



Commissioner for Standards

Presentation to the Committee on Standards and Privileges
Complaint against Dr Patrick Brown MLA by Mr Steve Pagan and Ms Denise Medea,
Shimna Integrated College

13 March 2024

The Complaint

On 6 June 2023, 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 in relation to allegations that Dr Brown had breached the MLA Code of Conduct (“the Code”).

The allegations made by the complainants are:

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.

Rule 5: Dr Brown failed to declare a relevant interest which could reasonably be said to have influenced his approach.

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.

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.’

The Complaint

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.

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.

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.

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

It is alleged that the cumulative effect of these actions potentially **brings the Assembly into disrepute.**



Background

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.

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.

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.

On 22 January 2022, Dr Brown replied to Ms Medea challenging her assertion that *"information regarding governor's terms is inherently confidential in nature"*.

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.



Since becoming a MLA

- Applied to the DE to become a Governor at Shimna
- Been offered two other DE Governor roles (not at Shimna) which he declined
- Submitted a Subject Access Request to the DE and has received the DE's response
- Submitted a complaint to Shimna in relation to both governance issues raised by constituents and in relation to his unsuccessful application for a DE Governor role at Shimna
- Received confidential information from a current Shimna Governor and has provided confidential information to the same current Shimna Governor
- Failed to declare his association to a current Shimna Governor to Shimna, NICIE, DE

Findings of Fact

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.

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.

Findings of Fact

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.

Findings of Fact

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).



Findings of Fact

17. On 26 June 2023 at a BoG meeting, [REDACTED] 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.

Reasoned Decision: Rule 1

“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.”

1. 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.
2. 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.
3. 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.

Reasoned Decision: Rule 5

“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.”

1. 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.
2. 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.
3. 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.

Reasoned Decision: Rule 14

“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.”

1. 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.
2. 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.
3. 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 confidential 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.



Reasoned Decision: Rule 15

“You shall not subject anyone to unreasonable, excessive personal attack”

I consider Dr Brown’s questioning of the integrity of the BoG Chair and allegations relating to teachers at Shimna to be subject to enhanced protection and as such, on balance, I do not believe it was an “unreasonable and excessive personal attack” on either Ms Medea or Mr Pagan.

Seven Principles of Public Life

Selflessness: “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.

Openness: “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.”

Integrity requires that: “...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.

Seven Principles of Public Life

Objectivity: “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.

Promoting Good Relations: “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.

Paragraph 3.1 of the Code: “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.



Conclusion

I am satisfied on the basis of my analysis of the facts and evidence that, on the balance of probabilities, Dr Brown breached Rules 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, in failing to observe these principles, brought the Assembly into disrepute.





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