



Northern Ireland
Assembly

Committee on Standards and Privileges

OFFICIAL REPORT (Hansard)

Complaint against a Member:
Commissioner for Standards'
Investigation Report

28 September 2021

NORTHERN IRELAND ASSEMBLY

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Complaint against a Member: Commissioner for Standards' Investigation Report

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Members present for all or part of the proceedings:

Ms Linda Dillon (Chairperson)
Mr Christopher Stalford (Deputy Chairperson)
Dr Steve Aiken
Ms Sinéad Bradley
Mrs Pam Cameron
Mr Stewart Dickson
Mr Declan McAleer
Mr Patsy McGlone
Ms Áine Murphy

Witnesses:

Dr Melissa McCullough Northern Ireland Assembly Commissioner for Standards

The Chairperson (Ms Dillon): I advise members that Dr McCullough will attend for the next item, which is a complaint against Paul Givan MLA. I seek agreement that, in line with recent practice, the commissioner's briefing will be recorded by Hansard and will form part of the evidence base for the commissioner's report. The secretariat briefing paper is in members' packs.

Mrs Cameron: Chair, I do not know whether I need to, but I declare an interest. The lady is a constituent of mine, and she contacted my constituency office. I have not spoken to her in person, but I have the flavour of what the complaint is about. I want to put it on record that she has been in touch with my office.

The Chairperson (Ms Dillon): I do not think that there is any need for action at this point, other than to note that. Is that fair enough?

The Committee Clerk: The declaration will be recorded in the minutes.

Dr Aiken: Chair, can we take a small pause of a few minutes while I check my records as well? If Pam's office has it, I probably got it as well.

Mr Dickson: Chair, I apologise: I may need to vote. I hold the proxy vote for my party this afternoon. I will return if you are still here.

The Chairperson (Ms Dillon): That is fine, Stewart. No problem.

Members, papers on the case will be displayed on the screen. Steve, are you content that we go on while you are —?

Dr Aiken: I will be literally one minute, just to check.

I have no declaration to make.

The Chairperson (Ms Dillon): OK. Thank you. I invite Dr McCullough to speak to the matter.

Dr Melissa McCullough (Northern Ireland Assembly Commissioner for Standards): On 19 May, I received a complaint from the complainant saying that she had sought assistance from Mr Givan, who was, at that stage, an MLA but not First Minister, with issues relating to a change in uniform policy at Laurelhill Community College. She claimed that Mr Givan breached rules 1, 5, 7, 8, 13 and 14 of the code of conduct, arising, in the main, from his failure to represent all the evidence that she had provided to him and his failure to tell her, prior to representing her at a meeting on 19 August 2020, that he was a governor at Laurelhill Community College and the parent of a pupil who was due to attend the college. I should mention also that the complainant contacted a lot of offices. That fits with what was said earlier.

In the course of my investigation, I reviewed the evidence. The complainant has, I think, a brain injury or an injury of sorts that makes it hard for her to put things in writing — although she puts a lot in writing — so she needed assistance. My secretary assisted her in the first few instances, and then I assisted her, in the end, to figure out her complaint. I interviewed Mr Paul Givan, and I had a telephone conversation with James Martin, the principal of Laurelhill Community College.

I will go to the findings of fact, if you do not mind. The complainant contacted Mr Givan on 17 August 2020 to seek his help on a change in the uniform policy at Laurelhill Community College. The change required students to wear their PE kit rather than the uniform. Mr Givan was the complainant's first contact; she contacted others, as I said.

After being briefed by a member of staff who had taken the complainant's call, Mr Givan telephoned the complainant. He says that the complainant was distressed at the impact of the uniform policy change on her daughter, who was a pupil at the school. The complainant explained the situation in detail during her call with Mr Givan and gave a large amount of evidence of the health and safety impact of the policy change and of its financial implications for parents — the PE kit cost £100.

She alleges that Mr Givan said, when asked, that he did not have any conflicts of interest and says that she specifically asked him whether he was a member of the board of governors or a parent. She alleges that Mr Givan replied that he "had no conflicts". Mr Givan asserts, however, that he was never asked by the complainant whether he had any conflicts of interest and that, had he been asked, he would not have hesitated to tell her.

In any event, Mr Givan agreed to speak to the school on the complainant's behalf to raise the issues outlined to him. On her behalf, he contacted the principal and the chairman of the board, separately, by telephone on 19 August. Following those conversations, the uniform policy was adjusted to allow pupils to have the choice of wearing either the PE kit or the school uniform.

Time went on, and we get to January. The complainant became aware of Mr Givan's role as a school governor and parent of a child attending the school when she saw a video about the school's open day on its school's Facebook page. It is a fact that Mr Givan registered his role as a governor at Laurelhill Community College in the Register of Members' Interests on 28 November 2019. It remains on the Register to date.

My decision is based on the fact that, having considered all the evidence, I do not believe that Mr Givan acted in anything but support of the complainant at all times. He agreed to help the complainant and undertook to speak to the principal and chairman, which he did. After he had the conversations with the principal and the chairman, he contacted the complainant and explained that the uniform policy was adjusted to allow for the pupils' choice to wear either the school uniform or the PE kit. Mr Givan was quite happy with the outcome, and he thought that the complainant would be as well. However, she had expected more, and she expected more health information. Mr Givan expressed that it was very detailed health information. He reckoned that you would nearly need to be medically qualified to understand all of it. He thought that he had gotten the result that she wanted.

The complainant asked Mr Givan for written confirmation of that outcome during that telephone conversation, but she never received it. Mr Givan said that he did not provide an email, because he believed that it was the school's role to provide a formal update in writing to her. In failing to do so, I believe that confusion arose. I do not believe that Mr Givan was under any obligation to provide the health and safety information that the complainant wanted him to provide. He undertook to assist her, and a policy change occurred. The fact that Mr Givan did not present the health and safety information does not, I believe, equate to the complainant's assertion that there was some sort of collusion. The telephone meeting with two other people, the principal and the chairman of the board, was not a board meeting, as she had thought. She thought that it was three men just making decisions without a quorum. I believe that there was lack of clarity on both sides, which led to this whole thing.

Mr Givan registered his interests from September 2019 on the Register of Members' Interests and, even if it were the case that the complainant asked Mr Givan if he had any conflict and he did not disclose it to her, it would not have been in breach of the code, because the complainant is not a Minister, public representative, public body or public official. As per rule 5, he had no duty to declare anything to her. It would have likely have offended the principle of honesty, which alone would not necessarily have resulted in a breach.

It is true that Mr Givan's not being on the school's website as a governor added to the complaint, but it is not up to this office to look at that. It is also clear that the complainant has made complaints to the Education Authority, the Northern Ireland Ombudsman and the Children's Commissioner, all of which are engaged in the complaint on their sides of it. Of course, she has been very vocal about young women's health issues in relation to this matter, and I believe that there is a point to that. However, as far as Mr Givan is concerned, in my view, there was no evidence to suggest that he broke any of the rules that she alleges.

I can go through each of the allegations for the Hansard report, if that is appropriate.

The Chairperson (Ms Dillon): I do not think that you need to.

The Committee Clerk: The Committee will need to deliberate on each of them, Chair, unless members have any specific issues with any of them.

The Chairperson (Ms Dillon): That is all right, then, yes.

Dr McCullough: On rule 1, I am satisfied that, on the basis of the evidence, Mr Givan acted in the public interest in providing assistance to the complainant in relation to the issue that she raised with him and the help that she had asked him to provide. He did not act contrary to the public interest in preference to any personal interest, of which there is no evidence to suggest that there was a personal interest, so I do not hold up this allegation.

On rule 5, Mr Givan is a governor. He registered that interest in 2019 in the Assembly Register of Members' Interests. The complainant is not a Minister, public representative, public body or public official, and he had no duty to declare to the complainant his position as governor on the board of the school. His failure to declare that either when asked, which is in dispute, or to provide it voluntarily to the complainant is not a breach of the code of conduct. I do not uphold that allegation.

Allegation three is on rule 7. Mr Givan did not advocate for the complainant in return for any payment or benefit to himself. On the contrary, he spent much time assisting the complainant in good faith and more than he would have with most of his constituents. He did not stand to gain from doing so. I do not uphold that allegation.

Allegation four is rule 8. People who benefited from Mr Givan's assistance included the complainant, her daughter, the school and the wider student body. The initial uniform policy change was adjusted because of Mr Givan's intervention. He did not seek to confer any benefit that would be in contravention of the code of conduct. Therefore, I do not uphold that allegation.

Allegation five is rule 13. Mr Givan does not receive any material benefit from his role as governor at Laurelhill Community College, and he did not help the complainant for any material gain or otherwise. Based on the evidence, it is my view that he was genuinely trying to help the complainant, whom he found to be very distressed about the uniform policy decision. I do not uphold that allegation.

The last one is rule 14. Based on the relevant evidence, Mr Givan did not attempt to use his position as a Member to improperly confer an advantage to himself or a disadvantage to anyone. I do not uphold that allegation.

In conclusion, I am satisfied that, on the basis of all the evidence, of which there was quite a volume, and my analysis and reasoning, Mr Givan did not breach rules 1, 5, 7, 8, 13 or 14 of the code of conduct, as alleged by the complainant.

Mr Stalford: Chair, once this vote is concluded, I have to go and Chair the Adjournment debate. I think that we have a conclusive result, so I propose that the recommendations be accepted and the complaint be closed.

The Chairperson (Ms Dillon): We have to go through each one formally, and we will do that after the commissioner leaves. I understand that you have to leave.

Mr Stalford: Will we lose our quorum?

The Chairperson (Ms Dillon): No, we will still be quorate if you leave, but everybody else will have to stay.

Mr Stalford: No problem.

The Chairperson (Ms Dillon): Thank you, Christopher. If there are no questions or queries for the commissioner about the case, I thank the commissioner very much for coming to the Committee today. I am sure that we will see each other again.