concerns again with the Department of Education.

I have spoken by phone with Patrick on a small number of occasions during which he updated me on the progress of the concerns he had raised, and also brought to my attention that a number of other members of the Shimna community had also approached him with similar concerns.

³³ Document 9

³⁴ Document 9

³⁵ Document 13

³⁶ *ibid*

³⁷ Document 6

³⁸ Document 7

The letter in question was unsolicited in that I did not contact Patrick to ask him specifically to copy me into that piece of correspondence. I believe that Patrick sent me a copy of his additional information as a courtesy and to keep me informed because I had asked for his help in addressing my serious concerns about the conduct of our board. He was aware that I had been very concerned that it appeared that his nomination as DE governor had been deliberately wrongly processed in retaliation for him bringing concerns on my behalf and on behalf of others who had approached him.

54. ██████ provided information relating to email exchanges between her and Dr Brown in relation to his Stage 2 complaint.³⁹ The evidence provided confirms that Dr Brown shared emails and attachments relating to his Stage 2 complaint with ██████ on the following dates:

1. 2 March 2023, email from Dr Brown to Mr Kennedy (Dr Brown requesting why he is seeking further information)
2. 3 March 2023, email from Mr Kennedy to Dr Brown (Mr Kennedy's request for further information from Dr Brown regarding his Stage 2 complaint being investigated)
3. 26 March 2023 from Dr Brown to Mr Kennedy (Dr Brown's response to Mr Kennedy for further evidence regarding his Stage 2 complaint being investigated)

55. Dr Brown confirmed that he does "not refute that I shared information with her ██████ in pursuit of preparing my response to the Board's request for additional evidence. This was necessary given much of the complaint emanated from her testimony." He further stated "For clarity, I believe it was reasonable for me to share not just the final outcome of the complaint but any key updates throughout the process."⁴⁰

Findings of Fact

56. I found the following facts established to the required standard of proof:

1. On 13 January 2022, Dr Brown, then a Councillor, wrote to Shimna on letterhead outlining his constituents' concerns relating to governance issues at Shimna.
2. On 7 June 2022, Dr Brown MLA applied to be a DE governor at Shimna.
3. On 5 June 2022, Ms Medea, Chair of the BoG, wrote to the DE confirming that the majority of the BoG felt that Dr Brown would not be a good fit for Shimna "in particular because he is a MLA for the Alliance party and as an integrated school this could be perceived as we support a particular party and are not inclusive of others".
4. On 14 July and 21 September 2022, Dr Brown was offered DE governor roles at other schools.
5. On 27 October 2022, the DE informed Dr Brown that his application to Shimna BoG was unsuccessful.

³⁹ Document 7

⁴⁰ Document 14

6. On 28 October 2022, Dr Brown wrote to DE requesting information on how to appeal the DE's decision.
 7. On 9 November 2022, the DE wrote to Dr Brown informing him that there is no appeals process in respect of the selection of DE governors and that the DE decision is final.
 8. On 13 November 2022, Dr Brown submitted a Subject Access Request (SAR) to the DE requesting any and all correspondence held by the Department after 7 July 2022.
 9. On 13 December 2023, Dr Brown received a response to his SAR from the DE.
 10. On 4 January 2023, Dr Brown submitted a formal Stage 1 complaint on Assembly letterhead to Mr Steve Pagan, Principal of Shimna that raised concerns relating to governance issues at Shimna and concerns relating to the handling of his unsuccessful application for a DE governor role by Shimna's BoG.
 11. On 9 February 2023, following advice from Mr Pagan in accordance with Shimna's complaints policy, Dr Brown submitted his complaint as a formal Stage 2 complaint to the BoG at Shimna.
 12. On 2 March 2023, the Chair of the Complaints Panel wrote to Dr Brown requesting evidence to substantiate a number of his allegations in respect of his Stage 2 complaint.
 13. On 26 March 2023, Dr Brown provided a response to the Complaints Panel's request for evidence.
 14. On 5 May 2023, Dr Brown received the Complaints Panel's formal response to his Stage 2 complaint.
 15. On 6 June 2023, Dr Brown received a copy of the complaint submitted by Ms Medea and Mr Pagan to the Office of the Commissioner for Standards.
 16. On 6 June 2023, having received notification of the complaint submitted to the Commissioner for Standards by Shimna, Dr Brown wrote to the Chair of the Complaints Panel advising him that he was not satisfied that his Stage 2 complaint had been adequately addressed and gave formal notice that he intended to escalate his complaint to the Northern Ireland Public Services Ombudsman (NIPSO).
 17. On 26 June 2023 at a BoG meeting, ████████ confirmed that Dr Brown provided copies to her of correspondence and information between himself and Mr Michael Kennedy, Chair of the Complaints Panel. The emails in question were confirmed to the Commissioner as 2 March 2023 at 14:19, 3 March 2023 at 16:28, and 26 March 2023 at 18:14.
 18. Evidence shows that constituents of Dr Brown's did raise concerns with him in relation to governance issues at Shimna.
57. In accordance with paragraph 7.14 of the General Procedures Direction, Dr Brown was afforded an opportunity to challenge any of the above findings before I finalised my report. Some of his suggested changes were incorporated.⁴¹

⁴¹ Document 11

Reasoned Decision

Rule 1

58. Rule 1 states that “You shall base your conduct on a consideration of the public interest, avoid conflict between personal interest and public interest and resolve any conflict between the two, at once, and in favour of the public interest.
59. Dr Brown applied to become a DE governor at Shimna; he had a personal interest in his application and its outcome. While Dr Brown’s complaint to Shimna BoG, in part, related to governance issues raised by his constituents (a public interest) it also raised issues relating to his unsuccessful application to become a DE governor at Shimna (a personal interest).
60. Dr Brown argues that he applied to be a DE governor in his capacity as an MLA, not in a personal capacity. Nonetheless, he had a personal interest in his own application. In his correspondence with the DE he stated that he was “interested to know who, as a former pupil, young person, MLA and member of the Protestant community (all things which should be desired by the Shimna board at present) have been rejected.”⁴² This information was personal to Dr Brown.
61. When he made his formal Stage 2 complaint to the Shimna BoG, Dr Brown conflated governance issues that he says were raised by constituents with his own issues relating to his failure to be appointed as a DE governor at Shimna. This was notwithstanding that the DE stated on a number of occasions in correspondence to Dr Brown that the Minister of Education is the decision-maker and that Dr Brown himself acknowledged that the DE is the decision-maker, not Shimna; yet, he still pursued this with Shimna’s BoG in his Stage 2 complaint.
62. There was a clear conflict in conflating these two issues. Raising constituent concerns is part of Dr Brown’s role as an MLA. Raising his own issues relating to an unsuccessful application is not part of his role as an MLA, and even if it is argued (as it is by Dr Brown) that he applied to be a governor in his capacity as an MLA and was not appointed due to the fact that he was an MLA, it does not mean that conflating the two matters was appropriate or in the public interest. I am not convinced by Dr Brown’s assertion that “*The treatment of my own application was important additional evidence of these issues*”.
63. It is my view that Dr Brown had a conflict of interest which came to the fore when he raised both the issues of governance from his constituents with his own issues concerning the handling of his application to become a DE governor. At the time of submitting his Stage 2 complaint, Dr Brown had a personal interest which he could not relinquish; that is, being an unsuccessful applicant for a DE governor role at Shimna. In this situation, he should have recused himself from assisting his constituents with these matters, perhaps by asking a colleague to raise his constituents’ governance issues. Even had Dr Brown included only his constituents’ governance issues in his complaint, it might still have been argued that he had a conflict in raising such issues as he had personal issues which he had himself already raised with the DE relating to the handling of his application.

⁴² Document 10

Rule 5

64. Rule 5 states that “You shall declare, whether in Assembly proceedings or in any approach to a Minister, public representative, public body or public official any relevant interest which might reasonably be thought by others to influence your approach to the matter under consideration.
65. In terms of Shimna Integrated College, the governing board (BoG) is considered the public body, not the school itself.⁴³ Therefore, Dr Brown would have been obliged to declare any relevant interest which might reasonably be thought by others to influence his approach to the matter under consideration to the BoG when submitting his Stage 2 complaint to the BoG.
66. Dr Brown knew a current governor at Shimna, [REDACTED] He was a former pupil [REDACTED]
[REDACTED]
invited Dr Brown back to the school when he was a student at Sheffield University to present a development project to students. [REDACTED]
[REDACTED]
[REDACTED]⁴⁴
67. The BoG came to suspect one of the governors [REDACTED] was sharing information with Dr Brown as he included items within his correspondence with the BoG that they believe could only have been shared with him by a governor especially as on occasion, the information which he mentioned had yet to even be ratified by the BoG.
68. When asked to disclose how he had come by certain information cited in his complaint, Dr Brown refused to answer. He stated in his response to a request to provide further evidence by the Chair of the Complaints Panel that “It is immaterial how I was made aware of this information”.⁴⁵
69. In her written evidence⁴⁶, [REDACTED] stated that Dr Brown corresponded with her and shared information in relation his Stage 2 complaint that was being considered by the BoG Complaints Panel, to which [REDACTED] was not a member. Dr Brown was given the opportunity to review [REDACTED] written evidence; he provided no challenge to her evidence.⁴⁷
70. Whilst Dr Brown maintains [REDACTED] was a constituent who he was acting for, she was and is a current governor at Shimna. It appears to me that Dr Brown was privy to confidential BoG information provided to him by [REDACTED] which furthered his Stage 2 complaint arguments in relation not only to his constituents’ governance concerns but his own concerns relating to his unsuccessful application to become a DE governor. For example, he states in his 2 September 2022 correspondence to the DE “I am aware that the application has been discussed by the existing BoG

⁴³ <https://www.legislation.gov.uk/nia/2016/4/schedule/3>

⁴⁴ Document 7

⁴⁵ Document 1h

⁴⁶ Document 7

⁴⁷ Documents 8 and 14

at Shimna and would be keen to know how much longer the process should take.”⁴⁸ He further stated to the DE “It is my understanding that not only were there not more eligible candidates for this role, but my application was subject to a vote amongst current governors, which is not how these decisions should be made.”⁴⁹

71. It is my view that these assertions reflect the fact that Dr Brown was made aware of BoG confidential discussions regarding his own DE governor application.
72. In Dr Brown’s 26 March 2023 response for evidence to Mr Kennedy, he asserts that through the SAR to the DE he had access to information “that states false information was presented to the Board in order to dissuade board members from agreeing his appointment to the Board as a DE governor”.⁵⁰ Having reviewed the SAR response from the DE, it shows that in relation to Dr Brown’s application it was stated only that the “School does not support application”.⁵¹ Therefore, advising the Complaints Panel that he had evidence through the SAR that states false information was presented to the Board in order to dissuade board members from agreeing his appointment was inaccurate. He did not provide the evidence as requested because such evidence from the DE does not appear to exist. Rather, it is more likely than not, that any information to which Dr Brown refers, relating to confidential discussions between the Shimna BoG in relation to his application, would have been communicated to him [REDACTED].
73. Dr Brown is not responsible for [REDACTED] sharing of confidential BoG information. However, he is responsible for failing to disclose that he knew [REDACTED] and that his relationship with her included sharing information relating to his own DE governor application. It is my view that Dr Brown did not disclose the fact that he was sharing information with and receiving information from [REDACTED] because he knew it was inappropriate.
74. Shimna’s complaints policy refers to confidentiality⁵² and states that in dealing with a complaint Shimna will ensure “respect for privacy”. In terms of the complainant’s responsibilities, the policy does not expressly state that the complainant is subject to confidentiality. It does state that in making a complaint it is important to “provide accurate and concise information in relation to the issues raised”.
75. Dr Brown does not refute that he shared information relating to the live investigation of his complaint with [REDACTED] and stated that he believed it “was reasonable for me to share not just the final outcome of the complaint but any key updates throughout the process”. He believed it was necessary to share information with [REDACTED] in preparing his response to the BoG’s request for additional evidence in March 2023 “given much of the complaint emanated from her testimony”.⁵³

⁴⁸ Document 10

⁴⁹ Document 10

⁵⁰ Document 1h

⁵¹ Document 16

⁵² Document 15

⁵³ Document 14

76. It is my view that it might reasonably have been thought by others, including those on the BoG at Shimna, that his relationship with a current governor, [REDACTED], could have (and did, in my view) influence his approach to the matters under consideration. It is my view that Dr Brown should have declared his knowledge of and relationship to [REDACTED] to Shimna BoG when submitting his Stage 2 complaint.
77. In his correspondence with other public bodies such as the DE and NICIE, it is also my view that Dr Brown should have disclosed his relationship with a current Shimna governor.

Rule 14

78. Rule 14 states that “You shall not use or attempt to use, your position as a Member to improperly confer an advantage or preferential treatment for either yourself or any other person; or to avoid disadvantage or create disadvantage for someone else”.
79. Dr Brown’s Stage 1 and Stage 2 complaints to Shimna were sent on Assembly letterhead. Using his Assembly letterhead to exert pressure for the benefit of his constituents is appropriate; using his Assembly letterhead to exert pressure for his own benefit in relation to his unsuccessful DE governor application is, in my view, inappropriate.
80. In using his letterhead to complain about his unsuccessful DE governor application to Shimna, knowing Shimna was not the decision-maker in relation to DE governor appointments, Dr Brown used his position to improperly confer an advantage for himself by exerting pressure on Shimna.
81. Whilst some of the governance issues Dr Brown included in his complaint appear to have been raised by constituents (issues 1, 2, 3, 6 and 7), Dr Brown’s knowledge of what was discussed confidentially by the BoG in relation to his application to become a DE governor at Shimna was also used in his correspondence to the DE, NICIE and in his Stage 2 complaint to Shimna (issues 4 and 5). It could be argued that the information he was privy to via [REDACTED] provided an advantage to Dr Brown in terms of his own personal interest, but a particular advantage was gained in regards to his personal issues (4 and 5) of his Stage 2 complaint.
82. Dr Brown included in his complaint, on Assembly letterhead which he copied to NICIE, the allegation that “teachers with years of loyalty to the school have been undermined, bullied into resignation, resigned in principle or gone off on stress-induced sick leave”. He provided no evidence to substantiate this allegation. This undoubtedly created a disadvantage to Shimna in terms of possible reputational damage.
83. Being an elected MLA is a position that comes with considerable power. The Code seeks to, among other things, ensure members do not abuse this power. I consider that exerting pressure as an MLA on a school’s BoG in relation to his own unsuccessful DE governor application for which the DE are solely responsible, conflating it with his own constituents’ governance concerns, and accepting, receiving and using information from a current governor in his Stage 2 complaint about the handling of his DE governor application was an abuse of Dr Brown’s position as an MLA.

Rule 15

84. Rule 15 prohibits MLAs from subjecting anyone to ‘unreasonable and excessive personal attack’. It is alleged by the complainants that when Dr Brown questioned the integrity of the BoG Chair and when he alleged that “teachers with years of loyalty to the school have been undermined, bullied into resignation, resigned in principle or gone off on stress-induced sick leave” that he breached Rule 15.
85. Dr Brown did not provide evidence to substantiate this allegation and to explain why he was questioning the integrity of the BoG Chair. The complainants assert that Dr Brown did not provide any evidence as it would have necessitated him to reveal, at least in relation to some of the allegations, that he had been provided with confidential BoG information. This, in my view, speaks to a lack of openness in relation to the principles of the Code (which I come to later in the report), but perhaps does not meet the threshold of Rule 15.
86. What is said by elected politicians is subject to ‘enhanced protection’ under the case law and the ECHR, Article 10 right to Freedom of Expression.⁵⁴ The protection goes to “political expression” which is a broad concept. It is not limited to expressions of or critiques of political views but rather extends to all matters of public administration and public concern including comments about the adequacy or inadequacy of performance of public duties by others. The case law is careful not unduly to restrict the concept; although gratuitous personal comments do not fall within it.
87. The case law draws a distinction between fact on the one hand, and comment on matters of public interest involving value judgment on the other. As the latter is unsusceptible of proof, comments in the political context amounting to value judgments are tolerated even if untrue, so long as they have some – any – factual basis. What amounts to a value judgment as opposed to fact will be generously construed in favour of the former; and, even where something expressed is not a value judgment but a statement of fact, that will be tolerated if what is expressed is said in good faith and there is some reasonable (even if incorrect) factual basis for saying it. As Dr Brown had received concerns from constituents and information from ██████████, I believe there exists some reasonable (“even if incorrect”) factual basis for saying it.
88. For the above reasons, I consider Dr Brown’s questioning of the integrity of the BoG Chair and allegations relating to teachers at Shimna to be a form of political expression subject to enhanced protection as and as such, was not an “unreasonable and excessive personal attack” on either Ms Medea or Mr Pagan.

Seven Principles of Public Life

89. In respect of the Seven Principles of Public Life and the Additional Assembly Principles of Conduct within the MLA Code of Conduct, which are the values the public expects holders of public office to embody, forming the basis of public confidence in government, I believe Dr Brown did not observe a number of the principles as outlined in the complaint.

⁵⁴ Heesom v Public Services Ombudsman for Wales [2015] PTSR 222

1. Selflessness in the Code requires that “Members should act solely in terms of the public interest”. Dr Brown conflated his own personal unsuccessful governor application with governance issues raised by his constituents when submitting his complaint on Assembly letterhead. If he had a personal agenda or issue, he should have treated that as separate to the concerns of his constituents and should not have used his position as an MLA to exert pressure on Shimna in relation to his own application concerns. He should have recused himself from assisting constituents on these matters. It is my view that Dr Brown failed to observe the principle of selflessness expected of an MLA.
2. Openness in the Code requires that “Members should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.” Included in the definition for integrity in the Code is: “...They must declare and resolve any interests and relationships”. Dr Brown failed to identify the source of the information he disclosed in his letter of complaint to the Shimna BoG. Dr Brown received confidential BoG information which helped form his complaint and also shared key updates and information relating to his Stage 2 Complaint with a current governor at Shimna. He failed to disclose this to Shimna or to the DE and NICIE. It is my view that in doing so, Dr Brown failed to observe the principles of integrity and openness expected of an MLA.
3. Objectivity requires that “Members must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias”. It appears to me that Dr Brown became somewhat obsessed with investigating his unsuccessful appointment as a DE governor at Shimna, and in doing so, failed to observe the principle of objectivity expected of an MLA.
4. Promoting Good Relations requires that “Members should act in a way that is conducive to promoting good relations by tackling prejudice, promoting understanding and respect and encouraging participation between people on the grounds of different religion, political opinion, race, gender, age, sexual orientation and disability.” I do not believe the spirit of the principle as written is engaged in the context of this complaint.
5. The Code states at paragraph 3.1 that “Members should 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 should never undertake any action which would bring the Assembly into disrepute. The Assembly encourages and expects Members to observe the following principles of conduct”. In failing to observe the above principles, it is my view that Dr Brown’s conduct brought the Assembly into disrepute.

Report Conclusions

90. I am satisfied on the basis of my analysis of the facts and evidence that, on the balance of probabilities, Dr Brown breached Rule 1, 5 and 14 of the MLA Code of Conduct. Dr Brown also failed to observe the principles of selflessness, integrity, openness and objectivity and that, in failing to observe these principles, brought the Assembly into disrepute.

Annex A

Document	Page	Description
1a	22	Complaint letter
1b	24	Evidence: Email exchanges between P Brown and Shimna
1c	31	Evidence: Emails Jan 2022
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1e	42	Evidence: D Medea letter to DE re P Brown application
1f	43	Evidence: P Brown complaint Jan 2022 (Councillor)
1g	45	Evidence: P Brown Stage 1 complaint letter Jan 2023
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1i	55	Evidence: Shimna Complaint Panel response May 2023
2	61	Interview transcript P Brown MLA
3	98	Interview transcript D Medea
4	109	Interview transcript S Pagan
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6	129	Request for written evidence from [REDACTED]
7	131	Written evidence from [REDACTED]
8	142	P Brown response to [REDACTED] written evidence
9	143	Correspondence with [REDACTED] and Shimna BoG June 2023
10	148	Correspondence between P Brown and DE
11	151	Correspondence between P Brown and DE
12	159	DE notification to P Brown re DE governor application
13	160	Correspondence with M Kennedy and [REDACTED] June 2023
14	162	Correspondence with Commissioner and P Brown re findings of fact
15	166	Shimna's Complaint Policy
16	175	DE SAR re P Brown application

Shimna Integrated College

The Lawnfield, King Street, Newcastle, BT33 0HD **T:** (028) 4372 6107 **F:** (028) 4372 6109 **E:** info@shimna.newcastle.ni.sch.uk **W:** shimnaintegratedcollege.org **Principal:** Steve Pagan BA (Hons), MA (Oxon), NPQH



6 June 2023

Dear Dr McCullough,

We are writing to raise a formal complaint about the conduct of Dr Patrick Brown MLA.

This complaint arises following a series of protracted correspondence and other communications from Dr Brown over a period of time, which commenced shortly after Denise Medea took up post as Chair of Governors in October 2021 and Steve Pagan as Principal in November 2021.

The basis of our complaint is as follows:

1. Breaches of the Nolan Principles

- **Selflessness:** in his letter to the Principal (4 January 2023), Dr Brown acts not in the public interest but to further his own personal agenda.
- **Integrity / Openness:** Dr Brown has disclosed information on a number of occasions which was confidential to the Board of Governors and, as such, he has failed to identify the source of this information.
- **Objectivity:** as demonstrated by two separate rounds of exchange of letters with the Board (the first starting on 13 January 2022 and the second commencing on 9 February 2023), Dr Brown has repeatedly failed to provide evidence to support a number of serious allegations, against the Principal, the Chair of Governors and the Board of Governors. In good faith, Dr Brown was given numerous and extended opportunities to do so.

2. Failure to adhere to the Rules of Conduct

- **4.1.1:** Dr Brown's correspondence conflated what he claims to be in the public interest with what is, in fact, his own personal interest.
- **4.1.5:** Dr Brown fails to declare a relevant interest which could reasonably be said to have influenced his approach.
- **4.1.14:** Dr Brown writes about his personal concerns on Assembly headed notepaper; previously, he also wrote to the College in January 2022 as a serving local councillor using Council headed notepaper.
- **4.1.15:** Dr Brown has challenged the integrity of the Chair of the Board of Governors on numerous occasions, without justification or substantiation; similarly, he has made significant allegations about the professional conduct of the Principal, including the defamatory and potentially libellous claim that 'teachers with years of loyalty to the school have been undermined, bullied into resignation, resigned in principle or gone off on stress-induced sick leave.'

3. Failure to uphold the Principles of Conduct

3.2.9: Dr Brown's actions have clearly failed to promote good relations, understanding and respect.

3.1: Overall, we believe the cumulative effect of these actions potentially bring the Assembly into disrepute.

As supporting evidence, please find attached a record of correspondence between Dr Brown and the College.

Thank you for your consideration.

Yours sincerely

Steve Pagan, Principal, Shimna Integrated College

Denise Medea, Chair of Governors, Shimna Integrated College

The image shows two handwritten signatures. The first signature, on the left, is 'Steve Pagan' in a cursive script. The second signature, on the right, is 'Denise Medea' in a similar cursive script. Both signatures are written in black ink on a white background.

Document 1b: E-mail Correspondence - Dr Brown to Shimna Integrated College

See Appendix 3- Response From Governor Panel to Stage 2 Complaint- - Reply Dr P Brown Stage 2 May 5th 2023

Emailed 05 May 2023 16:55

From: [REDACTED] [REDACTED] shimna.newcastle.ni.sch.uk **Date:** Wednesday 29 March 2023 at 14:20
To: "Brown, Patrick" <patrick.brown@mla.niassembly.gov.uk> **Subject:** Patrick Brown Complaint

FAO. Dr Patrick Brown,
I wish to acknowledge receipt of your email dated 27/3/23.

The Sub-Committee of the Board of Governors tasked with investigating your complaint will now review all of the evidence/information you have supplied.

It is our intention to report back to you in writing within the 20 working days set out in the Complaints Policy.

Therefore, excluding the Easter Holidays and the May Bank Holiday, you should be in possession of the outcome of our investigation by Friday 5th May 2023.

Kind regards,
Michael Kennedy (Chair of Sub-Committee)

See Appendices 2 – PDFs – 1) Email from BoG to SGT – redacted version, 2) Re: Shimna Board of Governors 3) BoG Letter Shimna IC 1.22, 4) Response to request for evidence

From: Brown, Patrick" <patrik.brown@mla.niassembly.gov.uk **Date:** Monday 27 March 2023 at 14:12
To: " [REDACTED] [REDACTED] shimna.newcastle.ni.sch.uk **Subject:** RE: Complaint Stage 2
Dear Michael,

With regard to your request for further evidence in support of my complaint, please find attached:

- . Written response listing evidence and any further information relating to the 7 concerns listed in my complaint
- . My initial letter raising concerns from January 2022
- . Correspondence between the BoG Chair and I regarding this initial letter
- . Correspondence between the Chair and the Department of Education regarding my

appointment as a governor
I trust this is in order, please inform me if you need anything further.

Dr Patrick Brown MLA

MLA for South Down
Northern Ireland Assembly | Room 258 Parliament Buildings | Belfast | BT4 3XX Downpatrick
Constituency Office | 9 Market Lane | Downpatrick | BT30 6BW | DPK Office 07361813394

Warrenpoint Constituency Office | 2B Meeting Street | Warrenpoint | BT34 3JZ | Warrenpoint Office
07361529106
Mobile 07971783252

From: Brown, Patrick" <patrik.brown@mla.niassembly.gov.uk **Date:** Sun, 5 March 2023 at
To: " > [REDACTED] <shimna.newcastle.ni.sch.uk> **Subject:** RE: Complaint Stage 2
Hi Michael,

Thank you, I will submit any further evidence by 30/3/23

Dr Patrick Brown MLA

MLA for South Down
Northern Ireland Assembly | Room 258 Parliament Buildings | Belfast | BT4 3XX
Downpatrick Constituency Office | 9 Market Lane | Downpatrick | BT30 6BW | DPK Office 07361813394
Warrenpoint Constituency Office | 2B Meeting Street | Warrenpoint | BT34 3JZ | Warrenpoint Office
07361529106
Mobile 07971783252

From: [REDACTED] <shimna.newcastle.ni.sch.uk> **Date:** Friday, 3 March 2023 at
16:28
To: "Brown, Patrick" <patrick.brown@mla.niassembly.gov.uk> **Subject:** RE: Complaint Stage 2

Dear Dr Brown,
Thank you for your response dated 2/3/23.

Your initial Stage 1 communication to Mr Pagan outlined several wide-ranging and serious complaints, which you then felt needed to be escalated to the Stage 2 process.

It would seem reasonable to conclude that as a public representative you would have been unlikely to have requested this course of action unless you had been privy to or had obtained a significant level of detailed and documented evidence. Similarly, the committee felt that it could not properly fulfil its remit without also having that level of detailed information.

The committee believed that if due diligence had already been concluded, then a reasonable period (5 working days) would have been sufficient to collate and seek permissions for the forwarding of such information.

The Complaint Procedure states '... and a final response **normally** made within 20 working days'. I am aware that the Chair of the Board of Governors, Shimna Integrated College has already communicated to you that the process may go outside the '**normal**' due to the Half-Term Break. The committee's request for you to submit all evidence within 5 working days was an attempt to keep as close to that timeframe as possible.

However, as you have indicated that a 5-day turnaround would be too short for you to comply with, the committee, in the interest of good working relations, is minded to extend the period as suggested, with the understanding that the Stage 2 process begins afresh upon receipt of said evidence.

Kind regards,

Michael Kennedy
Chair of Complaints Panel Shimna Integrated College

From: Brown, Patrick" <patrick.brown@mla.niassembly.gov.uk **Date:** Thursday, 2 March 2023 at 15.05
To: " [REDACTED] shimna.newcastle.ni.sch.uk > **Subject:** Complaint Stage 2

Hi Michael,

Thank you for your email. Can you please outline the reasoning behind requiring such evidence, which will take time to gather and potentially permissions sought from those who have raised concerns with me, within 5 working days, when your own policy only requires the school to respond within 20 working days (with an acknowledgement within 5)?

I note that your complaints process is silent on the matters of both additional requests for evidence and the imposition of timeframes on complainants. That being said, I am happy to comply with your request for additional evidence but am concerned that you are holding complaints to a more stringent timeframe than yourselves.

I would also note that we are now 15 days on from the initial lodging of my stage 2 complaint, making it highly unlikely, even if I were to comply with the imposed timeframe of 5 working days, that the school will be able to review this information and respond within the 20 working days timeframe.

I am therefore content to accept a delayed response to my complaint providing the school can facilitate a suitable and fair timeframe to produce additional information. I would propose 20 working days, but I hope to have it before then.

Dr Patrick Brown MLA

MLA for South Down
Northern Ireland Assembly | Room 258 Parliament Buildings | Belfast | BT4 3XX
Downpatrick Constituency Office | 9 Market Lane | Downpatrick | BT30 6BW | DPK Office 07361813394
Warrenpoint Constituency Office | 2B Meeting Street | Warrenpoint | BT34 3JZ | Warrenpoint Office 07361529106
Mobile 07971783252

From: [REDACTED] shimna.newcastle.ni.sch.uk > **Date:** Thursday, 2 March 2023 at 14:19
To: "Brown, Patrick" <patrick.brown@mla.niassembly.gov.uk > **Subject:** Complaint Stage 2

Dear Dr Brown

I am writing to you in my capacity as Chair of the Sub-Committee of the Board of Governors of Shimna Integrated College, convened to review your Stage 2 complaint as per the 'Complaints Procedure for Shimna Integrated College'. (Please see attached document)

To fully consider your concerns/complaints numbered 1-7 and addressed to Mr Steve Pagan (Principal) 4th January 2023, the committee request that you submit any and all empirical/specific evidence that you have relied upon to substantiate your position.

Upon receipt of this information, the sub-committee will endeavour to expedite their report to you and the full board of Governors in a timely manner.

If no further information is forthcoming within 5 working days of the delivery of this correspondence, the sub-committee will conclude their review into this complaint based solely on the information provided by you to Mr Pagan (4/1/2023). A response will then be issued in writing by myself, as chair of the sub-committee, as per the Complaints Procedure.

If following the completion of Stage 2 you remain dissatisfied with the outcome of your complaint, you can refer the matter to the Office of the Northern Ireland Public Services Ombudsman.

Any response to this request should be sent either electronically or by hard copy to [REDACTED], Secretary to the Board of Governors, Shimna Integrated College, marked confidential and for my attention.

Thanking you in advance for your cooperation. Yours sincerely

Mr Michael Kennedy
Chair of Complaints Panel Shimna Integrated College

E-mail sent 21 February 2023 From Chair
To Dr Brown

Dear Patrick

Your stage 2 complaint has been received and will be circulated to the full board along with your correspondences as requested. Once this is done a panel of governors will be formed to review the complaint which is in line with our complaints policy.

You may, through [REDACTED], be contacted by a governor who has been chosen to act as the chair of this panel for additional clarification. Please keep in mind this may go beyond 20 days as the school has been on half term break, however you will be kept informed.

Kind regards

[REDACTED]
Chairperson of the Board of Governors Shimna Integrated College

From: [REDACTED]
Sent: 10 February 2023
To: Brown, Patrick
Subject: Re: Stage 2 Complaint

Dear Dr Brown

I acknowledge receipt of your e-mail which I have forwarded to the Chair and Vice-chair of the Board of Governors.

Regards

██████████
██████████
Shimna Integrated College

See Appendix 1- Stage 1 Complaint 4.1.23

From: Brown, Patrick <patrick.brown@mla.niassembly.gov.uk> **Sent:** 09 February 2023 11:08
To: S Pagan
Cc: ██████████

Subject: Re: Stage 2 Complaint Hi ██████████,

As per Steve's advice below, please find re-attached for convenience my stage 1 complaint, which I would now like to progress to stage 2 and have considered by the Shimna Board of Governors. I would like the complaint to be considered by the Board in full, including section 7.

I would also like to request assurances from the Chair of the Board that the complaint will be circulated in advance of any Board meeting to all governors to enable governors to review the content of the complaint in full. I do not believe it would be acceptable for the Chair to unilaterally issue a response, to provide governors with a verbal summary of my complaint or to establish a small grouping/committee of select governors to deal with it.

Because my complaint deals in part with the actions of governors and raises concerns regarding governance, I believe it to be very much in the interests of transparency and good governance that the complaint is circulated to all governors with ample time for them to review its content. I also want to make clear my intention to escalate this complaint to NIPSO should I be dissatisfied with the schools response or handling of my complaint.

Thank you

Dr Patrick Brown MLA

MLA for South Down
Northern Ireland Assembly | Room 258 Parliament Buildings | Belfast | BT4 3XX
Downpatrick Constituency Office | 9 Market Lane | Downpatrick | BT30 6BW | DPK Office 07361813394
Warrenpoint Constituency Office | 2B Meeting Street | Warrenpoint | BT34 3JZ | Warrenpoint Office 07361529106
Mobile 07971783252

From: S Pagan
Date: Wednesday, 1 February 2023 at 08:28
To: "Brown, Patrick" <patrick.brown@mla.niassembly.gov.uk> **Cc:** D Goodman <

Subject: RE: Stage 2 Complaint Dear Dr Brown

With regards to taking forward your concerns to the Board (Sections 1-6), please correspond with
██████████

Regarding Section 7, until or unless you are able to provide further information, I do not see how I can respond under Stage 1. That said, as indicated in your original letter, you may prefer to escalate your concerns about the 'erosion of the ethos and character of the school' by enacting Stage 2.

Kind regards Steve Pagan

From: Brown, Patrick <patrick.brown@mla.niassembly.gov.uk> **Sent:** 31 January 2023 16:11
To: [REDACTED]

Cc: S Pagan
Subject: FW: Stage 2 Complaint

Dear [REDACTED], Steve,

I appreciate the response below that advises the majority of my complaint (attached) should be referred to the board of governors. Can you clarify if this is still the correct email (via [REDACTED] to raise these concerns with the board, and if so can I ask that the attached is sent to the board ahead of their next meeting for consideration, along with this email chain clarifying that sections 1-6 only of my complaint are for attention of the BoG.

With regard to section 7, Steve I will reflect on your request for evidence and come back to you on this. However could I seek clarity on how this complaint is being handled under the school's complaints procedure – is it now considered a stage 2 complaint given I have referred the majority of concerns onto the board? Or does part of the complaint remain stage 1 (section 7) and the remainder become a stage 2 complaint? Thanks.

Dr Patrick Brown MLA

MLA for South Down
Northern Ireland Assembly | Room 258 Parliament Buildings | Belfast | BT4 3XX
Downpatrick Constituency Office | 9 Market Lane | Downpatrick | BT30 6BW | DPK Office 07361813394
Warrenpoint Constituency Office | 2B Meeting Street | Warrenpoint | BT34 3JZ | Warrenpoint Office 07361529106
Mobile 07971783252

From: S Pagan
Date: Tuesday, 31 January 2023 at 15:48 **To:** "Brown, Patrick"
Subject: Re: Stage 1 Complaint

Dear Dr Brown,

I write in response to your letter, dated 4.1.23.

With regard to sections 1 to 6 of your letter, I respectfully suggest you write to the Chair Of Governors about your concerns in accordance with the Complaints Policy.

In regard to section 7 (erosion of the character and ethos of the school), I would be grateful if you would provide evidence to substantiate your claims. With respect, I am not in a position to address the matters you have raised without further information. In the meantime, your comments are noted.

Kind regards, Steve Pagan

Principal

From: Brown, Patrick <patrick.brown@mla.niassembly.gov.uk> **Sent:** 4 January 2023 20:53

To: S Pagan

Cc: [REDACTED] **Subject:** Formal Complaint

Dear Steve,

Please find attached stage one complaint which I am submitting in my role as an MLA for South Down, which results from a number of serious concerns I have regarding the operation and governance of Shimna Integrated College at present.

I believe this should be addressed under the school's complaints policy, and I look forward to an acknowledgement and response in due course.

I am also cc'ing for information only [REDACTED]
[REDACTED]

Dr Patrick Brown MLA

MLA for South Down

Northern Ireland Assembly | Room 258 Parliament Buildings | Belfast | BT4 3XX

Downpatrick Constituency Office | 9 Market Lane | Downpatrick | BT30 6BW | DPK Office 07361813394

Warrenpoint Constituency Office | 2B Meeting Street | Warrenpoint | BT34 3JZ | Warrenpoint Office
07361529106

Mobile 07971783252

Document 1c: Email Correspondence Dr Brown, Councillor

From: Cllr Patrick Brown <patrick.brown@southdownalliance.org>
Sent: 13 January 2022 13:55
To: 426028 [REDACTED] mna.newcastle.ni.sch.uk>
Cc: S Page [REDACTED] mna.newcastle.ni.sch.uk>
Subject: Letter to Board of Governors

EXTERNAL

CAUTION: This email originated from outside the C2k Service. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear [REDACTED]

I hope you're well.

Please find attached a letter for the attention of the school's Board of Governors. I trust this can be passed on to the relevant people. Thank you.

Best,
Cllr Patrick Brown
Alliance Party - Rowallane DEA
Newry, Mourne and Down District Council

Councillor Patrick Brown
Alliance Party of Northern Ireland
5c Gaol Lane
Downpatrick
BT30 6BD
E-Mail: patrick.brown@nmandd.org
Tel: 07971783252



Comhairle Ceantair
**an Iúir, Mhúrn
agus an Dúin**
**Newry, Mourne
and Down**
District Council
13th January 2022

FAO: The Board of Governors, Shimna Integrated College

I am contacting you regarding concerns that have been raised with me by multiple constituents relating to ongoing governance issues at Shimna Integrated College. I write as an alumnus and someone who shares the passion and commitment to the school which I'm sure is felt by all Governors. I also write in the interests of protecting the school's good reputation in the area, the vital importance of a strong integrated option for the community I represent, and in the interests of transparency and good governance.

It has been brought to my attention that a governor, [REDACTED] has been co-opted onto the board despite this co-option not being allowed for under the Memorandum and Articles of Association of the College, placing the Board in contravention of their legal duty to uphold said Articles, which are set out in legislation.

It is my understanding that these articles only allow for up to three co-options during a term, and that these co-options are reserved for members of the local business community only, providing that there are no members of the local business community on the board currently. It is my understanding that [REDACTED] is not a local business owner or representative. It is also my understanding that co-opted governors face certain limitations on their role, in particular they are not able to take part in any votes. This would extend to votes which may take place during the appointment of new staff at the school.

Furthermore, it has been brought to my attention that a former chair of the board, [REDACTED] has had her term as a Governor extended beyond the two four-year terms allowed under the Articles. I understand that agreement may have been reached previously to allow a reasonable extension beyond these two terms due to the period of uncertainty brought about by the lack of an Education Minister and the COVID pandemic. However, I would have expected the Board would now have had ample time to begin the process of replacing [REDACTED] on the board.

I want to make it very clear that my concerns outlined here are in no way conveyed with any prejudice to the individuals named above, who I am sure have served the school well during their time as Governors. Also, it is not my intention to take this matter any further, either in the public eye or via NICIE as the sectoral support body for integrated schools, providing an outcome can be reached that brings the school back in line with its Articles. However, in the interests of good governance and maintaining the strong public trust and confidence in the school, I must ask that these matters are resolved as urgently as possible.

Please note I have previously (and briefly) raised these concerns with the Principal, Steve



@Paddy_JBrown

www.facebook.com/cllrpatrickbrown

Ag freastal ar an Dún
agus Ard Mhacha Theas
Serving Down
and South Armagh



Pagan, in December 2021, and advised him of my intention to put these concerns in writing.

I look forward to hearing the steps you will be taking to address this matter at your earliest convenience.

Best,
Cllr. Patrick Brown
Rowallane Ward – Alliance Party
Newry, Mourne and Down District Council

Cc: Steve Pagan, Principal Shimna Integrated College

From: [REDACTED] <[REDACTED]@shimna.newcastle.ni.sch.uk>

Date: Tuesday, 18 January 2022 at 10:26

To: Cllr Brown <patrick.brown@southdownalliance.org>

Cc: S Pagan <[REDACTED]@shimna.newcastle.ni.sch.uk>

Subject: RE: Shimna Board of Governors

Dear Cllr Brown

I am in receipt of your letter dated 13 January 2022. Before I reply in full, can you confirm whether you are writing to me as a former student of Shimna or in your capacity as a member of the Alliance Party?

Yours sincerely,
Denise Medea
Chair of the Board of Governors
Shimna Integrated College

From: Cllr Patrick Brown <patrick.brown@southdownalliance.org>
Sent: 18 January 2022 10:33
To: [REDACTED]@shimna.newcastle.ni.sch.uk>
Cc: S Pagan [REDACTED]@shimna.newcastle.ni.sch.uk>
Subject: Re: Letter PAO Shimna Board of Governors

EXTERNAL

CAUTION: This email originated from outside the C2k Service. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Denise,

As per my letterhead I am writing in my capacity as an elected member of Newry, Mourne and Down District Council, not as a member of the Alliance Party. I referenced my alumni status to add context to my concerns.

Best,
Cllr Patrick Brown
Alliance Party - Rowallane DEA
Newry, Mourne and Down District Council

From: [REDACTED]@shimna.newcastle.ni.sch.uk>
Date: Friday, 21 January 2022 at 11:32
To: Cllr Brown <patrick.brown@southdownalliance.org>
Subject: Shimna Board of Governors

Dear Patrick

Thank you for your letter dated 13 January 2022

It is always nice to hear from a former student and I am delighted to see you retain a close interest in the College.

You have asked a number of questions which I am unable to answer at this time. You may not be aware but the information you have received is confidential and the minutes of the meeting you refer to have not been ratified by the Board of Governors. This is in contravention of the Code of Practice for Board of Governors in Grant Maintained Schools

However, I can reassure you we work closely with NICIE on a wide range of issues and, in terms of governance arrangements, have their full support. Indeed, we are in the process of organising governors training to ensure, as a Board, we can continue to support the development of the College to the best of our ability.

You will be pleased to hear the Board of Governors is working closely with the new Principal on the next phase of Shimna's development, including the new school building. This is due to commence in the summer. I hope we can invite you back at some point in the future so you can find out more about what is going on at the College.

Regards
Denise Medea
Chair of the Board of Governors
Shimna Integrated College

From: Cllr Patrick Brown <patrick.brown@southdownalliance.org>
Sent: 22 January 2022 17:37
To: [REDACTED] <[REDACTED]@shimna.newcastle.ni.sch.uk>
Subject: Re: Shimna Board of Governors

EXTERNAL

CAUTION: This email originated from outside the C2k Service. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Denise,

Thank you for your response. I of course continue to be incredibly supportive of the great work done at Shimna and wish you, the board and the entire school community luck with the ambitious new school building project.

However, I would challenge your assertion that information regarding governor's terms is inherently confidential in nature. Given my public role I handle confidential and sensitive information on a daily basis, and I do not believe anything discussed in my letter would fall under this definition. The makeup of a public body such as a school's board of governors, and their length of term in office, should, in my view, be publicly available information. And for clarity when I use the term makeup, this would extend not just to their names but also their religious/denominational and professional backgrounds. In particular for an integrated school, it is vital that the local community knows who represents them on Shimna's board, and that their religious/denominational background is well balanced.

Furthermore, I wanted to seek clarity that my letter was, or will be in due course, shared with all governors on the board. Whilst I appreciate your role as Chair may be to act as a spokesperson for the board and handle communications, my letter was addressed to all governors and would therefore appreciate assurance that they will be sighted on it.

I will also be seeking assurances from NICIE that they are content all governance arrangements are being adhered to.

Thank you again for your response and I look forward to your reply on the above.

Patrick



Shimna Integrated College

The Lawnfield, King Street, Newcastle, BT33 0HD

T: (028) 4372 6107 F: (028) 4372 6109

E: info@shimna.newcastle.nlsch.uk

W: shimnaintegratedcollege.org

Principal: Steve Pagan BA (Hons), MA (Oxon), NPQH

9 February 2022

Dear Cllr Brown,

I am writing with regard to your letter of 13 January 2022 in which you raised concerns about governance issues at Shimna.

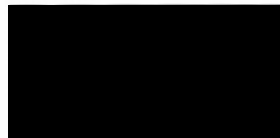
I can confirm your letter was shared with all members of the Board at our last meeting (31 January 2022). For information, the Principal, Steve Pagan, and I also discussed your concerns with both [redacted] beforehand and, prior to the meeting, the College received a letter of support from NICIE confirming the probity of our governance arrangements. You are, of course, within your rights to contact NICIE directly to confirm this.

You will recall that, in my response (21 January 2022), I expressed my own concerns about the confidential nature of some of the material you referred to. For the record, these concerns are shared by members of the Board of Governors. While I appreciate you have your own view about this information, it is my duty to inform you that there are two ongoing police investigations relating to data protection at the College.

In your letter dated 13 January 2022 you refer to "multiple constituents". Any information you can pass on regarding their identities could be of great help with one of the investigations. [redacted] of the PSNI can be contacted directly [redacted]

Thank you in anticipation of your support for the College at this difficult time.

Regards



Shimna Integrated College

Document 1d:

From: Sent: To: Subject:

Cllr Patrick Brown

Sat, 22 Jan 2022 16:37:01 +0000 [REDACTED]

Re: Shimna Board of Governors

Hi [REDACTED],

Thank you for your response. I of course continue to be incredibly supportive of the great work done at Shimna and wish you, the board and the entire school community luck with the ambitious new school building project.

However, I would challenge your assertion that information regarding governor's terms is inherently confidential in nature. Given my public role I handle confidential and sensitive information on a daily basis, and I do not believe anything discussed in my letter would fall under this definition. The makeup of a public body such as a school's board of governors, and their length of term in office, should, in my view, be publicly available information. And for clarity when I use the term makeup, this would extend not just to their names but also their religious/denominational and professional backgrounds. In particular for an integrated school, it is vital that the local community knows who represents them on Shimna's board, and that their religious/denominational background is well balanced.

Furthermore, I wanted to seek clarity that my letter was, or will be in due course, shared with all governors on the board. Whilst I appreciate your role as Chair may be to act as a spokesperson for the board and handle communications, my letter was addressed to all governors and would therefore appreciate assurance that they will be sighted on it.

I will also be seeking assurances from NICIE that they are content all governance arrangements are being adhered to.

Thank you again for your response and I look forward to your reply on the above.

Patrick

From: [REDACTED] <[REDACTED]@shimna.newcastle.ni.sch.uk> **Date:** Friday, 21 January 2022 at 11:32

To: Cllr Brown <patrick.brown@southdownalliance.org>

Subject: Shimna Board of Governors

Dear Patrick

Thank you for your letter dated 13 January 2022

It is always nice to hear from a former student and I am delighted to see you retain a close interest in the College.

You have asked a number of questions which I am unable to answer at this time. You may not be aware but the information you have received is confidential and the minutes of the meeting you refer to have not been ratified by the Board of Governors. This is in contravention of the Code of Practice for Board of Governors in Grant Maintained Schools

However, I can reassure you we work closely with NICIE on a wide range of issues and, in terms of governance arrangements, have their full support. Indeed, we are in the process of organising governors training to ensure, as a Board, we can continue to support the development of the College to the best of our ability.

You will be pleased to hear the Board of Governors is working closely with the new Principal on the next phase of Shimna's development, including the new school building. This is due to commence in the summer. I hope we can invite you back at some point in the future so you can find out more about what is going on at the College.

Regards
[REDACTED]

Chair of the Board of Governors Shimna Integrated College

From: Cllr Patrick Brown <patrick.brown@southdownalliance.org> **Sent:** 18 January 2022 10:33
To: [REDACTED] <[REDACTED]@shimna.newcastle.ni.sch.uk>
Cc: S Pagan [REDACTED] <[REDACTED]@shimna.newcastle.ni.sch.uk>

Subject: Re: Letter FAO Shimna Board of Governors **EXTERNAL**

CAUTION: This email originated from outside the C2k Service. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Denise,
As per my letterhead I am writing in my capacity as an elected member of Newry, Mourne and Down District Council, not as a member of the Alliance Party. I referenced my alumni status to add context to my concerns.

Best,
Cllr Patrick Brown
Alliance Party - Rowallane DEA
Newry, Mourne and Down District Council

From: [REDACTED] <[REDACTED]> **Date:** Tuesday, 18 January 2022 at 10:26
To: Cllr Brown <patrick.brown@southdownalliance.org>
Cc: S Pagan [REDACTED] <[REDACTED]@shimna.newcastle.ni.sch.uk>

Subject: RE: Letter FAO Shimna Board of Governors

Dear Cllr Brown

I am in receipt of your letter dated 13 January 2022. Before I reply in full, can you confirm whether you are writing to me as a former student of Shimna or in your capacity as a member of the Alliance Party?

Yours sincerely,

Denise Medea

Chair of the Board of Governors
Shimna Integrated College

From: Cllr Patrick Brown <patrick.brown@southdownalliance.org> **Sent:** 13 January 2022 13:55
To: 4260281 Info <info@shimna.newcastle.ni.sch.uk>
Cc: S Pagan [REDACTED] <[REDACTED]@shimna.newcastle.ni.sch.uk>

Subject: Letter FAO Shimna Board of Governors **EXTERNAL**

CAUTION: This email originated from outside the C2k Service. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear [REDACTED],

I hope you're well.

Please find attached a letter for the attention of the school's Board of Governors. I trust this can be passed on to the relevant people. Thank you.

Best,
Cllr Patrick Brown
Alliance Party - Rowallane DEA
Newry, Mourne and Down District Council

The opinions expressed are those of the individual and not the school. Internet communications are not secure and therefore the school does not accept legal responsibility for the content of this message. If the reader of this message is not the intended recipient, or the user responsible for delivering this communication to the intended recipient, you are hereby notified that any disclosure, distribution or copying of this communication is strictly prohibited.

Document 1e: Denise Medea email to DE

From:

To: [Governor Applications](#)

Cc:

Subject: RE: Shimna Integrated College **Date:** 22 June 2022 10:36:03

Caution – This email has been received from outside the NICS network. Please ensure you can verify the sender's name and email address.

Treat all attachments and links with caution.

FOR INTERNAL NICS STAFF ONLY - If you have any concerns regarding the email please forward to spam@finance-ni.gov.uk.

Hi

The full board met last night and had a very good discussion regarding Patrick Brown and in the end all governors with the exception of felt he would not be a good fit for Shimna in particular because he is a MLA for the Alliance party and as an integrated school this could be perceived as we support a particular party and are not inclusive of others.

Please let me know if you need anything further.

Kind Regards

████████

Sent from [Mail](#) for Windows



Councillor Patrick Brown
Alliance Party of Northern Ireland 5c Gaol Lane
Downpatrick
BT30 6BD
E-Mail: patrick.brown@nmandd.org Tel: 07971783252

FAO: The Board of Governors, Shimna Integrated College

13th January 2022

I am contacting you regarding concerns that have been raised with me by multiple constituents relating to ongoing governance issues at Shimna Integrated College. I write as an alumnus and someone who shares the passion and commitment to the school which I'm sure is felt by all Governors. I also write in the interests of protecting the school's good reputation in the area, the vital importance of a strong integrated option for the community I represent, and in the interests of transparency and good governance.

It has been brought to my attention that a governor, [REDACTED] has been co-opted onto the board despite this co-option not being allowed for under the Memorandum and Articles of Association of the College, placing the Board in contravention of their legal duty to uphold said Articles, which are set out in legislation.

It is my understanding that these articles only allow for up to three co-options during a term, and that these co-options are reserved for members of the local business community only, providing that there are no members of the local business community on the board currently. It is my understanding that [REDACTED] is not a local business owner or representative. It is also my understanding that co-opted governors face certain limitations on their role, in particular they are not able to take part in any votes. This would extend to votes which may take place during the appointment of new staff at the school.

Furthermore, it has been brought to my attention that a former chair of the board, [REDACTED] as had her term as a Governor extended beyond the two four-year terms allowed under the Articles. I understand that agreement may have been reached previously to allow a reasonable extension beyond these two terms due to the

period of uncertainty brought about by the lack of an Education Minister and the COVID pandemic. However, I would have thought that the Board would now have had ample time to begin the process of replacing [REDACTED] on the board.

I want to make it very clear that my concerns outlined here are in no way conveyed with any prejudice to the individuals named above, who I am sure have served the school well during their time as Governors. Also, it is not my intention to take this matter any further, either in the public eye or via NICIE as the sectoral support body for integrated schools, providing an outcome can be reached that brings the school back in line with its Articles. However, in the interests of good governance and maintaining the strong public trust and confidence in the school, I must ask that these matters are resolved as urgently as possible.

Please note I have previously (and briefly) raised these concerns with the Principal, Steve Pagan, in December 2021, and advised him of my intention to put these concerns in writing.

I look forward to hearing the steps you will be taking to address this matter at your earliest convenience.

Best,
Cllr. Patrick Brown
Rowallane Ward – Alliance Party
Newry, Mourne and Down District Council

Cc: Steve Pagan, Principal Shimna Integrated College



Northern Ireland
Assembly

PATRICK BROWN MLA for South Down

Room 258 Parliament Buildings, Belfast, BT4 3XX

I address each of these concerns below.

1. Failure to follow the school's Articles of Association with regard to appointment of governors

During a conversation with you in December 2021 and via letter to the Chair of the BoG in January 2022 I raised concerns regarding two governors whose terms had been extended beyond the period allowed under the school's Articles of Association. It now appears, rather than remedy this governance issue at the time, this practice has continued.

- A parent governor, who has now been appointed twice without the required one-year calendar break between terms, has been appointed to a third term.
- Governors have 'swapped category', despite NICIE training recently confirming this to be disallowed in order to extend one's service.
- DE guidance clearly states that DE governors should not serve more than two terms of office.

This places serious risk on all governors, who are collectively responsible, in their role as directors of Shimna Integrated College, to abide by its Articles of Association. Whilst the Articles may allow for exceptions where governors are appointed in good faith but afterwards found to be ineligible, the fact that these governance concerns were raised formally by myself and, I understand, by others as early as 2021 means that this defence would not apply.

I would also like to make clear at this point that these concerns are raised in the best interests of the school and indeed its governors. This is in no way an attack on any single or group of governors. Good governance is essential for any school and I feel it is my duty as an elected representative to make the school aware of these issues and place them on record with you.

Furthermore, I am aware that many accusations have been levelled at various stakeholders regarding data, privacy and breaches of same. I would point out that the membership of a BoG is public information, as are the term lengths and categories of governorship. The School's Articles are also public information, and I have had a formal meeting with the CEO of NICIE to confirm how the articles apply within the context of this complaint.

I would ask that as Principal you work with the Board to urgently review all governor positions to ensure they are in keeping with the schools Articles and make suitable reappointments where necessary.

2. Failures by the BoG to adequately raise, discuss and resolve previous complaints and concerns

Part of my complaint relates to the failure of the Board to adequately address concerns raised by stakeholders. I understand there have been at least two named complaints submitted regarding governance (including one from myself). Instead of these concerns being addressed I was (wrongly) informed that my concerns related to confidential information, that there were 'investigations' into data breaches at the school ongoing by the PSNI, and I was asked to provide details of the identities of who had initially raised these governance concerns with me.

The manner in which my concerns were responded to was highly alarming and I wish to raise the following in regard to it:

- I was asked by the Chair whether I was writing as a member of the Alliance Party, which could be seen as an attempt to politicise the issue
- I was asked to provide the identities of constituents who had brought these concerns to me, which would be a breach of trust and confidentiality with my constituents
- Whilst I was told my letter was circulated to all governors, I have only the word of the chair on this and no assurances that all governors were sighted on my letter ahead of the meeting, as would have been proper practice

I am aware that there have been other named and anonymous complaints submitted to the school over the last year or more, and I am very concerned that they may have been treated with the same or even lesser concern. This suggests a limited regard amongst the board to address valid issues and engage with stakeholders to resolve them.

3. Attempts to bully, threaten, demean and remove governors who raise concerns

I am aware, through conversations with previous governors who have come to me confidentially, that there have been a significant number of governor resignations (at least 7 since December 2020, I believe), and it has been levied that this is a result of an ongoing culture of bullying and threatening behaviour by board members in leadership positions. Governors who raise concerns about governance and other issues are allegedly shouted down, demeaned, bullied and even (despite there being no precedence for this under the school's Articles) threatened with expulsion from the board on the basis of these unfounded accusations.

I have witness statements from constituents alleging the information and behaviour above. Whilst I cannot go into specifics for fear of reprisal towards these constituents, I believe that these concerns, which are the antithesis of the ethos I know Shimna aspires to, need to be raised and subject to a frank and open discussion within the Board and indeed opportunity should be given to individual governors to raise concerns with NICIE directly and have these concerns acted addressed via mediation with NICIE.

4. Misinformation provided to governors during consideration of applicants for Department of Education governor positions

You may be aware that in June I applied to be a DE governor at Shimna and was unsuccessful. I feel that as an MLA, past pupil and young person who has significant management and board experience in addition to a doctorate, I made a strong candidate. However, regardless of the decision by the Minister not to appoint to me, I feel that my application was not treated fairly. I have made a separate complaint to the Department regarding this but believe there are also issues relating to how the school treated my application.

I have become aware through a Subject Access request (SAR) to the Department, that the Chair of the Board on 22/6/22 wrote to the Department, asking that weight be given to the board's concerns about my application, stating:

'The full board met last night and had a very good discussion regarding Patrick Brown and in the end all governors with the exception of [redacted] felt he would not be a good fit for Shimna in particular because he is a MLA for the Alliance party and as an integrated school this could be perceived as we support a particular party and are not inclusive of others. Please let me know if you need anything further.'

Now, leaving aside the fact that the Alliance Party was founded in part from the Integrated Education movement, has been the leading party in support of IE since 1970, passed legislation to protect and enhance IE last year, and a significant number of Alliance councillors and MLAs sit on the boards of IE schools elsewhere in NI, I do not feel this was the sole reason for the board's rejection of my application.

Through my SAR I also learnt that there was a discussion at this same board meeting regarding my alleged failure to 'comply with a police investigation [REDACTED] at the school'. I can only assume this relates to a request from the Chair for aforementioned information regarding the identities of the constituents who raised governance concerns with me.

Having liaised with the PSNI, I can confirm that at no point was I asked to comply with an investigation. The Chair of the board asking me to comply is irrelevant. The Chair had no authority to dictate the terms of the investigation, and if I was of importance to the investigation the PSNI would have contacted me (and presumably the Chair would have made them aware of any information she thought I had, and they would have followed up on this). Any allegation that I therefore failure to comply or impeded any investigation is a lie, and I am very concerned that this misinformation influenced other governor's opinions of my application. I provide below confirmation from the PSNI that at no point was I involved with any such investigation, which I'm sure the PSNI can corroborate if necessary.

'Dr Brown,

I can confirm that you did not feature in any respect in the [REDACTED] investigation concerning Shimna, either as a subject of an investigation or as a witness. The investigating officer had closed the investigation prior to being contacted by yourself and his belief was that contact was only in your position as an MLA. Hopefully this assists.

Regards,
[REDACTED]

D/Superintendent'

As I'm sure you'll appreciate, the fact that my application was subject not only to this level of scrutiny but also potentially subject to misleading information which has the potential to damage my reputation as a public figure, is extremely concerning. I would therefore request the following from the school:

- Confirmation that all governor applications are treated with the same level of scrutiny as my own
- Confirmation of whether it is now school policy to reject elected representatives from positions on the board at Shimna, and the reasons for this policy
- Confirmation of whether the alleged failure to comply with any police investigation was raised and discussed when my application was considered, and whether governors were aware of all facts surrounding this allegation
- Confirmation of how many times in the last 8 years the Shimna Board has written to the Department recommending rejection of a DE governor's application

5. Political discrimination against BoG applicants

I believe that the above treatment of my application, specifically the written correspondence from the Chair to the Department stating I was an inappropriate appointment due to my role as MLA, constitutes political discrimination. I would ask the school for further detail on why they

have made this decision and encourage them to reflect on how the rejection of elected representatives on the basis of their political affiliation could in fact damage the school, its reputation and partnership working with key local stakeholders.

I would add to this that political opinion, reflected in my membership of the Alliance Party, is listed as a Section 75 category in the DE Equality screening document and should not be a factor when assessing candidates. Whilst the Department have defended their rejection of my application on the grounds of merit rather than political opinion, it is clear that the stated reason the school chose to reject my application was on political grounds, and therefore in breach of Section 75.

6. Loss of cultural balance in BoG

A concern I raised in January 2022, which I do not believe has been addressed, is the loss of cultural balance within the board, particularly from the PUL community and my concerns that this is increasingly reflected in the student body.

Whilst I do not hold this information and I am not requesting it, as an elected representative I am aware that there is a growing feeling within the South Down area that Shimna is losing its integrated ethos and previous levels of support and participation from within the PUL community.

The fact that I am aware of two BoG applications from the protestant community which have been rejected in recent months corroborates this concern.

I would remind governors that in an integrated school, community identity should not be hidden, and speaking openly about it should not be discouraged. It is only through recognising and discussing our community identities, whether that be PUL, CNR or other, can integration be intentionally recognised and achieved. Balance cannot be assumed, and metrics must be employed to test it in the student body, which as principal of an Integrated school you will be well aware of. This balance should also be reflected in the BoG and I know is a specific stipulation of some governor categories including NICIE governor. Furthermore the NICIE Statement of Principles, which all governors sign up to, stipulates a target makeup of 40/40/20 (CNR/PUL/OTH).

I would encourage the school to do an urgent audit of the perceived background and subsequent community balance within their board in order to ensure the ethos of integration throughout the school is respected and enhanced.

7. Erosion of the ethos and character of the school

Finally, and further to the above, I have significant fears that the ethos and character of the school is being eroded. When I was at Shimna, having transferred in 6th form from a local Grammar school, what stood out to me was the schools focus not on academic excellence, which can so often be divisive, but on the holistic wellbeing of its pupils. The school understood that students can excel outside of traditional academic metrics, and that the most important thing for a young person is having a caring and supportive school community that allows them to flourish and be themselves. I say this as a pupil who excelled academically and received straight A's in my A levels, as did a large number of my peers.

I have received numerous anecdotal and formal correspondence regarding the changes that have occurred at Shimna in recent times. Not all are negative, but the vast majority relate to a feeling that the school is trying to emulate a traditional grammar school, focused on academic

outputs and strict uniform codes rather than student wellbeing. That long-standing teachers with years of loyalty to the school have been undermined, bullied into resignation, resigned in principle or gone off on stress-induced sick leave. That less traditionally academic subjects have been side-lined. That social media efforts to promote past pupil achievements and engage with the school community have been disparaged.

Whilst I appreciate as principal these concerns will not be positive to hear, they do need to be raised. I have no doubt you are doing your best as you see it to make improvements on the school and continue the excellent legacy of your predecessor, Kevin Lambe. However, it is my view that there are serious issues within the school as present which must be urgently addressed, and I look forward to receiving your response to my complaint outlining how you intend to deal with them.

Regards,
Dr Patrick Brown MLA

Document 1h: Dr Brown response for request for additional evidence



Northern Ireland
Assembly

PATRICK BROWN MLA for South Down

Room 258 Parliament Buildings, Belfast, BT4 3XX

[REDACTED]

[REDACTED]

[REDACTED]

circumstances, the board should alert DE to the fact that the nominee has completed all eligible terms. Failure to disclose this information puts DE in breach of Equality and Human Rights considerations.

I would emphasise again, that no complaint is raised in relation to these two governors. The matter for the board to address is compliance with the Articles of Association and not personal.

For absence of doubt, I understand that it is articles 3 (i) and 14 (4) of the articles which the board is suspected to be in breach of, but as stated it is the board's legal responsibility to ensure they are in keeping with every article in their Articles of Association.

This would appear to be the minimum due diligence required by the school to resolve this aspect of the complaint, and I do not believe further evidence is required on my part for you to investigate this, the allegations above are either a matter of fact or can be easily disproved.

2. Failures by the BoG to adequately raise, discuss and resolve previous complaints and concerns

Concern 2 above naturally carries on from concern 1, in that the failure to address governance issues raised in my letter last January has continued to place the Board in contravention of their Articles. By way of evidence, I attach correspondence between myself and the chair in which I was told the matter I had raised was confidential and could not be discussed.

It will be up to the board to determine if the concerns were indeed addressed and rectified internally or not. As you know, it is my assertion that at the time of submitting my stage 1 complaint the school was still in breach of its Articles, and if this is the case both concerns 1 & 2 above would stand. It is up to the board to prove otherwise, and important to note it failed to do so in previous correspondence.

3. Attempts to bully, threaten, demean and remove governors who raise concerns

As stated in my initial complaint, I am not at liberty to release this evidence in case it would identify those who have brought it to me on the understanding of confidentiality. It is for the board to consider whether the number of resignations in recent years is acceptable and I trust the board has a robust process in place to deal with resignations and feedback, which I would ask you to elaborate on in your response to my complaint.

As initially stated, I feel the turnover of governors and the possible reasons for this need to be raised and subject to a frank and open discussion within the Board.

4. Misinformation provided to governors during consideration of applicants for Department of Education governor positions

Through a Subject Access request (SAR) I have access to information that states false information was presented to the board in order to dissuade board members from agreeing my appointment to the board as a DE governor. I have also had access to the subsequent response from the chair to DE Governance Branch claiming that my nomination was opposed on political grounds. Either of these documents should be readily available on request by the school, and it would be up to the department to release them, and I would imagine requesting these would form part of the school's complaint investigation process.

I believe my concerns with regard to this matter and suggestions for rectification are very clear in my initial complaint. It would be the responsibility of the board to review minutes and take the following actions:

1. a) Provide assurances that no misleading information was provided to the board at any point during my application consideration
2. b) Provide assurances that the fact that I had previously raised concerns about the governance of the school was not a material factor in the board recommending rejection of my application
3. c) A clear statement from the board that at no point did I fail to assist the board with an ongoing PSNI investigation
4. d) Clarity on why the board is satisfied with excluding BoG applicants on grounds of political affiliation, and is content to uphold this policy in the face of a clear breach of Department of Education Equality and Human Rights Policy Screening in relation to Section 75 information, which GMI schools are specifically asked to take into account.

5. Political discrimination against BoG applicants

I have raised in my complaint that my treatment, and the recommendation to reject of my application on grounds of my political affiliation, constitutes discrimination and may place the school in breach of section 75 legislation. It is on the board to determine its view on this and respond accordingly. I do not believe any evidence is required in this regard and the school should be able to access both the relevant legislation and the departmental equality screening policy referred to in my complaint.

6. Loss of cultural balance in BoG

In this concern I made clear that I was not requesting details on the community background of governors, only impressing upon the school the importance of ensuring balance across all community identities. I still believe it is incumbent on the board to do a transparent audit of this and reflect upon whether everything is being done to ensure balance within the board.

With regard to evidence that points to issues regarding the community makeup of the board, I would note the following:

- Two applicants to the board from Protestant backgrounds have been rejected and have subsequently lodged formal complaints regarding the treatment of their application (myself and [REDACTED])
- At least two governors from a protestant background have resigned in recent years, citing to me concerns about the school's change in ethos and direction
- The nomination of a person from a Protestant background, whose nomination from NICIE had been agreed by the three foundation governors required at the time by NICIE, was prevented by a unilateral decision by the chair to halt appointments to the board.

7. Erosion of the ethos and character of the school

I believe that my concerns regarding ethos and character are clearly stated in my initial complaint, however for the avoidance of doubt I would note the following in support of and to clarify my concerns:

- I understand that the board has received a number of both anonymous and named complaints from parents, former teachers, former students and others. I have not seen

and do not claim to know the content of all of these complaints nor the total number. However, three constituents who I understand have formally raised their concerns in writing to the board have also approached me regarding ongoing issues at the school. These concerns mirror many of my own and relate to issues of ethos, governance and the appointment of board members. The three complainants I have permission to disclose are [REDACTED], however I must stress I am aware of a number of others who do not wish to have their identities exposed.

- These complaints, of which you will be aware, should surely signal to the board that there are significant ongoing issues which require rectification. The board cannot simply dismiss these formal complaints as individuals trying to make trouble or damage the school. I would point out that in the case of the four complainants named (including myself), we are all either former teachers, governors, parents or pupils of Shimna. We all share a deep love of the school and are increasingly concerned about the current direction it is taking.
- I also want to give assurances that my concerns are directed squarely at the board and are for the board alone to answer. I believe I made this clear in my initial email to the principal, stating that I expected the complaint to go to stage 2 given it focused on issues with the board. This extends to concern 7 regarding ethos, and I want to be very clear that in no way do I hold the new principal responsible for these concerns. This is solely a matter for the board to address and I want to make it clear that the principal has my support in what must no doubt be a difficult role. It is also worth noting some of my concerns pre-date his appointment. Therefore, I would strongly warn against any attempts to dismiss this complaint as an attack on the principal. My concerns sit with the board, and it is on the board to address them.

In conclusion, I trust this satisfies the board with regard to their request for further evidence, and I await the final outcome of my stage 2 complaint.

Regards,
Dr Patrick Brown MLA



Shimna Integrated College. Sub-Committee, Board of Governors. Response to Stage 2 Complaint – Dr Patrick Brown 5th May 2023

1. Failure to follow school's Articles of Association with regards to appointment of governors.

Response:

The Board of Governors [BoG] of Shimna Integrated College work very closely with NICIE on a wide range of issues, in terms of governance and how the Board has been constituted. The Board as presently constituted has its full support.

Following a global pandemic and a transitional period for the college, with the appointment of a new school principal, and the start of construction on the new school build, this has been a challenging time. Therefore, constructing the BoG has been more difficult, as you have acknowledged in your correspondence. Historically, as the current board discovered, there have been issues with the membership of the BoG, which raised questions about adherence to the Articles of Association and which to date have not been fully resolved.

To address these apparent past and present concerns, the current BoG commissioned a full independent review of governance, which is ongoing, with a view to ensuring compliance with the Articles of Association and what would be considered 'best practice.'

This Sub-Committee, and indeed the wider BoG, believes that good governance is essential, and it is the intention of the Board to implement the Review's recommendations as soon as is practically possible.

The Sub-Committee acknowledges that you believe you have raised these issues in the best interests of the college and indeed its Governors and hope you accept that this review is time limited and will address any shortcomings identified. [A copy will be made available on request upon completion]

2. Failures of the BoG to adequately raise, discuss, and resolve previous complaints and concerns.

Response:

The Sub-Committee is satisfied that all complaints and concerns are raised at full meetings of the BoG as standard practice, minutes are kept, and responses have been forthcoming.

It is the understanding of the Sub-Committee that the 'confidential' issue that you refer to was about how information was obtained [matters discussed at a BoG meeting, which had not yet been ratified] rather than simply the nature of the information itself.

The Chair's request to determine in what capacity you were writing was merely for clarity and was in no way an attempt to politicise the issue.

The Sub-Committee believes that if you felt that revealing the identities of your constituents would be a breach of trust, then this would be a matter for yourself.

Acting as a public representative, the Sub-Committee is concerned as to why you would be so hesitant in accepting the word of the Chair [you supplied no evidence to challenge her integrity]. The committee hoped that this indeed was not indicative of your mindset. The Chair acts on behalf of the board and with its full support.

Finally, in your supplementary evidence [27th March 2023] you state that it is '... up to the Board to prove otherwise'. For the record, this committee [acting on behalf of the BoG] has been established to investigate, clarify and where possible to offer you re-assurance on the information made available to us, rather than to prove or disprove complaints or concerns.

3. Attempts to bully, threaten, demean, and remove governors who raise concerns.

Response:

The Sub-Committee is unaware of the previous Governor to whom you refer.

Between December 2020 and January 2023 five governors resigned from the BoG Shimna College. Having checked the register of Governor Resignations since 1994, the committee finds this number of resignations to be similar to previous years. Indeed, the years 2002-2004 saw a higher level of resignation without any concerns being raised.

Of the governors who submitted letters of resignation to the BoG [2020-23], none stated that their reason for resignation was as a consequence of 'bullying and threatening behaviour by board members in leadership positions'.

You state 'Governors who raise concerns about governance and other issues are allegedly shouted down, demeaned, bullied and even threatened with expulsion.' However, despite this committee's request you have failed to give / identify any names, dates, meetings, or other evidence to support this and there are no records in any minutes of BoG meetings that reflects this behaviour.

Finally, governors are always free to raise concerns / complaints. The Sub-Committee are aware that a need for a specific complaints policy for governors will form part of the remit of the governance review that is under way.

4. Misinformation provided to governors during consideration of applicants for Department of Education governor positions.

Response:

The Sub-Committee wish to point out that the BoG of Shimna Integrated College do not have the power to 'appoint or reject' DE governor applicants. The BoG is invited to advise on what would be considered 'best fit' [or not] based on the skill set the board required. The DE [Minister] can accept or reject this advice.

The Sub-Committee note that despite being given the opportunity to, you have not submitted the Subject Access Request [SAR] or correspondence from the chair of DE Governance Branch which you



refer to. It is not the job of this committee to seek evidence which you may rely upon, but which is outside the offices of this school.

The committee can assure you that a full and robust meeting of the BoG to discuss your application took place on 22/7/22. Following that meeting the committee can confirm.

- a. All members [present and absent] had their views expressed. The board by a considerable majority decided to advise DE that it did not wish to endorse your application.
- b. Having reviewed the minutes of the BoG meeting 22/7/22 and read the Chair's correspondence with DE Governance Applications, it appears that:
 - No misleading information was provided to the board during your application process.
 - Your previous raising of concerns was not a material factor in the board not supporting your application.
 - The BoG does not hold the opinion that you failed to assist with a PSNI investigation.
 - The BoG reason for not supporting your application was based on the possible 'perception / appearance' that the BoG of Shimna Integrated College could be seen as supportive of one political party and not inclusive of others.
 - The Sub-Committee wish to confirm that all governor applications are scrutinised and that over the past 8 years the BoG has 'rejected' no DE applications [it does not hold the power of rejection] but has on occasions not supported an application.

5. Political discrimination against BoG applicants.

Response:

The BoG has and reserves the right to support or not, the individual application to become a DE governor. The BoG believe that the public perception of the composition of the BoG of Shimna Integrated College in the wider community is extremely important. It was upon this issue of 'perception' that your application was not supported and not on any discrimination on political grounds.

6. Loss of culture balance on BoG.

Response:

As you made clear you were not requesting details on the community background of governors, the Sub-Committee is therefore happy to state that the current BoG is reflective of the make-up of the wider local community it serves, both culturally and in terms of the necessary skill set the college requires.

As previously stated, there is an on-going 'Review of Governance' which will look at all aspects of governance and how best we accord with the Articles of Association / NICIE Statement of Principles.

To clarify your concerns:

- a. The BoG felt unable to support your DE application based on 'perception.' The BoG or this committee cannot comment on the application of [REDACTED] without her expressed permission.
- b. As already stated, five governors have resigned in recent years and therefore your figure of two resignations from a protestant background would be in line with the percentage make-up that you had given for the ideal composition of the BoG.
- c. A person from a protestant background did contact NICIE in October 2021 expressing an interest in becoming a Foundation Governor. NICIE confirm that when they responded to him with an application form, he failed to complete this and return it to them or Shimna College.

While two Foundation Governors were interested in this candidate, they received no forms for them to approve.

In November 2021, following discussions between the Chair of the BoG and NICIE, the BoG and Foundation Governors agreed to pause all recruitment to the BoG, to undertake an audit of existing governor skills. This was not a "unilateral" decision by the Chair.

When BoG recruitment recommenced in February 2022 (following the completion of the audit) only one candidate had completed the application process to be considered for becoming a Foundation Governor. This person was duly appointed.

However, this decision appears to have caused angst to one current governor (who had championed the candidate that expressed interest in October 2021) who wrote/corresponded extensively on the issue, claiming that this candidate had been ignored. NICIE subsequently received an 'anonymous letter' asking that the Directors not to ratify this appointment. NICIE ratified this appointment, and this letter was forwarded to the PSNI.

This Sub-Committee is once again concerned that you, in your capacity as a public representative, have challenged the integrity of the Chair of Shimna BoG without offering any evidence to substantiate it. We again can reassure that the Chair acts on behalf of the BoG and always on the advice of NICIE, DE, and legal services.

- d. The committee is unsure of the evidence/method you have used to determine the opinions of the student body.

7. Erosion of ethos and character of the school.

Response:

Shimna Integrated College continues to offer a wide academic and vocational curriculum, like that which you experienced and benefitted from. Students have enjoyed a high level of attainment across all Key Stages, and this is reflected in public examination outcomes.

Students continue to access many activities outside the 'academic metric' in the tradition of upholding the Shimna experience. This along with our pastoral care and ethos has seen the college attract its highest ever applications to Year 8, and one which has seen a more balanced reflection of the make-up of the local community as we aspire to meet the 40/40/20 target you had previously referenced.

The Sub-Committee notes your concerns, which are consistent with change in any organisation or institution. However, to quote Edmund Burke "A state without some means of change is without the means of its conservation."

Finally, to address your remaining concerns,

- a. Regarding anonymous letters, the committee believes that no organisation responds to, gives credibility to or changes course based on them, especially those who use similar language that have the appearance of an orchestrated campaign.
- b. Each named complaint that you have referenced will, like yours, be processed through the official Complaints Procedure.
- c. Throughout the past 30 years there have been thousands of students, parents, guardians, teachers, governors, and other staff through the gates of Shimna College. In the past 18 months the BoG has received named complaints from a small cohort whose numbers remain in single digits. While each will be taken seriously and treated on its merits, this does not equate to a significantly high level of opposition to how the college is currently proceeding.

The Sub-Committee feel that while you may regard yourself as expressing genuine concerns over the ethos and character of the school, you have provided, despite being given an opportunity to do so, no empirical evidence to show that the ethos/culture of the school is endangered. Anecdotal stories or feelings are not reasonable evidence this committee can respond to.

We note that you do not wish for the BoG to view this as an attack upon the new Principal. As your initial concerns (Stage1) were addressed to him, he may not hold that opinion, and as a board, we have full confidence in him. However, the Sub-Committee welcomes your positive comments concerning his leadership, as expressed in your supplementary evidence (27th March 2023) and look forward to a constructive relationship with you as a public representative and past pupil, as we move through the 30th anniversary celebrations and the opening of a new school building.

Finally, as a Board of Governors we would like to assure you that we are committed to working in the best interests of the students of Shimna Integrated College as we face into difficult times ahead with regards to funding and budget cuts.

Michael Kennedy
Chair of the Sub-Committee,
Board of Governors,

Shimna Integrated College.
Stage 2 Complaint- Dr Patrick Brown



Document 2: Interview Transcript Patrick Brown
Commissioner Interview with Patrick Brown MLA
3 July 2023, 2:00pm

P Brown MLA NIA
[Other comments:]

JULY 2023

SEP/CD - DEPTH - 82 MINS

We're on. Now, we can stop this at any time, by the way, if you want to, and start again. So this interview is being tape-recorded. I'm Melissa McCullough, Commissioner for Standards. The date is 3 July 2023, and the time is two-minutes-to-two. I am interviewing Patrick Brown MLA, and John Devitt is present assistant me. Are you happy to be referred to as Mr Brown, or do you prefer Patrick, for the tape?

Patrick's fine.

Can I ask you to take an oath? I do every interview under oath. It focuses the mind on truth. You can use the *Bible* or just the witness affirmation.

Yes, witness affirmation. So do you just want me to read that?

Just read that out loud, please.

I do solemnly, sincerely and truly declare and affirm that the evidence I shall give shall be the truth, the whole truth, and nothing but the truth.

Thank you so much. Now the matters I'm investigating relate to the complaint from Mr Steve Pagan, who is the principal of Shimna Integrated College, and Mrs Denise Medea, who is the Chair of the Board of Governors at Shimna Integrated College. This complaint is in relation to your engagement with Shimna in relation to your complaint about [lag] in their documentation to me. Now, I've received your response to the complaint, but I will tell you that you have embedded documents into your response - they weren't embedded, so I don't have those.

Okay. No problem.

Which would have been your application and one other document. You might want to forward them to me, if we need.

Yes.

So I have your response here, and I have their complaint, and I just want to go through some questions. The first question I want to ask is, in what capacity were you lodging your complaint?

As an MLA.

So when you lodged your complaint, as an MLA, you appear in your complaint - stage one was lodged as a councillor.

Yes.

You moved then from a councillor to an MLA, and that was when you moved to a stage-two complaint, if I'm not mistaken.

It was about six months after I become an MLA, yes.

So, six months after you lodged the complaint, and I guess what I'm trying to figure out here is, were you lodging a complaint as an Alliance MLA?

Yes.

But in your complaint, there's two things going on. One is that you have concerns that constituents have raised about Shimna, which was from the original complaint, but then, of course, in the new complaint, you've now applied and not been appointed by the DE for a role as a school governor.

Yes.

So inside that, you're also talking about your issue with not being appointed.

It was more how I was treated as a - how the application was treated, which I think has wider issues, as well. I mean, I don't see that as a personal interest. I don't think I had anything particular to gain from being on the board. I was doing it because I felt a sense of duty to the school to try and address the governance concerns that had been raised with me previously. I made it clear in my application that I was an MLA, and that was a material part of why I was applying, and why I was applying. So I would have been going in there as an MLA for the area.

Yes, but when I read this, I see two big issues. One is that you believe, because a constituent had come to you, that there's a problem with governance.

Yes.

That's point A, in my head. Tell me if I'm wrong. Point A is that. Point B is, also, you shouldn't have told me I couldn't be a governor based on the fact that I'm an Alliance Party Member.

Yes.

So they're two very separate things, Patrick. Do you agree?

The complaint dealt with things that were separate. Yes, I would say that there is definitely a link, though, between governance and how the board is operating, and there is a role in relation to wider governance issues and how the board, responsible for governing the school, treated my application. I think that is what - and also, I would point out that one of the constituents that has raised concerns with me, was also raising concerns about how her application was treated, which I believe is referenced in my stage-two complaint. So it wasn't just my own application; it was also her application that was in play.

I guess, what dawned on me, and tell me if - please, it's an open forum. Would there not have been any merit in saying, 'Okay, I have constituents coming to me and saying they have grave concerns, serious concerns'? You mentioned [REDACTED 0:05:05.7], you mentioned prior teachers who were harassed. I don't see evidence of it, mind, but look, that's what you say, and that's pretty serious stuff. So would there have been any merit in saying to a colleague, 'You take the constituents' issues. I have an issue here about my own - I don't like the way they treated my application'? I want to get an answer for that. Then, separate that, because you've conceded that you've almost conflated the two.

In my mind at the time, they were part of the same case, and that was the ongoing cultural and governance issues at the school. I do think that, in applying, I was acting in the public interest, because I wanted to make an impact in that school and try and improve things. I was not doing it for any sort of personal benefit, and indeed, I think the whole situation has actually very much proven that there isn't personal benefit to this. I'm the one that's being made to question - or answer for my actions in this, through not a very pleasant process, but I do feel that throughout, it has been my responsibility to do. The constituents brought it to me. There was no colleague in that area. I was the only representative representing.

What about a councillor?

There was no councillor in that area at that time. There is now, as of the council elections.

Would somebody have to have been a councillor in that area to deal with that?

I felt that it had to come from the highest possible authority within the area, and, as MLA, that was myself, that was the highest office we held as a party. I felt, also, that, given my position and privilege in that regard, that, yes, I was happy to act as a lightning rod I suppose, for these concerns, because the people bringing it to me were so terrified of speaking out themselves.

How many complaints did you get of teachers having been harassed?

So I've gone through it and gathered a list of testimonials that I've received. I do want to check in terms of confidentiality.

This is, by the way, for the record and on the tape, this whole process is 100 per cent confidential. It's not to be talked about outside of this room, and any evidence you provide, if it's confidential evidence, it will not be put in a report. If it's of a nature that you're describing, this transcript - I mean, this transcript goes on record, but what you're saying to me that you have, and if we're able to see it, will not go anywhere if it's confidential with names on it, without redaction.

Okay.

I2: The other thing, Patrick, that we want to make very clear, is that this process in no way sets out to resolve your issues or ongoing issues with the college.

I know.

I2: That's not the purpose of our involvement. The whole purpose of this interview today is to understand your actions, your conduct, and your communications and method of communication with the college, to see whether it breaches any code of conduct.

Yes. Well, I would imagine that my unwillingness to provide evidence to the school would be a material part of that, and that's I want to provide that evidence now.

Yes, well, more to the point, and not so much that - because whatever you do with the school, whatever you do with the dean, NIPSO, whoever, that's nothing to do with us. What I want to know is, did an MLA breach any of the rules that they're alleging, and where that might come in handy is that you say you did all this based on these issues that you've had raised with you by your constituents, and just to confirm that there were these issues raised, might be ideal. But not because we want to establish anything with the school or resolve those issues.

I understand that. I do have a secondary concern that I want noted, that I'm worried that the complainants, having read your remit, may think that this investigation could expose people who have brought information to me, who, up until now, have been confidential.

I think they know that that won't happen.

Okay. That is good to know, then.

In fact, I can confirm they know that that will not happen. Just as we've said to you, I said to them as well.

I2: Can I just clarify, for my peace of mind, Patrick? Initially, you had corresponded on Newry and Mourne Council headed paper as a councillor.

Yes.

I2: You made clear to the college, at that time, that you were acting as a councillor, not as an Alliance member.

Yes.

I2: And not necessarily as a former pupil.

Yes. I added that for context, but it wasn't why I was...

I2: You were engaged in your complaint process as a councillor?

That wasn't a formal complaint. That was...

I2: Well, that was the complaint in 2022.

It wasn't the complaint under the complaints process for the school, though. I was raising concerns formally. At that point I did not raise it as a formal complaint, until I was advised to do so by NICIE.

That was stage two you went to?

No, it was the complaints process, as you said, the stage one to the principal in writing, and then the principal has X amount of time to respond, and if you're not satisfied it would go to stage two. Steve came back to me fairly promptly and said, 'I'm not going to be able to address all of these concerns, so it will now go to stage two.' That was not until January this year that I submitted that formal complaint. My first contact on this was either December or January. I do have the timeline in here, so I can...

December 21 was your first.

Yes. Well, actually, it was December 21, because I met with Steve as a sort of introductory meeting that had been set up by NICIE, to talk about social media policy, actually, because I was a NICIE associate at the time.

Well, yes, and he doesn't see that as a meeting, by the way.

Right, okay.

He saw that as he was there for social media, something about social media training, but not - were you training on social media?

It was more of an introductory chat. I wasn't acting as a NICIE associate, but I had previously given training to NICIE schools formally, and was paid to do so as an associate. Someone from - I think it was [REDACTED] - from NICIE said, 'Steve Pagan's not here today, but I think it would be really worthwhile you getting a chat with him, to get to know him, and maybe talk about some of this stuff.' Not in a paid capacity as an associate, just as someone locally in the area, past pupil, councillor, whatever.

Because he didn't see that as like a formal raising-concern meeting. He would have thought - I think he would have thought that you would have come to him, if you had these major concerns, as a first step, but not at that very informal - I think there's a discrepancy in the way people saw that meeting.

Perhaps. Yes, maybe he was bounced on it, and didn't expect it, and that's fair enough, and ultimately, the concerns were not raising any issue with him and how he had conducted or made any sort of decisions. They were primarily about the constitution of the board and loss of religious and cultural balance. So it was not directly relating to him, but I felt it was - well, I had already, I think, made my mind up that I was going to raise these concerns in a more formal capacity, but I wanted the opportunity to raise it with him, initially. That would be my general way of operating, if I'm dealing with a sensitive case. I would try and have an informal conversation with someone, get a better understanding, before it has to escalate to emails and letters and all that sort of thing. Maybe that's an incorrect way of operating, but that's how I've always done it.

Well, I just was putting it on record that I know for a fact he did not see that as a first meeting, because he was there for a social media whatever it was.

It was an introduction to the principal of the new school, and we talked about a number of things, what we'd studied at university, social media, and the very end I said, 'Look, this has been brought to me. I want to raise these concerns with you here one-to-one, because I think it's appropriate to do so, but I'm considering putting it in writing.' At that point he advised me to put it in writing as well.

Sorry, John. You were asking this question about the...

I2: I suppose I'm trying to get clarification on how we have moved from you as a councillor, having submitted your complaint, you not having been appointed as the governor on the job that you applied for, and how that then transitions into you then become an MLA.

Yes. So I applied to the board after becoming an MLA, and I think that's important to note, because me becoming an MLA and then representing that area was a material consideration in my reasoning for joining the board, as well as the governance concerns.

I2: Sorry, you applied to the college as an MLA?

Yes.

I2: Not, as a councillor?

It was June '22.

I2: But you were a councillor when you first communicated with the college.

When I first raised concerns, yes.

I2: So at your application for a governor's post not being submitted prior to that?

That was June 2022, so, no. I first wrote in January '22, and there is some back and forth with the chair of the board at that time. My concerns were not addressed, but I didn't feel that there was a way forward at that point, and I didn't feel that it needed to be escalated. Well, to be honest, I wasn't completely sure of the process in terms of complaints and so on. I, at a later stage, I think after applying and once I became an MLA, raised it with [REDACTED], who said that there is nothing that they could do as an organisation around these concerns, and that I would be best to put it in writing. I raised with [REDACTED] my application and how it had been treated, as well. So I think that should be a material consideration, as well, the fact that the CEO of the sectoral support organisation advised me to go through the formal complaints process.

But did she advise you to go through the formal complaints process as Patrick Brown MLA, including your - this is the crux of it, Patrick - including your headed paper? Here's the problem. The problem is, it looks like you're showing some might with your MLA status. That's what it looks like, and it shouldn't look like that. I'm going to be very frank about this. It should not look to them, or anybody, that you might try to abuse your power as an MLA, because make no mistake about it, like you just said earlier, it's a very important role you have, and it's a lot of power.

Yes.

So that's the problem, and that's the problem they're highlighting. We can't fix the other problems. You have other problems that you might go through NIPSO for, and all of that. My role here is to decide and figure out what the deal is about using the...

Okay. I suppose I would say that if I had asked for some sort of personal outcome from this, as in overturn your decision and appoint me to the board, then I would understand that that would be me seeking a personal interest in this. I believe that how my application was treated, and how others' applications have been treated as well, and the decision-making process within the board, was inherently flawed, and that I have a responsibility to raise that, and it is an important part of my complaint that could not be separated out into a separate complaint.

I2: But you have...

I did make a separate complaint to the Department of Education as well.

I2: Well, that was what I was coming to. You, in your own correspondence, accepted that the Department of Education are the arbiters, they have the final say, and you've done your various access requests to the various authorities. It seems to me that you've accepted all of that. Am I correct in that assessment?

Accepted that the department can't do anything about it, yes.

I2: No, that the department are the final arbiters, and that you have gone through all your due process of your complaint process, other than I think you're communicating with the Equality Commission.

I did, but it wouldn't fall within their remit. I would say that it hasn't been addressed to my satisfaction, and that, ultimately, the decision was made by a minister who is no longer in post, and there is no minister to raise it with.

I2: But you also have to understand that, whilst the outcome wasn't to your satisfaction, this process cannot embark upon your complaint process. This process is simply to do with your conduct and your communication methodology on headed paper, Assembly paper as an MLA, to do with your non-appointment as a governor, and your concerns on behalf of your constituents, if I understand it correctly, with the governors.

Yes.

I2: I suppose what we're trying to understand, how come that wasn't dealt with as a separate entity, because you have conflated both roles?

Because the way in which my application was treated was emblematic of wider governance concerns within the school.

But you can see that you have an interest in that, and your interest in any - okay, if, say, I was to apply for another job, and I applied with my letterhead of the Assembly, and then I didn't get it, but then I said, 'Oh, well...' - and even if I didn't apply with my letterhead - did you use your letterhead when you applied?

It's a proforma.

But what I'm saying is, it would be like me arguing the toss, if I didn't get another role, with my letterhead here.

Is it the use of the letterhead, because, obviously, in my application I made clear that I was an MLA, which was a material consideration in why I felt I should have been selected?

It's not the use - it's the use, yes, but it's not because it's sitting there, it's because, what does that say? So if I was sitting as a Board of Governors, there's a lot of pressure when you get an MLA's letter- there's power in that. There's me saying to you, 'Oh, our MLA for our area, the only one in our area, is now complaining, and he's also complaining about...' and so you're putting almost - you're actually using your position of power wrongly. Do you see that at all, how that can be perceived?

Perhaps how it can be perceived, but it's certainly...

[Over speaking 0:19:24.7] your attention, I don't know, but that is the perception.

I2: I mean, I think it matches your own question, Patrick, in respect of you applied on non-headed paper, because it was an email application online.

But there was no paper involved. It was a proforma provided for me, so I didn't make that distinction.

I2: But you shared with them the fact that, as part of your credentials, for want of a better terminology, you were also an MLA.

Yes.

I2: That's perfect. That's fine. There's nothing wrong with that.

That's your job.

I2: That's giving your career history upfront. Where it then becomes problematic is because, when you weren't appointed and you were dissatisfied, and you then made your various complaints, as you're entitled to do, you then, one could say, elevated your concerns and your position, and you used your position as an MLA, MLA Alliance member, to achieve your objective, which you still have not yet achieved, it would appear.

What was the objective?

I2: Well, the objective was to change how the Board of Governors is run, because you wanted to have a power and influence on that, and that's within your own correspondence.

Yes, which I was doing in my role as an MLA, in the public interest and in response to constituent concerns. That's where I'm coming from. I didn't particularly want to get onto the board when I saw how it operated. I felt I had a responsibility to do so. So that's the issue that I have.

I'm not questioning you wanting to get on the board or not wanting to get on the board. That's your prerogative. It's the way you communicated with Shimna, a school that you wanted to become a board member of, by almost asserting a power within your correspondence that actually is an inappropriate use. When they say inappropriate use of the letterhead, it's not the paper that it's on, it's the fact that it's on it. It's the fact that you're saying I'm complaining, and I'm complaining about your governance, because my constituents have brought it, and while I'm at it, I was treated wrongly. So there's just two very distinct things. Two very distinct. You may not have seen it, and you may not - I think, though, when I'm explaining it to you, do you kind of get where I'm coming from, at all?

Yes, I'm beginning to, but it was not my intention.

Yes, I understand.

I2: Because I think the simple fact is, had you separated your own personal situation and position with the concerns of your constituents, which you're quite right to embark upon and represent them, you have combined your personal concerns and issues with your constituents' issues, and I don't think that's professional or ethical, and that's what's in question.

That's in question here. When you say intention, it would have been quite easy for you to treat that separately, but to still draw on what you experienced to inform your work - this is your work, right? - this is your work, and you, being the person who was denied a spot that you think was wrongly denied to you, that is something else. Your experience will feed into what your work is, but that's a separate thing all together. What it does is it sort of, in complaining, it's a misuse of your power as an MLA.

Okay, but in my head, I would be serving on the board as an MLA.

Yes, of course, but you, Patrick, Doctor Patrick Brown, who applied for it, you happen to be an MLA, and you wanted to serve as a political member. It seems to me that there are some political members on boards such as this, right? I mean, political members go on boards, right?

Yes.

But that is you, not the Alliance Party. I mean, you weren't representing the Alliance Party in applying for that job. You happened to be an Alliance...

The reason that I was rejected, or at least the letter from the chair recommending my rejection, was because I was an MLA member of the Alliance Party. So if they're perceiving it in that way, why is it not acceptable for me to perceive it in that way as well?

No, it's not that it's not acceptable for you to perceive that once you would get a position on the board that it would be known that you were an Alliance member MLA on that board. That's not the problem. The problem is when you're arguing the fact that you weren't - when it's an appointment issue and you're arguing that they did something wrong in their recruitment, or lack of appointing you, and you're using letterheaded paper conflating your

constituents and yourself, and to me, it's a problem, because it looks like you're asserting power. Even some of the language you use, I actually get why - I mean, I can understand. I mean, there's questions here relating to, 'Oh, okay, well, failing to declare...' I mean, they have issues with - I'm hesitant to bring this up, because my job here is to find out your conduct issue on this, but the number 4.1.5 is about failing to declare a relevant interest which could be reasonably said to have influenced your approach, and I believe what they're saying there is about your interaction with a person on the board who we've just received - and I can give you a copy of it. I've just received it on Friday night, but I was away all weekend, and I got it this morning, or last night. It's about something that has happened on the board last week, I believe, which was disclosure about you receiving confidential information from one of the board members.

So there is something there, and you must know somebody on the board who you've received information from- because a lot of your communication here, in some of it I can see that you've received such information- you don't want to say that you've received confidential information, because you don't want to get that person in trouble.

Well, that's the thing. I mean, I'm happy to share that.

Here?

Yes.

I have no interest in the board member, per se, because that's not my purview. I don't care, in essence, what the conduct of that person is, but I would expect you as an MLA to know that that's confidential information that you've received and that you shouldn't have received. That's all I'm thinking.

I2: How you use that information is another delicate balancing act for you as an MLA.

It is. Yes.

I2: Without breaching any rules and regulations, because, clearly, you were in receipt of confidential information that relates to internal matters of the college, that you wouldn't otherwise be privy to, and that's a balancing act as to how you use that, and do you use it wisely, or do you abuse your authority.

Absolutely, and I think that's - this wasn't just me firing off an angry missive when I sent this letter in January '23. Over a year had passed, in which I tried to raise concerns as amicably as possible, and I think at every opportunity, as well, I have said things like, 'Look, I'm doing this in the interests of the school. I'm not holding the principal personally responsible. This is a corporate issue. I'm not trying to get at any one individual.' I think that was pretty clear throughout things that I've said in the process. For a year these issues have continued and have not been addressed. So it didn't just come out of nowhere, but in terms of how I used that confidential information, this particular complainant, member of the board, had been to NICIE, to DE, to the Commissioner of Public Appointments, to solicitors. Solicitors, actually, advised her to come to me, to a political representative. Two different solicitors. One advised a political representative, and one said, 'One from the Alliance Party. Your local one is Patrick Brown.' So she can speak to that and is willing to give testimony if necessary. So it wasn't like it was just, 'Oh, I'll go straight to the MLA and he'll [?deal with it all 0:27:19.5].'

Also, I think, whilst I would never do it, I could have gone to the press with this. I could have gone on social media, giving off about the school, and I didn't. I tried to go through the formal process at every opportunity. Yes, my language may be fairly robust, but that's because of the severity of the concerns that are being brought to me, and I think it was important that I weighed in and - yes, manipulation of power, whatever, but when you have power you try and use it constructively, and that's what I was trying to do in this process, to give voice to people who have been bullied and threatened and feel voiceless.

I2: At any stage, did you give consideration to seeking independent legal advice from your own personal position, or from the party's position?

From the party's position, no. I don't see how the party would be a factor in this, but I did speak to a legal advisor, someone who works for the Law Centre, who previously practised in employment law, and he gave me some advice to say, 'If you want to challenge this, you're looking at a few thousand pounds just to get it heard', and I didn't feel that that was viable.

I2: So can I just clarify, then, is the party, per se, aware of this ongoing problem?

Some people in the party would be aware of it, yes, and I did discuss it with [REDACTED], who's an Alliance councillor and also works for NICIE, to get advice from her on it. The advice that we've mostly gotten back is it's a matter for the board, which is - you know, there is a wider issue here around board governance, in that there is no one governing the governors, and if the department isn't going to do anything, if NICIE isn't going to do anything, if solicitors can't act, I mean, where does the buck stop here?

Well, I actually think you're right to challenge who governs the governors. I'm not suggesting you aren't, for not one second. In fact, we need people who want to do that. I just don't - I'm questioning the way you've gone about this. I'm thinking to myself there were better ways to do this, Patrick.

Maybe I shouldn't have got so personally involved in putting my name forward. Okay? Look, if I could go back...

Oh, no, not putting your name forward. I don't think it's a problem putting your name forward. Personally involved, putting it on paper, and two - complaining with two - it creates...

Yes, I think if I had sent a separate non-letterheaded email, they would still have complained that I was doing it as an MLA.

I2: No, but I think where the difficulty arises, Patrick, is that, had you simply acted on behalf of your constituents and their concerns in isolation, nothing wrong with that at all. The fact that you have also included in the correspondence, and you have referred to it, your experience, at the application process and your non-appointment, that has conflated both issues, which should have remained separate.

Especially, because of the fact that you were using your MLA headed paper, which immediately is going to put people under an idea that there's undue pressure of power. Do you understand that? There's an abuse-of-power idea there, if you can understand that?

I get that there's an idea there. I also think that my position and power is relevant in this, because they were not...

It's relevant to the part of the constituency business, yes. It's not relevant to your non-appointment.

Okay, but I was using it within the complaint to paint a wider picture.

I know. Okay, there's a bit of grey. I get you. I get your grey...

If I had asked...

...but do you get mine?

Yes, I get where you're coming from, but I would say, if I was asking them to overturn their recommendation to the department and not appoint me, that would be a clear breach, but I was using it as, essentially, a case study to demonstrate the wider governance issues, and how board appointments have been treated. I think it is an important of evidence.

I2: It's an important piece of evidence for you, personally, because you weren't appointed. That's number one. Your constituents' complaints are legitimate, or may be legitimate, which you're entitled to pursue on their behalf, but I'm not clear as to your rationale for mixing whole overall circumstances that it has assisted the cause, and that's why I think the college have become concerned that you have, rightly or wrongly, used headed paper to inflate and elevate your concerns and status, to give them more power in the communication network.

I think the college have sought any opportunity that they can to try and exploit this situation to get a counter-complaint against me, because that is the type of people that we're dealing with here. There are people who send police to other governors' homes, people who make threats to expel or kick them out, or - I've got numerous...

I would like to have that as evidence, because I'd like to see what you're basing every - I do want to see that. I don't think it's - it's not going to go anywhere, but I'm curious at this. I'm very curious.

Yes, I mean, we obviously had a meeting with them, and I'm sure they were very presentable and professional, but I've seen is a different story, okay, and I felt that I was, in this scenario, the only one who was willing to do anything about it, and put their head above the parapet, and I'm in the process of being shot for it.

Well, it's a...

I mean, maybe I should have put two separate complaints, you know, but I still think they would have done this anyway.

I2: I think hindsight is a wonderful thing, but I think that had you separated your own personal experience from your constituents' concerns and their issues, then there's not really a problem.

Okay.

I2: The problem is you have combined them both together.

Yes.

I2: And you've...

I see it as a problem.

I2: Yes.

I see it as a problem, and I'll tell you why I see it as a problem because it's nothing to do with whether they presented themselves well or not on paper. I wanted to know that because I don't want you to think that I'm swayed by any other thing than watching and looking at this evidence, and I'm worried about that because I don't like when there's some sort of level, whatever that level is and whether it's intentional or non-intentional, it's the fact of what that says - and I'm going to keep going with this, and you're going to listen to me because I'm in the way, and that's fine if it's your constituent, you're in a fight for your constituents, but not when you start because half of your complaint is about your DE appointment. You acknowledge that the DE is the one that actually makes the decision - so, that's just where I'm talking about, give you an example.

Yes.

In your complaint to them, the stage - this is the one, okay - I don't have a date because there was no date on it, but I believe it's the 27th of March letter; you went and got a Subject Access Request. You talk about Subject Access Request for your appointments. That's very personal to you. Now, I don't think you provide it, but what you're saying is that Subject Access Request...

It would have identified someone, which is why I don't provide it.

Yes, that's fine, but what I'm saying is you went ahead and did that, right, so that's in your letter. During your application, you don't want any misleading information. I'd raised concerns about the governance of the school, a peer statement of the board that I didn't assist the board with an ongoing PS. This isn't just using it as a case study. That's definitely two different things altogether, and one which shouldn't have your headed paper on.

Okay.

And it's because of the power that heading gives you.

Okay.

Okay, but what you're saying could be right. Maybe they would have taken a complaint against you either way. It was just for your constituents. I'm doing a job that you and the rest of your NI elected colleagues employ me to do. I'm looking at this fair and square saying, 'I can see why they have put a complaint in, Patrick.'

Yes.

And it might not be intentional, but it's a mix-up of what you've... Now, yes, I've also [unclear words 0:36:11.1], a version of this. You mention other board members. Cultural balance that can make it be talked about without putting your stuff in, but you've raised your complaint with the Equality Commission. This is definitely two separate issues going on in one letter, in my view.

Okay.

In my view.

I2: You're opening your personal problems to your constituents because you've shared with them your bad experience, and they obviously want to share with you their concerns and their bad experience, and they shouldn't go in the same mixing pot.

Okay, but it's not just my bad experience. It's an experience that I had as a result of pursuing a case. This all came from me opening a case file on this issue, and everything that has happened through that has been part of that case file.

I2: Yes, and you have gone through due process. You have complained to the relevant authorities and the result of those you have. We can't become involved in that. That's not our role. We can't solve your problem with the college; that's the bottom line. That's for another jurisdiction or legal process.

You're going to...

I2: We can.

...NIPSO, correct?

Yes, and they can't do anything.

I2: No.

And I think important to note that NIPSO don't see me as being personally aggrieved, that it was a wider concern. They said that they won't look into it.

Yes.

I2: That's a matter for them.

I don't know what their remit is exactly on this sort of thing. I don't know all their details, but what I'm saying is, in terms of this office, I know my remit, and that is to make sure

that our MLAs are above reproach and are out there promoting the highest ethics and to tell you the truth. If you think there is a lack of governance and you're trying to promote better governance, well, that's wonderful if that's what you're trying to do, but in some points, three out of seven possibly, not one, it's personal. It is the personal interest. It's not the governance. It's a governance issue that you spotted in your own personal life with your application, and it's a governance issue that you've discovered in general to the school.

Yes, but the point that I'm just not clear on is why, when I'm applying to be on a board as an MLA, why is that in my personal life? That's not in my personal life. That's something I'm doing through my job.

You didn't apply as an MLA. You are an MLA who is applying.

I'm applying because I'm an MLA.

Well, maybe because, but not every MLA applies.

No.

You want to apply to be a Board of Governors, and you think you can effect change because you are an MLA.

Because it's part of my job.

But being a on a Board of Governors is not part of your job. You want to be on a Board of Governors.

Probably more.

Well, you wanted.

Yes, but I was not applying to do it for any benefit for Patrick Brown. I was doing it because I wanted to address the governance concerns that have been brought to me by constituents.

Yes.

And I had a case file on.

I2: And you wanted to have an enhanced insight as to how the governance system works because you don't believe it's working correctly.

Yes.

Yes.

Which is...

I2: And there's nothing wrong with that.

Yes.

I2: But you should have isolated your own personal concerns separate to your constituents' concerns. You have mixed it all in the same melting pot, which is not correct.

And my thinking was that those concerns are reflective of the wider governance issues that I was working on the whole way through.

Well, perhaps that's only the given thing here, and I'm not saying it's not, but I think it's very important for you to understand that this looks as if you were trying to exert undue pressure on Shimna, and my concern is that they have enough on their plate already, as you say, if what you've been saying is correct. They have a governance review going on, and I wondered whether that was not enough for you to accept that they had a governance review going on, that that would make you realise that they understood there were issues that they were trying to address. I don't know.

Well, not really, because it's only shared with a select few governors, and it doesn't have a finish date.

I2: But I think also...

...You said it was time-limited, didn't you?

Yes, time-limited and having a finish date, as I know from eight years in council is very different, but, also, other governors are unclear as to how it's being conducted, what terms of reference are, when it's going to complete. I think that's a problem in itself, that it essentially could be a case of just marking their own homework.

I2: But do you not see also, Patrick, that how you've gone about this, intentionally or otherwise, has created problems for other people, that they have now themselves potentially breached confidential rules and regulations, has affected them in their roles which they shared information with you about, and you are now using that to leverage your position?

I'm not sure I follow. Could you break that down for me?

I2: Yes. In simple terms, you are in receipt of confidential information from another individual who had access to Board of Governor confidentiality minutes and conversations. Do you accept that?

Yes.

I2: We can't become involved in that because that's not a matter for the Commissioner, but what we can become involved in is the fact that you have utilised that information as potential leverage - and I say potential - to let them know that you're in possession of information that damages their reputation.

Right, so this would be how my application was treated.

I2: No, put your application to one side.

Okay.

I2: Forget about your application for a moment.

Yes.

I2: I'm simply saying, currently, as we sit here, you are in receipt of information to do with a board meeting that took place in the last few weeks.

Okay.

I2: And that individual shared that information with you. That individual was asked why they did that because they notified you about it, and that's in writing.

Okay.

You know the one I'm talking about? Let me find it because I think it's important that you understand what we're talking about.

Yes.

I printed this out. Do you have it there?

I2: Yes, I have, yes. I don't know if you're encouraging other people in positions of their authority to breach their confidentiality code, but certainly, that individual has shared information with you, and she says that she had shared that with you, so you're not disputing that, are you?

No. I mean, if it's the same person we're thinking of, then yes.

I2: There is only the one person that we're talking about at the moment.

Yes, they have shared confidential information with me.

I2: Yes.

Largely because there is no whistleblower policy governing governors, and she was advised that the only route that she could go down was speaking to a political representative.

I2: Oh, sorry.

I thought I printed it out.

I mean, I'm not sure what the question is here that the constituent has erred in some way.

I2: No, the constituent may be seen as to having erred because they broke their confidentiality agreement with the Board of Governors by sharing confidential information with you, which you may then go on to use for your end.

Well, I want to find...

I2: That's...

Do you have it there? Let's see. So, this is from the panel Chair.

Okay.

So, it's basically [REDACTED], then saying, 'I'm not helping you with this.'

Sorry, who said this?

Have you looked at the minutes?

Yes.

Okay, so, basically, they're asking questions here: how many times did Dr Brown communicate with you?

Yes, okay.

So, they want to know, and the reason they want to know is because, when you are on a board, and I know because I've been on the Health & Social Care Board for almost, oh, 11 years because they sent me [unclear words 0:44:46.2], but there are people sacked from a board because they breached confidentiality. That's a big deal.

And [REDACTED] is very cognisant of that fact.

How does it affect her?

That she is risking her role on the board in coming to me.

Okay.

Yes, and she was prepared to do that because of the scale of concerns and because she hadn't got joy anywhere else in what she expected would be the formal mechanisms to raise these concerns, i.e., NICIE department, etc., and it wasn't, and she didn't come to me until she was advised to go to a political representative by a solicitor because it seemed like it was the only door opened to her, because there is no whistleblowing policy covering Boards of Governors in Northern Ireland, which is another aspect of the governance gap.

Yes.

Now, she is the only governor that has shared with me, so the only person that could be said, and a lot of those are former governors, former teachers or current parents.

I2: But the gaps in the governance process in any jurisdiction is a matter of public concern, and you're within your right to raise that. How you do that is up to you, but you can't do it

in an authoritative way on your experience and knowledge because you weren't appointed as a Board of Governors.

Correct.

I2: But when you know definitively, and you've accepted this in writing, that the Department of Education has the final say. So, you may want to change how the system works, and you're entitled to do that, but the mechanism that you have adopted, I think, is flawed on your behalf.

Okay, and I would respond by saying that I think personal experience is important when MLAs are making decisions, and that was part of this, and whilst I wouldn't get up in the chamber and necessarily talk about this for obvious reasons, there is any number of examples where, if I was talking about legislation, I would bring in personal experience, and I don't see why this is a million miles away from that.

It's a million miles away because you are complaining. You are somebody who's investigating. You are using both, and you are putting pressure on that organisation, which, by the way, I must say, there is enough pressure on schools, to begin with, in terms of - and you're within your rights, don't get me wrong, I can't stop it, it's a persistent wanting to know. Your goal here is for them to answer questions, which, when they came back from your 27th March with the final. I want to bring this up because this is important, and this kind of made me wonder, but when they came back on the 5th of May, they told you that there was nothing to answer. Basically, they said - let me get this right - the response is here that basically, they were satisfied all complaints and concerns were raised at full meetings. They didn't find anything to answer.

I mean, basically, they took all of your queries, and now you don't agree with that clearly because when they lodged a complaint against you, and I sent you that, they sent me the very next day your email that came after I sent you their complaint, which was saying, 'My apologies for the delay in responding to your letter dated the 5th May. However, due to the local government..., I was busier than usual. I regret to say that I'm not satisfied. It's not been adequately addressed. I'm giving you formal notice that I intend to escalate my complaint to NIPSO, which is my right. I would also point out that it would have been good practice to outline this at the end of your letter,' governance, again, no problem with that, 'But you briefly, in several points, outline why you feel the school has abjectly failed to address my concerns with reference to each point in my complaint.' You sign it as an MLA, and, again, there is a mixture of stuff in here, a mixture of stuff. Now, I have to question motivation. If you were in my shoes, you only did this after I sent you the complaint.

I was already intending to write and felt I had to close it out with NIPSO. I mean, I wasn't going to stop the process, and also was concerned that this process would interfere with that process.

So, you were always intending on sending that.

Yes.

But that just prompted you to do so.

Yes. I mean, I wasn't expecting the complaint coming in; put it that way, but you know.

Yes, that is what prompted you to do that, though.

Yes.

So, that was the bit. Then I think, I mean, yes, I can't get into the governance issue. I am not NIPSO, and NIPSO isn't even looking at it. Whoever does look at it, like you said, there is nobody who's going to look at it according to you.

No.

But I'm definitely, the Commissioner of Standards looks. I'll mention you, Patrick Brown, anyway.

Yes, MLAs should be scrutinised in that way.

Yes, held to account.

I just don't get why boards aren't.

You don't get what?

Why Boards of Governors aren't.

Yes.

And that's...

So, what this shows you is that...

But we are responsible for making legislation, running the schools, funding the schools, making decisions that impact schools, so why should it not fall to an MLA?

It's not that it doesn't.

It's higher...

It's personal time with that.

Okay.

Honestly, there's time about it. I've said for the record already, I think it's all about governance is a great thing to fight for and to make sure it's in the frontline, and schools are extremely important, so I have no problem with that necessarily. As an MLA, I'm not here to talk about whether you should fight for governance because that's not even a question. It's how you went about it on the letterhead, and it was the perception of the power issue. We've talked about it. I guess they were the main things I had. Now, whether or not there's a question on 15, I'm not so sure. How would you answer their assertion about

whether or not you were unreasonable and excessive? Rule 15 is about unreasonable and excessive personal attack.

Yes.

It says, 'Dr Brown has challenged the integrity of the Chair of the Board of Governors on numerous occasions without justification or substantiation. Similarly, has made significant allegations about the professional conduct of the principal, including defamatory and potential libellous claims that teachers with years of loyalty to the school have been undermined, bullied into resignation, resigned in principle or gone off on stress-induced sick leave.' Would you answer that because I need to understand your view on that?

Yes, I mean, first of all, that comment was not directed at Steve, so I'm not sure why it's being linked with the principal in this paragraph, except that they've sort of assumed that, oh, if it's related to teachers it must relate to the principal, but that's not necessarily the case.

Who would bully them?

Other teachers, governors, the principal, any of them could be liable, which is why my complaint is primarily of the school corporately, and the board corporately. I made that abundantly clear throughout my correspondence with the board that it's directed.

Yes, you said it a couple of times.

And even in my back and forth with Steve said, 'Look, I fully expect this to go to stage two to the board because I don't think you are the one to deal with these concerns,' and I've said also this is not directed at the principal, and I'm doing this because I want the best for the school. In terms of the specifics within that, I mean I have basically ten people who have spoken to me over the course of the last year-and-a-bit, year-and-a-half now, some of which are willing to give testimony either named or confidential, some of which are still employed in the school, and for obvious reasons are not. I've summarised their concerns here. I'm happy to run through those with you. I also have a WhatsApp conversation that was leaked by a parent and came into my remit that has numerous examples of both the Chair [REDACTED], degrading parents/teachers, plotting to put their preferred people into positions on the board. I can read through some examples if you like.

I actually wouldn't for the transcript purposes because I do not think we are not investigating those, but what I would like to see it for is to understand what you are trying to say to me in respect of basically that no one in it would have an allegation that you were, in any way, fabricating this.

Yes, of course, yes.

That's all...

Of course.

I'm not trying to say you would fabricate it, but I base everything on evidence.

Yes, absolutely.

So, if you don't mind leaving that with me, it will go no further, and I can return it to you, but I just want to be able to know.

No problem.

Then I know there were ten people and what they said.

Yes.

Not because it needs reported on.

No, I haven't gone into detail on people who are willing to speak to you because...

I don't need to speak to them.

But I have summarised those who are not willing to provide testimony, some of the quotes that they gave to me that wouldn't necessarily identify them either.

Okay.

Yes.

I mean, is your view that...

I think this school is failing.

Is failing?

I think the school is failing. I think we're seeing what happened with De La Salle. I've been through the CCMS and DE report. I've read the red flags. I've referenced them in here somewhere.

I saw that, and I saw the De La Salle. I followed that when it happened.

Yes, and I can see similar issues emerging in a new board that's been set up in Downpatrick. Obviously, [URN 0:54:37.0] has just replaced most of its board, and there are some of the same people involved, not necessarily in a negative way, but I think, within integrated schools in particular - obviously, the Excelsi CMS - but I think within integrated schools there is no one watching the watchers. My first port of call here was NICIE who I assumed, as a separate support organisation, was meant to step in and sort these problems out. Apparently, they give governance training to the board, but the same governance issues in terms of people staying on the board for too long are still there and haven't been addressed. That can be evidenced by the current membership of the board.

And seeing the woman who's feeding you information, how long has she been on?

I'm not aware exactly.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Yes, absolutely.

I2: So, can I just clarify again, Patrick, that you're acting in your capacity as an MLA for your constituents, with or without the authority of the party or consent?

I don't run casework by the party on a regular basis unless I feel it conflicts with party policy or I'm unaware of party policy.

I2: Okay.

And obviously, the interest of an integrated school would very much fall within party policy.

I2: You said something earlier about you would, or you wouldn't raise this in the chamber if it was sitting.

I'm saying if I was speaking to any piece of legislation in the chamber, I would feel that it was okay to bring in personal experience where relevant to flesh out that issue.

I don't disagree with that.

Yes.

But I do disagree with putting it in writing to the people you want to complain to in a powerful way. I know we're in an interview here, and I know it's not the most pleasant

experience; I get it, but we need to understand each other because it's important that you understand I'm working for you as well.

Yes.

And I'm trying to say to you that it's clear to me that there was something wrong here about the way you went about it. I don't know that, from what you're saying, you understood that. Intentionally, I'm not sure that it was intentional, and if you didn't see it, you should now learn to see it because that's a problem, Patrick. You're new, right?

Yes.

How long have you been an MLA?

A year-and-a-half. No, a year and a month.

Yes, right, and you really haven't...

And I haven't been able to be a proper MLA.

I know.

So, yes.

It's very annoying, I know, and it's very annoying for the Commissioner as well because this is a dead building, really. It will be great to have everybody buzzing around.

I2: Yes, I mean, in fairness to you, Patrick, I think that probably, if you thought outside the box, there may have been another solution to your problem via a different methodology. I think you've...

I think my first port of call would have been to go to speak to an education minister actually, which wasn't an option available to me.

Which could have...

...Been the different outcome.

...into this.

Yes, and it should have, and I should have been able to do that.

I2: But you could have elevated your concerns to other agencies and directorates.

Like the Department of Education or NICIE?

I2: Well, no, you've already been there, and they haven't been very supportive or helpful. I'm talking about the wider public.

I don't think that would have been appropriate.

I2: Well, no, but that's the choice that you have to make. I'm not saying that that's what you should have done.

Yes, and I feel that the fact that I considered that as an option and ruled it out because I think it would have been damaging to the school, to trust in institutions and schools overall, very much would have potentially defamed people. At that point, I probably wouldn't have revealed evidence. I think that would have been an inappropriate course of action, and I think that, you know, at least take on board the fact that I did weigh up various options...

Yes.

...to arrive at where I came to, as I thought the best solution for a fairly tricky and sensitive case. Sometimes I'm a glutton for punishment when it comes to taking on cases. I tend to take on the ones where people say, 'I've been there today. I've been to the other parties, and they were no help. Can you help me?' I've been involved in disputes like this before, where I've had a café that worked with vulnerable adults shut down because of malpractice. I've raised similar concerns with other charities working in that area. I do have a habit of getting under - I've taken on numerous employers who have treated their constituents poorly. None of this I would ever go to the press about because that's not what you do, and this was a similar case.

And it's not what you do.

Yes.

A good statesman and a good MLA don't do that.

Yes, but I still do feel that how I...

But you had a choice. What I think John is saying is you didn't have the choice when you didn't do it.

Yes.

Yes.

I2: And you've just rationalised why you didn't do that.

Yes.

I2: So, we take that on board.

Of course, yes. I mean, look...

To ignore how my application was treated, I think, would be to ignore a vital part of this issue.

Yes.

I do take on board that I could have done two separate complaints and been explicit that I was complaining as Patrick Brown and separately as Patrick Brown MLA.

Because I don't know, if you had done that, I don't know there would have been a complaint in terms of the first part is, yes, personal versus private interest, or personal versus public interest, that's coming in because of that. In other words, you have never declared to them that you actually had somebody leaking information to you.

Well, no, I said the constituents had brought concerns to me.

I2: Yes.

But not that one was a Board of Governors.

No, because that would have risked identifying the person.

Yes.

But it was information that only governors would have, so, of course, they're going to surmise that.

Yes, so I'm now clear in my head, yes, about how ethical that is. If you knew that somebody - it's like a journalist taking information, I guess they can do it...

Well, yes, and I deal with confidential information on a daily basis, despite the fact that MLAs are given no training on that, by the way, which may be a wider issue.

Yes, I could instigate some training.

Yes, absolutely.

[Over speaking 1:01:14.1]

Absolutely, but I think that, in this case, this person and myself looked at all of the available options to us in terms of where we could do NICIE, complaints process, Department of Education, solicitors, and between us, I'd basically gone to every door and had it closed in our face, and there was no whistleblower policy and no protections for governors, which I think is a crucial point. She realised that either she shut up and didn't say anything and went along with some things she fundamentally disagreed with, or took the risk, and came to me on the advice of her solicitors, and that's the decision that she made. When I became aware of that information, I felt I had a duty to act in the interest of the school, and to seek corroboration of it as well. There are other people that I've spoken to at various points along this process that have corroborated these concerns, whilst obviously not being necessarily - well, no, some were in the room at different points, so I have spoken to at least one ex-governor who is willing to go on the record and talk about some these concerns earlier in the process because he resigned from the board. I would point to the turnover of governors as evidence as well.

They say that that's no different than it was. They give evidence in their reply to you, in their 5th May response to your complaint, that it's no real difference. I mean, are you suggesting that's not correct?

I mean, I would query how many governors wrote their reasons for leaving and criticised the school. Many governors turn over all the time for various reasons, can't commit to it, but I know of at least two that wanted their concerns noted in writing, one of which is off on long-term sick and is not willing to go on record at the minute, and one of which is.

Okay.

I2: So, Patrick, would it be fair to say that you have acted in good faith and with good intention but that, on reflection, you've conflated your personal role with your MLA constituency role, and perhaps that's not a wise thing to do?

I still believe that when I did it, I was doing it as an MLA, and that was my mindset, and my mindset at the time I haven't changed in hindsight. I genuinely believe that I was fulfilling casework on behalf of constituents from initially raising it with Steve and writing to the school to applying as a governor in June, and would also, again, highlight the fact that I was aware of applications pre-becoming an MLA, and did not apply until after I became an MLA because I thought that being an MLA would give me extra merit in that process in terms of what I could...

But not because you were an MLA. In other words, yes, as part of our application, the MLA, that you were, again, Patrick Brown MLA, blah, blah, blah, what you did before, councillor in your list.

Put it this way, if I hadn't of being elected to the Assembly, I probably wouldn't have applied.

Yes, but what I'm saying is, though, is you, or Patrick, you applied as Patrick. Yes, you happen to be an MLA.

Yes.

And the reason you wanted to be is because the Patrick, who is an MLA, will help your constituents, and you can change things from within and get you some labour on top of that.

Yes.

But that does not mean that your rejection of that post was in line with being an MLA, yes.

But it was because I was rejected because I was an MLA.

Well, I've heard people that have been rejected because they were from political parties, and I hear people who were from political parties saying what you're saying, and I understand why you think that's wrong, but I understand the perception that it raised. I see both sides of this, so it's not that I haven't heard this before, by the way, not in the terms of the complaint, but just colleagues I know.

Yes.

So, it's not unusual actually, especially if I've heard of it, and I'm not in the know necessarily, I just happen to know somebody who actually was not appointed to a role because of the perception of picking one party over another party in Northern Ireland, so I understand how you're saying, 'Yes, but it's because I was an Alliance member that I wasn't appointed.'

Yes, was an Alliance member or an Alliance MLA, though in the actual rejection because I can't quite recall.

I think it's a party. I think - let me see the exact wording, let's see. In fact, it's one little email. Let's see. Yes, it's an MLA, 'Because he is an MLA for the Alliance Party.'

Yes.

Yes.

And I think it's a material consideration that, not only did I perceive my application and everything around wanting to fulfil that role as being an MLA, so did the school and the board.

Yes, but they didn't put it out there and say, 'We encourage all MLAs to apply.' I mean that wasn't a consideration of the appointment. I mean, it was actually of detriment to you in the end. That's neither here nor there. You're still Patrick Brown applying for that role. You're not Patrick Brown MLA applying for that role.

In their view, I was because that's why they recommended that I be rejected.

Yes, because the perception of having one party over four or five parties here would be a problem for them in an integrated school, although you mentioned that Alliance stands for integrated education.

Yes, and we serve on numerous integrated boards across the MLA and councillor teams, so I would politically dispute that obviously, but...

Yes, and I mean, look.

And there's also a wider issue around that policy being set at a local school in my area, that MLAs are not allowed to serve on Boards of Governors at that school, and I think that's directly relating to my role, and I think I do reference this in communication somewhere, that is this now the policy of Shimna that MLAs are not allowed to serve on your board?

Well, and if it is, is that problematic?

It should be.

It should be.

I think.

It's not written anywhere, right, that it should be.

It's not, which is why I was asking, is this school policy now?

Yes.

I think that is certainly a concern. I mean, if school wants to say no MLAs thank you very much, then, okay, fair enough, I would probably challenge that point, but I believe that my application was looked upon less favourably primarily because I raised governance concerns in the past. I think my application was rejected because I'd raised those previous concerns as a councillor, and I think I have been told that when it was discussed that was raised that this person shouldn't be on the board because they have raised these concerns before. Also, that apparently, I failed to comply with a police investigation, which is just made up on the spot.

And you were told that by who?

■■■■■, yes.

Okay.

So, according to ■■■■■, who is happy to swear on this, they didn't feel I should be on because I was an MLA, Alliance Party, etc., that I had been convicted for drink driving in 2017, which shouldn't have been a material consideration I don't feel, that I failed to cooperate with the police investigation ■■■■■.

I saw the letter from the PSNI saying that that didn't happen.

Yes, absolutely, so political past discretions, and I think that was everything, the reason they'd given. Oh, and that I had complained about the school previously in terms of governance.

And I do think, what you have done, is if you would have just done them separately, that would have avoided being here in front of me, but that's okay. Look, we make mistakes in life, but I do think it was a mistake, but I'm telling you that because I mean, I'm working to make sure that we have high standards, not because I'm trying to condemn you because I think you're doing some good work here. I don't think this is about the work you're doing.

Yes.

It's, as John said, the way you went about it, and I'm not entirely sure you meant to go about it that way. I'm not entirely sure that you meant to put pressure just by the power of it all.

Yes, I think the intention has to count for something. Yes, look, I mean...

It does count.

I was. I am angry about this.

I know.

So, there will be emotion coming through in the complaint.

Yes, and I get it.

Yes, I mean, look at some of this stuff! It is pretty shocking!

Yes, and if you wouldn't mind leaving that with me.

Yes.

John, do you have any further questions?

I2: No. I mean, I'm grateful for your engagement and your openness, I think.

I am too.

I2: Because it's not a simple set of circumstances, and I think you've shown you're passionate in what your concerns are. I think it's just the reality that you've gone about it, perhaps in a confused way, because you didn't separate your own personal interest to that of your constituents, and that's where the problem has arisen.

Okay.

Yes.

I2: So...

And I think your passion for it, and all of that, and your personal interest in it and all of that, kind of, we all get, it can happen.

Yes, I'd like clarity as well around interest, so obviously, I've checked through the code and schedule one, and so on, so this would be classified as an unremunerated interest.

Yes, okay, so I...

To what extent, if I was speaking on an education debate, would I declare that I had been rejected from a board previously, for example? I'm just genuinely seeking clarity on this.

I would ask Shane on that because he would be the expert, and I would hate to give you the wrong information on it.

Yes.

I don't even know if it's an interest.

Well, I mean, I would probably argue that it isn't.

That's what I mean, and I don't want to argue wrong on that, so Shane McAteer would be 100 per cent able to provide you with that.

Yes.

If there's a debate coming up any time soon, you can actually understand where you are on this. Is that what you're referring to, like something about...?

Yes, I mean, obviously, I've read through the code, which is what we're held to account for, and the complaints reference aspects of the code relating to interests, schedule one specifically, there is a bullet on unremunerated interests.

You would have to if you were appointed, yes.

Yes, absolutely.

But any time you're not appointed, I don't think you have to declare that you weren't appointed. I mean, that I'm pretty sure of.

But I'm just seeking clarity on the remit of this investigation in terms of what rules I've allegedly broken.

Oh, on rule one.

Yes.

On rule one, this is more of an ethical consideration. Listen, it's arguably because I've had a discussion many times what is personal versus private interest and when you have the two. The Code of Conduct said, 'You shall base your conduct on a consideration of the public interest, avoid conflict between personal and public interests and resolve any between the two at once in favour of the public interest.' Now, some people think that's all about money.

Yes. No, and there is unremunerated interest, which I totally understand with being on a board. Being on a board would be one of those.

Yes.

My contention would be that being rejected from a board is not a declarable interest. Obviously, Shane would clarify that.

This is not about declarable or non-declarable. I think it's about do I have a personal interest in this.

In any particular.

Yes.

No, I get that, and yes, I mean.

And, so, I would struggle right now to give you a direct answer on that in terms of my view on this case, in terms of this. You did have a personal interest. Did you put the public first? I think you mixed the two interests together, but was that to the detriment or the advantage of someone or other? I haven't thought it through. After speaking to you, I am going to think it through because now I understand where you're coming from.

I mean, I think what would have been in my personal interest would have been to run a mile from this case when it first came across my desk, to be honest, but then no one would have taken it on.

Yes, but I mean in the fact that you bring your personal bits into this, yes, there was a conflict of these two, and whether anybody was - was the school in detriment?

Also, something I should have mentioned earlier as well, yes, that was a concrete piece of evidence in terms of how I was treated. Okay, I didn't have, or I was not willing to share concrete evidence because I either hadn't sat in the room for governors' meetings or people had come to me and spoken to me off-the-record on confidentiality. When pulling together my complaint in order to fully convey the level of concern and seriousness, that was one of the only pieces of tangible evidence that I knew was at play.

Yes, was yours.

Yes.

Because you could talk about it freely.

Yes.

Right, and with conviction because you did it, right? Actually, I'm glad you said that because I think that has clouded your understanding of the two separate issues because it's what you had to go on is what you're saying to me. Is that correct?

Absolutely, it was something that I could put in there to evidence.

Without breaching confidentiality, all that.

To evidence the wider governance concerns, so I think that's...

It's all going to be taken into consideration, yes.

I2: You've mixed your own personal experience of that exercise, and you're now mixing it with the experience of the constituents who are also complaining, and that's where the problem has presented itself.

And my...

But, because he had more information based on his own complaint, it was easier to use than the confidential information. Is that what you're saying to me right now?

Not easier because I still referenced the confidential information, obviously, but that it added substance to the complaint, but also better illuminated the wider governance issues, but I would also say that, yes, this investigation may well find that I was acting in personal interest, but my mindset entirely throughout the process was I'm acting in the public interest through my job as an MLA, this is part of my role. I mean, I think there is a valid question over what an MLA's role is in these things. I mean, to what extent should we get involved in boards of community groups as MLAs, or is that a personal interest? Then, when it all goes wrong, how does that blow up? Is that blowing up on us personally or as MLAs? I get that the code covers you 24/7; that's fine. I just worry that...

It doesn't really.

No?

I think you have it wrong. Should I complain that it's not 24/7?

Well, the councillor one does that, so maybe I should...

Yes, it does, and it should. It should, but the MLA one should too.

Yes.

It's really capacity, so if you're acting in your capacity as an MLA.

Yes, I guess what I'm saying, I will need to reflect on where do I draw the line in getting involved with sticky cases like this; the main pull for me personally, yes?

It's when you started applying for things that should be personal. Okay, keep that in mind. Whatever you apply for, it doesn't matter that you're an MLA and that you're applying because you are an MLA, and it's going to be even better that you can actually use your influence as an MLA, it's perfect that you want to do those things, but that's still your private path. You're a private person applying for that.

Yes, and I did not do it that way.

I know.

And I didn't fully realise there.

I get you.

Yes.

But that is the issue here. I mean, I think you're right. There probably needs to be a bit of training on this.

Yes.

And for MLAs, and I mean, it's a pity that we're all off, that people aren't in because it might have worked.

Well, we have time for it, at least.

We have time for it, yes, yes, but anyway, I will be in touch. I don't see, I would be quite honest with you, at this moment in time, I don't see any needing to really - yes, look, I don't want to say for sure, but right now my head is saying I don't know if I need to really interview any more than I've interviewed you. I understand where you're coming from. I have all the evidence. I don't know that I need any more information, but I'm going to sleep on it.

Okay.

But either way, whatever happens, I will be in touch with you. Either way my decision, which is not, by the way, a binding decision, it's the Standards Committee that makes the decision.

Yes, that's another, I mean, unfortunate aspect of this, that...

It's very unfortunate.

How does that play out then, because obviously I saw [REDACTED] had something in the paper recently.

I know. Yes, we have problems there because people are really getting upset about it not going anywhere, but I have to tell you, that is out of my...

I appreciate that.

It will fit in with all the others that are sitting, and the Committee will have to work through them. They adjudicate, so they decide whether they agree with my decision or not, and if they do or don't, so no matter what I will do at this point, nothing can happen because there's no Committee and because I'm not the adjudicator.

And what sort of recommendations do you make at that stage?

So, I can make the decision that either there's a breach, there's no breach, or that we've agreed remedial action, if that's applicable, which is like, say if you didn't register an interest, and then you'd fix the register, that's a minor, so it's probably more likely that there will be a report, and the report will either recommend that I believe you breached or didn't breach, is it a minor breach? Is it not a minor breach? Then that goes to the Committee.

Okay.

You will see my findings of fact, which will be a list of the facts. It probably won't give you - it won't - it won't give you the report. It will just give you what I found as fact. You will have to see the report once the Committee sends you the report. There is no committee, and

I can't change the legislation, unfortunately, and I can't work around it. I'd be breaking the law.

Just, I mean, an element of this is, you know, the complainants will go and say I'm under investigation for however long these trundles on for, and that will be used to discredit me, and it will no doubt come under the remit, you know, come by the way of political rivals. It will be leaked to the press, so this is pretty unfortunate for me as well.

Well, I mean, listen, I'm telling you now that I'm pretty strict on confidentiality.

Yes.

The two complainants know that this is confidential, and I'm saying the same to you, if I see it in the paper, I have time on my hands to figure this out.

Yes.

I usually don't chase around leaks, but I will be very concerned, especially when it's dealing with the school and you. If this is leaked, there's a big problem. We've got a problem.

Yes, okay.

We've got a problem. Well, I mean, not that you can always find who leaked, but I will not sit down and not - sometimes you do have to say it's public money not well spent finding a leak, but on this occasion, considering it is highly - look, it's highly, potentially damaging for both parties here. It's not good. It's not a good look. I don't want it leaked. I want to make sure we have a good, solid report that is brought to the Committee, whatever it is it is, and your intention matters, by the way, intention matters big time.

Yes.

So, you're telling me you had no intention to sort of use your power to try to influence them in any way regarding your...

Like personal application, as it may have been perceived, yes.

Yes, that's what you're telling me.

My intention the full way throughout this was to raise constituents' concerns and have them addressed to the end of a positive outcome for the school, and that's really, you know, that's important because I was a past pupil, and the school matters to me.

Yes, and I think the school and their relationship with their MLA matters too, so keep that in mind.

Yes.

Because that's a future interest of yours being in there, so we'll get through that.

Yes.

Anyway, but look, do you have any other questions for me?

So, you can't put in a date when this will be resolved in any meaningful way, unfortunately.

I can't, no, because I don't make the decision. I give my recommendation.

Yes.

Is that okay?

Yes. No, let me see, so you wanted to see the evidence primarily.

Yes, primarily. I mean, this is just me being able to eyeball and saying, 'Yes, there were issues. It wasn't just that he was fabricating that there were issues.'

Yes, I mean, there's a timeline here as well, which may be useful.

Yes, do you mind if I have that? It's not going to make part of my evidence up into my report. It's not going into the report.

Okay. Yes, I mean, I have some sort of notes for today. I think we confirmed most of it anyway, so I will just, yes, get the whole thing.

Do you mind? I really appreciate it.

Yes, no problem.

Thank you so much. Look, it was really good to meet you. Sorry it's under these circumstances.

Yes. Well, we met briefly in the training at the start of it.

We did.

Yes.

I knew I knew your face. There we go. There were a lot of people there.

Yes.

It was nice to have a lot of people there.

I2: 3:20, Melissa.

Okay, thanks for your time, John.

I2: Thank you.

Thank you, Patrick. Thanks very much. Appreciate it.

Okay. Well, that's what...

The time is 3:20. I'm turning off the tape.

[END OF TRANSCRIPT]

Document 3: Interview Transcript Denise Medea

GMT20230809-135446_Recording
46 MINS
[Other comments:]

AUGUST 2023

SA/SB - DEPTH -

**Commissioner interview with Denise Medea
9 August 2023, 3pm via Zoom**

This interview is being tape-recorded. I'm Melissa McCullough, the Commissioner for Standards at the Northern Ireland Assembly. John Devitt is the second interviewer, who is here with me today. The date is the 9th August 2023 and the time is 2:55 pm. I'm interviewing Denise Medea, Chair of Board of Governors at Shimna Integrated College. Are you happy to be referred to as Miss Medea or do you prefer Denise?

Denise is fine, thank you.

I'm just going to share my screen... Could I ask you to read out the oath, please?

I do solemnly, sincerely and truly declare and affirm that the evidence I shall give shall be the truth the whole truth and nothing but the truth.

Thank you. The matters I'm investigating relate to your complaint against Dr Patrick Brown MLA, and the allegations outlined in your complaint and documentation to me. Really, what I'm going to do, Denise, is to go through, mainly - at this stage, I'm going to ask you for some detail related to the allegations against each rule; it just gives me clarification for the record. I don't need to go through all the detail, because I have that in all your documents. My questions are going to be quite directed, but if you can just answer them in relation to those rules.

Rule 1 states that you shall base your conduct on a consideration of the public interests, 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. You allege that Dr Brown conflated what he claims to be in the public interest, with what his own personal interest was. Can you please explain, for the record, in more detail, please?

As far as his relationship?

As far as why you believe that he breached that rule. You say he conflated his claims; if you can just say how he did that.

Thank you for clarifying. I believe that he is in direct contact with one of our governors, [REDACTED]

[REDACTED]. When he wrote to us, in the first instance, back in January 2021, he was in possession of confidential information, that he should not have been in possession of; our meeting minutes had not been ratified. When we questioned him as to where he got this information from,

he refused to answer. There's only one person he could have got it from, in my opinion, and that was [REDACTED]. He's got a personal relationship with [REDACTED], so he took whatever [REDACTED] said as the truth. In my opinion, he didn't do his due diligence. If he is claiming to represent his constituents, he went above and beyond, in my opinion, what an MLA would do in a situation like this.

Instead of coming directly to the principal and asking, 'Can we have a chat?' He went directly into writing letters, inciting confidential information that he should not have been in possession of. In my opinion, he has a personal relationship with this governor, [REDACTED]

[REDACTED] and instead of Patrick doing his due diligence and coming into the school, in the first instance to discuss things; he goes right to writing letters, saying he's going to expose the school; threatening us, intimidating us. In my opinion, it was all for the benefit of [REDACTED]

At any time, was it for the benefit of Patrick?

I don't know, to be honest. I think it benefitted him to intimidate, as an MLA; he was using his powers as an MLA to intimidate and... I don't know if he was trying to make a name for himself, but...

The information he gleaned, was that helping him personally - when he was sending you letters in relation to his application, etc. - when it was turned down? He seemed to have gotten the confidential information on that as well, in terms of his application as a governor.

I don't know if he was using it for his personal benefit. His claim that we declined him, based on the fact that he is a representative of one particular party, is true. Because we are an integrated school, it could be perceived that we were party to one political affiliation, and not open to everyone else. Again, this was a DE governor - we don't have the power to appoint DE governors.

When you say 'Rule 1', what personal interest...? It says 'conflated'; what was his own personal interest? You're saying his own personal interest was [REDACTED]?

Yes.

[Unclear words 0:06:49.0] [REDACTED]?

Yes. He was doing everything that [REDACTED] told him to do. I don't know what benefit he would have, personally. I'm just surmising, [REDACTED] told him to apply to become on the board of governors. [REDACTED] complained to him about all this information - confidential information. He never, in my opinion, did his due diligence with [REDACTED], to say, 'Do you have anything that could back this up?' He never provided us any documentation to back up what his reasoning for this was.

I should say, at this point, on that, he did provide, confidentially, a list of - I guess they're constituents - a mixture of ex and current governors, teachers and parents. There's ten - five named/ five unnamed. I know, in your complaint, you had mentioned that there was nothing - not that I'm relying on that, I'm just saying your suspicion could have been that, or might have been that, there was no foundation for this, because he never showed you any of the information. I know - I've had view of it - and he's very, very clear that that remain confidential - which, I respect that - but I wanted to let you know that I have seen

a list. Now, again, five are anonymous, so it's hard to know - and I'm not here to look into that, but under oath he has submitted that. So, there's that.

How is the complaints panel supposed to investigate his allegations, when he refused to provide any evidence of it? I'm assuming that one of the constituents is [REDACTED], [REDACTED]. These are the ones that [REDACTED]. You could say that they colluded because, in my opinion, all the complaints are of similar nature; they're written the same way. Knowing how [REDACTED] writes, in my opinion, [REDACTED] led the charge, but [REDACTED] always in the background - [REDACTED] will never be forthright, [REDACTED] will never be direct. [REDACTED] gets these other people who have not - especially, like, [REDACTED], Patrick, [REDACTED] - [REDACTED], so why, all of a sudden?

I understand where you're coming from. You're struggling to say what his own personal interest is, other than helping [REDACTED], is what you think?

Yes.

But there was a personal interest, in your view. Rule 5, I'm moving on to; it states that you shall declare whether in Assembly proceedings or in any approach to a minister or public representative, public body or public official, any relevant interests which might reasonably be thought by others to influence your approach to the matter under consideration. Now, you allege that Dr Brown failed to declare a relevant interest, which could reasonably be said to have influenced his approach. Can you just explain that further?

We feel that he should have told us that he had a close relationship with [REDACTED] - a board member. [REDACTED]. He should have declared that, to say, 'I'm writing on behalf of...' - whoever. 'Just for your awareness, I have a close relationship with [REDACTED].' That, to me, is a very basic thing that anyone should do; anyone who is in that type of position - even from a law enforcement perspective. If I was going into a situation, I would immediately declare, if I had any ties to anyone involved in that investigation. It's common practice, in my opinion. He should have declared that he has a very close relationship with [REDACTED].

You think that he should have declared that, at stage two, or at the very beginning of the complaints process - correct?

Yes, as soon as he sent his first letter, he should have said either that he is getting his information from [REDACTED] or, for awareness, he has a close working relationship with [REDACTED] but he failed to do that.

I2: Denise, can I just ask a question in relation to the application form process? Within that process, is there a question as to whether you know any of the board members, or not?

For his DE application?

I2: Yes.

On his DE application, at the end, it says, 'How did you hear about this?' He put down, 'The [REDACTED].'

I2: So, he's declared that interest at the outset?

No, that wasn't at onset. He wrote all these letters of complaint and then, somewhere, in there, he applies to be a DE governor - but that goes to the DE. That application goes to the DE; then it comes to us. I don't know where, in the pecking order...

I think it was January '22, maybe - roughly.

He didn't declare it, when he first started writing, which was January '21. It was only when he chose to apply to be a governor, did he declare it on his application that went to the DE. Then, the DE shared it with me, which I brought to the full Board.

Would that have been the first time that you knew that he had a relationship with [REDACTED]

I think we surmised, because there were people at the school that have been there for 20, 25 years, who just went, 'Come on!' I didn't know the relationship, but they were like, 'This is obviously coming directly from [REDACTED] to Patrick Brown.' [REDACTED]. I didn't know any of this, but it was very obvious to people in the school, who'd been there and who live in the community - but I don't...

John, do you have any further follow-up on that?

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I2: Can you just clarify that [REDACTED] was not on the interview panel for Mr Brown?

Pardon? Interview panel?

I2: What I'm trying to clarify, he didn't get to interview, he was just paper sifted; is that correct?

For the position of DE governor?

I2: Yes.

His application came to the board. We felt that he would not be a good fit, and we communicated that to the DE, but the education minister is the one who appoints the governors, not us.

I2: I understand that, Denise. I suppose what I'm trying to clarify is, in relation to the decision by the Board; am I correct, in my analysis, that the only dissenter was [REDACTED]

There was one other [REDACTED], who thought he would be a good candidate for the board, but everyone else felt that he wouldn't be. Again, we don't want to politicise the Board of Governors. If we were going to offer it to him, we would have to open it up to all of the MLAs in the area.

Can I confirm John was right in saying there were two people who agreed he would be, [REDACTED]; am I right with this?

Yes.

Just for the record, was the fact his political affiliation? That was the main reason, or were there other reasons?

Well, we had some discussions about it. This was the first time anyone with a political affiliation applied to be a governor, and we thought it would not be a good fit.

I'm onto Rule 14, which says you shall not use or attempt to use your position as a member to improperly confer advantage or preferential treatment for either yourself or any other person, or to avoid disadvantage or create disadvantage for someone else. You explain, in your complaint, that you believe Rule 15 was breached when Dr Brown wrote about his personal concerns on Assembly-headed notepaper, and he also did so on his council-headed paper in January '22. In terms of his use of Assembly-headed paper, was this used on every correspondence with the college?

Yes.

Can you tell me - just more in your own view - why you believe that this was entirely inappropriate - aside from you believing that Rule 14 is breached as well?

Again, I just think the way he approached it was not in the best interest of the College or the constituents. If you have a group of people that come and complain to you about the principal of a school, or the board of governors, why is your first step to immediately write a letter of complaint? Why didn't you do your due diligence, call the school and ask to come in and just have a cup of coffee with the principal and say, 'These are the issues that have been shared with me.'? Why did he go directly to writing on letterhead - and I truly believe he was using that to intimidate - you're writing on letterhead in the first instance; nobody knows who you are. Steve didn't know who he was; I didn't know who he was - we're the principal and the chair - and now, all of a sudden, you're writing a letter of complaint on letterhead. It just seems very out of the ordinary, that that is the first step you took, instead of, again, doing your due diligence.

Basically, the advantage to him in doing so, you say, was to intimidate?

Absolutely. I want to point out - I don't know if I brought this up when we met - right after he wrote his first complaint, I received, to my house, in my name, a flyer to vote for him. It wasn't

to a resident; it was to me, to vote for him. Then, again, when the stage two complaint came in, he did it again. I'm not affiliated with the Alliance Party. Again, intimidation - like, why would you write a letter to the Board? I, then, respond and asked him, is he writing as a past student or a member of the Alliance Party? Then I get a flyer, directed to me - and I've never ever received a flyer; any flyer, whatsoever, from any political party. I'd just become a UK citizen - two years ago - and then I get this directed at me.

Do you think he was creating - in terms of, for himself - he was creating an advantage, by using the power of his position? It also says, here, preferential treatment for any other person. Was this creating preferential treatment for [REDACTED] - who you claim he colluded with?

I think it was to benefit [REDACTED], and to give [REDACTED]... Yes. I find it very unusual, that an MLA would do such a deep dive into a school about the principal and destroying the ethos of the college, and the board of governors not taking on other people. He's claiming that there are no protestants on the board - or one or two - there's seven protestants. It's all to disrupt the Board of Governors, and to interfere with the operations of the school, and to put a bad light on the Board. Yes, that would immediately tie into [REDACTED] story.

It would advantage her, because that's her agenda - is what you're saying to me?

Yes. [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] Now, the narrative, out in the community is that Steve is destroying the school; the Board of Governors are destroying the school. This plays into [REDACTED] narrative, that: Oh God, now we have an MLA writing about it - that they're destroying the school.

Gotcha, okay. John, you had a question, I think.

I2: I have a couple of questions. In relation to the flyer that you received, Denise, would you say that was personal to you, because you'd just got your citizenship? Was that addressed to you with your name on it?

Yes, absolutely.

I2: Do you know, or do you still have that flier?

I don't.

I2: I suppose what I'm trying to establish, was it [REDACTED] writing, or would it have been Mr Brown's writing?

It was a printed label.

I2: Right, okay.

That had my name and address on it, and it was, vote for him. So on two occasions, I received it.

I2: So presumably Mr Brown would not have known you lived at that address?

I don't know, he could have, I mean...

I2: But [REDACTED] would have done.

Yes, [REDACTED] would have. If he looked into, I think Companies House might have my address on it. I'm not sure, but [REDACTED] would have it. [REDACTED] knew exactly, [REDACTED] knew the area I lived in, so it wouldn't have been hard to find out my exact address.

I2: So I suppose what I'm trying to balance up is, is [REDACTED] managing Mr Brown or is Mr Brown managing [REDACTED], to achieve his objectives, for both of them?

I think [REDACTED] managing him, to be honest. I think [REDACTED] dictating to him what needs to be done.

I2: [REDACTED]

[REDACTED]

I2: Can I just clarify that at the board meeting, the full board meeting, [REDACTED] acknowledged breaching confidentiality, is that correct?

That was the 26th June, I received an email from Michael Kennedy, Denise, I don't know if you're aware of that.

Yes, at that meeting, [REDACTED] told us that [REDACTED] received Patrick Brown's response to the complaints panel, and I questioned [REDACTED]. I said, 'Why did he send that to you? Why wouldn't he send his response to the complaints panel? You had nothing to do with it. You weren't on the complaints panel.' [REDACTED] said [REDACTED] had no idea, [REDACTED] never heard from him before, because I specifically asked her, 'Have you received or have you been in communication with Patrick Brown regarding this?' "No". I said so, and I was very clear, 'So out of the blue, Patrick Brown sent you his response to the stage two complaint?' "Yes". I said, 'What did you do with it?' [REDACTED] said, I wrote back to him and I told him, 'I'm not on the complaints panel, so this shouldn't have come to me.' I said, 'Okay, can you provide us with that email?' No, [REDACTED] said no. Well, [REDACTED] said, yes, I apologise, [REDACTED] did say yes that [REDACTED] would and I said we would like all communications that you had with Doctor Brown. [REDACTED] said, 'I've only had this one communication with him.'

[REDACTED] said [REDACTED] would send it to Michael. A day later, [REDACTED] sent the response and said, 'As a public citizen, I'm not going to provide you with that.' Michael responded with, 'But we're asking you as a [REDACTED], not as a private citizen,' and [REDACTED] never answered. So I think Michael forwarded that to you, Melissa.

He did Denise, and I'm hoping to pose those questions that [REDACTED] wouldn't answer on that occasion to see if we can get that information.

Yes, I can't imagine that this is the one and only time that [REDACTED] communicated with him. So [REDACTED] caught [REDACTED] up in a lie, because when I went out to the board, to ask them if they would support Steve in following through with whatever he wanted to follow through with, about Patrick's claim, that he was destroying the ethos of the school. [REDACTED] directly quoted from Patrick's response email, and when I said to [REDACTED], 'How were you in possession of that? Because no one on the board has possession of that except the panel.' [REDACTED] refused to answer me in email. So then when we brought it up at the last board meeting, [REDACTED] said, 'Well, he sent it to me.'

Okay. Now, Rule 15, I'm moving on to, that's also in your complaint. Rule 15 is, you shall not subject anyone to unreasonable, excessive personal attack. You alleged that this rule was breached when Doctor Brown challenged your integrity on numerous occasions. Can you tell me more about those occasions?

Yes, so in one of his complaints, he claims that I lied to the police and to the Board of Governors, and you know, that's untrue. When I wrote to him, in the first, second instance, once I found out that he was writing as a member of the local council, I came back to him, not that one, in the final response to that first letter. I said to him that, 'Your letter has been shared with the Board of Governors. We are very concerned that you are in possession of confidential information. I would like to let you know that there are two, two ongoing police investigations regarding data breaches. If you have any information that you can assist, can you please contact Sergeant [REDACTED] of the PSNI?' That's all I said to him. So he's claiming that I lied and said that he has not co-operated with the police and that they needed to talk to him. That's untrue. In one of the board meetings, someone asked, 'Has Patrick Brown, did he contact the police?' I said, 'No.' So I can't dictate to him, I just asked him if you have any... Could you please contact the PSNI?' Now, the second investigation had absolutely nothing to do with Patrick Brown.

[REDACTED]

Well, that was a completely different investigation to what I asked him to provide information. So I asked him to provide information about the people. How did he come into possession of this confidential information? So that was about all the anonymous letters that we received, and information that he had concerning the leaking of confidential information. [REDACTED]

[REDACTED]

[REDACTED] All I did was ask him if you have any information that could help. So he puts in there, that I lied.

[Signal breaks up 0:33:24:3] so you didn't...

I didn't lie, and I am a person who is, my integrity is extremely important to me. You know, and I've told Melissa, [REDACTED] where I'm in the compliance department and anti-money laundering. So rules and regulations are what I follow, and I've never had anyone attack my credibility. The other thing is, he questions, you know, my position as chair, and they all do. That I'm doing things without, like I'm doing things on my own without anyone knowing, which is completely untrue. Anything I do, I go to NICIE. I go to the DE to make sure things are correct, and then I always go to the board. So for them to say that I do things as a rogue chair, again, is incredibly untrue and they have nothing to back it up. So he's attacking me again.

Okay, and is there anything else? There's lying, he's attacking your integrity, in those two ways. Is there anything else you wanted to add to that before I move to the next...?

Those are the two that pop into my head, you know, that he's defaming my name, because this information goes out into the public. So it's out in the public that he's defaming me on paper. He's doing it in his complaints and it's defamation of character. Again, without due diligence, because [REDACTED] messed everything up, [REDACTED] confused it, he now calls me a liar. That's gut-retching for me, because I've never been called a liar, I'm always forthright. That's just who I... I do things by the book, and that's, I think, the one thing that is very frustrating for [REDACTED], is that I'm trying to find out what's right, what's wrong, and I do things by the book, and I don't vary too much from it, if that's the way it's supposed to be, that's the way we do it. So to call me a liar is, that's pretty harsh.

I take your point. I want to just move on to the Nolan Principles. You mentioned selflessness, and it was listed in your complaint regarding the letter sent to Mr Pagan on the 4th January 2023. That it was not in the public interest but to forward his own agenda. Again, that agenda being...

[REDACTED]

Okay, and the integrity and openness. You mentioned the disclosure of information by Doctor Brown that you say was confidential to the Board of Governors. They failed to identify the source of the information. That is, again, we've covered that off, have we?

Yes.

I've also covered off the email correspondence from Michael Kennedy on the 6th June, which basically shows that [REDACTED] said [REDACTED] received information from him. Has [REDACTED] ever confirmed that [REDACTED] had provided... I mean, implicitly, you can tell he's gotten information from her in the letters you've received, but [REDACTED] never herself said that [REDACTED] has breached confidence, has she?

No, [REDACTED] claims that this was the first time [REDACTED] ever heard from Patrick Brown on the matter. That [REDACTED] never communicated with him regarding it.

You mentioned collusion before, and your view is that at least [REDACTED] and Patrick Brown have colluded in this information sharing?

I think it's [REDACTED] Patrick Brown, and [REDACTED] to a lesser extent. They're all very, very good friends, and [REDACTED] didn't write formal complaints, but he did complain

word 0:43:46.8] situation on the letter with Michael. So he did, either he did, or [REDACTED] did some investigating, because why would you do that, why would you send a flier to me? I'm not a member of the Alliance Party. So in my opinion, he has a history. He's been convicted of drunk driving; he's had another investigation. I'm not sure, Melissa, if it was you or somebody else, where he was in possession of confidential information.

No, just for the record, I have no other, nothing I can add to that, no.

That was in the Belfast - that was in the papers that there was an investigation being done. The drunk driving, and then this other one, it's in *Belfast Live*. There's the political correspondent, he has written about it, that it's all gone. So I don't know who investigated it prior to you, but it did say it was being investigated, those two allegations.

Well, I think all the questions that I had, were answered. I'm glad that you took the time [REDACTED] Thank you for doing that. I wanted to get all of this on record and anything I haven't asked you it's because it's inside your complaint, but these are just sort of things that I wanted to make sure we had on record that are maybe not directly in the complaint, as clearly as this. I'm just going to stop the recording now, if you just hold on. It's now 15:40, that's 3:40 UK time, and this is the end.

[END OF TRANSCRIPT]

Document 4: Interview Transcript Steve Pagan

S Pagan 1 14.08.23 Recording S Pagan 2 14.08.23
46 MINS

AUGUST 2023

CG - DEPTH -

[Other comments:]

This interview is being tape-recorded. I'm Melissa McCullough, the Commissioner for Standards. The date is the 14th August 2023, and the time is 11:05. I'm interviewing Steve Pagan, who is the Principal at Shimna Integrated College.

Are you happy to be referred to as Mr Pagan or do you prefer Steve today?

Steve.

Okay, Steve, I'm going to share the screen and if you could speak out loud the oath.

I do solemnly, sincerely, and truly declare and affirm that the evidence I shall give shall be the truth, the whole truth, and nothing but the truth.

Great, thank you so much. So I'm going to just go into some of the questions relating to your complaint. Rule 1 is the first allegation within your complaint and that rule says "You shall base your 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". So you allege that Dr Brown conflated what he claims to be in the public interest with what is his own personal interest. Can you just explain in more detail, please?

In practice, my dealings with Dr Brown have been confined to one online meeting which took place, I think, in late 2021. It wasn't actually a meeting with him in his political role. It was prior to his appointment or his election as an MLA, when he was on the council. This was a meeting that I'd initiated about effective use of social media and safe use of social media. So it was at the end of that training that he revealed to me that he was an elected councillor, and at that point, he did start to ask me questions or make claims about the college and I quickly declined any discussion about that because I didn't think it was appropriate and it certainly wasn't the basis on which I had engaged with him. I have had no other communications with Dr Brown other than that he has written to the college, and most recently directly to me on the 4th January 2023. So when you ask me the question, the conflating of personal and public.

He is one of my representatives. He represents the constituency in which Shimna sits, but he is making a number of allegations about the way the college is governed, but also the way it has been run, since I've been appointed as principal. I suppose my question all the way through this is, where is he getting his information from? He writes to me in an official capacity. He's writing on headed notepaper. He's making a series of very serious allegations but has not provided any evidence and has not taken it on himself, even prior to that really, to come in and have a face-to-face conversation, and as one of his constituents, I suppose I would question his motives. If he is there to represent myself and to represent the college, one would have thought that he would be even-handed, one would have hoped that he would be objective, and one would have expected, really, that his engagement with us would have been supportive and not accusatory.

Rule 5 is basically “That you shall declare whether in assembly proceedings or in any approach to a minister, public representative, public body, or public official, any relevant interest which might reasonably be thought by others to influence your interest, influence your approach to the matter under consideration”. So in the complaint, you allege that Dr Brown failed to declare a relevant interest which could reasonably be said to have influenced his approach. Can you just explain that further? [Pause] Sorry, I'm thinking you might have frozen there, Steve.

[Part 1 ends]

Technical difficulty and had to reconnect

[Part 2 begins]

Okay, so just picking up where we left off. Rule 5 states that “You shall declare whether in assembly proceedings or in any approach to a minister, public representative, public body or public official, any relevant interest which might reasonably be thought by others to influence your approach to the matter under consideration”. Now you allege that Dr Brown failed to declare a relevant interest, which could reasonably be said to have influenced his approach. Can you just for the record explain that interest that you think he failed to declare?

So just the same as the issue of evidence or lack of evidence presented. Likewise, when Dr Brown wrote to me in January 2023, he claimed to be representing growing numbers of constituents. He's never provided or didn't, when he was engaging with me, provide any information about who those constituents are or indeed how many we're talking about. So, again, it was difficult really to ascertain in whose interests he was operating, but I would also express really quite serious concern that some of the matters that he was referring to in his original letter, and has subsequently taken forward to the governors, he is drawing on information which is strictly confidential to the governors and that would suggest to that worst-case scenario he has a source on the board of governors. He has not declared that in any of his correspondence, although, for the record, it is well known that one of the governors has a long-standing relationship with him,

[REDACTED]

Could you just describe that agenda as you see it?

It's really I think to criticise the way the college is now being run both at a governance level, but also, surprisingly in the letter in January, there's also really quite serious allegations about myself and frankly, while I knew that when I came into the post in November 2021 there were historical issues on the board in terms of power struggles, and that they were gradually receding. They have continued on my watch, but generally speaking, I've been relatively immune from criticism. The board has been incredibly supportive, and that includes the individual concerned. But in this letter, Dr Brown is making very serious allegations about the way the college is being run, including some of the ways in which staff have been treated. That was the first time I think I've been subjected to such a significant professional attack and so I suppose what I would say is that the connection between the governor and Dr Brown is well established, and both of them, I think, are less than happy with the way things are at the college at the moment.

Okay, and just for the record, I think who you're referring to is [REDACTED] a governor, is that correct?

Correct.

Rule 14 talks about - let me just read it out loud for you. "You shall not use or attempt to use your position as a member to improperly confer an advantage or preferential treatment for either yourself or any other person, or to avoid disadvantage or create disadvantage for someone else". Now, you explain in your complaint that you believe Rule 14 was breached when Dr Brown wrote about his personal concerns on assembly-headed notepaper, as he also did on council-headed notepaper when he was a councillor on this 22nd January. In terms of his use of assembly-headed paper, which obviously I'm not... I mean, the fact that he wrote it on council-headed paper is important in context, but obviously, we're talking about an MLA Code of Conduct. So in terms of the use of his Assembly-headed paper, was this used in every correspondence with the college to your knowledge?

My correspondence with Dr Brown ended when I closed the Stage 1 complaints process and it moved to Stage 2. So I would suggest that the best-placed person to answer that is either Denise or Michael Kennedy, who chaired the panel on behalf of the governors.

Okay, I will have to speak to Michael. One other allegation was Rule 15, "You shall not subject anyone to an unreasonable and excessive personal attack". Now, from experience, having had complaints regarding this rule before, there's a very high threshold. It must be unreasonable, it must be excessive, and it must be personal. So can you tell me, was this about the board of governors or do you also believe that this Rule was breached in relation to yourself?

I think most of the letter that came through on the 4th January was about the governors. There were seven sections in the letter, six of them about governance. My experience of working here and attending board meetings would suggest to me that there were a lot of, at best, if I was being charitable, misunderstood claims about the college. At worst, I would say that they were a deliberate attack to try and undermine the credibility of the board. In my time as principal, everything that we have had to deal with of a serious nature, we've always taken advice, we've never shied away from tackling things appropriately. So legal advice has been sought. So I thought sections one to six, there was a lot of that which was unfair. Section seven - look, there are aspects of section seven, which is about my stewardship as the college principal. Any student, parent, or indeed member of staff is entitled to question whether, for example, the way in which I'm applying school policy around uniform is correct or not.

That's a matter of leadership style and that's fine. That's fair game and I've had plenty of conversations and always willing to have conversations around such matters. But for somebody to claim and quote, 'Teachers with years of loyalty to the school have been undermined, bullied into resignation, resigned in principle or gone off on stress-induced sick leave.' That's about as serious a criticism as you can make against any principal in a school setting and I have not seen any evidence presented by Dr Brown. In fact, I'd be surprised actually if any member of staff felt undermined, bullied, or inclined to go on stress-induced sick leave that they would go to an MLA, by the way, because in the educational setting, every member of staff has the right to join a trade union as well as getting other legal protection, and Dr Brown is making some pretty wild accusations there. I've not seen any names mentioned in any of the correspondence and the board

would know whether any member of staff has brought forward any complaints on any of those grounds.

So for an MLA to make those allegations, he is either very misinformed or he's in possession of information which... Well, I don't know that he could be in possession of information. I don't know of any names. Of course, in any school setting, in any organisation, I'm sure the same is true in Stormont, when you have a collection of people, they won't always necessarily agree but there's a difference between a healthy exchange of views and bullying and undermining and staff being forced into sick leave. Those are very serious charges.

Can I just say that for the record so you understand, and anything will be redacted that is said that would lead to any... Because I've promised him the confidentiality of this. He handed me about ten pages of... There's two pages of lists. Now, I think it's quite clear from what even Denise, when I interviewed her, she was able to tell that there was [REDACTED] listed on that list of people. Do you remember how in your complaint and even today you're mentioning that he has provided no evidence, this was the answer to providing no evidence. So, I'm telling you just for disclosure purposes that he has on this list, two former teachers willing to speak on the basis of confidentiality regarding governance and treatment of staff. So they're former and a former governor willing to speak. Now he lists two current teachers, he doesn't give names by the way, so this, I'm just saying they're anonymous, former teacher one, former teacher two, current teacher one, current teacher two, but both current teachers are not willing to provide testimony.

So the problem here is that on the face of it, it looks like he has evidence of at least one, two, three, four, that you understand their names, one, two, three, four, five, that he doesn't, and a current parent which he gives a name. I don't know... In other words, I'm not looking into these, I don't want to speak to these. My job is not to investigate whether or not these people feel there's problems with Shimna, but I will say this, I take it that these ten people exist. I take it that they exist and I'm not suggesting that those ten people are not working together. I'm not suggesting that at all because there is this idea that has been brought up in the past, in the complaint and by Denise, about collusion and collusive behaviours between members. So I'm not suggesting anything, just to say to you on record, that I have seen evidence that I believe looks as if he's gathered ten, there's ten constituents, if you want to call them constituents, that are listed. Now, we don't have names other than the names that Denise was able to guess anyway.

So this is the issue I understand that you have because how can you understand the evidence when it's anonymised, yes. I understand your issue. My issue was, was this at all provoked without anybody coming forward or with very few people. So, I mean, for me, it answers that question that I don't think he just did it because he wanted to or without anybody coming forward or very few. If it was just the four core people, you would be thinking, well, this is... But he has mentioned former teachers, current teachers. Now, again, on face value, under oath, he provided that. So, aside from using taxpayers' money to investigate all kinds of people asking them about Shimna, I've decided that I'll take that on face value, that this wasn't a totally vexatious complaint, is all I'm saying. The validity of those is not something I'm commenting on. In fact, it will likely be the case that there's more commentary on the fact that he wouldn't provide it directly to you, which to me, like you say, if you have a complaint, why are you not providing the evidence, because in my world, if you don't provide the evidence, then there is no complaint.

So I understand your frustration. It's important in terms of clarity that I talked to you today, but I do believe that the majority of my questions that I raised with Denise as

the Chair of the Board, and I will talk to Michael because I want to just confirm a few things with Michael, that I did speak with you in addition to what you've contained in your complaint so that I can fully understand. I know that Dr Brown goes to lengths at saying, 'I'm not attacking the principal,' and you've noticed that in some of his correspondence. Now, I don't know why he's intent on saying this. I don't know if you can elucidate this, but he's making it quite clear this is not an attack on the principal. Can you tell me any more about that?

I was rather hoping you could help me with that because I have not made it my business to get too involved with the governors' panel. I don't sit on that panel. There is a clear process which I observe correctly. So my last correspondence with Dr Brown, I did think that it was an attack. Now, I have heard in discussions at board meetings that the tune has changed somewhat, but he's not retracted what he said in his original letter, and to go back to what you were just saying, I trust your judgment, so you can make the judgment as to whether he has provided evidence, but if you just go back through those names. [REDACTED] is not a member of staff. I think she may have been in the past at some point briefly, but she's somebody who's disgruntled about not making it onto the board [REDACTED], but again, has had no real direct contact with the college for many years, other than that I'd invited him in as part of our 30th celebrations.

[REDACTED] is an ex-member of staff. [REDACTED]
[REDACTED]
[REDACTED]. Has he provided any evidence of so-called intimidation or bullying? [REDACTED]
[REDACTED]. I don't know if he would fall in the category of members of staff who've been bullied into resignation, and if other so-called members of staff feel like that, are they constituents of Dr Brown because we have plenty of staff who live in Belfast and therefore wouldn't fall within his constituency. But actually, do these people exist? Just because he says they exist, do they exist?

I fully respect what you're saying. Let's just say I went ahead and asked him for all the names of the people on this list, or actually, the current teachers aren't willing to provide testimony and he has a list of things that one of them says, and a few things that the other one said, or a list of things that both say. I mean, it's detailed, and it's detailed that I would have thought that you wouldn't go into such detail.

Is it true?

Is it true? I don't know. Now, look, I'm avoiding going into the detail of this because it's really not in my lane. What is in my lane is did he abuse his power? Did he behave in line with the Code of Conduct? Now clearly a Code breach would be if this evidence is not true, but I have to also weigh up what's in the public interest in terms of the time spent on this, and truth be told, I'm not so sure starting to interview all these people would gain anything to me in terms of him and his breach of the Code because I think the information I've gleaned on the allegations to date, which are about those specific issues. Yes, I know you didn't get the evidence and really him supplying it to me doesn't help you any, because it was supplied with a note of confidentiality. However, at least what it does tell me is that under oath, he's presented, at least, whether true or not, and I'm not commenting on the truth or otherwise of the list or what he says their complaints are because then I'm veering

into complaints against the school, and to me, that's inappropriate in my role as Commissioner for Standards.

If in fact there is something that arises and I need to go back to this whilst I'm writing up anything, I reserve the right to change that, but right at the moment, I believe that I have a lot of information here, and I've explained it to Dr Brown that using letterheaded paper to almost conflate your personal issue and your private issue. Your personal issue being that you don't agree with how you weren't appointed to the board and your professional constituency issues is totally inappropriate and should not have been done because basically, it looks as if you're flexing your muscle, but actually, you're flexing it on something personal, so it should not have been on your letterhead. That is my view. It's unacceptable.

I guess why I say that to you is to say, to my mind, if I accept that this is a list and the list really exists, if I just accept that on face value, there may be a point where I go, well, hold on a minute, that maybe isn't correct, and maybe I need to check the validity of that. Now I'm nowhere near that at the minute, and I don't know. The allegation is not that he lied about his constituents, it's not about that. The allegation is that he abused his power, that he didn't act in the public interest, things like this. Now this could fall under some of that, don't get me wrong, but I do have to keep a straight, sort of narrow path to what I'm doing, if that makes sense to you.

It does, but surely the veracity of the so-called evidence is important because you don't know if he's making it up. My guess is he's probably not making it up, because, referring you back to the previous individual, the governor, [REDACTED]

[REDACTED] I do think that she has the ear of some individual members of staff, and I do think they've been poorly advised in some of their actions in the past, and necessarily I've taken the right course of action, but any member of staff that is treated improperly wouldn't go to an MLA. They would go to their trade union.

Yes, and that is why these avenues that I am talking about, my little lane here, kind of veers into other lanes and it's not really fair. I totally understand what you're saying and in my reasoning and my report, those things will be fleshed out because it is important. If we say, like you say, your guess is that this is true. Could it possibly be part of a more concerted group of people who are working in conjunction? I mean, it could be. It's not really my job to find out if that's what's happening. The fact that I've established that there appears to be a relationship between a board member and an MLA who are providing confidential information to each other. I mean, it's not ideal, is it? There seems to be evidence of this and I'm hoping to get the information that Michael, the investigator of the board of governors had not gotten, which [REDACTED] said she would provide. So once I get that, I feel like that then I can look at what I've got here, but I wanted to tell you about that information because you had said that he had perhaps made all of these people up, bar the people you might know of, the four, and I guess just to let you know that I at least have eyeballed a list of sorts, if that's any help to you, which it probably isn't.

Look, anybody that walks into any organisation that's been run a particular way over a long period of time who decides they're going to do things differently will struggle to bring everybody with them, and so it is absolutely the case, and I think it's true in most regime changes, that when, I suppose, the agenda changes, the leadership changes, there are those who welcome it and benefit

from it. I was able to put a new structure of management in school in place, and many staff who have long been straining at the leash have benefited from that, but there will be some individuals that are not so happy with that, and I'm not naive enough to think that you keep all of your staff happy all of the time. There's a big difference there, and these are my staff. These are staff I still need to try and bring with me, but there's a big difference there between that, an MLA who one would expect to be able to use judgment in their representative role.

There's a massive difference there between that and bullying, intimidation, and forcing staff onto stress-induced sick leave, and I think I am well within my rights to say that if a representative of mine is going to make those professional claims, claims about my professionalism, I am, I think, entitled to know whether he can corroborate that. I say that because when the complaint moved from Stage 1 to Stage 2, he has now made those claims to my employers and that makes it a different case.

You broke up. When it moved from Stage 1 to Stage 2, could you state that again?

Yes. The MLA has taken his concerns that he's written to me about. He's taken them now to my employers. So that's a stain on my reputation. I am employed by the board of governors. I am accountable to them. So to make those allegations against me and not to provide evidence is, as you say, frustrating. I am happy to answer any questions around any individual member of staff, the way in which I have treated them, and to take responsibility if I've not acted correctly. I don't ever claim to get everything right and I'm sure on occasions I may have not always made the right decisions. But for somebody to make those allegations, and you can say, he's produced ten pages of evidence, but if he's not mentioned the names and that you're not able to confirm to me that these people are real. I don't need to know the names. Probably best I don't know the names. If you cannot stand by the veracity of those allegations, then that's frustrating.

Yes. When you put it like that, it does make me think about it because I've been thinking about this quite a lot since he provided that list in terms of, is it enough on face value or do I need to go further. So I haven't made a decision, to tell you the truth, and understanding what you've just said, I may have to go back to him. Nothing's finished yet. The investigation is still ongoing. It's just that, I suppose letting you know that there was an attempt to produce a list that there had not been before was important for me to say to you. That's where I'm at, at the minute is what I can say to you. The fact is, there's nothing I can... You're not under investigation and those people are not under investigation.

What is under investigation is this MLA and regardless of whether he... I mean, it's obviously very important that I believe that he did not fabricate the list, but in terms of the veracity of what he is saying about each teacher, current and past and governor current and past, I think that's more an internal issue to Shimna that Shimna needs to look into rather than me because they're not in my purview, these teachers. So that is why I've chosen the path that is a bit more narrow because it is a complaint against an MLA. So, in a sense, that's the real fine line I'm working on here.

But for somebody to write on headed notepaper and to be sure enough of his evidence to write teachers with years of loyalty to the school have been undermined, bullied into resignation, resigned in principle, gone off on stress-induced sick leave, you need to be sure of your evidence as a public representative to make those allegations. They are very, very serious allegations. I don't take them personally in the sense I feel upset by them, but also, I do question whether he is making the right judgment there in putting that in writing, because unless he can provide evidence, there's no evidence. I come back to the fact that if you were to question whether there's

veracity in that, part of the narrative around this that we've referred to previously, Melissa, is that there is potentially some collusion going on here and there have been some members of staff who have been manipulated in all of this. But whether they really would stand by these allegations, whether they realise these allegations are being investigated, I would question.

Well, with all of the things listed against them, current teachers, and they have the majority of issues, including what you're describing there, two are not willing to provide testimony.

How do you know they exist?

Right. Now, they are the two that have been... That is, when I say about the list, that's because they have the majority of what is reflected in that letter. I may actually make a decision to go back on that just to see if... He gave this to me as he left the interview. I promised that it would be kept confidential. but I haven't gone back to him just yet about it. Now, that does not mean that I won't. My reason for bringing it up today, I'm glad I did, but it was to just let you know that there was evidence provided by him. Whether it's good or bad evidence is not why I brought this up, but the fact that there was an attempt to provide evidence. Now, it may be that those current teachers, he explained there's some that don't want to provide testimony because they still work there. Well, okay, but you're right. Then you have to either comment on the validity, if you don't look into that further, or look into it further. One or the other is going to happen here.

So it's one or the other, but some things maybe will turn this to the point where I might want to look into that. Look, I think they're huge allegations. I think you mentioned this before when we spoke, that is entirely a personal choice that you might make, in terms of making any sort of question regarding defamation. In terms of the Code what does matter is, was it unreasonable, was it excessive, and was it a personal attack?

Yes.

You believe it was and that's why I've gone into this detail on Rule 15 because it may very well be. When you say it was a personal attack, can you elaborate on the personal attack side of it?

Well, as I said previously, you can question whether or not I'm bringing in a grammar school ethos or whether I'm enforcing a uniform policy in an excessive way. By the way, the school uniform policy has existed for many, many years, so all I was doing was following the policy. That's a subjective judgment.

I've heard so many uniform issues over the years! [Laughs]

But undermining of individuals, bullying into resignation, forcing staff onto stress-induced sick leave, that's a very scathing judgment of the way in which I work and my concern is that now it's in writing from somebody in a public office. If a document like that were to get into the public domain, it not only affects my reputation in the present, but also potentially in the future. So I suppose all I would prevail upon you to be sure about, Melissa, is, is this true? Now, in practice, it may well be that there are some disgruntled members of staff, but again, I would question whether they would naturally and voluntarily, unilaterally, go to an MLA about that. Anybody that works in education knows the support systems.

My understanding is that he has not put, aside from that letter that you're quoting, he seems to have backtracked and he seems to not be suggesting this. It's out there, I mean it seems to form part of this whole complaint and Michael's complaint investigation as well, it's not that it's not there. He has said it.

He's provided you with ten pages of evidence. So it's definitely still current.

Well, no... I mean, yes, the ten pages, part of this is his other points of importance, timelines of events. It's extra stuff he wanted to expand on, but the actual testimonials gathered is two pages that I've mentioned to you with the ten, but most are unnamed. So I'd say of the ten, five are anonymous. I should say that he does say, 'Whilst the principal may be responsible for the management of teachers, the overall culture and leadership of the school rests with the board of governors corporately and it's impossible to say that I was singling out the principal here. Indeed, I made it very clear to the board, through the complaints process, that it was not my intention to do this, particularly in my letter response to additional evidence. In no way do I hold the principal responsible for these concerns. The complaint was only addressed to Steve because this is what the complaints process demanded, but I made it very clear in my email to him that I felt it more appropriate for my concerns to go to the board.'

No, section seven is about me. He's dissembling there, and also, I would say that it's a fundamental misunderstanding of the difference between the role of a principal and a board of governors. Board of governors are responsible for the oversight of the school, for holding the principal to account, but essentially, they charge me to run the school. So you can't separate these two things out. So if in his subsequent correspondence to the board, he's now saying this isn't really about Steve, this is about the board of governors, but he is now providing you with evidence from staff who feel bullied. The governors are not in school, they are not responsible for the day-to-day management in the school, they are not in a position to undermine, bully or force people into stress-induced sick leave. That will be the leadership of the school, which starts with - it doesn't end with me, but it starts with me, and so I'm not sure if he is sure whether or not he has a problem with me.

He seems to be saying two different things, but I would also say that he is a young MLA and being elected doesn't make you an expert and having been to school doesn't make you an expert on how schools run. I don't know what his level of professional experience is of how schools and boards of governors are run. He's got lots of opinions about it. But let's be clear about it. In section seven, he is talking about me and now he has sent those concerns directly to the board of governors, and future governors potentially will make their own mind up as to whether I'm a fit and proper person to run the school. So, for me, this is very important to clear this up.

I believe it's very important. I would agree with you there and I'm glad we discussed it further because that, for me, is one of the main allegations of Rule 15, yes, there were some things about the integrity of the board, the chair of the board, but I thought that the main thing was with yourself. So thank you for spending time talking about that. I'm going to close the interview but stay on because I'll just explain to you how the next part works. Is that okay? Or do you have any questions you want to ask me on that?

I note that you may choose to speak with Michael Kennedy. I think that would be very worthwhile because I think that he is better informed in terms of the correspondence. I suppose on a personal level, I was shocked by the correspondence that the college received literally a day after we'd

raised the complaint with you in which he made a veiled threat to Michael Kennedy, and again, I would question whether that's appropriate action for a public representative. He also represents Michael Kennedy, so he's made, I think, a very intimidating statement there.

That was regarding the other school, correct?

Yes. You could say that's, in the great scheme of things, everything else that Dr Brown has communicated has been done in good faith and has been done professionally and this was an aberration. I question that. It does seem to be part of the modus operandi of this individual.

Okay, look, I'll turn off the recording. Just to remind you that what was said today in this interview and the entire process is confidential. I say that to everybody.

Yes, thank you.

The time is 11:51 and I am ending.

Thank you for your time.

[END OF TRANSCRIPT]

Document 5: Interview Transcript Michael Kennedy

M Kennedy 24.08.23
[Other comments:]

AUGUST 2023 ZS - DEPTH - 33 MINS

**Commissioner interview with Mr Michael Kennedy
24 August 10am in Parliament Buildings**

This interview is being tape-recorded. I'm Melissa McCullough, Commissioner for Standards. The date is 24th August and the time is three-minutes-past-ten. I'm interviewing Michael Kennedy, a governor at Shimna Integrated College. The other person present is John Devitt, a second interviewer. Mr Kennedy, would you prefer Mr Kennedy today or Michael?

Michael is good.

Okay. I'm going to ask you just to take the oath. Would you prefer the affirmation or the witness over the *Bible*?

The *Bible* is fine.

Okay. Could I just ask you to put your hand on that and read the top, please?

I swear by Almighty God that the evidence that I shall give shall be the truth, the whole truth, and nothing but the truth.

Thank you so much. Okay, so the matters I'm investigating relate to a complaint by Denise Medea, Chair of the Board of Governors at Shimna Integrated College, and Steve Pagan, who is the principal of Shimna Integrated College, and this complaint is against Dr Patrick Brown, MLA. You're aware of the allegations outlined in the complaint?

I am indeed.

You chaired the subcommittee that investigated Dr Brown's stage two complaint. Is that correct?

That's correct.

Okay. How long have you been a school governor?

Approximately ten months.

Ten months. Okay. So you've been busy this ten months! Now, I just want to go through the allegations of the complaint and then you can fully explain as we go. So Rule 1 was the first allegation. Rule 1 states that you shall base your conduct on consideration of the public interest, avoid conflict between personal interest and the public interest, and resolve any conflict between the two at once in favour of the public interest. Now, the complaint alleges that Dr Brown conflated what he claims to be in the public interest with his own personal interest. So I'm hoping you can explain your view of that in more detail.

Okay. When I received Dr Brown's complaint, it really struck a number of different chords. First of all, he raises a number of constituent issues, but also in writing to this, raises his own concerns of his failure to be appointed to the board of governors. At no stage did Dr Brown inform me that he had any relationship or communication with other members of the board of governors who share certain views that he holds, and who had obviously been advising him also, or he had been advising them. So in both areas, I think he clearly had certain constituency concerns, but clearly also had personal concerns which were not clearly forwarded.

Okay, thank you. On to Rule 5, which was in the complaint, and it is you shall declare whether in assembly proceedings or in any approach to a minister of public, representative, public body or public official, any relevant interest which might reasonably thought by others to influence your approach to the matter under consideration. In the complaint, it alleges that Dr Brown failed to declare a relevant interest, which could reasonably be said to have influenced his approach. You've kind of touched on that. Can you explain that any further?

Well, again, I think the interest is that, first of all, while Dr Brown does indicate that he was a past pupil of the school. He holds close connections through his political work and canvassing with a number of people who are also making similar allegations, but at no stage does he allude to those. Again, as I said, he did not make it clear from the beginning that his failure to be a member of the board of governors was also affecting a lot of his judgement. It was only when I then looked into a lot of the minutes of meetings and other things that I became aware that perhaps there was other things underlying which simply were not being communicated to me.

Can you tell me those things?

Well, I think at this stage he was indicating that there was perhaps bias against what he called the Protestant Unionist community within, and that the failure to appoint himself and others from a Protestant Unionist background was somehow construed, constructed by the board in order to unbalance what is an integrated school's board of governors. Again, that was never forthcoming until much later.

Okay. The next part of the complaint is Rule 14, which states that you shall not use or attempt to use your position as a member to improperly confer an advantage or preferential treatment for either yourself or any other person, or to avoid disadvantage or create disadvantage for someone else. Now, in this complaint, it alleges that this Rule 14 was breached when Dr Brown wrote about his personal concerns on assembly-headed paper. Now, he also did this on council notepaper when he was a councillor on January 22nd. I'm interested in terms of his assembly headed the paper, clearly, and want to know in the correspondence with you, Steve Pagan, it was clear that he only received the one course once it was handed over to the board quite quickly, and to you as the chair of the stage two complaints panel. Was this headed paper used on every correspondence that you received?

All correspondence that was received from Dr Brown came on a headed paper, except a communication that came actually after we had met last on 7th June, which came in the form of an email. Again, on this correspondence, Dr Brown alluded to a past issue and concern that I was involved in, which he should have no knowledge of and was not relevant to the case and in my view, was an attempt to influence me.

Yes, and I'm going to come to that because I believe it's the De La Salle issue.

Yes.

So that was the only one that wasn't on headed paper. In your view, I just want to get your view on record, why you think that's inappropriate?

Well, I think first and foremost, if Dr Brown had confined himself solely to issues of his constituents, that was quite acceptable. However, as part of his grievance against the school, he does raise a number of personal concerns, and again, I think if he wished to bring those that should have been done personally. In truthfulness, I found it quite strange when reading through the complaint that no contact had been made with the school at any stage to in any way have an interview conversation with the principal or the board of governors, as to some of his concerns before arriving at this position, which is out of the blue on headed note paper from the assembly.

Thank you for that. The final rule which was stated in the complaint is Rule 15, which is you shall not subject anyone to unreasonable and excessive personal attack. In the complaint, Denise and Steve alleged that this rule was breached. Can you tell me more about these occasions, in your view?

Okay. I think there are two things here. First of all, Steve, the principal of the school, in the first instance when he received it, the first part of the complaint was much more focussed on the principal and on what Dr Brown alleges to be the failings. I think Steve took this as very much a personal attack with no basis that he could see, evidentially, to substantiate it and this continued. Again, now, I have to say that in further communications with Dr Brown, he attempted to minimise that and withdraw back from it.

Why do you think that was?

I think he realised at that stage that there are two different issues here. The issue of how a principal runs a school, of which we are in effect the employers of Mr Pagan, and the role carried out by governors. Now I think he potentially believed he maybe overstepped the mark, and this is based on the fact that I requested additional evidence when I wrote to him in March. Not just asking him to substantiate all of the claims, but particularly those areas to do with Steve as well, and he failed to give any of that information to us.

Okay. I want to just ask you about anything that you personally feel was an attack on you under Rule 15, which is an unreasonable, excessive personal attack.

As I say, in terms of Dr Brown, the only thing that I think was personal to me was the communication on 7th June. The process had begun by a formal complaint being made to yourself. I think you had notified Dr Brown that this process was now taking place. Therefore, on the basis of this, we had not received a reply from Dr Brown to our findings, which were issued on 5th May, and so we hadn't received a reply for over a month, but within hours of the complaint, I received his reply. Again, this time not on letter-headed paper, but personally then identifying, as he said before, an issue that I was concerned with, which I think was an attempt to let me know that he knew who I was.

Yes, and that was in relation to the De La Salle comment, and I believe if I can just read this to - 6th June, he replied, and this would have been the day after he would have received confirmation that the chair of the board and the principal of Shimna had submitted a complaint. He would have received a copy of the complaint.

That's right.

He says, 'Dear Michael, my apologies for the delay in responding to your letter dated 5th May. However, due to the local government election, I was busier than usual.' He goes on to say, 'I accept your response, but I regret to say that I'm not satisfied that my complaint has been adequately addressed. I'm therefore writing to give you formal notice that I intend to escalate my complaint to the Northern Ireland Public Service Ombudsman, which is my right, within six months receipt of receiving a final response regarding my stage two complaint, as per the school's complaint policy. I would also point out that it would have been good practice to outline this at the end of your letter.' I mean, he goes on to briefly outline why he feels the school has abjectly failed to address his concerns. Now, I just want to get to the point where he mentions, at number six, 'the response alone provides clear evidence of the ongoing unrest and instability surrounding Shimna's board of governors, and the risk this poses to ensuring cultural balance within the board.'

This is where he says, 'I would direct you towards the 2016 report on failings within De La Salle, Belfast, which identified high school governor turnover as a major red flag.' And he goes on. This is that point you're making.

Can I just make a point on that? First of all, while I was part of all of that took place in 2016 with De La Salle, the report into De La Salle has no bearing and he quotes it incorrectly, so it has no relevance whatsoever. At no stage did the report in 26 mention high turnover of governance as being an issue or concern. There were concerns as to the reforming of a board of governors and the process by which CCMS did that, but at no stage a high turnover. So it was irrelevant to what we were engaged in.

Yes, and he goes on to say, 'Your assertions that anonymous [?legacies 0:12:08.8] are part of an orchestrated campaign, as well as your attempts to diminish a significant increase in named complaints by placing them in context of the school's entire history or stating they remain in single digits, is a blatant attempt to deny and distract from what are clearly serious issues within the school of present. Responsibility for which I again make absolutely crystal clear, rests with the board and not the principal.' Yes, and we discussed that matter where he's stepping back. Now what I am conscious of is that in the end, although this is about his conduct during the complaint process that you went through, as the chair of the subcommittee of that complaint, stage two complaint, you found nothing?

No, in fact, I went back all the way, both in terms of minutes of the board of governors, in terms of records held, went back to 2002. I looked across the number of complaints received by the school in terms of were minuscule. The number of complaints even received in the last two years are minuscule, in terms of the numbers of people who went through the school, both parents and staff. Really, there was no sense that we had, in any shape or form, a large body of people in our vicinity who were concerned, worried or had come forward to us. So from that perspective, I couldn't find - I mean, I can only work with the evidence that is there. I used the school secretary to go through and troll through a lot of this stuff. I referred him to it. In truthfulness, as I said, I

asked Dr Brown in the past for any evidential basis that he may have that I could match against that, and none was provided.

That includes the allegations he's making in the evidence I have seen that there were bullying and harassment of teachers.

Well, you see, again, this is where I have to be very careful in terms of there is a process. If teachers have complaints, there are formal processes for teachers to take. It would be rare for teachers to take that directly through a board of governors at that stage. But we have none. To answer your question, we didn't have any, nor did he present any to me, even though I had asked if he had any evidential basis on that. Now, while I could look at many things, complaints by teachers would have then been automatically triggered to go elsewhere. I mean, it just simply couldn't have, but again, none were provided.

Okay, thank you for that. Now one other issue that I wanted to understand better was this idea that there is contact between a board member and Dr Brown. I received an email from yourself, or from [REDACTED] through you, regarding correspondence between you and one of the board of governors, [REDACTED].

That's right.

Now, in that there was a number of - you highlight that there was an issue raised where you could see that she had gotten information that was confidential and you brought that up. So can you tell me more about that meeting? I think it was on the 26th...?

Twenty-sixth of June.

...June, yes.

Can I set the context for this? The principal, Steve Pagan, received a stage one complaint from Dr Brown on 4th January. So he began a process. When he escalates to stage two, that process then goes to a committee of the board of governors who investigate. Dr Brown was made aware of the procedures. He in fact quoted them, of which confidentiality is one of them. So the information that he would send to myself, or I with him, would be confidential. He wrote, escalating to a stage two case in February, mid-February, and I began investigating in early March. I wrote to him and basically requested that he furnished me with further evidence and I gave him a five-day window, believing that he had that evidence at hand and therefore we could move quite quickly because he had been saying he wished to work within the 20-day timeframe. He informed me that in fact, it would take further time to get this evidence together, and I gave him a further 20 days, to the end of March, in order to get that, but I had to explain to him that I would then have to begin the stage two complaint from there again. So it's a starting off point.

He wrote back, giving me this information in late March, and that information was shared only with the other members of the committee. When we were here last in June, I became aware that [REDACTED] had written to Denise. This is [REDACTED], who is a governor, had written to Denise Medea, who's the chair, and that she had quoted verbatim from this second document that Dr Brown had sent to me. Now, knowing that I had shared this with no one other than the other members, she was challenged then at a board of governors' meeting on 26th June. She had been challenged earlier, in writing, by Denise to please inform how she had come into this possession. She didn't respond. So at the meeting on 26th June, she indicated that Dr Brown had written to

[REDACTED]

her in March, a written letter not an email, and that she had responded to this. Now, the first thing that was raised is why she didn't inform the board of governors or the subcommittee that there had been contact. She said this was an oversight.

[REDACTED]

[REDACTED] She said it had been an oversight, but that she would be happy to cooperate. So I asked her in what way she would communicate it, she said a written letter. I asked her, did she respond? She said she did. She responded, saying that she could not help because a committee had been set up. Now, Dr Brown was aware a committee had been set up to look into this, and she said she would furnish the board of governors, the next day, with all communications. I wrote to her, as chair of the committee, the next day, asking her a number of questions regarding this, and at this stage now backtracked, reneged on what she had said and said she would not be furnishing the letter or any communication, that she had been acting as a private citizen, and therefore this information would be withheld. I explained to her that I believed she was not complying with her duty as a governor.

I explained to her that there was a case at this stage with yourself and that the information she has may be requested and she was happy at that stage. She said she would then deal with yourself. So at this moment in time, I don't have any of the communication. She came back to me now on 4th July, which is the copy that you don't have. I'll just give you that. That was the final communication that I had with her. At the start of the meeting on 26th June with the board of governors, all of the governors were informed that a complaint had been lodged and that I had written to Dr Brown again, reiterating that there should be no contact between himself and the board or myself, until this is resolved. [REDACTED], then on the 27th, indicated to me that she was again in communication with Dr Brown.

Twenty-seventh?

Of June. She said, I been, again, referred back to Dr Brown, that she'd been in communication and had told him of her concerns, what had happened at the board of governors' meeting. That's the last I've heard. At no stage has she ever indicated to us that there was, by chance, that there was anything going on. I find, to be very honest, it was quite a difficult meeting. It's always difficult when there are 16 people in the room and one person takes one position and 15 others take another. I half expected that the fallback position would be you're bullying me. Again, the minutes of the board of governors can't be given to you today because they have to be ratified at the next meeting, but will be furnished the minute that we have our next meeting, to yourselves, and there is a taped recording of the entire meeting.

Okay, that's interesting. I guess what I want to know is, clearly your position is she shouldn't have been communicating with him, and it was a confidential process and she was providing information or he was providing. Do you know, or is it your belief that there's evidence, aside from that point where she's agreed that she received a letter from him, is there anything else where you believe there was an attempt to inform each other?

Well, I think first and foremost, [REDACTED]

[REDACTED] but clearly there is a relationship here. Much of the information that appears to have come to Dr Brown could only have come from the confidential board of governor meetings. Which again, is strange because a lot of the information that he was putting forward and alleging wouldn't be in the public domain, [REDACTED]

Well, that's where the difficulty came. My personal view is he is a member of the public making a complaint as such, but he was writing on letterheaded paper that said MLA. Very difficult to separate those two out. In my mind, I was looking at this as a complaint, as anybody from the public would make a complaint, but I had to take into account that I felt the use of the letterhead and the way in which it was written was an attempt to pressurise me.

I2: So not to put words in your mouth, but you did say it earlier on, you felt intimidated or he was intimidating you via that style of communication?

I never felt intimidated as such, but I felt an attempt was being made to intimidate, if maybe that's it.

I2: Yes. No, I just needed clarification on that.

At no stage - I have spent many years dealing with lots of MLAs and lots of others, I accept that certain people will attempt to get a result of what they would like and they will use whatever means they need to. It just doesn't wear with me. As far as I was concerned, I was dealing with it as a professional person here, dealing with a complaint, and it would go through the exact same process as I would go through with anybody else. There was no special attention given. In fact, if there had been, perhaps I wouldn't have written back in the way that I did.

I2: In relation to the letter that he wrote to [REDACTED], is my understanding correct, that he was the initiator of that correspondence?

According to [REDACTED]. She, on record, says that he contacted her knowing that she was a member of the board of governors. She writes back saying, now, this is correspondence in which I'm a private citizen. At the end of the day, she's communicating him with information that can only be taken from governors' meetings. You can't separate the two out. You can't take one hat off and put on another because it suits.

I2: At that particular time, which is relevant, he knew that you had commenced a stage two complaint process?

Absolutely.

I2: So he knew the parameters of breaching confidentiality and abuse of process?

He quoted them.

Thank you.

I2: Thank you.

Can I just ask one final question, because it was used by Mr Pagan and Ms Medea about their belief that there was a bit of collusion going on, what is your view on that?

I have to be very careful here. Newcastle is a small place, so therefore the meeting of people is going to be obvious in a small place. That's the first thing. So because somebody sitting beside somebody else in a coffee shop doesn't mean that somehow it's collusion. What I do find strange

is that it's a number of things. [REDACTED]

[REDACTED] So a lot of this comes into it. Now, do they all meet socially? Absolutely they do. I've witnessed it. People in Newcastle - but I don't want to make an accusation that meeting socially isn't somehow a conspiratorial meeting, but it is strange. It arouses concern because I would prefer that people would have said, we openly know each other, however, I'm writing as an individual in this case or that case.

Much of what I appear to be saying, as I said to you, I have the replies from the two other stage two complaints, they're very similar to Dr Brown's. In fact, paragraph by paragraph, very similar. That, to me, is either very coincidental or collusive.

Thank you. Now, I mean I haven't gone into The Seven Principles of Public Life, basically it's in the complaint and I can flush that out based on these facts, and the rules are extremely important in this respect. Is there anything I have not asked, that you have not been able to express that needs to be said?

No, I think you've covered it. As I said from the very beginning, mine is very narrow. I'm sticking to the stage two complaint. I don't wish to get involved in the other aspects of this because I think that in itself is an area I'm not comfortable. I haven't the full knowledge. But my general understanding is that behind that, there are other issues that concern the exact same individuals throughout all of this, and that's a worry. Now, there has been, or appears to have been, a long-standing issue in the school. I came from a different sector of education. I'm aware of a report written in the early noughties into the school. I think it was shared with yourself.

Yes.

In which many of the practices of [REDACTED] and others, who are in this, are taken to task. They aren't what you would call appropriate, and demonstrate very clearly an element of collusiveness and an element of working in a manner which is not conducive to professionalism. So that worries me as well. There seems to be, or has been, an orchestrated campaign once the new principal took over. Now, as governor, what I am aware of is that many of the practices that had involved [REDACTED]

[REDACTED] Dr Brown was very close. He came to the school in lower and upper sixth, I'm led to believe, and did his A levels there, having come from another school, [REDACTED]

Okay. Thank you for clarifying all that and thank you so much for coming in today.

You're very welcome.

And for providing the evidence. I'm going to close down the...

I can leave you that copy if you want?

Yes, I would like that, thank you. Time is now 10:36.

[END OF TRANSCRIPT]



Commissioner for Standards
222 Parliament Buildings
Ballymiscaw
Stormont
Belfast
BT4 3XX

Tel: 028 9052 1220
Email: standardscommissioner@niassembly.gov.uk

[REDACTED]
[REDACTED]

PRIVATE & CONFIDENTIAL

Case ID: 202300001

Dear [REDACTED]

Evidence Request

16 August 2023

I am writing to you in relation to a complaint I am investigating. The complaint relates to an alleged Code of Conduct breach by Dr Patrick Brown MLA. During the course of my investigation to date, I have been made aware that you may have information that would be useful to my investigation.

In order to help in my investigation, can you please provide answers to the following questions by return correspondence to me within 14 days of the date of this letter.

1. What is your relationship to Dr Brown MLA?
2. How many times has Dr Brown communicated with you by any means or you with him (email/letter/social media etc) during the period of 24 February 2023 to date? Please supply copies of all communications.
3. From the evidence I have gathered, it appears that Dr Brown sent you a copy of his additional information which was requested by the Board of Governors Sub- Committee investigating his Stage 2 complaint (dated by him 27th March 2023). You state in your email correspondence with Mr Michael Kennedy that this was 'unsolicited'.
 - a. Why did Dr Brown send you this information?
 - b. Did Dr Brown request/ask/expect you to do anything with this information? Please forward all communication relating to this.
 - c. What action did you take after receiving this information? Please forward all communication relating to this.

PRIVATE AND CONFIDENTIAL

I would draw your attention to my statutory powers to call witnesses, to the restrictions on disclosure of information (including the contents of this letter) and to the procedures to be followed for the investigation more generally that are outlined in the enclosed.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Melissa McCullough', with a stylized flourish at the end.

Dr Melissa McCullough
Northern Ireland Assembly Commissioner for Standards

Encs

PRIVATE AND CONFIDENTIAL

Document 7: Written evidence from [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
Commissioner for Standards
222 Parliament Buildings
Ballymiscaw
Stormont
Belfast
BT4 2XX

28th August 2023

Dear Dr McCullough

Re: **Case ID: 202300001**

I apologise for the delay in replying. I have found this a most difficult reply to make, not because I have any difficulty in answering your questions, but because of the context in which I believe that the complaint against Patrick Brown has been made. I do believe that I have information relevant to your investigation and that I would make a better job of explaining concisely were I to have the opportunity of a meeting with you. I would appreciate you letting me know if this will be possible. [REDACTED]
[REDACTED]

[REDACTED] I take my role as governor very seriously. I believe in corporate responsibility and include myself in any criticism below of our actions as a board. I have no wish to ascribe individual blame to others. We must share responsibility for a very troubled situation on our board, and the risk posed to an outstanding school and its excellent staff and students.

Source of the Complaint

The complaint to your office was made by a group of governors of Shimna Integrated College. I am a [REDACTED] member of the board. The first point I would make is that the complaint was made by a group of board members without the knowledge of the rest of the board. Our chair had emailed all governors to ask for “their full support to the Principal on any action he may consider appropriate as a response to Dr Brown.” When the referral was eventually reported to the board, after some board members had already met with you, it transpired that the referral had been made in the name of the principal and also the chair of governors. Unfortunately, this style of decision making has become the norm on our board, where permission to act on behalf of the board is requested in vague terms by email, then followed with very specific action which has neither been signalled nor agreed.

The complaint was first reported at a board meeting on 26th June 2023. The first openly stated reason for the referral was that it had been made in order to defend the principal against allegations by Patrick Brown, despite the fact that in all correspondence with the board, Patrick had pointed out that the concerns brought to him were in relation to the board and not the principal.

The second openly stated reason for the referral was to gain access to my supposed correspondence with Patrick in order to further a claim by the chair that I am trying to orchestrate some sort of campaign against the principal. I was repeatedly badgered at that meeting to promise to resign if your finding against Patrick proved that I had conspired with him. I need to state categorically that this is not the case. I have never been involved in any conspiracy and the principal has, and has always had, my full support.

The conspiracy theory that I am the source of false concerns is entirely fabricated. (There is a reason for this, evidence of which I provide in a postscript below.) I do have serious concerns about our actions and behaviour as a board. I have raised those concerns with the board at meetings, and through the proper channels confidentially with DE and NICIE and never through conspiracy with others nor courting any publicity which would of course only harm the school I helped to found and continue to serve.

I apologise for including information about my own treatment by our board, and do not of course expect my experience of our board to fall within your remit as Commissioner. However, it is deeply distressing to witness what I believe is a complaint against Patrick as collateral damage in power play within our board which has already cost us the resignation of seven governors.

History of Referrals

The complaint to your office has been made as one of a lengthy series of referrals to a range of authorities, in an attempt to prove that complaints received by the board are the result of a conspiracy rather than being genuine concerns from members of the Shimna community.

- [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]

Significantly, while the various accusations against me and against other governors are always reported to the board, and frequently repeated, the fact that none of the authorities has found merit in any of the reports has never been reported to the board. As a result, new governors who

have joined the board as replacements for those who have resigned, have the false impression of ongoing and escalating actionable behaviour. Seven members of the board have resigned since December 2020.

Sequence of Events

The sequence of events is significant. Patrick first wrote to our board to raise concerns brought to him by constituents, including me, and which were mirrored by concerns from others who also wrote to the board at the same time. I believe that an accusation against Patrick of refusing to assist PSNI was later made in retaliation for him raising concerns, despite all his correspondence being respectful and constructive and based on information brought to him as an elected representative. Only after discovering the level of manipulation of a number of nominations to the board, involving others as well as himself, did he include the example of the way that his nomination had been handled. (information about the wrongful treatment of other nominations to the board is available if required)

I was present at the board meeting when a Department of Education nomination of Patrick as a governor of Shimna was tabled for discussion. The application was initially greeted with enthusiasm as Patrick is a most successful OldScholar. However, when the chair of governors falsely claimed that Patrick had refused to co-operate with a PSNI investigation at Shimna, governors retracted their support and the chair wrote to DE to say that the nomination was not welcome. The reason given to DE was that political affiliation made Patrick unsuitable. This is despite the 2018 DE Equality Impact Assessment on the reconstitution of boards of governors specifically pointing out that political affiliation could not be a reason to refuse the nomination of a governor. More than a year later, Michael Kennedy, who has joined the board subsequently, included in a lengthy letter to Patrick the statement that the board does not believe that Patrick refused to co-operate with a PSNI investigation at Shimna. The actions of the chair with regard to Patrick's application came as part of a pattern of maladministration involving the manipulation of appointments to the board. (evidence available if required dating back to October 2020) I was aware of substantial concern within the Shimna community about the behaviour of the board, and in an attempt to find support for bringing us back into good standing, I had already contacted DE Governance Branch. (copy available if required) I then contacted Governance Branch again with my concern about the treatment of nominations to the board, including the false claim made in relation to Patrick's application among others. (copy available if required). As a result of a subject access request, Patrick became aware of how his appointment had been handled. He was also contacted by another person nominated by DE to Shimna's board, whose nomination had been similarly mishandled during the same period. (copy available if required).

I believe that the suggestion, which has been openly made at our board meeting, that Patrick's contact with the school was influenced by personal grievance does not hold water, given this sequence of events. Patrick's reference to the treatment of his own nomination to the board is only one example of maladministration among the series of concerns he had already brought to the board. Further concerns about the treatment of nominations have subsequently been brought by others.

1. What is your relationship to Dr Brown MLA?

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Patrick had studied politics and was elected to Newry, Mourne and Down Council, while he was in his final year in Sheffield. He represents the Alliance Party. [REDACTED]
[REDACTED]
[REDACTED]

My subsequent contact with Patrick came at the time when my concerns about the quality of our governance began to grow. I had consulted a solicitor in November 2021 in order to understand my liability as an individual governor in relation to actions which I knew to be wrong. At the time the solicitor simply listened, and clarified for me my liability and responsibility to speak up. By this time I had also sought the advice of the Department of Education and Northern Ireland Council for integrated Education to find a constructive way to help our board back to good governance, but to no avail. My solicitor advised that the support of an elected representative might help. The Alliance Party being the one party unambiguously supportive of Integrated education, I decided to approach Patrick Brown, then a Newry, Mourne and Down councillor. Patrick then raised the concerns brought to him by me. During June 2022, a different solicitor, and supporter of Integrated education, contacted me in confidence with concerns about governance at Shimna, having been alerted by another member of the Shimna community. He had become concerned that community unease about governance at Shimna might have a knock-on effect on the school with which he is involved. I explained that I had already raised my concerns with DE and with NICIE to no avail, and, as had my own solicitor before, he recommended that I seek the support of an elected representative. He recommended Patrick as an Alliance MLA, the party most in support of Integrated education, and as someone he would recommend personally. I was already in touch with Patrick at this stage, and he had already raised concerns with the board of governors, but this second solicitor's recommendation seemed to vindicate my decision to contact Patrick.

Patrick had raised concerns with the board about matters of terms of office which, if rectified, could have set us on the road to recovery. Concerns about the same matter were raised with the board in writing at the same time by others. Unfortunately, our chair responded unilaterally to Patrick and the other complainant without bringing the matter to the board until both pointed out that the concerns were for the board to address, and not just the chair.

Both letters of concern were then tabled at the same meeting of the board, and instead of the substance being addressed, both complainants were separately disparaged and their standing to raise concerns dismissed. [REDACTED]
[REDACTED]

[REDACTED]. When Patrick was later nominated as a Department of Education governor for Shimna, which he saw as a constructive way to contribute from the inside to a school he credited with his success at A level, the chair of governors presented the board with a completely fabricated claim that Patrick had refused to assist the PSNI in an investigation at the school. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
Puzzled as to the reason his nomination had been turned down, Patrick made a subject access request to DE and discovered that the chair had made this claim. [REDACTED]

[REDACTED] He was immediately able to secure a statement from PSNI that he had never been asked to assist in an investigation at Shimna, nor was there any an ongoing investigation at Shimna. Patrick has been completely vindicated in a letter from Michael Kennedy to Patrick which includes, buried among many other issues, a statement that the board does not believe the chair's claim. However, this statement has never been openly shared with the board.

Our board meetings currently spend most of our time fending off complaints from a range of sources which include many issues in common. Instead of considering the possibility that the common issues from different sources might be issues which need attention, the focus of the board is always to seek evidence of conspiracy. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] There is no conspiracy.

Unfortunately, because it was specifically stated at the June meeting of our board, I believe that Patrick has been referred to you in retaliation against him for bringing the very well- founded concerns of constituents who have spoken to him, including me, and also to gain access to my supposed correspondence with Patrick. Latterly, immediately following the June meeting [REDACTED]
[REDACTED], I decided not to share any documentation with the board in relation to the referral and to assure the board instead that I would provide documentation to you should you require it. Until that time, I have always been happy to share any documentation with the board. I believe in corporate responsibility and take my role as a governor very seriously.

2. How many times has Dr Brown communicated with you by any means or you with him (email/letter/social media etc) during the period of 24 February 2023 to date? Please supply copies of all communications.

The small number of emails sent by Patrick to me during this time period are attached. As with the letter already drawn to your attention, the emails were sent in order to inform me of the progress of his approach to the board of governors. None of the emails required a reply, nor did I send a reply. I understood that Patrick was simply updating me.

Most of my contact with Patrick in relation to our board of governors has been in a small number of formal meetings. I originally requested a meeting with Patrick as a local councillor on 5th December 2021. This meeting took place in Downpatrick and it was at that meeting that I first raised my concerns with him. I had of course previously brought my concerns directly to the board. As stated above, when Patrick's letter of concern arrived at the board, another letter, this time from a staff member, was eventually tabled at the same meeting and addressed the

same concerns. It transpired that a series of anonymous letters had already raised the same concerns from September 2021, but had not been shared with the board, despite a whistleblowing policy being in place which deals with the necessity to address anonymous concerns. I subsequently met with Patrick on two occasions, once at my home when Patrick updated me on the response he had received to the concerns raised. Secondly, I requested a short meeting with him [REDACTED] in Newcastle in November 2022 at which I updated him with my escalating concerns about governance which by that stage I believed were directly affecting staff. I requested a meeting with Patrick at his constituency office in July 2023 in order to ask his advice on raising my concerns again with the Department of Education. [REDACTED]

[REDACTED] My concerns about risk in school governance are very real and urgent, and I wish to raise the concerns in a constructive and confidential manner which will not risk bringing any school into disrepute.

I have spoken by phone with Patrick on a small number of occasions during which he updated me on the progress of the concerns he had raised, and also brought to my attention that a number of other members of the Shimna community had also approached him with similar concerns.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] I have found him to be entirely professional in this regard at all times.

- 3. From the evidence I have gathered, it appears that Dr Brown sent you a copy of his additional information which was requested by the Board of Governors Sub-Committee investigating his Stage 2 complaint (dated by him 27th March 2023). You state in your email correspondence with Mr Michael Kennedy that this was ‘unsolicited’.**

(a) Why did Dr Brown send you this information?

The letter in question was unsolicited in that I did not contact Patrick to ask him specifically to copy me into that piece of correspondence. I believe that Patrick sent me a copy of his additional information as a courtesy and to keep me informed because I had asked for his help in addressing my serious concerns about the conduct of our board. He was aware that I had been very concerned that it appeared that his nomination as DE governor had been deliberately wrongly processed in retaliation for him bringing concerns on my behalf and on behalf of others who had approached him. It was only after our board failed to address the original concerns constituents had brought to Patrick, and after he became aware of our chair’s actions in unilaterally processing all Department of Education nominations to the board rather than bringing the nominations to the board itself, that Patrick added concern about maladministration in the appointment of governors. I am aware that members of our board have sought to present Patrick’s concerns about governance as a response to a personal slight. This is categorically not the case. Patrick is well aware that appointments to a board of governors are made by the Minister of Education, and not by the board. Patrick originally brought concerns on behalf of those of us who had raised them with him as an elected representative in late 2021, as a local councillor. Maladministration in the

appointment of governors involved the treatment of six nominations from the Department of Education during mid 2022. The sequence of events is clear from the record. The personal response did not come from Patrick, who has been civil and constructive throughout, and has made every attempt to help our board address governance issues without publicity or fanfare.

I am personally distraught at the treatment he has received from a small number on our board, and equally distraught at experiencing what is unfortunately a common pattern of good people preferring not to challenge inexplicably bad behaviour. As mentioned above, seven governors have simply resigned rather than attempt to deal with the situation or face the aggression meted out to anyone who raises concerns.

(b) Did Dr Brown request/ask/expect you to do anything with this information?

Patrick did not request, ask nor expect me to do anything with the information. I believe that Patrick sent me the information in order to update me as to his action on the concerns raised by me and by others.

Please forward all communication relating to this.

Please see attached.

(c) What action did you take after receiving this information? Please forward all communication relating to this.

I didn't take any action after receiving this information. However, subsequently, in the light of the repeated claims at our board meetings that Patrick, and others who have submitted written complaints, seek to undermine our relatively new principal, I did quote from Patrick's letter. In the letter Patrick had shared with me, and in all previous correspondence which I have had sight of, Patrick emphasised that the issues brought to him by constituents had been issues with the board of governors, and not with the principal. Stage 1 of the Complaints Procedure states that concerns must first be raised with the principal, but even in his first letter addressed to the principal, Patrick had acknowledged that he expected his concerns to be escalated to Stage 2 because they were in relation to actions by the board, and not the principal. Please find attached the text of my email to our chair, Denise Medea quoting from Patrick's letter.

I trust that I have answered your questions as required, and apologise for any extraneous guff.

Yours sincerely,



PS

Please find below an explanation of the events which I believe triggered the current situation on our board of governors, which probably qualifies as further extraneous guff.

[REDACTED]

Appendices

1. Text of emails sent to me by Patrick Brown since 24th February 2023

NB [REDACTED] Denise Medea is the chair of governors. Michael Kennedy is the chair of the panel considering the complaint brought by Patrick Brown. As is unfortunately current practice on our board, the complaints panel was never delegated by the board, nor the board made aware of who sits on this panel. I trust that this method of sharing the emails meets your requirement. I am not particularly IT literate and am unsure how else to present the emails.

Sent 26th March at 18.14pm

Dear Michael,

With regard to your request for further evidence in support of my complaint, please find attached:

- Written response listing evidence for the 7 concerns listed in my complaint
- My initial letter raising concerns from January 2022
- Correspondence between the BoG Chair and I regarding this initial letter
- Correspondence between the Chair and the Department of Education regarding my appointment as a governor

I trust this is in order, please inform me if you need anything further.

Dr Patrick Brown MLA
MLA for South Down

Northern Ireland Assembly | Room 258 Parliament Buildings | Belfast | BT4 3XX
Downpatrick Constituency Office | 9 Market Lane | Downpatrick | BT30 6BW | DPK Office 07361813394
Warrenpoint Constituency Office | 2B Meeting Street | Warrenpoint | BT34 3JZ | Warrenpoint Office
07361529106
Mobile 07971783252

From: [REDACTED] >
Date: Friday, 3 March 2023 at 16:28
To: "Brown, Patrick" <patrick.brown@mla.niassembly.gov.uk>
Subject: RE: Complaint Stage 2

Dear Dr Brown,

Thank you for your response dated 2/3/23.

Your initial Stage 1 communication to Mr Pagan outlined several wide-ranging and serious complaints, which you then felt needed to be escalated to the Stage 2 process.

It would seem reasonable to conclude that as a public representative you would have been unlikely to have requested this course of action unless you had been privy to or had obtained a significant level of detailed and documented evidence. Similarly, the committee felt that it could not properly fulfil its remit without also having that level of detailed information.

The committee believed that if due diligence had already been concluded, then a reasonable period (5 working days) would have been sufficient to collate and seek permissions for the forwarding of such information.

The Complaint Procedure states '... and a final response **normally** made within 20 working days'. I am aware that the Chair of the Board of Governors, Shimna Integrated College has already communicated to you that the process may go outside the '**normal**' due to the Half-Term Break. The committee's request for you to submit all evidence within 5 working days was an attempt to keep as close to that timeframe as possible.

However, as you have indicated that a 5-day turnaround would be too short for you to comply with, the committee, in the interest of good working relations, is minded to extend the period as suggested, with the understanding that the Stage 2 process begins afresh upon receipt of said evidence.

Kind regards,

Michael Kennedy
Chair of Complaints Panel
Shimna Integrated College

From: Brown, Patrick <patrick.brown@mla.niassembly.gov.uk>
Sent: 02 March 2023 15:05
To: [REDACTED] <himna.newcastle.ni.sch.uk>
Subject: Re: Complaint Stage 2

EXTERNAL

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Hi Michael,

Thank you for your email. Can you please outline the reasoning behind requiring such evidence, which will take time to gather and potentially permissions sought from those who have raised concerns with me, within 5 working days, when your own policy only requires the school to respond within 20 working days (with an acknowledgement within 5)?

I note that your complaints process is silent on the matters of both additional requests for evidence and the imposition of timeframes on complainants. That being said, I am happy to comply with your request for additional evidence but am concerned that you are holding complaints to a more stringent timeframe than yourselves.

I would also note that we are now 15 days on from the initial lodging of my stage 2 complaint, making it highly unlikely, even if I were to comply with the imposed timeframe of 5 working days, that the school will be able to review this information and respond within the 20 working days timeframe.

I am therefore content to accept a delayed response to my complaint providing the school can facilitate a suitable and fair timeframe to produce additional information. I would propose 20 working days, but I hope to have it before then.

Dr Patrick Brown MLA

MLA for South Down

Northern Ireland Assembly | Room 258 Parliament Buildings | Belfast | BT4 3XX

Downpatrick Constituency Office | 9 Market Lane | Downpatrick | BT30 6BW | DPK Office 07361813394

Warrenpoint Constituency Office | 2B Meeting Street | Warrenpoint | BT34 3JZ | Warrenpoint Office

07361529106

Mobile 07971783252

From: [REDACTED] <[REDACTED]@shimna.newcastle.ni.sch.uk>

Date: Thursday, 2 March 2023 at 14:19

To: "Brown, Patrick" <patrick.brown@mla.niassembly.gov.uk>

Subject: Complaint Stage 2

Dear Dr Brown

I am writing to you in my capacity as Chair of the Sub-Committee of the Board of Governors of Shimna Integrated College, convened to review your Stage 2 complaint as per the 'Complaints Procedure for Shimna Integrated College'. (Please see attached document)

To fully consider your concerns/complaints numbered 1-7 and addressed to Mr Steve Pagan (Principal) 4th January 2023, the committee request that you submit any and all empirical/specific evidence that you have relied upon to substantiate your position.

Upon receipt of this information, the sub-committee will endeavour to expedite their report to you and the full board of Governors in a timely manner.

If no further information is forthcoming within 5 working days of the delivery of this correspondence, the sub-committee will conclude their review into this complaint based solely on the information provided by you to Mr Pagan (4/1/2023). A response will then be issued in writing by myself, as chair of the sub-committee, as per the Complaints Procedure.

If following the completion of Stage 2 you remain dissatisfied with the outcome of your complaint, you can refer the matter to the Office of the Northern Ireland Public Services Ombudsman.

Any response to this request should be sent either electronically or by hard copy to [REDACTED], Shimna Integrated College, marked confidential and for my attention.

Thanking you in advance for your cooperation.

Yours sincerely

Mr Michael Kennedy
Chair of Complaints Panel
Shimna Integrated College

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2. Text of my email to chair of governors Denise Medea on 6th June 2022

Dear Denise

[REDACTED] Am puzzled by your second request. Of course the principal should have our full support. I realise that the panel may have had access to more material than I have seen, however, on the basis of the two letters from Patrick circulated to the board, I feel he made it very clear that the issues he raised were primarily with us as a board, and not with Steve. ((Ref: final paragraph in the second letter received from Patrick: "I also want to give assurances that my concerns are directed squarely at the board and are for the board alone to answer....") I think that reassurance from us as a board that we recognise this might be the most significant support we can offer. In addition, Steve [the principal] should have whatever further support from the board he feels he needs.

Thank you,
[REDACTED]

Document 8: Dr Brown response to [REDACTED] evidence



From: +StandardsCommissioner standardscommissioner@niassembly.gov.uk **Subject:** FW: Case ID - 202300001

Date: 16 October 2023 at 15:23

To: Melissa McCullough melissamccullough10@gmail.com

From: Brown, Patrick <patrick.brown@mla.niassembly.gov.uk>

Sent: 02 October 2023 15:13

To: +StandardsCommissioner <standardscommissioner@niassembly.gov.uk> **Subject:** Re: Case ID - 202300001

Dear Melissa,
Many thanks for sharing this additional information.

I have no comments to make on this additional evidence, however I would like to ask if you had an updated timeframe for completion of the draft report? Thanks

Regards,
Dr Patrick Brown MLA South Down - Alliance Party

From: StandardsCommissioner@niassembly.gov.uk
<StandardsCommissioner@niassembly.gov.uk>

Sent: Monday, October 2, 2023 11:48:34 AM

To: Brown, Patrick <patrick.brown@mla.niassembly.gov.uk> **Subject:** Case ID - 202300001

Dear Dr Brown MLA

Please find attached communication from the Commissioner for Standards, Dr Melissa McCullough.

Kind regards
Office of the Commissioner for Standards

Document 9: Correspondence with [REDACTED] and the Shimna BoG

From: M Kennedy Via [REDACTED]
Sent: Thurs 29 June 2023 12:21
To: [REDACTED]
Subject: Confidential

Dear [REDACTED]

Thank you for your response to my email, 27/06/2023.

For the record, can I please clarify that I was writing to you as a governor of Shimna Integrated College and not as a private citizen. As a governor you are privy to confidential and sensitive information, not available to the general public, and as such you are duty bound to act with openness, integrity and in the best interest of the college.

The minutes of the Board of Governor's meeting 26/06/2023 will clearly show that you stated Dr. Brown corresponded with you regarding his 'additional information' (27/03/2023) as he was aware you were 'a member of the Board (your words)' and that you replied that you could not deal with this matter as a Panel of Governor's had been established to investigate this complaint. This information was not public knowledge and therefore you were acting in your capacity as a governor and not a private citizen.

Finally, I am confused as to why you have 'let Patrick know' of my request, I was not writing to Dr. Brown and as a Governor would have expected that you would keep Board correspondence confidential.

Once again, in the interests of transparency, I request that you honour the undertakings you gave to the Board at the meeting 26/06/2023 and fulfil your obligations as a Governor of Shimna College.

I look forward to a speedy response.

Yours kindly,

Michael

Panel Chair

Cc'd Denise Medea, Chair
P Brown - Governor Investigating Panel

From: [REDACTED]
Sent: Thurs 29 June 2023 09:57
To: M Kennedy Via [REDACTED]
Subject: FAO Michael Kennedy

Dear [REDACTED], I would be grateful if you could forward the following to Michael Kennedy. Thank you very much, [REDACTED]

Dear Michael

Thank you for your email. I acknowledge that early in the meeting I offered to send you a copy of my response to Patrick. However, having reflected upon the events at Monday's meeting and the prolonged barracking I experienced, I have decided that I do not wish to interact further on this matter, and certainly not to share any correspondence, written in my capacity as a private citizen and not in my capacity as a governor, while fellow governors feel it is appropriate to doubt my word. I will be very happy to correspond with the commissioner who I am sure will ask me if required. I have let Patrick know of your request.

██████████

From: M Kennedy via ██████████
Sent: Tue 27/06/2023 15:27
To: ██████████
Subject: Information to be sought from ██████████

Dear ██████████

I am writing to you in my capacity as Chair of the Sub-Committee tasked with investigating a Stage 2 Complaint initiated by Dr P Brown.
Further to the full Board of Governors meeting held on 26th June 2023, the sub-committee have asked that I request the following information.

How many times did Dr Brown communicate with you, or you with him (email/letter/social media etc) between the raising of his Stage 2 Complaint (24/2/23) and his subsequent referral to the Standards Commissioner Northern Ireland Assembly (7/6/23)? Please supply copies of **any and all** communications.

How (email/letter/social media etc) and when did Dr Brown send a copy of his additional information requested by the Sub-Committee and which was dated by him 27th March 2023 to you? What did Dr Brown request/ask/expect you to do with this information? Please forward **all communication from him** regarding this inappropriate approach.

How and when did you reply to this communication? Please send a copy of your reply to him, **as agreed by you at the BoG meeting 26/6/23.**

As Dr Brown is now the subject of a formal investigation by the Standards Commissioner of the Northern Ireland Assembly, and we as a Board of Governors can be called to submit evidence at short notice, I would ask that the above information is sent to me as a matter of extreme urgency.

Regards,
Michael

Cc'd Denise Medea, Chair
P Brown - Governor Investigating Panel

Meeting of the Board of Governors 26 June 2023 – [REDACTED] disclosed she had been in correspondence with Dr Brown. She also agreed to share the correspondence with the Board.

From: D Medea via [REDACTED]
Sent: Mon 19/06/2023 16:11
To: [REDACTED]
Subject: Email from Chair

Dear [REDACTED]

I refer to your communication dated 6/6/23, where you quote correspondence from Patrick Brown, namely:

***Final paragraph in the second letter received from Patrick Brown:** "I also want to give assurances that my concerns are directed squarely at the board and are for the board alone to answer....."*

In the interests of transparency, I would be grateful if you could confirm how you are able to quote directly from this letter as this letter has not been shared with the full Board.

Regards

Denise

CC: Michael Kennedy – Chair of P Brown Panel
[REDACTED]

No reply was received from [REDACTED] to Denise's request in this email.

From: M Kennedy via [REDACTED]
Sent: Wed 07/06/2023 14:31
To: Dr Brown
Subject: Reply to Dr Brown
Dear Dr Brown,

Thank you for your email 6th June 2023.

As you are undoubtedly aware a formal complaint concerning your actions has been raised with the Commissioner for Standards at the Northern Ireland Assembly, Dr Melissa McCullough, by Shimna Integrated College.

Therefore, any communication between yourself (including the email referenced above), this Sub-Committee or the full Board of Governors would be inappropriate.

Until this matter is resolved, I will not be in a position to respond to this or any other correspondence from you.

Kind regards,

Michael Kennedy (Chair Sub-Committee, Dr P Brown Stage 2 Complaint)

This letter was copied to each governor for the Board of Governors meeting held on 26 June 2023

From: [REDACTED]
Sent: Tue 06/06/2023 10:03
To: D Medea
Subject: FAO Denise

Dear Denise

[REDACTED] Am puzzled by your second request. Of course the principal should have our full support. I realise that the panel may have had access to more material than I have seen, however, on the basis of the two letters from Patrick circulated to the board, I feel he made it very clear that the issues he raised were primarily with us as a board, and not with Steve. ((Ref: final paragraph in the second letter received from Patrick: "I also want to give assurances that my concerns are directed squarely at the board and are for the board alone to answer....") I think that reassurance from us as a board that we recognise this might be the most significant support we can offer. In addition, Steve should have whatever further support from the board he feels he needs.

Thank you,

[REDACTED]

From: D Medea via [REDACTED]
Sent: Tue 06/06/2023 08:44
To: All Governors
Subject: Message from Chair – Reply required

Dear colleagues

A request from Steve. [REDACTED]
[REDACTED]

Please see attached minutes from the sub-committee of the Complaints Panel, which considered the correspondence from Dr Brown. Stage 2 is now concluded, and a full report will be given at the next Board meeting.

Can I ask for support for the recommendation made in point 3?

“Recommendation 3: *Committee members raised concerns about the tone and accusations towards the Principal in correspondence from Mr Brown and agreed to support the Principal in any action he may decide to take in response to it. Committee would recommend to the Board of Governors that they should, on the conclusion of the Stage 2 Complaint, offer their full support to the Principal on any action he may consider appropriate as a response to Dr Brown.”*

Regards

Denise

Document 10: Correspondence between P Brown and DE 14 July -2 Sept

From: Governor Applications
Sent: 02 September 2022 15:05
To: "Brown, Patrick"
Subject: RE: DE Governor Opportunity - Cedar Integrated Primary School

Good afternoon Mr Brown,

Thank you for your email. I can confirm that your application is under consideration and a decision will be made in due course.

Many thanks

From: Brown, Patrick <patrick.brown@mla.niassembly.gov.uk>
Sent: 02 September 2022 12:51
To: Governor Applications <govapps@education-ni.gov.uk>
Subject: Re: DE Governor Opportunity - Cedar Integrated Primary School

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Hi there,

It has now been a number of months since my application and I was wondering if there were any updates? I am aware that the application has been discussed by the existing BOG at Shimna and would be keen to know how much longer the process should take.

Thank you

Dr Patrick Brown MLA | Northern Ireland Assembly | Room 258 Parliament Buildings | Belfast | BT4 3XX
MLA for South Down | South Down Constituency Office | 9 Market Lane | Downpatrick | BT30 6BW
Office 07361813394 | Mobile 07971783252

From: Governor Applications <govapps@education-ni.gov.uk>
Date: Wednesday, 20 July 2022 at 10:10
To: "Brown, Patrick" <patrick.brown@mla.niassembly.gov.uk>
Subject: RE: Re: DE Governor Opportunity - Cedar Integrated Primary School

Dear Mr Brown,

Thank you for expressing your interest in being considered for a DE governor opportunity in Cedar Integrated Primary School. Details of candidates will be sent to the Minister for her consideration and, in line with legislation, she will select and appoint governors to these positions.

With regards to your query concerning Shimna Integrated College, the Department recently commenced a reconstitution campaign to fill vacancies at Grant Maintained Integrated schools, including Shimna Integrated School. We are currently collating details of suitable candidates and as outlined above, the Minister will decide who is appointed to each GMI school Board of Governors.

Thank you again for your interest.

Kind regards,


From: Brown, Patrick <patrick.brown@mla.niassembly.gov.uk>
Sent: 14 July 2022 11:47
To: Governor Applications <govapps@education-ni.gov.uk>
Subject: CM: Re: DE Governor Opportunity - Cedar Integrated Primary School

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Hi there,
Thank you for your email. I do very much appreciate the offer and I am interested, however in my initial application I had expressed an interest in sitting on the board of Shimna Integrated College in Newcastle. This is my alma matter, I have close links with the school and I feel my skill set and experience would lend itself more to secondary education. I also understand there are at least 3 BoG vacancies at Shimna currently.
Could you please tell me why I have not been matched for one of the opportunities there instead?
Thank you
Best,
Patrick Brown
Development Officer
Alliance Party of Northern Ireland

From: Governor Applications <govapps@education-ni.gov.uk>
Date: Thursday, 14 July 2022 at 11:30
Subject: DE Governor Opportunity - Cedar Integrated Primary School

Good Morning
I refer to your previous application to become a DE school governor. I wish to advise that using your preferences submitted within your application form, you have been matched to a DE governor opportunity in **Cedar Integrated Primary School**.
The Department is now considering DE governor appointments to the above school with a four year term of office and I should be grateful if you would advise by reply by **28 July 2022** whether or not you are interested in being considered for appointment to the board of governors of this school. Please ensure all replies include your name and your choice.
Important If you do wish to be considered, please also advise in your reply of any potential eligibility issues or conflicts of interest that could affect you being considered for appointment to this school, for example having a child registered at the school or, being related to a current member of staff or governor. Please refer to pages 3 and 4 of

the 'Becoming a School Governor' booklet available online [here](#) for eligibility criteria and information on potential conflicts of interest.

DE governor appointments to Voluntary Grammar and Grant Maintained Integrated school Boards are made by the Education Minister, if you do wish to be considered, your name and a summary of your skills, knowledge and experience as detailed in your application form, together with other applicants who have agreed to be considered will be submitted to the Minister for his consideration and selection. However, **as there is normally more eligible candidates than DE governor positions, not all those considered are appointed.**

If your circumstances have changed and you wish to update any of your personal information, skills, experience or preferences submitted in your original application form, please complete and submit a new application form to us at govapps@education-ni.gov.uk. Forms are available online [here](#).

Please note that you may be matched to further DE governor opportunities in the future and in this event, you will receive a separate e-mail from the Department regarding this. Each e-mail should be replied to individually stating your choice.

Regards

School Governance Team

Document 11: Correspondence between P Brown and DE 21 September 2022 – 16 November 2022

McCullough, Melissa Dr

From: Brown, Patrick <patrick.brown@mla.niassembly.gov.uk>
Sent: 11 October 2023 17:07
To: +StandardsCommissioner
Subject: FW: DE Governor Opportunity

Please see below origins of SAR:

From: "Brown, Patrick" <patrick.brown@mla.niassembly.gov.uk>
Date: Wednesday, 16 November 2022 at 13:58
To: Governor Applications <govapps@education-ni.gov.uk>
Subject: Re: DE Governor Opportunity

Hi there,

In response to your questions:

Yes, this only applies to information after 7th July

Yes, it applies to information in connection with Shimna IC only

From: Governor Applications <govapps@education-ni.gov.uk>
Date: Wednesday, 16 November 2022 at 11:47
To: "Brown, Patrick" <patrick.brown@mla.niassembly.gov.uk>
Subject: RE: DE Governor Opportunity

Dr Brown

Thank you for your e-mail. To allow the Department to identify any appropriate records held, I wish to seek clarification on some aspects of your request.

You have asked for 'any of the information below currently held by the department after the date of 7th July 2022'. Does this only refer to any information, that was received or created, after 7th July 2022?

You have also asked for information 'relating to my application'. Does this only refer to any information, relating to your application, in connection with Shimna Integrated College?

Regards

From: Brown, Patrick <patrick.brown@mla.niassembly.gov.uk>
Sent: 13 November 2022 09:13
To: Governor Applications <govapps@education-ni.gov.uk>
Subject: FW: DE Governor Opportunity

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Hi [REDACTED]

In addition to my request for how many departmental governor positions are currently open on Shimna's board, can I also request a further Subject Access Request to obtain any of the information below currently held by the department after the date of 7th July 2022:

- Any and all correspondence between the department and the Shimna BoG or Chair of the board relating to my governor application
- Any and all correspondence between NICIE and the department relating to my application
- Any and all internal correspondence within the department relating to my application, including correspondence with the former Minister of Education Michelle McIlveen
- Any other relevant files or information relating to my application

Thank you

Dr Patrick Brown MLA | Northern Ireland Assembly | Room 258 Parliament Buildings | Belfast | BT4 3XX
MLA for South Down | South Down Constituency Office | 9 Market Lane | Downpatrick | BT30 6BW
Office 07361813394 | Mobile 07971783252

From: "Brown, Patrick" <patrick.brown@mla.niassembly.gov.uk>
Date: Saturday, 12 November 2022 at 15:09
To: Governor Applications <govapps@education-ni.gov.uk>
Subject: Re: DE Governor Opportunity

Hi [REDACTED]

Further to my previous correspondence, can you please confirm how many departmental governor positions are currently open on Shimna's board?

Patrick

From: Governor Applications <govapps@education-ni.gov.uk>
Date: Wednesday, 9 November 2022 at 16:28
To: "Brown, Patrick" <patrick.brown@mla.niassembly.gov.uk>
Subject: DE Governor Opportunity

Dr Brown

Thank you for your emails of 12th and 28th October 2022. As you are aware from our subsequent email of 26th October, your request of 12th October has been treated as a Subject Access Request. Please find attached response.

In relation to DE governor appointments please note that whilst the Department affords Boards the opportunity to provide comment on potential candidates, the authority to appoint Departmental representatives to Board of Governors rests with the Minister of Education. I should clarify that there were more than three eligible candidates under consideration for three DE governor positions at Shimna Integrated College. The criteria for making such appointments is that when more than one applicant is being considered for a particular post, the Minister assesses the applicants on merit. Merit is interpreted widely, to include knowledge which would be of use in the governance of a school. You should note that while comments on potential candidates are requested from the Board, the

[REDACTED]

From: Brown, Patrick <patrick.brown@mla.niassembly.gov.uk>
Sent: 09 November 2022 16:46
To: Governor Applications
Subject: Re: DE Governor Opportunity

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Hi [REDACTED]

It is quite clear that this decision has been influenced by the attached letter which clearly discriminates against me on the grounds of my political beliefs and position.

I will be pursuing this through a formal complaint and any other relevant channels.

Best,
Dr Patrick Brown MLA
Alliance Party - South Down

From: Governor Applications <govapps@education-ni.gov.uk>
Sent: Wednesday, November 9, 2022 4:28:23 PM
To: Brown, Patrick <patrick.brown@mla.niassembly.gov.uk>
Subject: DE Governor Opportunity

Dr Brown

Thank you for your emails of 12th and 28th October 2022. As you are aware from our subsequent email of 26th October, your request of 12th October has been treated as a Subject Access Request. Please find attached response.

In relation to DE governor appointments please note that whilst the Department affords Boards the opportunity to provide comment on potential candidates, the authority to appoint Departmental representatives to Board of Governors rests with the Minister of Education. I should clarify that there were more than three eligible candidates under consideration for three DE governor positions at Shimna Integrated College. The criteria for making such appointments is that when more than one applicant is being considered for a particular post, the Minister assesses the applicants on merit. Merit is interpreted widely, to include knowledge which would be of use in the governance of a school. You should note that while comments on potential candidates are requested from the Board, the Department does not discriminate between applicants on the grounds of gender, race, age, disability, religion, marital status, sexual orientation or community background.

There is no appeal process in respect to the selection of DE governors. Under Article 13(7) of the Education and Libraries (N.I.) Order 1986 (as amended) it stipulates that "any question as to the right of any person to be, or to appoint or nominate, a member of the Board of Governors of a grantaided school shall be decided by the Department whose decision shall be final".

The Department's complaint procedure can be found on our website at: [Complaints procedure | Department of Education \(education-ni.gov.uk\)](https://www.education-ni.gov.uk/complaints-procedure)

Regards

[REDACTED]

From: Brown, Patrick <patrick.brown@mla.niassembly.gov.uk>
Sent: 12 October 2022 17:56
To: Governor Applications <govapps@education-ni.gov.uk>
Subject: CM: Re: DE Governor Opportunity - Blackwater Integrated College

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Hi [REDACTED]

Thank you for this. Given the department is aware my application has been discussed, and has received the response, when will the department be informing me of the outcome of my application?

Furthermore, can I ask that the response is shared with me. If this is not possible, I will put in an FOI request.

Thank you

Dr Patrick Brown MLA | Northern Ireland Assembly | Room 258 Parliament Buildings | Belfast | BT4 3XX
MLA for South Down | South Down Constituency Office | 9 Market Lane | Downpatrick | BT30 6BW
Office 07361813394 | Mobile 07971783252

From: Governor Applications <govapps@education-ni.gov.uk>
Date: Wednesday, 12 October 2022 at 17:48
To: "Brown, Patrick" <patrick.brown@mla.niassembly.gov.uk>
Subject: RE: DE Governor Opportunity - Blackwater Integrated College

Good afternoon Dr Brown

Thank you for your e-mail.

In response to your first query, the Department is currently completing the appointment process to fill three DE representative positions on the Board of Governors of Shimna Integrated College. The response to queries (b)-(d) is Yes.

Regards
[REDACTED]

From: Brown, Patrick <patrick.brown@mla.niassembly.gov.uk>
Sent: 04 October 2022 09:47
To: Governor Applications <govapps@education-ni.gov.uk>
Subject: Re: DE Governor Opportunity - Blackwater Integrated College

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X [REDACTED]

Thank you for this.

Could you therefore let me know if:

- a. There are currently any open DE Governor positions at Shimna Integrated college
- b. If my application has been sent to the BoG at Shimna Integrated college
- c. If the department is aware if my application has been discussed by the BoG at Shimna
- d. If yes to c), has the department received any response from Shimna BoG regarding my application

Thank you

From: Governor Applications <govapps@education-ni.gov.uk>
Date: Tuesday, 4 October 2022 at 09:35
To: "Brown, Patrick" <patrick.brown@mla-niassembly.gov.uk>
Subject: RE: DE Governor Opportunity - Blackwater Integrated College

Dr Brown

Thank you for your e-mail.

The Department received your application form just over three months ago in June 2022. Following the receipt of an application, there is no set timescale for it be considered for a particular opportunity or opportunities as these arise at various times, dependent on the occurrence of vacant DE position/s on Boards of Governors. When an opportunity does arise, the Department identifies and contacts applicants to enquire of their interest in being considered for that particular opportunity before being brought forward, along with other interested applicants, for consideration.

The timescales for the complete appointment process can vary greatly as it is largely dependent on the timely receipt and processing of information and documentation from a number of vested parties including (where applicable) applicants, serving governors, Board of Governors, schools, the Education Authority, the Council for Catholic Maintained Schools and AccessNI.

Regards
[REDACTED]

From: Brown, Patrick (<mailto:patrick.brown@mla-niassembly.gov.uk>)
Sent: 28 September 2022 14:46
To: Governor Applications <govapps@education-ni.gov.uk>
Subject: Re: DE Governor Opportunity - Blackwater Integrated College

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H

Thank you for your response to my queries.

I am in the process of preparing a complaint to the school, however given that you state 'The authority to appoint Departmental (DE) representatives to BoGs rests with the Minister of Education. The process of appointment is ongoing and you will be advised of the outcome of this in due course.' It would be remiss of me to submit such a complaint until I have a clear idea of why my application is taking so long to process.

Could you please tell me what the average turnaround time for a governor application is? I believe mine was submitted in mid-June, and 6 months seems like an awfully long time for the Minister to take to make a decision on a single application.

Can you please advise at your earliest convenience, thank you

Dr Patrick Brown MLA | Northern Ireland Assembly | Room 258 Parliament Buildings | Belfast | BT4 3XX
MLA for South Down | South Down Constituency Office | 9 Market Lane | Downpatrick | BT30 6BW
Office 07361813394 | Mobile 07971783252

From: Governor Applications <govapps@education-ni.gov.uk>

Date: Friday, 23 September 2022 at 15:58

To: "Brown, Patrick" <patrick.brown@mla.niassembly.gov.uk>

Subject: RE: Re: DE Governor Opportunity - Blackwater Integrated College

Dear Dr Brown

Thank you for your e-mail of 22 September 2022. You have raised a number of points which I will address in turn below:

Offer of governorship in two schools and indicated preference for Shimna Integrated College:

As noted in the Department's application form to become a school governor, the preferences provided by an applicant are used to match individuals to school governor opportunities. A governor post in any particular school or school type cannot be guaranteed. When an applicant's preferences are matched to an opportunity, the Department contacts the applicant to enquire of their interest in being considered for that particular opportunity before being brought forward, along with other interested applicants, for consideration. Being considered for a particular post does not constitute that the applicant will be appointed.

Governor term when schools close

The membership of a Board of Governors (BoG) expires at the point of closure of a school. In relation to the opportunity at Blackwater Integrated College, I acknowledge that there was an error regarding a date entered into the e-mail you received and I apologise for this oversight. The correct date for your response should be 28 September.

DE Governor Appointments to Shimna Integrated College

The authority to appoint Departmental (DE) representatives to BoGs rests with the Minister of Education. The process of appointment is ongoing and you will be advised of the outcome of this in due course.

Complaints

If you wish to raise a complaint in relation to a school you should follow the individual school complaints policy. If you have exhausted the complaints procedure and remain unsatisfied with the decision, you have right to refer the matter to the Northern Ireland Public Services Ombudsman (NIPSO).

NIPSO investigate complaints made by people who believe that public bodies in Northern Ireland, such as government departments and the bodies that work with them have not acted properly or fairly; from April 2017 their remit extends to complaints about publically funded schools. Details of how to make a complaint to NIPSO are available at the following link however as stated above the schools complaints procedure process must be fully exhausted before NIPSO will investigate a complaint <https://nipso.org.uk/nipso/making-a-complaint/how-do-i-make-a-complaint-to-nipso/>.

I hope the above helps.
Regards

From: Brown, Patrick (<mailto:patrick.brown@mla.niassembly.gov.uk>)
Sent: 22 September 2022 11:30
To: Governor Applications <govapps@education-ni.gov.uk>
Subject: CM: Re: DE Governor Opportunity - Blackwater Integrated College

Caution This email has been received from outside the NICS network.

Please ensure you can verify the sender's name and email address.

Treat all attachments and links with caution.

FOR INTERNAL NICS STAFF ONLY - If you have any concerns regarding the email please forward to spam@finance-ni.gov.uk.

Hi there,

I am a little confused by this email, for the reasons below. Please can I get a response to each of the questions below, or I will have to go directly to Minister McIlveen.

- I was previously offered a governorship in Cedar Integrated primary, and now have been offered Blackwater College. In my form I explicitly stated a preference for Shimna Integrated College, my alma matter. I know that Shimna has open positions on its board, or at least did have at the time of applying, and I have received no update with regard to my application there. I cannot take on a governorship elsewhere until I can understand why I have not been considered for a place with Shimna
- I understand Blackwater is part of an ongoing development plan to merge into a new Mid Down college. If that plan goes ahead, would the governorship roll over into the new Mid Down College, or would it end?
- The email below was sent and first received by me on 21st September, yet asks for a reply by 28th July. Was this oversight on the part of the department or could you explain why I am being asked to respond to an opportunity that is now in the past?
- It is my understanding that Shimna has recently appointed a new DE governor, and is also currently trying to re-appoint a previous parent governor, [REDACTED]. This is against governance rules as far as I am aware, and makes me very concerned that the department is supporting the extension of certain governors' terms whilst failing to progress my own. I can only conclude that there is some sort of serious oversight or discrimination at play here, and require urgent clarity on this.
- I understand there have been a large number of parental complaints made about the school in recent weeks, and the school is undergoing a period of significant instability. Delays such as this is arranging governorships should not be happening and I would urge the department to consider these governance issues and how they reflect on fair and open recruitment processes

I would appreciate an urgent reply on the above, if possible. Thank you.

Dr Patrick Brown MLA | Northern Ireland Assembly | Room 258 Parliament Buildings | Belfast | BT4 3XX
MLA for South Down | South Down Constituency Office | 9 Market Lane | Downpatrick | BT30 6BW
Office 07361813394 | Mobile 07971783252

From: Governor Applications <govapps@education-ni.gov.uk>
Date: Wednesday, 21 September 2022 at 11:52
To: "Brown, Patrick" <patrick.brown@mla.niassembly.gov.uk>
Subject: FW: DE Governor Opportunity - Blackwater Integrated College

Good afternoon

I refer to your previous application to become a DE school governor. I wish to advise that using your preferences submitted within your application form, you have been matched to a DE governor opportunity in **Blackwater Integrated College**.

The Department is now considering DE governor appointments to the above school with a four year term of office and I should be grateful if you would advise by reply by **28 July 2022** whether or not you are interested in being considered for appointment to the board of governors of this school. Please ensure all replies include your name and your choice.

Important If you do wish to be considered, please also advise in your reply of any potential eligibility issues or conflicts of interest that could affect you being considered for appointment to this school, for example having a child registered at the school or, being related to a current member of staff or governor. Please refer to pages 3 and 4 of the 'Becoming a School Governor' booklet available online [here](#) for eligibility criteria and information on potential conflicts of interest.

DE governor appointments to Voluntary Grammar and Grant Maintained Integrated school Boards are made by the Education Minister, if you do wish to be considered, your name and a summary of your skills, knowledge and experience as detailed in your application form, together with other applicants who have agreed to be considered will be submitted to the Minister for his consideration and selection. However, as there is normally more eligible candidates than DE governor positions, not all those considered are appointed.

If your circumstances have changed and you wish to update any of your personal information, skills, experience or preferences submitted in your original application form, please complete and submit a new application form to us at govapps@education-ni.gov.uk. Forms are available online [here](#).

Please note that you may be matched to further DE governor opportunities in the future and in this event, you will receive a separate e-mail from the Department regarding this. Each e-mail should be replied to individually stating your choice.

Regards

School Governance Team

Document 12: DE to P Brown 27 October 2022

From: Governor Applications <govapps@education-ni.gov.uk>
Date: Thursday, 27 October 2022 at 09:59
Subject: DE GOVERNOR OPPORTUNITY - SHIMNA INTEGRATED COLLEGE

Thank you for your recent interest in being considered for a DE school governor position on the Board of Governors of Shimna Integrated College.

The Public Appointment process of selecting candidates for a school Board of Governors requires that we have more candidates for each position than there are vacancies. As a result, not all eligible candidates, interested in a particular schools' Board of Governors, can be selected by the Minister. Unfortunately, on this occasion, you were not selected for the Board of Governors of Shimna Integrated College, however your experience, skills and knowledge may be required on another schools' Board of Governors and will be in touch again if further opportunities arise.

**Please note, if you have already expressed an interest in being considered for other school/s, you will be notified in due course through a separate e-mail regarding the outcome.*

Please do not hesitate to contact us at govapps@education-ni.gov.uk should you have any questions.

*Regards
School Governance Team*

Document 13: Correspondence to Commissioner by Mr Kennedy 20 June 2023



From: McCullough, Melissa Dr Melissa.McCullough@niassembly.gov.uk **Subject:** FW: 202300001 Pagan FW: Submission to Commissioner

Date: 16 October 2023 at 16:09

To: StandardsCommissioner@workpro-online.com

Cc: Melissa McCullough melissamccullough10@gmail.com

From: [REDACTED] shimna.newcastle.ni.sch.uk **Sent:** 30 June 2023 15:02

To: McCullough, Melissa Dr <Melissa.McCullough@niassembly.gov.uk> **Subject:** FW: Submission to Commissioner

Importance: High

Dear Melissa,

I am wriNng to you in my capacity as Chair of the Sub-CommiRee, Shimna Integrated College, Board of Governors, tasked with invesNgaNng a Stage 2 Complaint raised by Dr Patrick Brown MLA.

Please find aRached a series of emails which appear to indicate a collusive relaNonship between a governor of Shimna College [REDACTED] and Dr Brown. [REDACTED]
[REDACTED] Dr Brown has never indicated a relaNonship between them when submi\ng his complaint.

On 6th June 2023, [REDACTED] emailed the Chair of the College (Denise Madea) and included a direct reference to a confidenNal correspondence supplied by Dr Brown [REDACTED]
[REDACTED], a correspondence which had not been shared with her or other members of the full Board of Governors.

When requested to explain how she came to be in possession of this document by the Chair (email 19/6/23), [REDACTED] failed to respond.

At a full Board meeNng 26/6/23, when challenged on this issue, [REDACTED] confirmed that she had been in contact with Dr Brown and acknowledged she had failed to inform the Board. [REDACTED]
[REDACTED] claimed that Dr Brown, without being solicited, had sent her this confidenNal material and she commiRed to sending the Board a copy of her communicaNons with him.

Following a wriRen request from me, as Chair of the Sub-CommiRee (27/6/23) to send on this informaNon, [REDACTED] has now renegaded on her previous promise and has stated she has now informed Dr Brown. [REDACTED] has also stated that she is, however, willing to share all her informaNon with you, if requested.

Yours kindly,
Michael Kennedy
Chair of Sub-CommiRee, Dr P Brown Stage 2 Complaint. Sent from my iPad



Correspondenc e with...d.docx

Document 14: Correspondence between Dr Brown and Commissioner re “Findings of Fact”

From: Sent: To:
Cc: Subject:

+StandardsCommissioner
Tue, 17 Oct 2023 10:37:42 +0000
Brown, Patrick StandardsCommissioner@workpro-online.com FofF email exchange RE: Case ID - 202300001

Dear Patrick
Many thanks for confirming.

I will make the amendments as agreed. The report will be submitted, once finalised, to the Clerk of Standards and will await a new Committee being formed.

Kind regards

Melissa

From: Brown, Patrick <patrick.brown@mla.niassembly.gov.uk>
Sent: 17 October 2023 11:17
To: +StandardsCommissioner <standardscommissioner@niassembly.gov.uk> **Subject:** Re: Case ID - 202300001

Dear melissa,

Thank you for the prompt response. My apologies, I understands this is not ‘the report’ and should have termed it otherwise. I have replied in bold below each point

From: +StandardsCommissioner <standardscommissioner@niassembly.gov.uk> **Date:** Tuesday, 17 October 2023 at 10:34
To: "Brown, Patrick" <patrick.brown@mla.niassembly.gov.uk>
Subject: RE: Case ID - 202300001

Dear Patrick

These are findings of fact—they are not the report. The report is very detailed. Whilst I cannot disclose details of the report to you as the process dictates I disclose only the bare findings of fact. Suffice to say, the report discusses the items you mention below in detail.

The reason the Commissioner sends the findings of fact is to allow the MLA to refute a fact that is incorrect in their view.

Please see my response below to each of your points. Please confirm you are content with proposed factual changes below.

Kind regards

Melissa

From: Brown, Patrick <patrick.brown@mla.niassembly.gov.uk>

Sent: 17 October 2023 09:22

To: +StandardsCommissioner <standardscommissioner@niassembly.gov.uk> **Subject:** Re: Case ID - 202300001

Dear Melissa,

Thank you for this report. I would like to challenge three aspects of the report:

1. There is no reference made to my earlier efforts to raise concerns about governance at Shimna IC in Jan 2022. This is an established fact and as stated in interview, my primary reason for applying to become a governor.
I am happy to include in the Findings "On 13 January 2022, Dr Brown, then a Councillor, wrote to Shimna on letterhead outlining his constituents concerns relating to governance issues at Shimna." This is already in the body of the report. **Content with this**
2. There is no reference to governance concerns being brought to me by constituents, which I believe has been verified. I am only interested in the fact that they did exist but am also happy to include a fact stating this: "Constituents of Dr Brown's raised concerns with him in relation to governance issues at Shimna". Again, this is discussed in the body of the report. **Content with this**
3. At point 9, there is reference to the handling of my BoG application only. I feel this misinterprets my initial complaint which referred to the general handling of BoG applications, for example [REDACTED]. I am not concerned with the handling of anyone else's applications, but with the allegations made in relation to your behaviour vis a vis the Code. It is made clear in the body of the report that you were representing constituent's concerns.
Content with this
4. On point two, I feel it is important to give the reason stated in Ms Medea's letter to the department – specifically that I was unsuitable for appointment due to my political affiliation I can add to read at 2: "On 5 June 2022, Ms Medea, Chair of the BoG, wrote to the DE confirming that the majority of the BoG felt that Dr Brown would not be a good fit for Shimna "in particular because he is a MLA for the Alliance part and as an integrated school this could be perceived as we support a particular party and are not inclusive of others" **Content with this**
5. At point 16 it states I provided confidential information [REDACTED]. I would challenge strongly this, and feel it gives a false impression of my motivations and furthermore is new information not discussed with me at interview. I remember a conversation regarding the potentially confidential nature of information shared with me by [REDACTED], but no suggestion that any information I shared with her was confidential in any sense. I would refute that the information shared with [REDACTED] was bound by confidentiality for the following reasons: You were provided with a copy of [REDACTED] written evidence. You provided no comment. In it, she provides evidence that you shared information with her in relation to your Stage 2 complaint. Hence, that is a fact. I was provided with the correspondence and do not refute that I shared information with her in pursuit of preparing my response to the Board's request for additional evidence. This was necessary given much of the complaint emanated from her testimony. The issue I have is that the information was bound by confidentiality and the fact it was referred to as 'confidential information'. Even if it was not for public disclosure I do not believe [REDACTED] was excluded from viewing the information, and terming it 'confidential information' in the findings of fact in this way I feel implies that I breached confidentiality. There may be an assertion that I have done so which is explored within the report, but I would challenge this as a finding of fact

- The school's [complaints policy](#) mentions confidentiality but only in regard to the school's responsibility to uphold it. There is no stated requirement on complainants to uphold confidentiality

The person I shared the information with, [REDACTED], was the constituent who initiated the concerns leading to the complaint. I feel not only am I entitled to share this information with her as my constituent, but she would have been aware of all of any sensitive information contained in it anyway [She would not have been aware of the confidential investigation as she was not a member of the Complaints Panel.](#) **The complaints panel was appointed by the board collectively, which [REDACTED] sits on and therefore I would assume would have a right to access the information**

- My complaint clearly states that it emanates from concerns brought to me by constituents and it is reasonable for the school to therefore conclude I would be sharing the outcome of this complaint with those constituents [From \[REDACTED\] evidence. you shared the information prior to the conclusion of the investigation—you were not sharing the outcome as the investigation was not complete.](#) **For clarity, I believe it was reasonable for me to share not just the final outcome of the complaint but any key updates throughout the process.**

- No effort was made by the school to bind any information in confidentiality – for example, in no correspondence via email or letter did the school state the information received was confidential. Whilst I believe one email had 'confidential' in the subject line, it is reasonable to assume this applied to internal school communications given the wording of the complaints policy, and not myself

- [REDACTED] is on the BoG and therefore would have had access, on request if necessary, to the information which I shared with her

I hope these issues can be rectified and happy to provide further information or discuss as necessary

Dr Patrick Brown MLA

MLA for South Down

Northern Ireland Assembly | Room 258 | Parliament Buildings | Belfast | BT4 3XX
Downpatrick Constituency Office | 9 Market Lane | Downpatrick | BT30 6BW | DPK Office
07361813394 Warrenpoint Constituency Office | 2B Meeting Street | Warrenpoint | BT34 3JZ |
Warrenpoint Office 07361529106
Mobile 07971783252

From: "StandardsCommissioner@niassembly.gov.uk"

<StandardsCommissioner@niassembly.gov.uk>

Date: Tuesday, 17 October 2023 at 08:49

To: "Brown, Patrick" <patrick.brown@mla.niassembly.gov.uk> **Subject:** Case ID - 202300001

Dear Dr Brown MLA

Please find attached communication from the Commissioner for Standards, Dr Melissa McCullough.

Kind regards
Office of the Commissioner for Standards

COMPLAINTS PROCEDURE

FOR

Shimna Integrated College

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1. FOREWORD

- Shimna Integrated College is an Integrated, academically excellent, all-ability, student centred and parent/guardian friendly school which aims to support the whole school community in living and working productively together;
- Shimna values and appreciates the active participation of parents/guardians in the education of their daughters/sons, working collaboratively with staff;
- Shimna values hearing about concerns and complaints as soon as they arise, and aims for early resolution;
- Shimna welcomes input from parents/guardians at all times;
- The principal and staff can be contacted by telephone to the school, and an arrangement made to meet as soon as is convenient for all concerned.

Many issues can be addressed simply by talking to the relevant staff in school who will be happy to help. Open communication and regular engagement between the school staff and the wide range of users is vital to the effective management of the school.

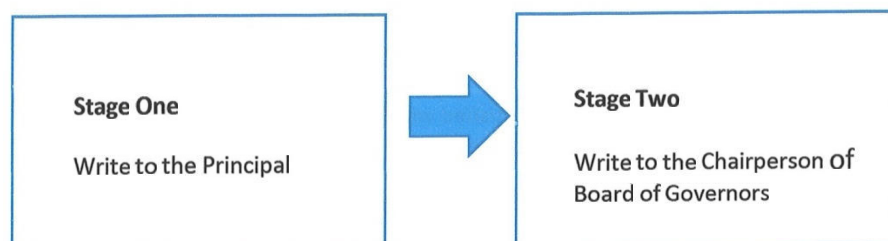
2. AIMS

When dealing with complaints the school will;

- encourage resolution of all concerns as quickly as possible
- provide timely responses to concerns and complaints
- keep you informed of progress
- ensure a full and fair investigation of your complaint where appropriate
- have due regard for the rights and responsibilities of all parties involved
- respect confidentiality
- fully address complaints and provide an effective response
- take appropriate action to rectify the issue and prevent it arising again where appropriate
- be responsive to learning from outcomes which will inform and improve practice within the school.

A copy of this procedure is available on the school's website and is available from the school on request.

3. COMPLAINTS PROCEDURE –AT A GLANCE



Time Limit

Please contact the school as soon as possible. Unless there are exceptional circumstances, complaints will normally only be considered within 6 months of the issue arising.

Stage One

When making a complaint, contact the school principal who will arrange for the complaint to be investigated. *If the complaint is about the Principal, proceed to Stage Two.* The school requires complaints to be made in writing. Where this may present difficulties, please contact the school which will make reasonable arrangements to support you with this process.

Please provide as much information as possible including;

- name and contact details
- what the complaint is about
- what has already been done to try to resolve it and
- what you would like the school to do to resolve the complaint.

The complaint will normally be acknowledged within 5 school working days and a response normally made within 20 school working days of receipt of the complaint. This response will be issued in writing by the principal and will indicate with reasons whether the complaint has been upheld, partially upheld or not upheld.

These timeframes may need to be reviewed if complaints are ongoing during school holiday periods.

If you remain unhappy with the outcome at Stage 1, the complaint may be progressed to Stage 2 which is overseen by the Board of Governors.

Stage Two

If the complaint is unresolved after Stage One, write to the Chairperson of the Board of Governors, *care of the school and marked 'private and confidential'.* Where this may present difficulties, please contact the school which will make reasonable arrangements to support the complainant with this process. The Chairperson will convene a committee to review the complaint. Please provide as much detail as possible as indicated above.

The complaint will normally be acknowledged within 5 school working days and a final response normally made within 20 school working days from date of receipt of the complaint. The response will be issued in writing by the Chairperson of the committee.

These timeframes may need to be reviewed if complaints are ongoing during school holiday periods.

Northern Ireland Public Services Ombudsman (NIPSO)

If following Stage Two you remain dissatisfied with the outcome of your complaint, you can refer the matter to the Office of the Northern Ireland Public Services Ombudsman (NIPSO).

The Ombudsman provides a free, independent and impartial service for handling complaints about schools in Northern Ireland. You have the right to complain to the Ombudsman if you feel that you have been treated unfairly or have received a poor service from a school and your complaint has not been resolved to your satisfaction.

A complaint should normally be referred to NIPSO within six months of the final response from the School. The school must advise in its concluding letter that the complaint may be referred to the NIPSO if you remain dissatisfied.

Contact details for NIPSO are:

Northern Ireland Public Services Ombudsman
Office of the Northern Ireland Public Services Ombudsman
Progressive House
33 Wellington Place
Belfast
BT1 6HN

Freepost: FREEPOST NIPSO

Telephone: 02890 233821

Freephone: 0800 34 34 24

Email: nipso@nipso.org.uk

Web: www.nipso.org.uk

4. SCOPE OF COMPLAINTS PROCEDURE

4.1 The Complaints Procedure sets out how any expression of dissatisfaction relating to the school will be managed. By taking concerns raised seriously at the earliest possible stage, it is hoped that issues can be resolved quickly and effectively.

Some examples of complaints dealt with:

- not following school policy
- communication delays/lack of communication
- difficulties in staff /student relationships.

4.2 Complaints with separate established procedures

Some examples of statutory procedures and appeal mechanisms are listed below. The list is not exhaustive. The Principal/ Chair of Governors will advise on the appropriate procedure to use when the complaint is raised.

Matters may still be referred to NIPSO, if it is felt that maladministration has occurred.

Exceptions	Contact
• Admissions / Expulsions / Exclusion of children from school	Contact www.eani.org.uk Director of Operations and Estates Sara Long
• Statutory assessments of Special Educational Needs (SEN)	Contact www.eani.org.uk Director of Children and Young People's Services Dr Clare Mangan
• School Development Proposals	Contact www.eani.org.uk Director of Education John Collings
• Child Protection / Safeguarding	Contact www.eani.org.uk Director of Children and Young People's Services Dr Clare Mangan

4.3 The school will not normally investigate anonymous complaints, unless deemed by the Chairperson of the Board of Governors to be of a serious nature. The decision of whether to deal with such complaints will be at the discretion of the Board of Governors.

5. WHAT TO EXPECT UNDER THIS PROCEDURE

5.1 Your rights as a person making a complaint

In dealing with complaints we will ensure;

- fair treatment
- courtesy
- a timely response
- accurate advice
- respect for privacy – complaints will be treated as confidentially as possible allowing for the possibility of consultation with other appropriate parties about the complaint and
- clear reasons for decisions.

5.2 Your responsibilities as a person making a complaint

In making a complaint it is important to;

- raise issues in a timely manner
- treat our staff with respect and courtesy
- ✕ • provide accurate and concise information in relation to the issues raised
- use these procedures fully and engage with them at the appropriate levels.

5.3 Rights of parties involved during the investigation

Where a meeting is arranged the complainant may be accompanied but not represented by another person.

This Procedure does not take away from the statutory rights of any of the participants.

5.4 Timeframes

Where concerns are raised with the relevant teacher or principal, a response will normally be provided during the meeting or within an agreed timeframe.

Stage 1 – Normally acknowledge within 5 school working days, response normally within 20 school working days

Stage 2 – Normally acknowledge within 5 school working days, response normally within 20 school working days

If, for any reason, the review of a complaint takes longer to complete, you will be informed of revised time limits and kept updated on progress.

These timeframes may need to be reviewed if complaints are ongoing during school holiday periods.

6. MAKING A COMPLAINT

6.1 Equality

The school requires complaints to be made in writing. Where this may present difficulties, please contact the school which will make reasonable arrangements to support the complainant with this process.

6.2 Unreasonable Complaints

The school is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. There will be occasions when, despite all stages of the complaints procedure having been completed and the complaint having been reviewed by the Ombudsman, the complainant remains dissatisfied. If they try to re-open the same issue, the Chair of Governors will inform them that the procedure has been completed and that the matter is now closed. If the complainant repeatedly continues to contact the school with the same issue it may choose not to respond.

Document 16: excerpt from DE SAR response re P Brown application

SCHOOL: Shimna Integrated College, Newcastle (426-0281)

Number of DE Posts: 3 Number of Applicants: 5

[Please select candidates to fill the 3 DE Posts](#)

Candidates	Occupation/Skills	Other Information	Appt Yes/ No	Reason for selection
Dr Patrick Brown	Member of Northern Ireland Assembly HR Management: Has 8 years' service as a councillor on Newry, Mourne and Down District council. Responsible for the scrutiny and delivery of local services. Has experience contributing to discussion, debate and decision making. Experience includes a wide range of HR issues including industrial action disputes and recruitment and appraisal of senior staff. Has insight into change processes and the complexity involved in combining two corporate entities. Experienced in risk management, Audit committees, and interpretation of legal advice, in particular digesting technical planning policy, combined with own judgement and public representations, all whilst cognisant of the risk of Judicial Review of any decision. Has responsibility for recruitment and management of a staff team, and has also acted as a recruiter	Application received 07/06/2022 School does not support application		

DE1/14/72484