



Committee on Standards and Privileges

Report on complaints made by Timothy Gaston MLA and Doug Beattie MLA against First Minister Michelle O'Neill

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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:

- Cathy Mason MLA (Chairperson)¹
- Connie Egan MLA (Deputy Chairperson)²

¹ From 3 February 2025 Ms Cathy Mason replaced Ms Carál Ní Chuilín as Chairperson.

² From 8 November 2024 Ms Connie Egan replaced Mr Stewart Dickson as Deputy Chairperson.

- Stewart Dickson MLA
- Jemma Dolan MLA
- Brian Kingston MLA³
- Paul Frew MLA
- Harry Harvey MLA
- Declan McAleer MLA⁴
- Colin McGrath MLA

³ From 8 April 2024 Mr Brian Kingston replaced Mr Stephen Dunne as a member of the Committee.

⁴ From 10 February 2025 Mr Declan McAleer appointed as a member of the Committee.

List of Abbreviations and Acronyms used in this Report

BHF:	British Heart Foundation
MLA:	Member of the Legislative Assembly
The Assembly:	Northern Ireland Assembly
The Code:	Ministerial Code of Conduct
The Commissioner:	Assembly Commissioner for Standards
The Committee:	Committee on Standards and Privileges

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 complaints against First Minister Michelle O’Neill (“the respondent”) of alleged breaches of the Ministerial Code of Conduct (“the Code”).⁵ 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 Commissioner’s report to accord with legal obligations).
2. A link to the applicable minutes of proceedings of the Committee is included at **Appendix 2**.

Role of the Committee

3. The arrangements for regulating the standards of conduct of Ministers include: the role of the independent Commissioner in investigating complaints of alleged breaches of the Code; the role of the Committee in considering and publishing the Commissioner’s investigation reports; and the role of the Assembly in plenary in deciding whether any sanction/s should be imposed, if the Assembly, in considering the findings of the Commissioner’s report, believes there has been a breach of the Code.
4. These arrangements have come about, in part, due to section 5 of the Functioning of Government (Miscellaneous Provisions) Act (Northern Ireland) 2021, which extended the powers of the Commissioner to include the investigation and reporting on complaints against Ministers of alleged breaches of the Code. The Commissioner’s new functions came into effect on 22 March 2021.

⁵ <https://www.northernireland.gov.uk/topics/your-executive/ministerial-code>

5. In light of the Commissioner's new powers, the Committee had previously sought legal advice on 10 April 2024 on its role in relation to the consideration of investigation reports from the Commissioner on complaints against Ministers. The Committee sought this advice not only prior to receiving the attached report from the Commissioner but prior to being made aware that the matters addressed in that report were being investigated. In that regard, the Committee has previously noted that, unlike the position regarding complaints against MLAs of alleged breaches of the Assembly Code of Conduct, it does not have an adjudication role in complaints against Ministers of alleged breaches of the Ministerial Code of Conduct. However, the Committee has a duty, under Standing Order 69A, to consider *any* investigation report by the Commissioner, including reports on ministerial complaints, and to publish such reports (on behalf of the Assembly).

Background

6. On 4 October 2024, the Commissioner received a complaint from Mr Timothy Gaston MLA alleging that the First Minister, Michelle O'Neill MLA breached the Code by misleading the Committee for The Executive Office on 2 October 2024. This was on the basis that the First Minister stated that she did not know the whereabouts of Mr Michael McMonagle since his suspension from Sinn Féin after his arrest in August 2021 for alleged sex offences against children; yet a photograph of her was published in the media, in which she was standing just metres away from Mr McMonagle in the Great Hall in Parliament Buildings on 14 February 2023.
7. Mr Gaston alleged that the First Minister had not upheld the Seven Principles of Public Life, including openness and honesty.
8. On 6 October 2024, a further complaint was received from Mr Doug Beattie MLA, alleging that the First Minister had breached the Code by misleading the Committee for The Executive Office on 2 October 2024 in respect of what she and her party knew about the references that were provided for Mr McMonagle by "2 senior party members", Mr Caolán McGinley and Mr Séan Mag Uidhir, to the British Heart Foundation (BHF).

9. Mr Beattie alleged that the explanation provided by the First Minister, that she was only aware of the issue the day before the news broke in the media, was not credible and struck at the heart of the Nolan Principles⁶, and in particular openness and transparency.
10. The Commissioner considered the complaints and decided they were admissible, before commencing her investigations on 22 October 2024 (Mr Beattie's complaint) and on 30 October 2024 (Mr Gaston's complaint). The investigations sought to determine whether the First Minister misled the Committee for The Executive Office when she stated that she did not see Mr McMonagle on 14 February 2023, was unaware of his whereabouts since leaving Sinn Féin, and did not know prior to 25 September 2024 that Mr McGinley and Mr Mag Uidhir had provided references to the BHF on behalf of Mr McMonagle.
11. For the purposes of the Commissioner's investigation and report, both complaints have been linked and are considered under the one report. Following the conclusion of her investigations, the Commissioner forwarded her investigation report to the Committee Clerk on 5 February 2025.
12. Prior to the Committee commencing its consideration 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).
13. The First Minister did not take up the opportunity to make a written response nor did she indicate that she wished to avail of an oral hearing.

⁶ <https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>

The Commissioner's findings of fact and reasoned decision

14. As a result of her investigation, the Commissioner established the following facts to the required standard of proof (see pages 11 - 12 of her report):
- I. First Minister O'Neill has had no contact with Mr McMonagle since before his suspension from Sinn Féin in August 2021.
 - II. First Minister O'Neill did not see Mr McMonagle in Parliament Buildings on 14 February 2023 and had no interaction with him on that day.
 - III. Mr McMonagle asked Mr McGinley and Mr Mag Uidhir, two former colleagues and Sinn Féin press officers, to provide employment references for him to the BHF in August 2022.
 - IV. Mr McGinley and Mr Mag Uidhir provided employment references on behalf of Mr McMonagle to the BHF on 24 August 2022 and 31 August 2022, respectively.
 - V. Neither of the references provided mentioned Mr McMonagle's suspension from Sinn Féin or ongoing police investigation.
 - VI. Mr McGinley and Mr Mag Uidhir did not notify anyone in Sinn Féin that they had provided references for Mr McMonagle.
 - VII. The former Sinn Féin HR Director engaged in email discussion in August 2023 with the BHF regarding the references provided to them, and in particular by Mr Mag Uidhir from a personal email address.
 - VIII. The Sinn Féin HR Director did not notify First Minister O'Neill, or anyone in the party, about the email correspondence from the BHF in relation to its queries about the reference providers.
 - IX. First Minister O'Neill became aware of the references provided by Mr McGinley and Mr Mag Uidhir on 25 September 2024.
15. In the "Further Analysis and Reasoning" section of her report (at page 12) the Commissioner explains that "The evidence established that First Minister O'Neill

and Mr McMonagle have not interacted since before he was suspended from Sinn Féin in August 2021. While the photograph may lead some to believe that the First Minister must have seen Mr McMonagle due to their proximity, both she and Mr McMonagle have affirmed that there was no interaction between them on 14 February 2023”.

16. The Commissioner adds that “What the photograph does not convey is that the Great Hall was quite busy on that day, as the Assembly had been recalled to discuss the organ donation legislation. First Minister O’Neill had stopped to greet the McGabhann family on her way to the Chamber and stated that she was focused on that meeting and did not see Mr McMonagle that day. I have found no evidence to suggest that she is not being truthful”.
17. The Commissioner also found no evidence to indicate that the First Minister was aware of the employment references provided by Mr McGinley and Mr Mag Uidhir on behalf of Mr McMonagle to the BHF. The Commissioner adds that the former Sinn Féin HR Director has confirmed that she did not alert anyone in Sinn Féin to the contact made by BHF in August 2023 to clarify the email address provided by one of the press officers in relation to the reference. Furthermore, the Commissioner states that the HR Director did not notify the First Minister about the inquiries from the BHF and had not engaged in any discussions about Mr McMonagle with the First Minister.
18. The Commissioner concludes her report (at page 13) with the following statements:
 - I. “Based on the evidence I have gathered and analysed, I do not believe that First Minister O’Neill misled the Committee when she stated she hadn’t seen Mr McMonagle on 14th February 2023 in the Great Hall, Parliament Buildings.
 - II. Based on the evidence I have gathered and analysed, I do not believe that First Minister O’Neill misled the Committee when she claimed she only became aware of the references provided by the two Sinn Féin press officers on behalf of Mr McMonagle to the BHF on 25th September 2024.

- III. First Minister Michelle O'Neill did not mislead the Committee for the Executive Office on 2nd October 2024 and has not breached the Ministerial Code of Conduct.”

The Committee's consideration and conclusions

19. At its meeting on 26 February 2025, the Committee was briefed by the Commissioner on her investigation report.
20. Following the briefing, the Committee discussed the current procedural arrangements for complaints against Ministers, which are different for those for complaints against Assembly Members. The Committee noted that it is required to consider the Commissioner's reports under Standing Order 69A(3)(a). However, as alluded to above (at paragraph 3), under current procedural arrangements, the Committee has no adjudication role in relation to such complaints – in terms of deciding on whether there has been a breach of the Code.
21. The Committee noted that the Commissioner has not upheld the complaints and agreed to note the Commissioner's investigation report and publish it by way of this report. This fulfils the Committee's function in relation to considering any investigation report by the Commissioner and publishing all investigation reports submitted by the Commissioner.

Links to Appendices

Appendix 1: The Commissioner for Standards Report on complaints against the First Minister Michelle O'Neill

[View the Commissioner's Report](#)

Appendix 2: Minutes of Proceedings

[View Minutes of Proceedings of the Committee meetings related to the report \(meetings on 26 February and 26 March 2025\)](#)

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