



Northern Ireland
Assembly

Committee on Standards and Privileges

Report on a complaint against Mr Paul Givan MLA

Together with the Report of the Assembly Commissioner for Standards, Minutes of Proceedings of the Committee and Minutes of Evidence

This report is the property of the Committee on Standards and Privileges. Neither the report nor its contents should be disclosed to any person unless such disclosure is authorised by the Committee.

THE REPORT REMAINS EMBARGOED UNTIL NOON 19 NOVEMBER 2021

Ordered by the Committee on Standards and Privilege to be printed on 13 October
2021

Report: NIA 134/17-22 Committee on Standards and Privileges

Contents

Contents

Report on a complaint against Mr Paul Givan MLA	1
<i>Powers and Membership.....</i>	<i>3</i>
Powers	3
Membership.....	4
<i>Introduction.....</i>	<i>5</i>
<i>Background</i>	<i>5</i>
Relevant rules in the Members' Code of Conduct.....	6
<i>The Complaint.....</i>	<i>7</i>
<i>The Commissioner's investigation and findings of fact.....</i>	<i>8</i>
<i>The Commissioner's reasoned decision</i>	<i>8</i>
<i>The Committee's considerations and conclusion</i>	<i>10</i>
<i>Links to Appendices.....</i>	<i>13</i>
Appendix 1: The Commissioner for Standards Report on a complaint against Mr Paul Givan MLA.....	13
Appendix 2: Minutes of Proceedings	13
Appendix 3: Minutes of Evidence	13

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 Order Nos. 51 and 57. Further provisions on the Committee's functions are also included in Standing Orders 69, 69A, 69B, 69C and 70. The Committee has 9 members including a Chairperson and Deputy Chairperson and a quorum of 5.

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 arrangement for the compilation, maintenance and accessibility of the Register of Members' Interests and any other registers of interest established by the Assembly, and to review from time to time the form and content of those registers;
- to consider any specific complaints made in relation to the registering or declaring of interests referred to it;
- to consider any matter relating to the conduct of Members;
- to recommend any modifications to any Assembly code of conduct as may from time to time appear to be necessary.

The Committee is appointed at the start of every Assembly, and has power to send for persons, papers and records that are relevant to its enquiries.

Membership

The membership of the Committee is as follows:

- Ms Linda Dillon (Chairperson)¹
- Mr Christopher Stalford (Deputy Chairperson)²
- Dr Steve Aiken OBE³
- Ms Sinéad Bradley⁴
- Mrs Pam Cameron
- Mr Stewart Dickson
- Ms Áine Murphy^{5 6 7}
- Mr Declan McAleer
- Mr Patsy McGlone

¹ From 20 September 2021 Linda Dillon replaced Sinéad Ennis as Chairperson of the Committee.

² From 14 June 2021 Christopher Stalford replaced William Irwin as Deputy Chairperson of the Committee.

³ From 6 July 2020 John Stewart replaced Doug Beattie as a member of the Committee. From 19 October 2020 Steve Aiken replaced John Stewart as a member of the Committee.

⁴ From 27 September 2021 Sinéad Bradley replaced George Robinson as a member of the Committee.

⁵ From 5 October 2020 Seán Lynch replaced Colm Gildernew as a member of the Committee.

⁶ On 2 July 2021 Seán Lynch retired as an MLA.

⁷ On 27 September 2021 Áine Murphy joined the Committee.

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 Mr Paul Givan MLA 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** (the Committee has redacted a limited amount of information from the Commissioner's report to accord with its legal obligations).
2. A link to the applicable minutes of proceedings of the Committee is included at **Appendix 2** and a link to the official (Hansard) report of the oral briefing which the Committee received on the Commissioner's investigation report is included at **Appendix 3**.

Background

3. On 19 May 2021, the Commissioner received a complaint from the complainant alleging that Mr Givan breached Rules 1, 5, 7, 8, 13, and 14 of the Code in his handling of issues relating to a change in uniform policy at Laurelhill Community College. The complainant's allegations arise in the main from what, in her opinion, were failures on the part of Mr Givan to represent all of the evidence she provided to him and in not telling her, prior to representing her at a meeting on 19 August 2020, that in particular he was a school Governor at Laurelhill Community College.
4. On 16 June 2021, the Commissioner forwarded her report on the investigation of the complaint to the Committee for consideration. 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, Mr Givan, 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). Mr Givan was also offered the opportunity to appear before the Committee to make his comments in person and to answer any questions that members may have.

5. Mr Givan did not take up either the opportunity to make a written response to the Commissioner's report or the opportunity to appear before the Committee in relation to the matter.

Relevant rules in the Members' Code of Conduct

6. The relevant rules of conduct cited in the complaint against Mr Givan are as follows:

Rule 1: You shall base your conduct on a 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 the 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 reasonably be thought 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 registrable interest.

Rule 7. You shall not, in return for payment or benefit, advocate or initiate any cause or matter on behalf of any outside body or individual. Nor shall you, in return for benefit or payment, urge any other Member to do so.

Rule 8. You shall not seek to confer benefit exclusively upon a body (or individual), from which you have received, are receiving, or expect to receive a financial or material benefit, or upon any client of such a body (or individual).

Rule 13. You shall not act in any way which improperly interferes, or is intended or is likely to improperly interfere, with the performance by the Assembly of its functions, or the performance by a Member, officer or staff of the Assembly of their duties.

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. ⁸

The Complaint

7. The complainant alleged that Mr Givan had a conflict of interest and that, in particular, in failing to declare to her that he was a Governor at Laurelhill Community College, he directly breached rules of conduct 1 and 5 of the Code. As alluded to above, the complainant also alleged breaches in respect of rules of conduct 7, 8, 13 and 14. As outlined below, the

⁸ See pages 5 - 6 of the applicable edition of the Code at the following link:
<http://www.niassembly.gov.uk/globalassets/documents/standards-and-privileges/reports/20160628-code-of-conduct.pdf>

Commissioner considered each of the allegations in relation to the rules cited.

The Commissioner's investigation and findings of fact

8. In her investigation report, the Commissioner has detailed her approach to the investigation in paragraphs 2-3 and has set out the findings of fact in paragraphs 5-16.⁹
9. The Commissioner's report also details the evidence she considered and her reasoned decision in relation to each of the allegations made.¹⁰

The Commissioner's reasoned decision

10. In the reasoned decision section of her report, the Commissioner explained in the following terms that she did not uphold any of the allegations made:

Allegation 1: Rule 1

'I am satisfied on the basis of the evidence, that Mr Givan acted in the public interest in providing assistance to [name redacted] in relation to the issues she raised with him and the help 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 there was a personal interest.'

⁹ Commissioner's investigation report, pages 3-4 (see Appendix 1).

¹⁰ Commissioner's investigation report, pages 4-6 and Annex A (see Appendix 1).

I do not uphold this allegation.'

Allegation 2: Rule 5

'Mr Givan is a Governor at Laurelhill Community College. He registered that interest in September 2019 in the Assembly's Register of Members' Interests. As [name redacted] is not a Minister, public representative, public body or public official, he had no duty to declare to [name redacted] his position as Governor on the Board of the school. His failure to declare this either when asked (which is in dispute) or to provide it voluntarily to [name redacted] is not a breach of the Code of Conduct.

I do not uphold this allegation.'

Allegation 3: Rule 7

'Mr Givan did not advocate for [name redacted] in return for any payment or benefit to himself. On the contrary, he spent much time assisting [name redacted] in good faith, and more than he would most of his constituents. He did not stand to gain from doing so.

I do not uphold this allegation'

Allegation 4: Rule 8

'The people who benefited from Mr Givan's assistance included [names redacted], the school and the wider student body in that the initial uniform policy change was adjusted because of Mr Givan's intervention. Therefore, he did not seek to confer any benefit which would be in contravention of the Code of Conduct.

I do not uphold this allegation.'

Allegation 5: Rule 13:

Mr Givan does not receive any material benefit from his role as Governor at Laurelhill Community College and he did not help [name redacted] for any material gain or otherwise. Based on the evidence, it is my view that he was genuinely trying to help [name redacted] who he found to be very distressed about the uniform policy decision.

I do not uphold this allegation.’

Allegation 6: 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 this allegation.’¹¹

The Committee’s considerations and conclusion

11. At its meeting on 28 September 2021, the Committee received an oral briefing from the Commissioner on her investigation report. Following the Commissioner’s oral briefing, the Committee deliberated on and considered each of the allegations, together with the evidence, findings of fact and reasoned decisions of the Commissioner as set out in her investigation report. 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.

¹¹ Commissioner’s investigation report, pages 6-7 (see Appendix 1).

12. To complement its established disclosure arrangements and for enhanced transparency, the Committee agreed that the Commissioner's oral briefing on 28 September 2021 would be recorded by Hansard and that the official report of the briefing (Appendix 3) would be sent to the Mr Givan for information and comment as applicable. Mr Givan subsequently indicated that he had no comment to make on the Hansard report.
13. From its consideration of the Commissioner's investigation report, the Committee noted that the Commissioner had deemed the complaint admissible on the basis that the allegations went beyond issues relating to service or performance standards (which are outside the scope of the Code). The Commissioner had determined that the complaint was admissible and needed to be investigated given that it alleged breaches of specific rules of conduct and was accompanied by a vast amount of information.
14. The Committee also noted the requirements of Rule of Conduct 1 in particular, which deals with conflicts of interest. The Committee is clear that a Member having an interest in a matter does not necessarily create a conflict of interest which would prevent that Member from engaging in consideration of the matter in question. From the evidence presented in the Commissioner's report, it was apparent to the Committee that Mr Givan sought to help a concerned parent with an issue that she was having with a school's uniform policy and that Mr Givan's conduct was based on a consideration of the public interest. The Committee saw no evidence of Mr Givan being improperly influenced by a personal interest in the performance of his public duty as a Member or of his conduct not being in the public interest. The Committee therefore concurred with the Commissioner's conclusion that Mr Givan did not act contrary to the public interest in preference to any personal interest.

15. Arising from its deliberations, the Committee decided that, in relation to each of the six allegations, it agreed with the Commissioner's reasoned decision that there were no breaches of the cited rules. Therefore, **the complaint is not upheld and the Committee has concluded that Mr Givan did not breach the Assembly Code of Conduct.**

Links to Appendices

Appendix 1: The Commissioner for Standards Report on a complaint against Mr Paul Givan MLA

View the Commissioner for Standards Report on a complaint against Mr Paul Givan MLA

Appendix 2: Minutes of Proceedings

*View Minutes of Proceedings of Committee meetings related to the report
Minutes of Proceedings - Session 2021-22:*

Appendix 3: Minutes of Evidence

*View Minutes of Evidence of Committee meeting related to the report
Minutes of Evidence – 28 September 2021:*

You may re-use this publication (not including images or logos) free of charge in any format or medium, under the terms of the Open Northern Ireland Assembly Licence. To find out more about this licence visit: <http://data.niassembly.gov.uk/license.aspx>

This Report can be made available in a range of formats including large print, Braille etc. For more information please contact:

Committee on Standards and Privileges
Northern Ireland Assembly
Parliament Buildings
Ballymiscaw
Stormont
Belfast BT4 3XX

Telephone: 028 90 521 843

Email: ***committee.standardsprivileges@niassembly.gov.uk***
