



Northern Ireland
Assembly

Research and Information Service Briefing Paper

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Ethics and Standards Training

1 Introduction

This briefing paper was prepared following a request from the Committee on Standards and Privileges. The Committee asked for information on the following:

- good practice approaches to training/CPD on standards/conduct related matters in other legislatures, local authorities, etc; and
- possible approaches to identifying training needs in a parliamentary context.

2 Parliamentary ethics

This section provides some context to the issue of attempting to teach/apply parliamentary ethics.

Previous research looking at parliamentary ethics found that ethics education and training were not widespread in a parliamentary context:

...in the majority of parliaments throughout the world, ethics education activities are, at best, limited to a brief topic within pre-sitting inductions of new MPs shortly after elections¹.

¹ Colleen Lewis and Ken Coghill (eds) *Parliamentarians' Professional Development: The Need for Reform*, Springer 2016

The research goes on to ask why this should be the case and offers the following answers:

- firstly, it has been argued that MPs are expected to ‘possess indefinable qualities to accomplish an indescribable job’. It is indeed more difficult to adopt a coherent ethical perspective, let alone design specific content, on an occupation whose parameters are so ill-defined;
- secondly, there is a view that it is not the role of parliament to teach or tell MPs how to behave – it may be the role political parties, of the electorate, or of no-one in particular;
- thirdly, especially in ethics regimes dominated by (an) informal culture, there is little to persuade MPs that explicit ethics education would be more effective than traditional self-regulation and peer monitoring; and
- fourthly, parliamentary staff add to the mix a perceived lack of expertise in ethics and/or designing ethics training content².

An academic involved in the above research commented in 2012 on the types of training programmes available for parliamentarians:

Importantly, no known rigorous training needs assessment has been conducted to inform training design and delivery in parliaments (and) without comprehensive training needs assessments it is difficult to identify potential relevant training designs and delivery techniques³.

It was further suggested that training programmes should reflect the institutional interest of each parliament and that members should have the capacity to contribute effectively through:

- contextual understanding of the parliament’s functions;
- analytical, deliberative and communication skills;
- information technology abilities; and
- ethical competence (moral reasoning capacities)⁴.

² Colleen Lewis and Ken Coghill (eds) *Parliamentarians’ Professional Development: The Need for Reform*, Springer 2016.

³ *How Should Elected Members Learn Parliamentary Skills?* Lecture delivered by Ken Coghill at Parliament House, Canberra, 23 November 2012.

⁴ *How Should Elected Members Learn Parliamentary Skills?* Lecture delivered by Ken Coghill at Parliament House, Canberra, 23 November 2012.

A paper produced to inform the Committee on Standards in Public Life's inquiry on ethics in public life highlighted the difficulties related to political ethics:

Political ethics is not the same as personal morality and the two sets of requirements do not always align. Political ethics broadly covers standards, rules, norms and precepts that relate to the roles and functions that political office serves and the concomitant responsibilities that incumbents of office undertake to fulfil. These responsibilities are not identical to acting 'morally' or with personal integrity⁵.

3 Examples from other legislatures

United States

Ethics and ethics training is a significant feature of the US political landscape, prompted in large part by the Watergate scandal. Forty-two states have established ethics commissions whose jurisdiction often includes investigating ethics violations on the part of elected officials. As such, mandatory ethics training for legislators appears to be common in the United States at both the federal and state level.

Federal level

The following information is taken from guidance produced by the Committee on Ethics in the House of Representatives:

- All new Members, officers and employees of the US Congress are required to undergo ethics training within 60 days of them commencing their positions. This training takes the form of a briefing to those based in Washington D.C., while an online briefing is available to those based elsewhere;
- All current House officers and employees must also complete annual ethics training by the end of every calendar year (December 31). All senior staff must complete an additional hour of training once per Congress (every two years); and
- If an employee misses the training deadline, the employee may be subject to sanctions by the Committee⁶.

Similar rules exist for Senators.

⁵ Mark Philp *Public Ethics and Political Judgment*, Commissioned by the Committee on Standards in Public Life, 2014.

⁶ House Committee on Ethics: <https://ethics.house.gov/legislation/schedule/faqs-about-training>

State level

In addition to the arrangements at the Federal level, a significant number of US States have Ethics Commissions which deliver ethics training to legislators. Some examples include:

In the Alaska State legislature, it is mandatory for all legislators and employees to undertake a legislative ethics course “within 10 days of the first day of the First Regular Session of each Legislature”. Ethics courses provided in the legislature are administered by the Select Committee on Legislative Ethics and come in two distinct forms:

- One is for returning members, employees or public members of the committee, and serves to “refresh knowledge and review compliance issues”;
- The second is for new members, with the aim being to provide a “fundamental understanding of ethics requirements”.

In the state of Kentucky, ethics training is provided by the Kentucky Legislative Ethics Commission and consists of:

- An Ethics Education Manual, which includes a Guide to the Code of Ethics;
- An initial orientation course which all legislators are required to complete, which is required to be at least three hours in length; and
- Subsequent to completion of the orientation course, completion of one current issues seminar each year⁷.

In the Utah State legislature, it is mandatory for all legislators to annually complete individual online training exercises on ethics, campaign finance and lobbying. The ethics and campaign finance training exercises take the form of hypothetical scenarios aimed at increasing legislators understanding of how laws and rules may apply to (them). Furthermore, the Joint Rules of the legislature state:

- 1) The Office of Legislative Research and General Counsel shall develop and maintain an ethics training course for members of the Legislature.
- (2) The ethics training course shall include training materials and exercises that are available on the Internet to legislators and to the public.
- (3) The ethics training course shall be designed to assist legislators in understanding and complying with current ethical and campaign finance requirements under state law, legislative rules, and federal law.

⁷ Kentucky Legislative Ethics Commission: <http://klec.ky.gov/Code-of-Ethics/Legislators-Candidates-and-Legislative-Staff/Pages/Ethics-Education.aspx>

(4) The ethics training course shall include provisions for verifying when a legislator has successfully completed key training exercises.

(5) A legislator shall successfully complete the key training exercises of the ethics training course once each year or as directed by the Legislative Management Committee.

In California, the legislature requires that members, staff and lobbyists complete an ethics orientation course once in every two-year session. Training and advice in relation to ethical standards is overseen by an ethics committee in each house.

4 The UK and Ireland

Ethics training does not enjoy the same profile in legislatures in the UK and Ireland compared to the United States, but that is not to say that it doesn't exist.

House of Commons

In a 2014 report the Committee on Standards in Public Life (CSPL) was critical at the poor take-up of training on offer for new Members following the 2010 general election. The CSPL emphasised the need for individual members to be held accountable in being required to publicly justify their non-attendance along with party managers and leaders playing a role by ensuring attendance. It also challenged whether it was sufficient to simply raise awareness of ethical issues, citing "experimental approaches as the appropriate manner in which to develop the ethical skills of parliamentarians". The Committee also questioned the adequacy of using on-line material as a means of delivering ethics training during induction, affirming the need for a face-to-face element to facilitate dialogue in relation to key rules, principles and issues⁸.

2015 general election

As part of the House of Commons Administration Committee's inquiry into election planning for the 2015 general election⁹, the General Election Planning Group (GEPG) submitted evidence.

It stated that feedback from the 2010 general election showed that members wanted very targeted but limited events: "They asked us to focus ruthlessly on what they needed to know in the first days and weeks". There was also a desire that Members from the previous Parliament should chair meetings rather than officials.

In terms of the relationship with the Independent Parliamentary Standards Authority (IPSA), the CEPG told the administration Committee:

⁸ Committee on Standards in Public Life, *Ethics in Practice*, 2014

⁹ Administration Committee, *Election Planning and Services inquiry*:

<https://www.parliament.uk/business/committees/committees-a-z/commons-select/administration-committee/inquiries/parliament-2015/election-planning-and-services-inquiry/>

One significant difference from 2010 was the relationship with IPSA. IPSA had not long been in existence in 2010 and its work was not integrated in any detail with that of the CPEG. For the 2015 General Election, IPSA was fully integrated into the GEPG. Although the group obviously did not influence IPSA's dealings with Members which are independent, this approach did ensure that we were able to synchronise our plans..."¹⁰.

One of the first sessions drawn up was a seminar on standards of conduct. A member of the GEPG provided the following information for the purposes of the paper:

- The status of standards was raised by providing a separate briefing on it;
- Seminars were delivered in party groups to allow people to feel more secure;
- Each seminar was chaired by an MP, appropriate to party. The Commissioner for Standards, the Chair of the Committee on Standards in Public Life, the Electoral Commission and the Chief Executive of IPSA made short presentations, followed by questions.
- The registrar and Standards Commissioner also met with all new Members to brief them on registration¹¹.

Proposals for change in the Republic of Ireland

In its report on the Republic of Ireland, the Group of States Against Corruption (GRECO) commented on the ethics and standards regime in Dáil Éireann¹²:

On their election to Dáil Éireann or Seanad Éireann, members are provided with an introductory handbook on parliamentary practice and procedures. This aims, inter alia, at familiarising members of parliament with the Ethics in Public Office Acts 1995 and 2001.

The handbook contains a short summary of the main provisions of the Ethics Acts, the Code of Conduct for members and the tax clearance and statutory declaration requirements for members of parliament.

Statutory guidelines are prepared by the Committees on Members' Interests for non-office holders and by the Standards Commission for office holders on compliance with the provisions of the Ethics in Public Office Acts 1995 and 2001.

Members of Dáil and Seanad Éireann, may seek advice from the Committee on Members' Interests of Dáil or Seanad Éireann (as relevant) according to Section 12 of the Ethics Acts. This is intended to be used as a pre-emptive procedure that Members would use in case of any doubt about a provision of the Ethic Acts. While there is no obligation to seek advice, once such advice is given a member must comply with it. A similar provision exists for an office holder to request advice from the Standards Commission.

The GET (Greco Evaluation Team) had some concern that requiring a member to follow advice might chill a member from candidly seeking ethics assistance. That said, the GET was assured that an informal process also exists to seek non-binding advice.

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¹¹ Correspondence received from House of Commons official.

¹² GRECO report, 4th Evaluation round: [http://www.coe.int/t/dghl/monitoring/greco/news/News\(20141121\)Eval4Ireland_en.asp](http://www.coe.int/t/dghl/monitoring/greco/news/News(20141121)Eval4Ireland_en.asp)

The GET notes the numerous measures taken on a regular basis in order to keep members of parliament and office holders aware of the rules and their obligations, such as how to declare interests etc. and the possibility for MPs to seek advice from either the parliamentary committees on members' interests or the Standards Commission, informally or formally. These measures are good examples on how to assist in this respect. **It would appear, however, that no particular attention is given to training on the ethics and conduct requirements; how to prevent conflicts of interest and other such topics relating to corruption prevention. Such training appears all the more important considering the complexity of the current normative system and would also be necessary if a new legal framework were to be established. Consequently, GRECO recommends that the parliamentary authorities provide dedicated regular training for members of parliament on issues such as ethics, conduct in situations of conflicts of interests and corruption prevention.**

Since then, legislation has been brought forward that would significantly change the standards landscape within the Oireachtas and further afield. In terms of the Oireachtas, the Public Sector Standards Bill 2015 will establish a Public Sector Standards Commissioner to replace the Standards in Public Office Commission and to oversee a reformed complaints and investigations process.

The proposed legislation provides for an education and training role for the Commissioner. Section 30 of the Bill states:

...the Commissioner shall—

(a) draw up and issue a model code of conduct for the guidance of public officials with regard to compliance with the provisions of this Act, and

(b) promote, through training, education and research, and guidelines issued for the purpose by the Commissioner, the highest standards of conduct and integrity among public officials, and, in particular, regarding the prevention of situations in which conflicts of interest could arise in relation to their duties¹³.

For the purposes of the Bill, 'public official' includes members of the Oireachtas.

Northern Ireland Assembly

In 2015 the Political Leadership Programme, delivered by Politics Plus, included a module on Ethical Leadership, comprising the following aspects:

- Explore ethical leadership, the characteristics of ethical leadership
- How you act and implement decisions has an impact on your leadership and an impact on others
- Recent developments in ethical leadership

Parties could each nominate one MLA to attend the programme.

¹³ Public Sector Standards Bill 2015, available at: <http://www.per.gov.ie/en/public-sector-standards-bill/> The Bill fell ahead of the 2016 general election but was restored on 31 May 2016 following the election of the new Dáil.