



Commissioner for Standards
222 Parliament Buildings
Ballymiscaw
Stormont
Belfast
BT4 3XX

Tel: 028 9052 1220
Email: standardscommissioner
@niassembly.gov.uk

Mr Shane McAteer
Clerk to the Standards and Privileges Committee
Room 254
Parliament Buildings
Ballymiscaw
Stormont
BELFAST
BT4 3XX

9 April 2024

Case ID: 202300001

Dear Shane

Complaint by Mr Steve Pagan and Ms Denise Medea against Dr Patrick Brown MLA

I am appreciative to the Committee for seeking my consideration and comment to the response provided to the Committee by Dr Brown in relation to my report. Please find my written comments attached

Yours sincerely,

Dr Melissa McCullough
Northern Ireland Assembly Commissioner for Standards

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Ms Carál Ní Chuilín
Chairperson, Committee for Standards and Privileges
Parliament Buildings
Ballymiscaw, Stormont
Belfast BT4 3XX

9th April 2024

Re: Commissioner comments relating to Dr Patrick Brown MLA response to Commissioner report 202300001

Dear Chair and Members of the Committee

I have read and considered Dr Brown's response to my report which he submitted to the Committee.

I consider it not to be fully reflective of the facts and evidence as contained in my detailed report. I therefore reject his analysis of his conduct and stand by the evidence, reasoned decision and conclusions as contained in my report.

I wish to remind the Committee of the following:

1. 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.
2. I made both Dr Brown and the complainants aware that I would not be investigating alleged internal Shimna Integrated College matters, governance issues or recruitment processes and outcomes of Dr Brown's DE application. That would be beyond the remit of this Office.
3. Much evidence was provided by all parties; some relevant and some irrelevant to my investigation into whether Dr Brown breached the MLA Code of Conduct Rules 1, 5, 14 and 15 and the Principles as outlined in the complaint.
4. The principal of the school, Mr Pagan, stated under oath that he had spoken on a number of occasions with Members from other parties in his constituency area (and continues to do so). He asserts that no other MLA he has spoken with has been in receipt of any complaints against the school or its Board of Governors. This led Mr Pagan to assert that the constituents referred to by Dr Brown may not exist. I requested information relating to these constituents from Dr Brown who provided me with what he said was strictly confidential evidence relating to the identity of a number of the constituents who had raised issues with him. I considered that evidence to be relevant only insofar as it established the fact that they existed. I confirmed, in confidence by email with those constituents, that they did raise concerns with Dr Brown. However, they were not under investigation.

5. Dr Brown states in his response to the Committee that he considers [REDACTED] to be a “whistleblower”. If that is correct, then it is my view he should have advised her of the “Department of Education Raising Concerns at Work (Whistleblowing) Policy”.¹ The policy applies to Department of Education (DE) employees, trainees, agency staff, independent consultants, volunteers, contractors, suppliers, DE Board Members, and members of the public and was introduced to encourage and enable individuals (including members of staff and members of the public) to raise concerns at an early stage without the fear of victimisation, discrimination or disadvantage. It provides the named departmental officer to contact and further recommends that concerns can be raised with the Permanent Secretary. It is unclear to me why Dr Brown did not advise [REDACTED] of the DE whistleblower policy if he thought she was a whistleblower. Instead, the course of action he chose was to receive information (much of it confidential) from [REDACTED] and provide information to [REDACTED]—all without acknowledging or declaring his association to [REDACTED] as a current Governor to either the school, the DE, NICIE or any other agency he was in contact with. It is my view, as highlighted in my report, that this behaviour is inappropriate, is in breach of the Code and the Seven Principles of Public Life.
6. It is of particular importance to note that there is no evidence to suggest that the constituents who raised concerns with Dr Brown had gone through any internal or external process in relation to investigating these very serious concerns. Therefore, there is no evidence that the school has been found guilty of having treated those constituents inappropriately as alleged. If, in fact, Dr Brown believes these constituents are also whistleblowers, then he should have advised them of the “Department of Education Raising Concerns at Work (Whistleblowing) Policy” as a way to appropriately investigate these concerns.
7. In Dr Brown’s response to my report, he states that he did not have a personal interest or anything to gain; it is my view that he must not fully understand what an interest is definitionally. An interest is something that “might reasonably be thought by others to influence your approach to the matter under consideration”. In the context of these matters, Dr Brown’s interest arose when he applied to become a DE Governor. Whether he applied as an MLA, a member of the public or otherwise, his application to become a DE Governor created the interest. The fact that Dr Brown’s application was unsuccessful and that he sought to appeal the decision heightened that interest.
8. The concept of the public interest has been defined broadly by academics as “that which is best for society as a whole”. Dr Brown assisting his constituents is in the public interest; raising constituency issues with the school is not inappropriate. However, it was not appropriate, for the reasons set out in my report, to including his own personal application issues and his own concerns about the handling of his application along with his constituents’ concerns. Among other things, doing so could have had the effect of undermining the handling of his constituent’s concerns which would not be in the public interest. It could also be argued that it would have been in the public interest to advise his constituents to avail of the DE whistleblower policy.

Yours sincerely



Melissa McCullough
Northern Ireland Assembly Commissioner for Standards

¹ <https://www.education-ni.gov.uk/publications/de-raising-concerns-work-policy-public-interest-disclosure-whistleblowing>