

Investigation Report

Introduction

We, Norma Irwin and Shelagh McCaughan, were charged by the Committee to conduct an investigation into a 'complaint'/ concern raised by Ciara Burns about the conduct of the Chairman, John Bergin and his 'counter-complaint'/ concern about the manner in which she communicated this complaint.

On 1/6/16 Shelagh McCaughan updated Committee about the difficulty in securing a face to face meeting to begin the usual process of investigation and described in some detail the actions to date. Committee requested that the desktop review form the basis for an investigation report and its findings.

Methodology

In preparation for the investigation, Norma and Shelagh had considered the papers available to them and had planned how to conduct the investigation. The planned purpose of speaking to Ciara and John separately was to explain the process of the investigation and to invite them to proffer additional evidence or suggest witnesses who may be able to provide further understanding of the situation. As we were unable to make a suitable appointment to meet with Ciara, we felt it was inappropriate to meet with John.

As a consequence, this brief report is based solely on the information available to us at the beginning of the investigation:

- Ciara's email
- John's email
- the minutes of Council dated 4/2/15, 13/5/15, 24/6/15

The minutes of Council dated 4th February 2015 Item 6(b) indicate that the Chair suggested that the 2015 AGM be hosted in the City of Derry. The minutes reflect that some concern was expressed that regular attenders may not travel to Derry; however, in general the proposal was welcomed.

b) AGM JB asked that the NIBU consider rotating the AGM around the NI regions hosted by affiliated clubs. He was of the opinion this would encourage greater interest from members and more involvement in the NIBU. He also suggested that the host clubs may wish to combine the AGM with a one session charity fundraising bridge event, organised and nominated by the affiliate hosts. JB proposed that the 2015 AGM be held in the City of Derry. The proposal was discussed with some members questioning whether regular attenders would be prepared to travel to Derry. In general the proposal was welcomed as an opportunity to reach out to the wider membership and ameliorate the view some have that the NIBU is a Belfast based organisation. There was discussion as to the most suitable date with June 21st agreed. JB thanked Council and undertook to firm up arrangements and table a detailed proposal at the next Council meeting.

Minutes of 13/5/15 show that the minutes of 4/2/15 were adopted. The detailed plans for the AGM were described and further actions in preparation for the meeting were agreed. There

is no indication of dissent reflected in the minutes. Ciara was not in attendance at this meeting. The minutes of 13/5/15 were adopted at the Council meeting on 24/6/15.

Findings

Having considered the information available, **CIARA'S CONCERN IS NOT UPHELD.** There is evidence that the decision to host the AGM in the City of Derry was agreed by consensus in Council on 4/2/16 and John was given a mandate to undertake further planning. He committed to firm up arrangements and to table a detailed proposal at the next Council meeting, which he did.

Michael McFaul undertook to issue a preliminary notice to Clubs. While there is no date stamp to enable us to determine whether the constitutional requirements for notice were adhered to, we could find no evidence in minutes that this was incorrect.

We therefore determine that the location AGM was agreed by Council. It is apparent from the minutes that although there was some concern that regular attenders may not travel to Derry, this was ameliorated by a sincere desire from Council members to make the Union more inclusive of members throughout Northern Ireland.

Any member of the Union has the right of challenge and this right must be affirmed; indeed, members should be encouraged to 'whistle-blow' if they have evidence of dishonesty or serious misconduct. Council must give careful consideration and determine whether or not complaints/allegations/concerns should be investigated. On this occasion, John made a formal request that Council refer the matter to L&E for investigation as the concerns, if true, would tend to bring him into disrepute. Furthermore, the Union could be brought into disrepute should it later transpire that officers were made aware of potential misconduct and took no action.

Recommendations

We respectfully submit that L&E colleagues make the following recommendations to Council:

1. In order to appropriately conclude this matter there should be a discussion at the next Council meeting and the minutes should clearly indicate that an investigation has been conducted and no misconduct uncovered.
2. We would further suggest that Council consider a mechanism to address 'whistle-blowing' concerns, as the purpose of L&E Committee is clearly defined and these matters should not usually be referred to it.
3. We would also hope that Council would advise members of the Union that all communication, whether in person or in writing, is better received and understood when its language is considered and temperate.

Shelagh McCaughan and Norma Irwin