



Committee on Standards and Privileges

Report on a complaint against Dr Patrick Brown (former MLA)

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Powers and Membership

Powers

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

The Committee has power:

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

Membership

The Committee has 9 members, including a Chairperson and Deputy Chairperson, and a quorum of five members. The membership of the Committee is as follows:

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

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

List of Abbreviations and Acronyms used in this Report

BoG:	Board of Governors
DE:	Department of Education
ECHR:	European Convention on Human Rights
GDPR:	General Data Protection Regulation
MLA:	Member of the Legislative Assembly
NICIE:	Northern Ireland Council for Integrated Education
SAR:	Subject Access Request
The Assembly:	Northern Ireland Assembly
The Code:	Assembly Members' Code of Conduct
The Commissioner:	Assembly Commissioner for Standards
The Committee:	Committee on Standards and Privileges
UK:	United Kingdom

Introduction

1. The Committee on Standards and Privileges (“the Committee”) has considered a report from the Assembly Commissioner for Standards (“the Commissioner”) on her investigation into a complaint against Dr Patrick Brown (former MLA - “the respondent”) of alleged breaches of the Assembly Members’ Code of Conduct (“the Code”). A link to the Commissioner’s investigation report, which includes a copy of the complaint correspondence together with the evidence gathered during the investigation, is included at **Appendix 1** (a certain amount of information has been redacted from the Commissioners’ report to accord with legal obligations).
2. A link to the presentation slides which the Commissioner used during her oral briefing to the Committee on 13 March 2024 is included at **Appendix 2**. A link to the written submission from the respondent in response to the Commissioner’s investigation report is included at **Appendix 3**. In addition, a link to a written response from the Commissioner to the points raised in the respondent’s written submission is included at **Appendix 4**. Finally, a link to the applicable minutes of proceedings of the Committee is included at **Appendix 5**.

Role of the Committee

3. The arrangements for regulating the standards of conduct of MLAs include: the role of the independent Commissioner in investigating complaints of alleged breaches of the Code; the role of the Committee in considering the Commissioner’s investigation reports and adjudicating in light of the Commissioner’s findings and any other evidence or information obtained; and the role of the Assembly in plenary in deciding upon sanctions recommended by the Committee where applicable.
 4. It is the Committee which ultimately decides on whether any breach of the Code is established, on the basis of the evidence, the facts and the legal position in respect of each allegation.
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5. It is important to note at this juncture that, to inform its decision-making on individual complaint cases, the Committee may seek additional advice and information to supplement evidence and findings presented by the Commissioner. As outlined below, the Committee obtained legal advice on various aspects of this complaint case in order to inform its decision making and to ensure that it discharges relevant legal obligations.

Background

6. On 6 June 2023, the Commissioner received a complaint from Mr Steve Pagan (Principal of Shimna Integrated College) and Mrs Denise Medea (Chair of the Board of Governors (BoG)) (“the complainants”) that the respondent, then an MLA, had breached the Code (Rules 1, 5, 14 and 15) and had failed to observe a number of Principles of Conduct, all of which had the potential to bring the Assembly into disrepute.
 7. The Commissioner considered the complaint and decided it was admissible before commencing her investigation on 15 June 2023. On 30 October 2023, the Commissioner forwarded her report on the investigation to the Committee for consideration. The current Committee was appointed in February 2024.
 8. Prior to the Committee commencing its adjudication and in accordance with its established disclosure process, the Committee Clerk sent the Commissioner’s full investigation report to the respondent for written comment in respect of any matter raised within the report (where applicable, any written comments received from the respondent in such complaint cases are provided to the Committee at the same time as it receives the Commissioner’s investigation report). The respondent was also offered the opportunity to appear before the Committee to make comments in person and to answer any questions that members may have.
 9. The respondent advised the Committee Clerk that he would be making a written response to the Committee (Appendix 3) and indicated that he also
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wished to avail of an oral hearing, which was subsequently agreed by the Committee to take place on 24 April 2024.

10. Following the briefing by the Commissioner on 13 March 2024 on her investigation report, the Committee deliberated on the case, after which it was decided to defer any further deliberation on the complaint case until after the oral hearing with the respondent.
11. On receipt of the respondent's written submission, the Committee agreed to forward it to the Commissioner for a response on the points raised in relation to the Commissioner's report. The written response from the Commissioner can be found at Appendix 4.
12. On the evening of 23 April 2024, the respondent emailed the Committee Chairperson to advise that he had resigned as an MLA and would not be attending the oral hearing scheduled for 24 April 2024.
13. At its meeting on 24 April 2024, the Committee agreed to seek legal advice to inform both its deliberations on aspects of the complaint case and its consideration of options regarding the adjudication process in light of the respondent resigning as an MLA.

The allegations

14. The Committee noted from the Commissioner's investigation report that the complainants raised the following allegations:

Allegation 1: the respondent's correspondence conflated what he claimed to be in the public interest with what is, in fact, his own personal interest (Rule 1).

Allegation 2: the respondent failed to declare a relevant interest, which could reasonably be said, to have influenced his approach (Rule 5).

Allegation 3: the respondent used his MLA letterhead in relation to personal matters relating to his unsuccessful Department of Education (DE) governor application for Shimna Integrated College (Rule 14).

Allegation 4: the respondent challenged the integrity of the Chair of the BoG on numerous occasions, without justification or substantiation, and made significant allegations about the professional conduct of the Principal, including a defamatory and potentially libellous claim (Rule 15).

15. The complainants also alleged that the respondent failed to observe the following Principles of Conduct:

Allegation 5: Selflessness – In his letter to the Principal on 4 January 2023, the respondent did not act in the public interest but to further his own personal agenda.

Allegation 6: Integrity and Openness – the respondent has disclosed information on a number of occasions which was confidential to the BoG and has failed to identify the source of this information.

Allegation 7: Objectivity – As demonstrated by two separate rounds of exchange of letters with the BoG (the first starting on 13 January 2022 and the second commencing on 9 February 2023), the respondent has repeatedly failed to provide evidence to support a number of serious allegations against the Principal, the Chair of the BoG and the BoG. In good faith, the respondent was given numerous and extended opportunities to do so.

Allegation 8: Promoting Good Relations – the respondent's actions have clearly failed to promote good relations, understanding and respect.

16. The complainants further alleged that the cumulative effect of these actions potentially brings the Assembly into disrepute.
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The relevant rules in the Members' Code of Conduct

17. The relevant rules of conduct cited in the complaint are as follows:

Rule 1: 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, and in favour of public interest.

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 reasonable be thought by others to influence your approach to the matter under consideration. A relevant interest means an interest to which Chapter 2 of the Guide to the Rules applies, and may include a registerable interest.

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.

Rule 15: You shall not subject anyone to unreasonable and excessive personal attack

The relevant Principles of Conduct

18. The relevant principles of conduct cited in the complaint are as follows:

Selflessness: Members should act solely in terms of the public interest;

Integrity: Members must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity: Members must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

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.

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.

19. In addition, the Principles of Conduct section of the Code states 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.”²
20. It should be noted that, while the Committee will take into account the principles of conduct when determining any potential breaches of the rules of conduct, the principles are not themselves enforceable.

The Commissioner’s investigation

21. In her investigation report, the Commissioner has set out her findings of fact and has detailed the evidence she considered and her reasoned decision in relation to each of the allegations made. The Commissioner has made findings of breaches of rules 1, 5 and 14 of the Code and has concluded that the allegation made in respect of a breach of Rule 15 did not meet the threshold.

² See paragraph 3.1 of the Code at the following link: <https://www.niassembly.gov.uk/your-mlas/code-of-conduct/the-code-of-conduct-and-the-guide-to-the-rules-as-amended-on-23-march-2021/#PRINCIPLES-OF-CONDUCT>

22. The Commissioner also found that the respondent failed to observe the principles of selflessness, integrity, openness and objectivity and, in failing to observe these principles, brought the Assembly into disrepute.

The Commissioner's reasoned decisions

23. The following extracts from the investigation report outline the Commissioner's reasoning in relation to why she upheld the allegations made by the complainants in regards to breaches of Rules 1, 5 and 14:

Breach of Rule 1 (Allegation 1):

"Dr Brown applied to become a DE governor at Shimna; he has 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).

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. This information was personal to Dr Brown.

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.

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'.

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 already raised with the DE relating to the handling of his application".

Breach of Rule 5 (Allegation 2):

"In terms of Shimna Integrated College, the governing board (BoG) is considered the public body, not the school itself. 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.

*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]

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.

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”.

[REDACTED] stated that Dr Brown corresponded with her and shared information in relation [to] his Stage 2 complaint that was being considered by the BoG Complaints Panel, to which [REDACTED] [REDACTED]. Dr Brown was given the opportunity to review [REDACTED] written evidence; he provided no challenge to her evidence.

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 at Shimna and would be keen to know how much longer the process should take.” 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.”

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.

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". 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". 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 by [REDACTED]

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.

Shimna's complaints policy refers to confidentiality 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".

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.

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.

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”

Breach of Rule 14 (Allegation 3):

“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.

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.

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]

[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.

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.

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.”

Non-breach of Rule 15 (Allegation 4):

24. The following extracts from the investigation report outline the Commissioner’s reasoning in relation to why she considered that there had not been a breach of Rule 15:

“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.

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..., but perhaps does not meet the threshold of Rule 15.

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. 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.

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 [REDACTED], I believe there exists some reasonable (“even if incorrect”) factual basis for saying it.

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”.

Failure to observe Principles of Conduct (Allegations 5 – 8):

25. The following extracts from the investigation report outline the Commissioner’s reasoning in relation to why she upheld the allegations made by the complainants in regards to the failure of the respondent to observe the
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principles of selflessness, integrity, openness and objectivity and that, in failing to observe these principles, brought the Assembly into disrepute:

“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.”

As regards the Selflessness principle, the Commissioner states: *“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.”*

In citing the Openness and Integrity principles, the Commissioner explains that: *“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.”*

On the Objectivity principle, the Commissioner concludes 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.”*

In terms of the Promoting Good Relations principle, the Commissioner states that: *“I do not believe the spirit of the principle as written is engaged in the context of this complaint.”*

The Commissioner also concludes that: *“In failing to observe the above principles, it is my view that Dr Brown’s conduct brought the Assembly into disrepute”.*

The Committee’s considerations and conclusions

26. As alluded to above, following the respondent’s resignation as an MLA on 23 April 2024 and his withdrawal from the oral hearing scheduled for 24 April 2024, the Committee commissioned legal advice on its options regarding the adjudication process in light of the resignation of the respondent. The legal advice, which also covered specific issues arising from the complaint case, was considered at the Committee’s meeting on 29 May 2024 and informed the Committee’s subsequent deliberation on the case.
 27. At its meeting on 12 June 2024, the Committee deliberated on each of the separate allegations in relation to Rule 1, Rule 5, Rule 14 and Rule 15, as well as the allegations in respect of the Principles of Conduct.
 28. The Committee deliberation was undertaken in light of: the evidence; the findings of fact and reasoned decisions of the Commissioner, as set out in her investigation report; the Commissioner’s oral briefing on her investigation report; the legal advice received by the Committee; the written submission from the respondent; and the Commissioner’s response to the respondent’s written submission. In undertaking its adjudication function, the Committee remains mindful that Members will only be found to have breached the Code when they have breached one of the rules of conduct.
 29. The Committee considered **Allegation 1** in which the complainants alleged a breach of Rule 1 of Code when the respondent’s correspondence conflated
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what he claims to be in the public interest with what is, in fact, his own personal interest. The Committee noted the findings of fact and the reasoned decision by the Commissioner that Rule 1 of the Code had been breached.

30. The Committee agreed that there was a clear conflict of interest when the respondent combined the issues of governance of Shimna Integrated College BoG on behalf of his constituents (a public interest), with his own personal application to DE for a governor role at Shimna Integrated College (a personal interest). Moreover, the respondent failed to address the conflict of interest in favour of the public interest. Therefore, **the Committee concurs with the Commissioner's reasoned decision that the respondent breached Rule 1 of the Code and, as such, the Committee upholds allegation 1.**
 31. Furthermore, the Committee agreed that all MLAs should be mindful that there should be a clear demarcation between occasions when they are acting in their capacity as a Member on behalf of their constituents and occasions when they are acting in a personal capacity, in order to ensure that no conflict of interest exists or can be perceived as existing.
 32. The Committee considered **Allegation 2** in which the complainants allege that the respondent failed to declare a relevant interest, which could reasonably be said to have influenced his approach. The Committee noted the findings of fact and the reasoned decision by the Commissioner that Rule 5 of the Code had been breached.
 33. The Committee recognises that, on the face of it, the respondent may have been required to disclose as a relevant interest his knowledge of and relationship with a Governor. From the legal advice which it received, however, the Committee noted the potential that a court could take the view that the respondent breached the UK General Data Protection Regulation (GDPR) and/or breached the confidence of a Governor had he disclosed that person's personal data. Irrespective of whether the respondent's relationship with the Governor and/or the provision of information from the Governor to the respondent was a declarable interest within the meaning of the Code, the Committee believes that it would be difficult to state categorically that the
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respondent should have declared this, because the respondent had no legal right to do so. Moreover, it would seem difficult to sustain the argument that Rule 5 was breached if it was likely to be unlawful within the UK GDPR framework for the respondent to have made such a declaration.

34. Therefore, having regard to the legal advice which it received, **the Committee does not concur with the Commissioner's reasoned decision that the respondent breached Rule 5 of the Code and, as such, the Committee does not uphold Allegation 2.**
 35. The Committee considered **Allegation 3** in which the complainants allege that the respondent used his MLA letterhead in relation to personal matters relating to his unsuccessful DE governor application for Shimna Integrated College. The Committee noted the findings of fact and the reasoned decision by the Commissioner that Rule 14 of the Code had been breached.
 36. The Committee agreed that all Members need to be clear on the appropriate use of communication resources when corresponding as an MLA as opposed to corresponding in a personal capacity, in order to avoid the implication that leverage or pressure is being applied for personal gain. The Committee considered that the respondent had abused his power as an MLA on the occasions when he used his MLA letterhead to communicate with public bodies about his personal complaint regarding his unsuccessful DE governor application. It is clear from Rule 14 that an MLA should not use, or attempt to use, their position as a Member to improperly confer an advantage for themselves.
 37. Therefore, **the Committee concurs with the Commissioner's reasoned decision that the respondent breached Rule 14 of the Code and, as such, the Committee upholds Allegation 3.**
 38. Furthermore, the Committee agreed to establish what further guidance may be needed for MLAs on corresponding, including using Assembly resources, in a personal capacity as opposed to in their capacity as a Member.
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39. The Committee considered **Allegation 4**, in which the complainants allege that the respondent challenged the integrity of the Chair of the BoG on numerous occasions, without justification or substantiation; and that, similarly, he has made significant allegations about the professional conduct of the principal, including defamatory and potentially 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’. The Committee noted the findings of fact and the reasoned decision by the Commissioner that Rule 15 of the Code had not been breached, including in terms of the high threshold applying to the enhanced protection for political expression.
40. Therefore, **the Committee concurs with the Commissioner’s reasoned decision that the respondent did not breach Rule 15 of the Code and, as such, the Committee does not uphold allegation 4.**
41. In summary, therefore, following thorough examination and deliberation, and having regard to its legal advice, **the Committee has concluded that the respondent breached the Code by breaching rules of conduct 1 and 14.**
42. As reference earlier, while the **Principles of Conduct** are not enforceable, the Committee can take into account a failure to observe the principles of conduct when determining any potential breaches of the rules of conduct, as set out in the Code.
43. The Committee considered **Allegation 5**, in which the complainants allege that the respondent failed to observe the **Selflessness** principle when, in his letter to the Principal on 4 January 2023, the respondent acts not in the public interest but to further his own personal agenda. The Committee noted the Commissioner’s conclusions: that the respondent conflated his own personal unsuccessful governor application with governance issues raised by his constituents; that he should not have used his position as an MLA to exert pressure on Shimna in relation to his own application concerns; and that he should have recused himself from assisting constituents on these matters.
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44. Having deliberated on the matter, **the Committee concurs with the Commissioner's finding that the respondent failed to observe the Selflessness principle and, as such, the Committee upholds Allegation 5.**
45. The Committee considered **Allegation 6** in which the complainants allege that the respondent failed to observe the **Integrity and Openness** principles, when he disclosed information on a number of occasions which was confidential to the BoG and, as such, he has failed to identify the source of this information. In light of the legal advice which it received and its decision in relation to Allegation 2, **the Committee does not concur with the Commissioner's' finding that the respondent failed to observe the Integrity and Openness principles and, as such, the Committee does not uphold Allegation 6.**
46. The Committee considered **Allegation 7** in which the complainants allege that the respondent failed to observe the **Objectivity** principle, as demonstrated by two separate exchanges of letters with the BoG, when the respondent repeatedly failed to provide evidence to support a number of serious allegations against the Principal, the BoG Chair and the BoG. Following deliberation, **the Committee concurs with the Commissioner's findings that the respondent failed to observe the Objectivity principle and, as such, the Committee upholds Allegation 7.**
47. The Committee considered **Allegation 8**, in which the complainants allege that the respondent's actions have clearly failed to promote good relations, understanding and respect (**Promoting Good Relations** – Principle 9 of the Additional Assembly Principles of Conduct). The Committee noted the Commissioner's conclusion that she did not believe the spirit of this principle, as written, is engaged in the context of this complaint. Following deliberation, **the Committee concluded that, due to insufficient evidence that the respondent failed to observe the Promoting Good Relations principle, it does not uphold Allegation 8.**
48. The complainants also allege that the cumulative effect of these actions potentially brings the Assembly into disrepute. The Commissioner concurred with that view and explained in her report that "*In failing to observe the above*
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principles, it is my view that Dr Brown's conduct brought the Assembly into disrepute". **The Committee agrees that the respondent's conduct brought the Assembly into disrepute, including in failing to observe the principles of Selflessness and Objectivity.**

Sanctions

49. As alluded to above, the Committee may (under Standing Order 69B) recommend to the Assembly that it impose a sanction upon a Member who has breached the Code. However, from the legal advice which it received, the Committee noted that Standing Order 69B(2) only provides for the Assembly to impose a sanction against an MLA; and the fact that the respondent has resigned as an MLA would negate the effect of any motion passed by the Assembly to sanction him. In light of this advice, and having regard to its findings that the respondent breached rules 1 and 14 of the Code and brought the Assembly into disrepute, including in failing to observe the principles of Selflessness and Objectivity, **the Committee agreed that it would have recommended that a sanction be imposed by the Assembly had the respondent remained an MLA.**

Supplementary issues

50. During the course of its deliberations, the Committee considered correspondence from the Commissioner, attaching correspondence she had received from a public representative, which was likely to raise a further matter regarding the respondent's conduct in relation to the complaint case. The Committee noted that, due to the respondent's resignation as an MLA and the absence of a meaningful sanction available to the Assembly, the Commissioner considered that an investigation into this further matter would not be in the public interest.
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51. The Committee agreed that, on the basis of both the position taken by the Commissioner and legal advice it received, it was not an effective use of public resources to pursue this further matter.
 52. The Committee also considered correspondence from the respondent on the issue of media reporting of the live complaint, in which he highlighted his concerns that information had potentially been leaked from the Committee to the media.
 53. In light of the concerns raised by the respondent, the Committee agreed to make a referral to the Commissioner, under Standing Order 69A(5)(a)(i), to investigate the allegation of a leak of confidential information on the complaint case to the media.
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Links to Appendices

Appendix 1: The Commissioner for Standards Report on a complaint against Dr Patrick Brown (former MLA)

View the Commissioner for Standards Report on a complaint against Dr Patrick Brown (former MLA) at the following link: <https://lk.cmte.fyi/NWlb>

Appendix 2: The presentation slides used in the Commissioner's oral briefing on 13 March 2024

View the presentation slides used in the Commissioner's oral briefing on 13 March 2024 at the following link: <https://lk.cmte.fyi/NWlb>

Appendix 3: Written submission from Dr Patrick Brown (former MLA)

View Dr Brown's written submission dated 8 February 2024 at the following link: <https://lk.cmte.fyi/NWlb>

Appendix 4: Factual response from the Commissioner for Standards to the written submission from Dr Patrick Brown (former MLA)

View the Commissioner's written response dated 9 April 2024 at the following link: <https://lk.cmte.fyi/NWlb>

Appendix 5: Minutes of Proceedings

View Minutes of Proceedings related to the report (meetings on 13 March 2024, 24 April 2024, 1 May and 29 May 2024, 12 and 26 June 2024) at the following link: <https://lk.cmte.fyi/NWlb>

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