

COMMITTEE ON STANDARDS AND PRIVILEGES

Report on a Complaint by
Ms Carál Ní Chuilín MLA
Against Mr Basil McCrea MLA

TOGETHER WITH THE MINUTES OF PROCEEDINGS OF THE
COMMITTEE RELATING TO THE REPORT

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Committee Powers and Membership

1. 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. 48 and 52.
2. 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, including specific complaints in relation to alleged breaches of any code of conduct to which the Assembly has agreed and which have been drawn to the Committee's attention;
 - to recommend any modifications to any Assembly code of conduct as may from time to time appear to be necessary.
3. 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.
4. The membership of the Committee is as follows:
 - Mrs Carmel Hanna, Chairperson
 - Mr Willie Clarke, Deputy Chairperson¹
 - Mr Allan Bresland
 - Mr Francie Brolly
 - Rev Dr Robert Coulter
 - Mr Jonathan Craig²
 - Mr David Hilditch
 - Mr Paul Maskey^{3 4}
 - Mr Alastair Ross⁵
 - Mr George Savage
 - Mr Brian Wilson
5. The Report and evidence of the Committee are published by the Stationery Office by order of the Committee. All publications of the Committee are posted on the Assembly's website: (www.niassembly.gov.uk.)
6. All correspondence should be addressed to the Clerk to the Committee on Standards and Privileges, Committee Office, Northern Ireland Assembly, Room 284, Parliament Buildings, Stormont, Belfast BT4 3XX. Tel: 02890 520333; Fax: 02890 525917; e-mail: committee.standards&privileges@niassembly.gov.uk

¹ Mr Willie Clarke replaced Mr Gerry McHugh as Deputy Chairperson with effect from 21 January 2008.

² Mr Jonathan Craig replaced Mr Alex Easton with effect from 15 September 2008.

³ Mrs Claire McGill replaced Mr Gerry McHugh with effect from 28 January 2008.

⁴ Mr Paul Maskey replaced Mrs Claire McGill with effect from 20 May 2008.

⁵ Mr Alastair Ross replaced Mr Adrian McQuillan with effect from 29 May 2007.

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First Report

The Committee on Standards and Privileges has agreed to the following Report:

Complaint Against Mr Basil McCrea MLA

1. The Committee has considered a report by the Interim Assembly Commissioner for Standards into a complaint by Ms Carál Ní Chuilín MLA against Mr Basil McCrea MLA. The report of the Interim Assembly Commissioner for Standards is appended to this report.
2. The complaint, and subsequent investigation, focussed upon the alleged failure of Mr McCrea to adhere to the principle of “leadership” in an encounter between Mr McCrea and his visitors (two classroom assistants and a photographer) and the Minister for Education, Ms Ruane on the 25 September 2007.
3. The Committee agrees with the Interim Commissioner that although Mr McCrea could have acted in a more responsible manner he did not breach the Code of Conduct.
4. The Committee acknowledges Mr McCrea’s position that had he been made aware of any problem he would have been happy to discuss the matter with the Minister or her colleagues ‘and I remain happy to do so’.
5. The Committee has written to Mr McCrea encouraging him to pursue this with Ms Ní Chuilín at the earliest available opportunity.
6. The Committee will write to the Assembly Commission to request that it considers re-publishing the rules regarding the supervision of visitors and the media, particularly in non-public areas of Parliament Buildings.

Appendix 1

**Report by the
Interim Assembly
Commissioner for Standards**

**REPORT
TO THE
COMMITTEE ON STANDARDS
AND PRIVILEGES
OF THE
NORTHERN IRELAND ASSEMBLY
ON A COMPLAINT
FROM MS CARÁL NÍ CHUILÍN MLA
AGAINST MR BASIL MCCREA MLA**

August 2008

Role of the Interim Commissioner for Standards

1. I have prepared this report in my role as the Interim Commissioner for Standards of the Northern Ireland Assembly. In this role I am required to consider any matter referred to me by the Clerk of Standards relating to the conduct of Members, including specific complaints in relation to alleged breaches of the Code of Conduct which have been drawn to the Clerk's attention. The Code of Conduct provides guidance to Members on how to carry out their Assembly duties.

I have been asked, in my role as Interim Commissioner to examine a complaint made by Ms Carál Ní Chuilín MLA against Mr Basil McCrea MLA.

My role is to carry out an independent investigation of the complaint and present my findings to the Committee on Standards and Privileges. Any action beyond my investigation is a matter for the Committee.

The Complaint

2. Ms Carál Ní Chuilín claimed that on 25 September 2007 Mr McCrea MLA was accompanying two classroom assistants within Parliament Buildings when they engaged Ms Caitriona Ruane MLA

on the West Wing stairs of Parliament Buildings between the first and ground floors. She alleged that Mr McCrea facilitated this obstruction of Ms Runane which was photographed and that also, a photograph of the encounter between Ms Runane and the classroom assistants was published in the Belfast Newsletter on 26 September 2007. Ms Ní Chuilín asserts that through his involvement Mr McCrea has failed in his duty under the Code of Conduct for Members of the Assembly to display leadership.

The Code and Guide

3. The Code of Conduct for Members states that Members shall observe the general principles of conduct identified by the Committee on Standards in Public Life as applying to holders of public office. Those principles are Selflessness, Integrity, Objectivity, Accountability, Openness, Honest and Leadership. In referring to Leadership it is stated that "Holders of public office should promote and support these principles by leadership and example".

The Guide does not address the matter of leadership explicitly and focuses rather on the registration of Members Interests and the declaration of those interests.

Conduct of the Investigation

4. I asked Mr McCrea for his comments on the complaint. He responded as follows:

"I write in response to your letter dated 13th December regarding a chance meeting between myself, the Minister for Education and two classroom assistants on September 25th, 2007.

I wish to make it clear

1) I did not facilitate the alleged interference. The meeting happened entirely by chance with no prior planning and with no prior knowledge of the Minister of Education's movements.

2) I do not accept that allegation that I failed to display leadership required by the Code of Conduct. On receipt of your letter I read the section in the Code of Conduct on Leadership and cannot see any failure in this regard on my part. I believe I behaved with absolute decorum at all times throughout what was a chance encounter.

Unknown to each other, as I was going down the stairs, she was coming up the stairs. On rounding a corner, I came face to face with the Minister. I was as surprised as she was. There was no opportunity to avoid interaction. I had with me two classroom assistants and a photographer in transit to the exterior of the building to take a pre-arranged photograph.

The issue of the classroom assistants had been debated the day before and the classroom assistants had just watched the Minister answer a private notice question from Mr Sammy Wilson MP MLA on the very issue of the classroom assistants dispute.

I could do no other than introduce her to the two classroom assistants. I made it clear that they were classroom assistants and I asked her politely if she would speak to them. She said she was happy to do. I did not take part in the conversation, in fact as the photograph shows, I stood aside. The photograph in

question does not show any of the participants in a bad light, if anything it shows the Minister engaging positively with the classroom assistants.

The Minister was aware of the photographer's presence and that he was taking pictures. At no time did she complain about his presence. At no time during or since the encounter did she or any member of her party complain to me directly about the incident itself. The first I came aware of any concerns was the letter from you.

The photographer and the classroom assistants were entitled to be where they were. They were fully signed in, accompanied and making their way from my room to the exterior of the building to take a pre arranged photograph. This photograph was subsequently taken and is included for information.

I am at a lost to see how I have failed to provide Leadership. I was polite and courteous at all times and the conversation between the Minister and the classroom assistants occurred only once the Minister had indicated her agreement to engage.

Background information

The previous day, I had proposed a motion calling on the Minister to intervene in the classroom assistant's dispute.

September 24th, 2007

Assembly motion proposed by Basil McCrea.

That this Assembly calls upon the Minister of Education to intervene immediately in the classroom assistants' dispute, in recognition of the vital role of classroom assistants, and to prevent disruption to children's education.

My speech was recorded in Hansard and I emphasised the need for constructive engagement with the Minister.

Meeting some of the Classroom Assistants after the debate it became apparent that the classroom assistants did not believe their disputes was getting sufficient attention from the Assembly, the Minister and the media. I offered to arrange a photo shoot the following day with the intention of raising the media profile of the dispute. The intention was to take a photograph of a number of classroom assistants with Stormont in the background. I contacted the Newsletter accordingly and they agreed to send a photographer the next day.

September 25th, 2007

The classroom assistants and the photographer arrived as arranged for the photograph. Unfortunately, I was delayed by another group of classroom assistants who had arrived unannounced at Stormont.

I was further delayed by a private notice question on the subject of the Classroom Assistant's dispute from Mr. Sammy Wilson. As a result, my assistant took the two classroom assistants and the photographer to my private room RM 357. The classroom assistants were able to watch Mr. Sammy Wilson asking his Private Notice Question on the monitor in my room. A photograph of which is enclosed.

As the record will show, I was in the chamber for this business, but as time was now of the essence I left immediately this particular business was concluded and raced upstairs. Having collected the classroom assistants and the photographer we went down the stairs as a group in something of a rush with the intention of taking the photograph outside as arranged.

As previously explained in detail, this is when the chance meeting with Minister took place.

Following the meeting with the Minister we did exit the building and take the pre planned photograph (this photograph is also enclosed).

When returning to the building but whilst still outside we met Carol Ní Chuilín and a colleague. Once again I introduced the two classroom assistants and enquired if she would speak to them. Carol Ni Culain declined to do so and I left it at that.

At all times during these events, I was respectful and courteous. I am happy to provide further information as required.”

5. As the complaint had been made by a person who had not been present at the time of the incident I decided I should also seek the comments of Ms Ruane. The following is the note of my interview with Ms Ruane and Mr Peter Kearney who was present during part of the incident about which Ms Ní Chuilín has complained.

- a. The Minister explained she had been returning to her office from the Chamber by the West stairs after answering questions about the Classroom Assistants dispute. She encountered Mr McCrea and a number of people who she now understood to have been Classroom Assistants, together with a press photographer as she approached the first floor. The group effectively blocked her way and she could not pass without engaging them in conversation. A debate on the issues involved in the dispute ensued for approximately 10 minutes. She was conscious of the photographer “clicking away”.

She had felt herself “cornered” by the group.

b. In reply to questions the Minister said that Mr McCrea had not simply introduced the people with him as Classroom Assistants and asked her to discuss matters with them. Rather, he had been aggressive, saying something like “you have questions to answer for these people”. She eventually disengaged from the discussion and proceeded to her office.

c. During the course of the discussion Mr McCrea moved past the group so that he was standing below the Minister looking up from behind her. This position could be seen in the photograph which had been published. She confirmed that her permission had not been sought for any photograph to be taken. She had not objected as she was engaged in the discussion and in any event had been unaware, until she spoke with colleagues that photographs should not have been taken in this area of the Assembly Building.

d. The Minister said she was absolutely convinced that Mr McCrea had stage-managed the encounter. She was particularly persuaded in this view by the fact that Mr McCrea had moved down past the group to a position where he could be photographed.

e. The Minister said that during the encounter she had been joined by two staff members – her driver and her Diary Secretary and the latter had been left quite shocked by the experience. Mr McCrea, she believed, had failed to ensure that the Classroom Assistants and the photographer, who had been his responsibility whilst being escorted by him in a non-public part of the building, had acted in an appropriate manner.

f. The Minister said she understood her colleague, Ms Ni Chuilin, had attempted to have the matter resolved informally but Mr McCrea had been unwilling to take the matter seriously. She considered Mr McCrea should be required to apologise to her.

g. As the Minister's driver, Mr Peter Kearney, was available, Ms Ruane suggested that I should speak with him about the incident. Mr Kearney said he and the Diary Secretary had been going to meet the Minister as she returned from the Chamber and had come upon the incident. The Minister in his view was being harassed by the group and he had moved into the group to offer her support. He had noticed that Mr McCrea had moved down the stairs to stand below the group and look up towards the photographer. He recalled that, in his view, Mr McCrea had been "smirking".

He was aware that afterwards Mr McCrea and the group had moved out of the building and further photographs had been taken. He said he had related the detail of the incident to the Minister's party colleagues, Ms Ni Chuilin and Ms Ramsey."

6. I noted that the Assembly's Standing Orders in addressing issues involving the News Media, state, at SO 69 (4) and (5):

"(4) Unless the prior permission of the Speaker has been sought and granted, members of the news media shall not be permitted to take a camera into the assembly chamber or its precincts.

(5) Unless the prior permission of the speaker has been sought and granted, members of the news media shall not be permitted to photograph, interview or record in areas not designated for the purpose."

I therefore asked the Interim Clerk of the Assembly if she could advise me:

- What areas of Parliament Buildings are designated for the taking of photographs by the news media?

- How had the media been made aware of the limitations?
- Had Members been made aware of the limitations other than by the reference in Standing Orders?
- Were Members given any guidance or instruction on their responsibilities for the behaviour of visitors?

Additionally I asked her:

- Did Mr Basil McCrea sign for the entry of any visitors on 25 September 2007, and if so, who were they and does the record indicate that any of the visitors was a member of the news media and also if she could provide me with a copy of the visitor entry log for that day.

7. In her response the Interim Clerk advised me:

- i. The media may take photographs in the Great Hall and the Press Suite without prior approval. Photographs may be taken in other areas within Parliament Buildings provided the appropriate approval has been obtained.
- ii. Access arrangements for the media for the purposes of carrying out their business are set out in the Press Handbook (copy attached without annexes). Paragraph 2.2 states that a holder of a press pass will be permitted access to the Press Suite (which is in the basement), the Great Hall and, on most occasions, the Press Gallery in the Assembly Chamber. Paragraph 5.1 states that press pass holders may also dine in Basement Restaurant.

Paragraph 6.5 states that interviews may be conducted with Members in other areas of the building but only on request and if escorted by a Member to and from the appropriate location.

The Press Handbook does not specifically refer to photography, however it could be inferred that any activity of the media should be confined to those areas described in the Press Handbook.

iii. The Members' Handbook provides advice on Media Services (relevant extract attached at Annex C). It states that interviews with Members may be conducted in their own offices. Interviews with Members may also be conducted in other areas of the building but only if the media member is escorted by an Assembly pass holder to and from the location and with permission from the Information Office.

There is no specific advice to Members relating to photography except that contained in Standing Order 69.

It is stated in the Members' Handbook that regulations regarding Tours and Functions can be viewed on Assist or obtained from the Events Office. In relation to photography, etc, these regulations stated that:

- For private functions, a permit to take photographs in the function rooms at Parliament Buildings (other than the Great Hall) will be issued by the Events Co-Ordination Office on receipt of a completed application form.
- At private functions, photograph, video or audio tape recording is only authorised for personal use and not public release, eg, to the media. Permission will usually be granted for photographs to be reproduced in an inhouse publication.

iv. The only reference to "visitors" in the guidance given to Members is in the Members' Handbook.

A copy of this guidance was provided. I noted that it deals only with the arrangements for the reception of visitors but emphasises that visitors must be

escorted by a permanent pass holder with escort rights at all times whilst beyond the Great Hall.

v. There is no requirement for Members to sign for the entry of visitors and Basil McCrea MLA did not sign for any on 25 September 2007. Visitors are asked to sign the Visitors' Book at reception and state who or where they are visiting. Visitors are not asked to provide details of who or what organisation they represent.

The Interim Clerk enclosed a copy of the relevant Visitors' Book entries for 25 September 2008 from which I noted that the photographer had been admitted as a member of the Press having indicated that his company was the "Newsletter". He was issued with a Press Visitor Pass.

8. I subsequently wrote to Mr McCrea and asked:
- a. If he had left the Chamber before Ms Ruane had completed her response to Mr Wilson's Private Notice question?
 - b. As he had arranged for the photographer involved in the incident to be in the building had he sought and obtained the Speaker's prior permission for the taking of photographs in an area not designated for that purpose?
 - c. If the Speaker's permission had not been obtained, on what basis had he considered it appropriate to disregard the Assembly's Standing Orders on this matter?
 - d. Had he made any attempt to stop the photographer taking the photographs?

e Had he taken any action to prevent the publication of the photographs in the media?

I subsequently advised him that Ms Ruane had told me that she understood her colleague, Ms Ní Chuilín, “had attempted to have the matter resolved informally but that you had been unwilling to take the matter seriously”. I asked for his comments on this point as it appeared to conflict with the information he had already provided.

Mr McCrea did not initially reply to my letter but following a reminder he told me:

“As I recall I attempted to intervene on Mr. Wilson's question but when this was ruled out of order I left the chamber. I was conscious that the classroom assistants and the photographer would be waiting. Previous experience had told me that newspaper photographers work to a very tight schedule and would not wait around. The assembly log will confirm the delay.

I can assure you that I no intention of door stepping the Minister. I had no knowledge of the Ministers location and the meeting with her happened completely by chance.

The intention was to take a photograph outside the Assembly showing Parliament buildings in the background. There was never any intention to take a photograph inside Parliament buildings. No permission was sought because there was no intention to take photographs in areas not so designated.

I do not consider that I disregarded Standing Orders. Standing Order 69 as the title indicates is directed at members of the News Media.

The photographer acted completely independently. Although, I had arranged for a photographer to be present, I had not met him before, he was not employed by me and he did not act under my direction in this incident.

I was not in a position to stop the photographer. He was physically separated from me by both the Minister and the classroom assistants. I could not reach him without manhandling both the Minister and the classroom assistants. Nor could I talk to him without interrupting the serious and important conversation between the Minister and classroom assistants. The Minister was aware of his presence and made no attempt to stop him, nor did she raise the matter with me.

I had no control over the copyright of the photograph. The freelance photographer acted independently and on his own behalf. I was surprised to see a photograph of the incident published in the Newsletter, as I thought the media interest would be in the Assembly Private Notice question. It is important to stress that I did not seek any media coverage in relation to the incident. I did not issue a press release on the matter and the photograph was published without comment from me as the newsprint will confirm.”

In his reply Mr McCrea also stated:

“I assure you that I did not act willfully to disregard any directions or standing orders and confirm my continued desire to adhere to standing orders and other directions from the Assembly. It remains my position that the meeting with the Minister happened completely by chance with no malice afore thought.

With regard to the suggestion that I did not want to settle matters informally, I can only say that I was not aware of any problem until I received your initial letter. Had I been made aware of any problem I would have been happy to discuss the matter with the Minister or her colleagues and I remain happy to do so.”

9. In view of the obvious discrepancy in the information I had been given in respect to possible informal attempts to resolve the matter I also asked Ms Ruane for clarification of her understanding of the matter. In reply Ms Ruane apologised for the disparity in information provided. This had resulted from a misunderstanding between her colleague Ms Ní Chuilín and herself. She had confirmed with Ms Ní Chuilín that the latter did not recall speaking to Mr McCrea.

Evaluation of the Complaint

10. There is no dispute that an incident occurred in which Ms Ruane met Mr McCrea on 25 September 2007, on the west stairwell of Parliament Buildings. Mr McCrea was accompanied by two female classroom assistants and a photographer. The classroom Assistants engaged Ms Ruane in a discussion about an on-going industrial dispute in respect of which, as Minister of Education, a few minutes earlier she had been answering a question in the Assembly Chamber. Ms Ruane was returning to her Private Office at the time of the incident.

11. There is no dispute that the photographer accompanying Mr McCrea took photographs of the encounter and two of these were published in a newspaper the following day. The title of the accompanying article was “Assistants corner Ruane over cuts”. The second published photograph, showing Ms Ruane, the classroom assistants and Mr McCrea had the caption “CORNERED”.

12. Two main issues arise from the complaint. Firstly, the nature and tenor of the engagement; secondly, the taking of photographs which were subsequently published in the media.
 - 12.1 Mr McCrea has asserted that the engagement was unplanned and, on meeting Ms Ruane in the circumstances, interaction with the classroom assistants could not have been avoided. He considers that he introduced the classroom assistants politely and invited Ms Ruane to speak with them.

Ms Ruane does not share that view; she regards Mr McCrea’s introduction to have been aggressive and leaving her no option but to engage with the classroom assistants accompanying him. The evidence of Mr Kearney who arrived during the encounter indicates he regarded Ms Ruane as being harassed. Furthermore Ms Ruane considers the encounter to have been planned by Mr McCrea.

Taking into account the evidence presented to me, noting the terminology of the captions of the newspaper photographs, the narrative in the report accompanying the photographs and

recognising the sensitivities of the issue under discussion, I have difficulty in accepting that the tenor of the engagement was one of dispassionate discussion. The question therefore arises as to whether it was appropriate for Mr McCrea to allow his party of visitors to engage the Minister on a stairwell in a restricted area of Parliament Buildings.

- 12.2 Where visitors are being escorted within Parliament Buildings it is clearly the responsibility of the authorised person escorting them to ensure that their behaviour and conduct is appropriate. In this case therefore Mr McCrea had that responsibility.

In my view Members of the Assembly are entitled to have an expectation that they will have uninterrupted passage between the Chamber and other parts of the Building. The arrangements for public access beyond the Great Hall are such as to ensure that visitors are escorted at all times. I consider this carries the clear implication that visitors are not free to act as they might otherwise do in a public place.

- 12.3 Ms Ruane does not say she refused to engage in discussion or that she asked Mr McCrea's group to allow her free movement, rather, that she felt she had no alternative but to engage with the people accompanying Mr McCrea. However, I believe that it would have been consistent with his responsibilities as an authorised person, and indeed courteous, for Mr McCrea, on encountering Ms Ruane on the stairs, to have allowed the Minister the opportunity to come up to the

same level as he and his group. I believe he should have ensured that Ms Ruane was content to speak with his visitors and if Ms Ruane had been willing to engage, the encounter should not have extended beyond a few minutes.

12.4 Insofar as the allegation that Mr McCrea planned the encounter is concerned, I believe there are a number of reasons why it is difficult to sustain such an assertion:

- Mr McCrea had been in the Chamber to hear the Minister answer a Private Notice question.
- He left the Chamber, as I understand it, at about the same time as or marginally before, Ms Ruane.
- He went to his office in Room 357 which is close by the West stairs on the third floor, and then accompanied by the group was descending the West stairs to go outside for a pre-arranged photograph.
- There are three stairways, together with a lift, which Ms Ruane could have conceivably used to return to her Private Office from the Assembly Chamber.
- Mr McCrea could therefore have had no certainty in relation to which route Ms Ruane would choose to return to her office.

12.5 The second central element of the complaint is the taking of the photographs. The records would indicate that the photographer had entered the Building by identifying himself as a member of the media. The Interim Clerk has indicated that he was issued with a Press Pass.

Mr McCrea has also confirmed that he had arranged for a media photographer to meet him and the classroom Assistants.

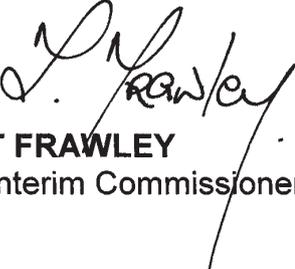
Mr McCrea has confirmed that he did not obtain the prior permission of the Speaker for the taking and publication of the photographs. I also understand from the Speaker's Office that the Speaker's permission was not sought or obtained by either the photographer or the newspaper concerned for the taking or publication of the photographs.

It would appear therefore that actions of the photographer, for whom Mr McCrea was responsible as an authorised person, and the subsequent publication in the media of the photographs may have been in contravention of the Assembly's Standing Orders and the guidance provided to the media on such matters. This element of the complaint raises issues of a possible breach of Privilege however my understanding of the Standing Orders is that such a matter has to be referred formally to the Committee by the Speaker for consideration. Such a referral has not been made in this case.

I note however that both Ms Ruane and Mr McCrea were unaware of the restrictions on the taking of photographs.

CONCLUSION

13. In light of the information available to me I would conclude :
- that Mr McCrea could have handled the encounter between his visitors and Ms Ruane in a more responsible manner
 - that nevertheless his actions did not constitute a breach of the Code of Conduct for Members
 - that it is important to note he is willing to discuss the matter with Ms Ruane
 - that the issue of a possible breach of Privilege was not referred to the Committee and is thus not under consideration
 - that the case highlights a need for Members as a whole to be familiar with the Standing Orders adopted by the Assembly
 - that there would be merit in the Assembly authorities reviewing and re-publishing the rules regarding the supervision and related responsibilities for visitors and the media in non-public areas of Parliament Buildings.


T FRAWLEY
Interim Commissioner for Standards

Appendix 2

**Letter of Complaint by
Ms Carál Ní Chuilín MLA**



Room 27

26th November 2007

Re: Complaint against Basil Mc Crea

A Chara Kevin

I would like to pursue the complaint against Basil Mc Crea. On the 25th of September 2007, after a Private Notice Question on the issue of Classroom Assistants, Mr Basil Mc Crea who accompanied two classroom assistants, stopped the Minister of Education, Ms Caitriona Ruane on the stairs between the first and ground floor, (West Wing) and facilitated the two classroom assistants giving Caitriona a hard time over the dispute. All of this was captured by a Newsletter photographer, who was conveniently present when this exchange occurred.

The following day, the Newsletter carried the story and had a photograph (on the front page). Also on the BBC Steven Nolan Show, one of the Classroom assistants went on air and spoke about getting the Minister and watching the 'colour run from her face'.

Basil Mc Crea assisted and facilitated this exchange. He was responsible for the people that he was escorting throughout the building and the estate that day and therefore he needs to take full responsibility for this.

In addition, the Code of Conduct for members outlines that, a member must be accountable for their decisions and they should support principles of leadership by leading through example. I believe the Code of Conduct is insufficient when trying to pursue a complaint of this nature, it has no protocols and it is far too vague which means that for members who want to complain under the Code of Conduct, it is difficult.

However, I still feel that Mr. Basil Mc Creas behaviour was disappointing and warrants investigation. I trust that you will be able to commission the article and the transcripts of the articles and interview and look forward to your reply.

Is mise le meas

Carál Ní Chuilín.

Carál Ní Chuilín
Sinn Féin Chief Whip

Appendix 3

**Proceedings of the
Committee Relating
to the Report**

Wednesday, 10th September 2008

Room 135, Parliament Buildings

Present: Mrs Carmel Hanna (Chairperson)
Mr Willie Clarke (Deputy Chairperson)
Mr Allan Bresland
Rev Robert Coulter
Mr Alex Easton
Mr David Hilditch
Mr Alastair Ross
Mr Brian Wilson

In Attendance: Mr Paul Gill (Assembly Clerk)
Dr Kevin Pelan (Assembly Clerk)
Ms Hilary Bogle (Assistant Clerk)
Miss Eleanor Murphy (Assistant Clerk)
Miss Carla Campbell (Clerical Supervisor)
Mr Lindsay Dundas (Clerical Officer)

Apologies: Mr Francie Brolly
Mr George Savage

The meeting commenced at 2.04pm in public session.

Mr MacQuarrie joined the meeting at 2.10pm.

5. **Report by the Interim Commissioner for Standards on a complaint against Mr Basil McCrea MLA.**

The Chairperson invited Mr MacQuarrie to make a presentation on the report of the Interim Commissioner for Standards.

A question and answer session followed Mr MacQuarrie's presentation.

Agreed: That the Clerk drafts a letter of response to Mr McCrea and that the draft letter is circulated to Members by email for their comments.

Agreed: That the Clerk drafts a short synopsis of the Committee's findings on the complaint for inclusion in the Committee's report.

Mrs Carmel Hanna MLA

Chairperson, Committee on Standards and Privileges.
Wednesday 17th September 2008.

[EXTRACT]

Wednesday, 17th September 2008

Room 135, Parliament Buildings

Present: Mr Willie Clarke (Deputy Chairperson in the Chair)
Mr Allan Bresland
Mr Francie Brolly
Rev Robert Coulter
Mr David Hilditch
Mr Paul Maskey
Mr Alastair Ross
Mr Brian Wilson

In Attendance: Mr John Torney (Principal Clerk)
Mr Paul Gill (Assembly Clerk)
Ms Hilary Bogle (Assistant Clerk)
Miss Carla Campbell (Clerical Supervisor)
Mr Lindsay Dundas (Clerical Officer)

Apology: Mrs Carmel Hanna

The meeting commenced at 2.04pm in public session.

5. **Report by the Interim Commissioner for Standards on a complaint against Mr Basil McCrea MLA**

Members considered the Committee's draft Report on a complaint by Carál Ní Chuilín MLA against Basil McCrea MLA.

Agreed: Members agreed the Report for publication.

Mr Willie Clarke MLA

Deputy Chairperson, Committee on Standards and Privileges.
Wednesday 17th September 2008.

[EXTRACT]



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