



Northern Ireland  
Assembly

## SECTION 6.01

# STANDARDS OF CONDUCT

### Principles

1. This Chapter provides guidance on the general principles and rules of conduct expected from all Northern Ireland Assembly Secretariat (the Assembly Secretariat) staff from appointment onwards. You should contact Human Resources if you require clarification on any aspect of these rules.
2. As an employee of the Assembly Secretariat you must be, and be seen to be, honest and impartial in the exercise of your duties. You must not allow your judgement or integrity to be compromised or appear to be compromised. In particular you must not:
  - a. Misuse information which you acquire in the course of your duties, or disclose information which is held in confidence within the Assembly, or received in confidence from others;
  - b. Seek to frustrate policies, decisions or actions of the Assembly either by declining to take, or abstaining from, action which flows from decisions of the Assembly or by unauthorised, improper or premature disclosure outside the Assembly of any information to which you have had access as an employee of the Northern Ireland Assembly;
  - c. Take part in any political or public activity which compromises or might be seen to compromise, your impartial service to the Northern Ireland Assembly;
  - d. Misuse your official position, or information acquired in the course of your official duties, to further your private interests or those of others. Conflicts of interest may arise from financial interests and more broadly from official dealings with, or decisions in respect of, individuals who share your private interests (for example memberships of societies, clubs or other organisations and family). Where a conflict of interest arises, you must declare your interest to the Head of Human Resources so that a decision can be made on how best to proceed;
  - e. Accept gifts, hospitality or benefits of any kind from a third party which might be perceived as compromising your personal judgement or integrity
  - f. You do not need permission to take part in activities organised by Trade Union Side and it is not the intention to prevent or deter staff from taking part in such activities

### General Standards of Behaviour

3. As an employee of the Assembly Secretariat you must behave within the common Values as set out in the [Corporate Strategy](#) (and replicated below), and never in a manner that could bring the Assembly into disrepute, or cause embarrassment.

Professionalism	<i>....in everything we do.</i>
Respect	<i>...for each other, Members and the Public.</i>
Impartiality and Integrity	<i>....in all our work.</i>

## **Breach of Conduct Rules**

4. If you breach any of these conduct rules, or if through negligence on your part, other people breach these rules; you may be subject to disciplinary action
5. If you have sufficient grounds for believing that the conduct of another member of staff may be in breach of any of these rules, or that an unlawful act has been committed, you should bring the matter to the attention of your line manager or Head of Human Resources.
6. If you wish further advice about our conduct rules, you should contact the Human Resources Core Team.

## **Private Occupations**

7. You must seek permission from Human Resources before accepting any outside employment which might affect your work either directly or indirectly.

## **Memberships of Organisations (Non-political)**

8. If you are an office holder, or member of, an organisation which has dealings with the Northern Ireland Assembly you should consider carefully whether there is any possibility that your connection with the organisation may appear to conflict with your duty to be impartial in all your dealings within the Assembly. All interests should be declared to the Human Resources Office.
9. In all cases you must consult the Human Resources Core Team who will advise you whether there is an actual or perceived conflict of interest and on the action required.

## **Acceptance of Outside Appointments**

### **a. Introduction**

10. It is in the public interest that people with experience of public administration are able to move into business or other bodies, and that such movement should not be frustrated by unjustified public concern. It is equally important that when a former member of staff takes up an outside appointment there should be no cause for concern or for any suspicion of impropriety. There are waiting periods and conditions to be applied to appointments which may give rise to such suspicions, thereby safeguarding the Assembly Secretariat and you against criticism.
11. The Assembly Secretariat may scrutinise appointments which former Assembly Secretariat staff propose to take up in the first two years after they leave our employment.

12. The aim of this is to maintain public trust in the people who work for the Assembly Secretariat and in particular:
- a. to avoid any suspicion, no matter how unjustified, that the advice and decisions of a serving officer might be influenced by the hope or expectation of future employment with a particular firm or organisation; or
  - b. to avoid the risk that a particular firm or individual might gain an improper advantage over competitors by employing someone who, in the course of their official duties, has had access to technical or other information which those competitors might legitimately regard as their own trade secrets or to information relating to proposed developments in Assembly Secretariat policy which may affect that firm or its competitors.
13. Most applications are approved without condition. In some cases, however, approval may be made conditional, for example, on a waiting period. The imposition of conditions does not imply anything improper in your relationship with your prospective employer. Rather, it is an indication that an immediate move from working in the Assembly to the new employer, or one without conditions, might be open to criticism or misinterpretation. Experience has shown that employers generally are content to accept such constraints as being reasonable in an open society which places a high premium on the integrity and impartiality of its public services.

## **b. Who Must Apply?**

14. If, within two years of leaving our employment, any of the circumstances set out in the following paragraph apply, you must obtain approval before taking any form of full, part-time, or fee-paid employment:
- a. In the United Kingdom; or
  - b. Overseas in a public or private company or in the service of a foreign government or its agencies.
15. You must apply for approval:
- If you have been a Director, Clerk/Chief Executive; or
  - If you have had any official dealings with your prospective employer during the last two years of service with the Assembly Secretariat; or
  - If you have had official dealings of a continued or repeated nature with your prospective employer at any time during your period of employment with the Assembly Secretariat or
  - If you have had access to commercially sensitive information of competitors of your prospective employer in the course of your official duties; or
  - If your official duties during the last two years of your employment have involved advice or decisions benefiting your prospective employer, for which the offer of employment could be interpreted as a reward, or have involved developing policy, knowledge of which might be of benefit to the prospective employer; or
  - If you are to be employed on a consultancy basis (either for a firm of consultants or as an independent or self-employed consultant) and you have had any dealings of a commercial nature with outside bodies or organisations in your last two years of employment.
16. The rules do not apply to:
- Unpaid appointments in non-commercial organisations;
  - Appointments in the gift of Ministers of the Crown; or
  - In the case of part-time staff, appointments held with our permission during your employment with us.
17. Approval is required for:
- The initial appointment; and
  - Any further appointment within two years of leaving our employment.
18. If you are on secondment from the Assembly Secretariat to another organisation, you are subject to the rules in the same way as other members of staff.

19. If you are on secondment to the Assembly, you are also subject to the rules unless you return to your seconding organisation at the end of your secondment and remain there for two years.

### **c. Reporting Offers of Employment**

20. If you are considering an approach from an outside employer offering employment for which approval would be required (or which seems likely to lead to such an offer) you must report the approach as follows:
- The Clerk/Chief Executive: to the Speaker
  - Directors: to the Clerk/Chief Executive
  - All other staff: to the Head of Human Resources
21. If you are involved with procurement or contract work, you should report any such approach, particularly where it emanates from an outside employer with whom you or your staff have had official dealings, **whether or not** you are considering taking it up.

### **d. Applications**

22. If you require approval before taking up an outside appointment, you must apply to the Human Resources Office using a standard form which is available by clicking on the following link. [Further Information – Application Form - Acceptance of outside Appointments.](#)

## **Using External Influence to further personal interests**

23. You must not attempt to bring political influence, or the influence of bodies external to the Assembly to support your own personal claims as an employee of the Assembly Secretariat. For example, whilst in work you must not approach an MLA in relation to a grievance or complaint regarding your employment, or ask external bodies (for example a disability body) to make representations on your behalf regarding adjustments to your duties. This is to ensure that as an employee of the Assembly Secretariat, you are not seen to gain any special concessions because you are an employee of the Assembly Secretariat. This does not affect your statutory rights, including your right to seek help from your trade union, nor does it restrict your right to approach your elected MLA on other matters provided this is done using conventional methods, i.e. through correspondence or at constituency surgeries.

## **Acceptance of Gifts, Hospitality and Rewards**

24. Your conduct must not foster an actual or perceived conflict of interest and the acceptance of gifts, hospitality, etc. should, therefore be governed by the following general guidance. Failure to adhere to the guidance may result in disciplinary action.
25. You should not do anything that may give the impression to your colleagues, members of the public, or people with whom you deal in an official capacity, that you have been, or may have been, influenced by a gift or consideration to show bias either for or against any person or organisation while carrying out your official duties.
26. You must not accept any gift, hospitality, decoration or other benefit from any member of the public or organisation with whom you have been in contact through your official duties. It should be noted that visits to manufacturers or suppliers at their expense, even though such visits take place outside of working hours or during annual leave, may constitute gifts or benefits. This does not apply to isolated gifts of a trivial nature, for example a diary calendar, or modest hospitality, for example a cup of coffee, provided that this is not a regular occurrence. If the refusal of such a gift is likely to cause offence to the giver, you should report facts immediately to your line manager.
27. The Finance Office maintains a register of gifts and hospitality. You must advise the Finance Office if you have been offered any gift or hospitality and explain the nature of the gift or hospitality, who gave it, why it was given and an estimated value of it. The Finance Office will confirm whether you may accept the gift or accept the hospitality and register the details on their database. The rules pertaining to the acceptance of gifts and hospitality may be viewed [here](#).

## Awards

28. If you are approached by an outside organisation about the offer of an award or a prize in any way connected with your official duties you must consult the Head of HR. Retention of the award or prize will normally be allowed, having due regard to considerations of propriety and risk of public criticism, providing the award is:
  - a. offered in recognition of personal achievement; or
  - b. not in the nature of, or perceivable as a gift, an inducement or payment for a publication or invention to which other rules apply.

## Handling of Contracts and Public Interest Disclosure (Whistleblowing)

29. If you are responsible for letting contracts, you must not let contracts to any employee of the Assembly, Secretariat their family or any partnership which an employee of the Assembly Secretariat, or a member of their family, is a member unless the employee has fully disclosed their interests. You are required to report any business interests listed above to the Procurement Office.
30. Guidance on the provisions of the Public Interest Disclosure (NI) Order 1998 can be found by clicking on the following link [Further Information - Guidance on Public Interest Disclosure Order \(NI\) 1998](#) . The Order covers staff of the Assembly Secretariat (with some exceptions, e.g. those who work in Security Services) and should be considered in conjunction with the Principles and Standards of Behaviour.
31. The Guidance on Public Interest Disclosure Order (NI) 1998 outlines how you may disclose information on wrongdoing when this is in the public interest. The legislation also explains how to complain to an Industrial Tribunal if you are dismissed or suffer any other form of detriment, for disclosing information on wrongdoing.
32. If you wish to disclose information on wrongdoing internally, you may do so by contacting the Director of Corporate Services. You may provide information in writing or verbally (in which case an agreed account of the information will be recorded).

## Duty of Confidentiality and Official Information

33. You are required to exercise care in the use of information that you may acquire in the course of your official duties and to protect all information which is held in confidence.
34. You are expected to make available official information that is not held in confidence (in accordance with the open government policy), but you must not, without proper authorisation from the Information Standards Officer, disclose any official information communicated in confidence within the Northern Ireland Assembly or received in confidence from others. In this context examples of 'official information' include personal details of staff and MLA's, such as members' expenses or information which is deemed to be 'commercial in confidence'. Any breach of these rules may result in [disciplinary or criminal action](#). This duty of confidentiality continues even after you have left our employment.
35. You must not knowingly or deliberately take part in any activities or make any public statement which might involve disclosure of official information or draw upon experience gained in your official capacity. If in doubt, you must contact the Human Resources Core Team for advice and guidance. You must clear, with the Information Standards Officer in advance, material for publication, broadcasts or other public discussion which draws on official information or experience or which may conflict with your duties.
36. Any breach of these rules may result in disciplinary or criminal action.
37. You must not publish or broadcast personal memoirs reflecting your experience in the Assembly, or enter into commitments to do so, whilst in our employment. You must seek the permission of the Clerk/Chief Executive before entering into commitments to publish such memoirs after leaving our employment

38. You must not seek to frustrate the policies or decisions of the Assembly Secretariat by the use or disclosure outside of the Northern Ireland Assembly of any information to which you have had access as an employee of the Northern Ireland Assembly.
39. You must not take part, in your official capacity, in surveys or research projects, even unattributably, if they deal with attitudes or opinions on political matters or matters of policy without first seeking permission from your Head of Business or Director.
40. If you are elected as a representative of a recognised trade union, you need not seek permission before publicising union views on an official matter which is of legitimate concern to your members, unless your official duties are directly concerned with the matter in question. In all other circumstances you must conform to the standards set out above.

## **Contacts with the Media**

41. All contacts with the media should normally be made through the Communications Office. However, if a journalist does make direct contact with a you, they should immediately be referred on to the Communications Office.
42. Communications Office must clear in advance any material for publication, broadcast or other public discussion, which draws upon official information or experience.
43. You must not make any public statements, which may, or may not, involve the disclosure of official information, or draw upon experience gained in your official capacity, without the prior approval of the Head of Human Resources.
44. Exceptionally, some members of staff will have a general authorisation to speak to the media, but the understanding about the scope and content of such contacts must be agreed with the Communications Officer in advance. In such cases, it is important that the Communications Office is advised subsequently of the contact and the issue to be discussed. This is not only to ensure consistency of briefing, but also to ensure that the contact is recorded.
45. You may also come into contact with the media when attending outside conferences and seminars and a similar approach on advising the Communications Office of contact also applies.
46. If you are in any doubt about the nature of a specific request, you should seek guidance from your line manager or the Communications Office.

## **Political Activities**

47. As a member of staff, you are required to serve all Members of the Northern Ireland Assembly whatever their political persuasion. MLAs and the public must have confidence that the personal views of Assembly Commission staff will not affect the discharge of their official duties.
48. As a member of staff, you must therefore not engage in any activity that would bring into question the possibility that your personal views could affect the discharge of your official duties.
49. For this reason, you must abide by the rules regulating the conduct of Assembly Commission staff in relation to their participation in political activities. The intention of the rules governing political activity is to allow staff the greatest possible freedom to participate in public affairs without infringing these fundamental principles. The rules are concerned with political activities liable to give public expression to political views, rather than privately held beliefs and opinions.
50. For the purpose of these rules, the participation in political activities has been defined in terms of:

- Political Activities not permitted: and
- Political Activities that are at the discretion of the Assembly Commission.

### **a. Political Activities not permitted**

- Public announcement as a candidate for the Northern Ireland Assembly, Houses of Parliament, Scottish Parliament, Welsh Parliament, Houses of the Oireachtas, or the European Parliament (a Parliamentary institution) or continue in your role as an elected representative for any of the above legislatures (*if considering an offer of appointment with the Assembly Commission*);
- Holding, in party political organisations, office which impinges wholly or mainly on party politics in a Parliamentary institution;
- Speaking in public on matters of national political controversy;
- Expressing personal views on such matters to the Press; or in books, articles, leaflets, the internet or through other forums; and
- Canvassing on behalf of a candidate for a Parliamentary institution or on behalf of a political party.

### **b. Political Activities at the discretion of the Assembly Commission**

You are not required to request permission from the Head of Human Resources to be a member of a political party. Where you do require permission is in relation to the following activities:

- To run as a candidate for, or co-opted to, local councils in the United Kingdom or Ireland or continue in your role as an existing councillor (*if considering an offer of appointment with the Assembly Commission*);
- Holding, in party political organisations, office impinging wholly or mainly on party politics in the local field;
- Speaking in public on matters of local political controversy;
- Expressing personal views on such matters in letters to the Press; or in books, articles, leaflets, the internet or through other forums; and
- Canvassing on behalf of candidates for election to local authorities or on behalf of local political organisations.

### **c. General Rules**

When seeking to participate or continue to participate in political activities that are at the discretion of the Assembly Commission, you must write to the Head of Human Resources setting out fully the nature of your request.

- In dealing with such requests, the Head of Human Resources will consider:
  - the degree and nature of the contact you have with MLAs in the discharge of your official duties;
  - the seniority of the role you have;
  - the type of work that you undertake in support of the business of the Assembly and its committees;
  - the decisions that you are responsible for taking; and
  - the type of information you have access to.
- The Head of Human Resources will also consult with your Director on the nature of your official duties.
- If permission is granted, it will be subject to the observance of the general rules and Code of Discretion which is set out below. If permission is not granted, you can request a review of the decision by the Director of Corporate Services. The Clerk/Chief Executive, on behalf of the Assembly Commission, reserves the right to raise concerns with you about your participation in political activities and may withdraw permission at any time without prior notice if there is a change in relevant circumstances.
- If you are given permission to take part in local political activities, you must inform Human Resources if you are newly elected to a local council.
- You may participate in local council affairs provided these activities do not interfere with your official duties. Approval may be conditional on your agreement to be redeployed to another post in the Assembly Secretariat. Such decisions will be taken by the Head of Human Resources in consultation with your Director.

- You must not take part in any party political activity when on duty, or on official premises. You must not attend in your official capacity, outside of conferences or functions convened by or under the aegis of a party political organisation, unless you have permission from the Head of Human Resources.

## **d. Code of Discretion**

If you are given permission to participate or continue to participate in political activities, you must not allow the expression of your personal political views to constitute so strong or comprehensive a commitment to one political party as to inhibit, loyal and effective service to all MLAs. You must:

- Take particular care to express comment with moderation; to avoid comment altogether about matters of controversy, and to avoid personal attacks;
- Take every care to avoid any embarrassment to MLAs or to the Northern Ireland Assembly which could result (inadvertently or otherwise) from bringing yourself prominently to public notice in political controversy; and
- Retain at all times a proper reticence in matters of political controversy so that impartiality is beyond question.

## **e. Enquiries**

If you have any enquiries about participation in political activities, you should contact the Head of Human Resources.

## **Private Financial Affairs**

51. You are expected to conduct your private financial affairs in a judicious manner. If you become bankrupt or insolvent, you must inform the Human Resources Core Team immediately. Failure to do so is a disciplinary offence.
52. You will be required to submit such details as the Human Resources Core Team may require. If public funds have been, or are likely to have been involved (but not otherwise), you may be suspended. If there is evidence that public funds have been misappropriated, the Assembly Secretariat will consider prosecution. If you are bankrupt or insolvent you may be removed from duties where handling of public funds is involved.

## **Private Trading**

53. Trading, including unauthorised trading via the internet or any other electronic means, whether by staff, representatives of outside firms, or other Assembly clubs/societies, shall not take place on official premises, using either personal or Assembly communication equipment, without the prior permission of the Human Resources Office. No one, other than those contracted by the Assembly to provide a service to staff, should be allowed for those purposes on official premises.

## **Shareholding by Staff**

54. Where your shareholding in a company may cause an actual or perceived conflict of interest with your position in the Assembly, you must contact the Human Resources Core Team about the desirability of acquiring or retaining it. Responsibility for deciding the appropriate action in cases of this kind rests with the Head of Human Resources.
55. The size of an individual shareholding, both in relation to the total capital of the company and also in relation to your own means will be considered when deciding on appropriate action.

## Money Lending

56. You should not undertake, either as an agent or principal, a money lending business, or to lend money to colleagues as a matter of business. The borrowing or lending of money between members of staff is discouraged. Anyone attempting to borrow money from members of the general public with whom they are brought into contact on an official basis are liable to disciplinary action, which may include dismissal from the Assembly.

## Gambling

57. You should not gamble on official premises, nor speculate in any form likely to bring discredit on themselves or the Assembly.

## Loss of Public Funds

58. If, through your negligence the loss of public funds has occurred, you may be required to make good the loss, either in whole or in part.

## Reporting of Arrests, Charges or Convictions

59. You must report to the Human Resources Office as soon as possible if you have been arrested, charged (or reported to the Public Prosecution Service with a view to prosecution) or convicted by a Court of any criminal offence except a traffic offence with a private vehicle for which the penalty has not included imprisonment or disqualification from driving. Failure to do so may be considered a [disciplinary matter](#). A criminal conviction, whether work related or otherwise, may lead to disciplinary action, although not all stages of the disciplinary procedure may be appropriate. In the event that it becomes apparent to the Assembly Commission that you may have committed a criminal offence (for example, as part of a workplace investigation) the matter will be referred to the Head of Human Resources who will consider what action is necessary in relation to informing the police.

## Security / Official Identity Passes

60. Security / official passes are official documents and must be safeguarded by the holder at all times. You must report losses of such items immediately to the Security Manager.
61. You should ensure that your pass is kept in a safe place and not taken outside the United Kingdom – when, for example, travelling on official business or going on holiday.
62. You must surrender your pass to your line manager on leaving the Northern Ireland Assembly.

## Use of Assembly Property (including internet and email facilities)

63. It is the duty of every member of staff of the Northern Ireland Assembly to prevent waste or the improper use of Government stores, equipment or materials, or the unauthorised or improper employment of labour. Official stationery materials (headed note paper, envelopes, diaries); equipment (e.g. telephones, photocopiers, computers), should not be used for unauthorised purposes. Any contravention of this may result in disciplinary action. Specific details on the use of Internet and email facilities can be found [here](#).
64. Unauthorised possession of Assembly property, including scrap materials, is a disciplinary offence and may also result in prosecution in the courts. Similarly, the unauthorised removal of Assembly property from the workspace may result in disciplinary action.
65. On resignation or retirement from the Northern Ireland Assembly, you must return your security / official identity passes, together with any other official property that was issued to you.
66. You are responsible for the safe custody of all Assembly property in your charge. Should such property be lost or damaged through negligence, carelessness, wanton act or breach of orders, you will be liable to disciplinary action, which may lead to dismissal. In addition, as a result of the disciplinary action, you may

be called upon to make good the loss or damage, or part of it, if necessary this could involve regular deductions from salary.

67. Human Resources will provide a statement, in writing, of the full amount of the deduction and particulars of the acts or omissions in respect of which the deduction is being made. Human Resources will consult you as to the method of payment with a view to minimising hardship as far as possible. If deductions are made from pay, you will be given a statement on each occasion that a deduction has been made and the amount of that deduction.
68. If you are dismissed, any money due to the Northern Ireland Assembly may be recovered from your salary (or accrued holiday pay) to meet the claim. Human Resources Office will consult with you regarding the recovery of the monies with a view to reaching agreement where possible. In all cases Human Resources will provide prior notice via a written statement of the full amount of the deduction from salary and particulars of the acts or omissions in respect of which the deduction is being made
69. If you lose or cause damage to official property you must report the matter to your line manager without delay.

## **Conduct during Sickness Absence**

70. In all cases of sickness or injury which necessitate taking time off work, it is expected that you will do your utmost to facilitate a speedy return to fitness and to work.
71. To avoid doubt or queries in relation to any medical statements (or self-certificates), you are expected to act sensibly and honestly and should observe the following guidelines concerning conduct and activities during periods of absence due to sickness or injury. The Assembly Secretariat would not usually expect any members of staff who are absent from work due to sickness or injury to:
  - a. Participate in any sport, hobbies, social, or any other activities, meetings etc. which are inconsistent with their illness or injury or which could aggravate the illness or injury or delay recovery. There are some instances whereby these activities may be considered to be therapeutic;
  - b. Undertake any other employment whether paid or unpaid. If an individual declares that he or she is incapacitated from work, depending upon the circumstances of the case it could be deemed serious misconduct to undertake any other duties while absent from work due to illness or injury;
  - c. Engage in work around the house (e.g. home improvements, either on the member of staff's own behalf or in respect of friends and relatives) where it is inconsistent with the illness/injury;
  - d. Go on holiday without informing their line manager and producing a statement from their doctor confirming that the holiday would be beneficial to their recovery from illness;
  - e. Engage in any other activity which is inconsistent with the nature of the illness or injury;
  - f. Alter or cause to have altered any of the details on the medical statement (for example, dates).
72. The foregoing list is not exhaustive, but purely illustrative, and the type of behaviour expected will depend on the individual case and the nature of the illness.
73. If you are in doubt about the appropriateness of your activities while sick you should consult your line manager or the Human Resources Office. If further advice is needed HR may wish to refer such cases to the Occupational Health Service for a medical opinion.

## **Conduct: Outside Activities and Social Functions on Official Premises**

74. The normal standards of behaviour expected from you and in your dealings with colleagues generally are also to be observed by and between staff attending residential training courses and/or participating in other activities that have been organised away from the workplace. This includes for example Christmas parties and other all social functions, staff visits to other locations, and while accompanying MLAs on visits.

75. In effect, residential training courses and other such outside activities represent an extension of the workplace and are often in the public eye. It follows, therefore, that behaviour of a lower or unacceptable standard on residential training courses and other such outside activities, etc., will result in disciplinary action in the normal way.
76. Social functions on official premises must be approached in the same way. The Assembly Secretariat carries legal responsibility and obligations when they are held on official premises, particularly where alcohol is sold or consumed. It is essential that the organisers of such functions are aware of their responsibilities for the health, safety and conduct of everyone and the requirements of licensing laws.
77. You should also be aware of the consequences of anti-social behaviour, such as causing damage to official premises, property or equipment. Any such damage is liable to be paid for and misconduct will be dealt with under the disciplinary procedures. You will be aware, from the many media campaigns, the dangers of drink driving, or accepting a lift from someone who has been drinking, in all of the situations mentioned in this section.

## **Lost Property found on Official Premises**

78. This section sets out the rules relating to lost property which is found on Assembly premises and how staff should conduct themselves in such matters.
79. If you are not acting in the course of your employment, you will be treated in the same way as members of the public. Agents of the Assembly Secretariat (for example contract workers or casual staff) acting in the course of their agency should be treated in the same way as members of staff of the Assembly Secretariat.

### **a. Superior Right of Possession and Ownership**

80. In law the true owner retains a superior right to possession. This overrides both that of the finder and that of the Northern Ireland Assembly Commission.
81. The legal position so far as the finder and the Commission are concerned is:
  - a. Where finds are made by employees of the Assembly Secretariat in the course of their employment, the Assembly Commission has the right to possession. The act of finding does not give the finder any such right.
  - b. Where finds are made by members of the public who are present on legitimate business, the act of finding gives a legal right to possession which is superior to that of the Assembly Secretariat, unless the Assembly Secretariat has plainly indicated by a public notice, that it exercises control over the building and the things which may be upon it or in it, or entry to the building is restricted or controlled (for example where a security pass system is in operation).

### **b. Responsibility**

82. The Assembly Secretariat has a responsibility to take such measures as in all the circumstances are reasonable to trace the owner of lost property and to return the property.

### **c. Custody**

83. You must always hand over the property to the Assembly Secretariat, whether or not you were acting in the course of your employment when you found it.
84. If the finder is a member of the public and insists on holding onto the property, the Assembly Secretariat should keep a note of the finder's name and address.
85. Normally the Assembly Secretariat will retain the find for a reasonable period of time so that the owner can establish a claim. For items of value (for example jewellery, money or other valuables) a period of 6 months may be regarded as a reasonable period of time, in line with the current regulations on lost property handed in by members of the public to the Police Service of Northern Ireland. Items of less value (for example clothing or books) may be retained for a shorter period.

## **d. Disposal**

86. The Assembly Secretariat may dispose of the property at the end of the reasonable period.
87. For finds made by members of staff in the course of their employment, the Assembly Secretariat may return the find to the finder.
88. For finds made by members of the public the Assembly Secretariat should return the find to the finder.
89. When returning a find to the finder, or paying a reward, the Assembly Secretariat will:
  - a. Explain to the finder that the original owner retains the right to possession;
  - b. In view of this ask the finder to sign an indemnity. For an example of an indemnity form please click on the following link: Further Information – [Indemnity Form](#) and
  - c. Keep a record of the finder's name and address in case the true owner subsequently appears.
90. The Assembly Secretariat may dispose of the property if the finder does not wish to keep it or the finder does not collect it within a reasonable period of time.

## **Further Information**

91. For Application Form for Acceptance of outside Appointments please click [here](#).
92. For further information on the Public Disclosure Order (NI) 1998 please click [here](#).
93. For further information on the Use of IT Resources please click [here](#).
94. To see an example of an indemnity form please click [here](#).