

Direction by the Committee on Standards on General Procedures

In exercise of the power conferred by section 24(2)(a) of the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011 and Standing Order 69A(3)(c), the Committee on Standards makes the following Direction--

1. Citation and commencement

- 1.1. This Direction may be cited as the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011 (General Procedures) Direction 2026.
- 1.2. This Direction shall come into force on 30 September 2026.

2. Interpretation

- 2.1. In this Direction—
 - ‘the Act’ means the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011,
 - ‘the Commissioner’ means the Northern Ireland Assembly Commissioner for Standards established by section 16 of the Act,
 - ‘Commissioner investigation’ means an investigation under section 17(1)(b) of the Act,
 - ‘the Committee’ means the Committee on Standards,
 - ‘complaint’ means a complaint to the Commissioner that, at a relevant time, a breach of each or any of the Members Code of Conduct, the Ministerial Code of Conduct, or the Policy has occurred,
 - ‘day’ means calendar day,
 - ‘Member’ means a Member of the Northern Ireland Assembly, and unless the context otherwise requires includes a former Member,
 - ‘the Members Code of Conduct’ means ‘the Code of Conduct’ as defined in section 17(3) of the Act,
 - ‘Minister’ means the First Minister, the deputy First Minister, a Northern Ireland Minister or a junior Minister, and, unless the context otherwise requires, includes a former Minister,
 - ‘the Ministerial Code of Conduct’ means the Ministerial Code of Conduct set out in Schedule 4 to the Northern Ireland Act 1998,
 - ‘Notice’ means notice in writing,
 - ‘Referral’ means a referral to the Commissioner made by the Committee or the Clerk

to the Assembly under Standing Order 69A(5),

'Relevant time' has the same meaning as in section 17(3) of the Act,

'the Policy' means the Unacceptable Behaviours Policy approved by the Assembly Commission on 19 November 2025.

2.2. The singular includes the plural.

2.3. Where there is more than one breach alleged in a single complaint, each breach alleged shall be treated as a separate complaint.

3. Receipt of complaints

3.1. As soon as reasonably practicable after receipt of a complaint, the Commissioner must—

- (a) notify the Clerk to the Committee and the person who is the subject of the complaint that a complaint has been received, and
- (b) provide those persons with details of the complaint and any supporting documentation.

3.2. Where the complaint relates to an alleged breach of the Policy, the Commissioner must—

- (a) arrange for a confidentiality agreement to be signed by any complainant or respondent who is not a Member, and
- (b) provide all parties with written details of the confidentiality requirements whilst the complaint process is ongoing.

3.3. Where the complaint relates to an alleged breach of the Members Code of Conduct or the Ministerial Code of Conduct, and before undertaking any investigation into the complaint, the Commissioner may take the steps set out at paragraphs 3.2(a) and 3.2(b).

3.4. The Commissioner may consider a complaint only where—

- (a) The complaint is admissible (see paragraph 4),
- (b) The complaint is made in time (see paragraph 7), and
- (c) The complaint is not an excluded complaint (see paragraph 8).

4. Admissibility of complaints

4.1. A complaint is admissible where it—

- (a) is made in writing (but see paragraph 4.2),
- (b) states the name of the complainant,
- (c) states the postal address of the complainant (except where the complainant is a current Member),
- (d) names the person who is the subject of the complaint,
- (e) states the acts or omissions complained of which are alleged to have

breached one or more of the following—

- (i) the Members Code of Conduct,
 - (ii) the Ministerial Code of Conduct, and
 - (iii) the Policy,
 - (f) states the provision or provisions of the Code or Policy which each act or omission is alleged to have breached, and
 - (g) in respect of each act or omission complained of, is supported by sufficient evidence to satisfy the Commissioner that a breach of the applicable Code or Policy may have occurred.
- 4.2. The Commissioner must make arrangements to facilitate any complainant who is for any reason not able to submit their complaint in writing.
- 4.3. If the Commissioner receives a complaint which does not satisfy one or more of the conditions set out at paragraph 4.1 but is otherwise admissible, the Commissioner must give the complainant notice—
- (a) identifying the condition(s) which the complainant has failed to satisfy,
 - (b) specifying the additional information necessary to satisfy the condition(s), and
 - (c) informing the complainant that if all the information specified is not provided by a date specified in the notice, the Commissioner will decide that the complaint is not admissible.
- 4.4. The date referred to in paragraph 4.3(c) must be not less than 21 days from the date of the notice.
- 4.5. If a notice is issued by the Commissioner under paragraph 4.3(c), and the complainant fails by the date specified to provide sufficient additional information to satisfy the Commissioner that the complaint is admissible, the complaint to which that notice relates is not admissible.
- 4.6. An admissible complaint relating to an allegation that a Member has failed to—
- (a) register an interest,
 - (b) register a change to an interest, or
 - (c) declare an interest,
- must be dealt with in accordance with paragraph 14 (Rectification).

5. Admissibility – preliminary investigations

- 5.1. The Commissioner may conduct a preliminary investigation if—
- (a) having considered the information provided by the complainant under paragraph 4.1, and
 - (b) having considered any additional information provided by the complainant following a notice under paragraph 4.3,
- the Commissioner is not satisfied that a complaint is admissible.
- 5.2. If the Commissioner intends to conduct a preliminary investigation, the Commissioner

must give notice of the of the preliminary investigation to the complainant and the persons identified in paragraph 3.1(a).

- 5.3. In conducting a preliminary investigation, the Commissioner may—
- (a) seek such further evidence as the Commissioner considers relevant to satisfy the Commissioner of the matters set out in paragraph 4.1 and
 - (b) may exercise the powers set out at section 28 of the Act.
- 5.4. At the conclusion of the preliminary investigation—
- (a) if the Commissioner decides that the complaint is admissible, the Commissioner must investigate the complaint,
 - (b) if the Commissioner decides that the complaint is not the Commissioner must proceed in accordance with paragraph 6.

6. Notice and reconsideration

- 6.1. Where the Commissioner decides for any reason that a complaint is not admissible, the Commissioner must—
- (a) give notice of that decision to the person who is the subject of the complaint and the Clerk to the Committee, and
 - (b) give notice of that decision to the complainant.
- 6.2. The notices referred to in paragraph 6.1 must include the reasons for the Commissioner's decision.
- 6.3. The notice referred to in paragraph 6.1(b) must also specify a date, not less than 14 days from the date of the notice, by which the complainant may give the Commissioner notice that the complainant is dissatisfied with the decision of the Commissioner.
- 6.4. Where a complainant gives notice under paragraph 6.3 the Commissioner must refer the complaint to the Committee for further consideration.
- 6.5. Where the Committee decides that a complaint referred by the Commissioner under paragraph 6.4 is admissible, the Commissioner must reconsider the admissibility of the complaint, having regard to the Committee's decision ('reconsideration').
- 6.6. If, on reconsideration—
- (a) the Commissioner decides that the complaint is admissible, the Commissioner must investigate the complaint, or
 - (b) the Commissioner again decides that the complaint is not admissible, the Commissioner must write to the Committee and give reasons for that decision.

7. Time Limits

- 7.1. The Commissioner shall not consider any complaint if, in the view of the

Commissioner, that complaint satisfies any condition in this paragraph.

- 7.2. A condition is that the complaint is made more than six months from the date when a complaint about the alleged conduct or behaviour could reasonably have been made.
- 7.3. A condition is that the complaint was made more than four weeks after the date on which the person who is the subject of the complaint ceased to be a Member or a Minister, and the Commissioner is of the opinion that is not in the public interest for the complaint to be investigated (see further paragraph 11.3).
- 7.4. A condition is that the complaint relates to an alleged breach of the Ministerial Code of Conduct which occurred before 22 March 2021.

8. Excluded complaints

- 8.1. Save as provided for in paragraph 8.6, the Commissioner shall not consider any excluded complaint.
- 8.2. A complaint is an excluded complaint if in the reasonable view of the Commissioner it is frivolous or vexatious or otherwise an abuse of the complaints process.
- 8.3. A complaint in respect of an alleged breach of the Members' Code of Conduct is an excluded complaint if it principally concerns one or more matters set out at paragraph 2.2 of the Members Code of Conduct (*Scope of the Code*).
- 8.4. A complaint in respect of an alleged breach of the Ministerial Code of Conduct is an excluded complaint if it concerns any matter not specified in paragraph 1 of Schedule 4 to the Northern Ireland Act 1998.
- 8.5. A complaint is an excluded complaint if it concerns an action by a Member or a Minister in respect of which —
 - (a) the complainant has or had a remedy by way of proceedings in a court of law, or
 - (b) the complainant has or had a right of complaint, reference or review to or before a body or tribunal constituted under any statutory provision.
- 8.6. The Commissioner may consider a complaint which is an excluded complaint under paragraph 8.5 if satisfied that, in the particular circumstances of that complaint, it was not reasonable to expect the complainant to seek a remedy in a court of law, or to complain to a body identified in paragraph 8.5(b).

9. Discontinuation

- 9.1. The Commissioner must discontinue consideration of a complaint if at any time the Commissioner is satisfied that a complaint is frivolous or vexatious or otherwise an abuse of the complaints process.

- 9.2. The Commissioner may discontinue consideration of a complaint if at any time if the Commissioner is satisfied that—
- (a) the complainant has, without reasonable excuse, failed to co-operate with the Commissioner,
 - (b) the alleged conduct is not sufficiently serious to justify further consideration,
 - (c) the complainant no longer insists upon the complaint,
 - (d) the victim of the alleged conduct, who did not make the complaint, does not wish the complaint to proceed, and the complaint relates to a breach of Rule 3 or Rule 15 of the Members Code of Conduct or a comparable provision of the Ministerial Code of Conduct,
 - (e) the complaint repeats substantially an allegation that has already been considered by the Commissioner and no significant additional evidence has been provided,
 - (f) the complaint would more appropriately be investigated by the police or other public body,
 - (g) it is not in the public interest to proceed with the consideration of the complaint, or
 - (h) where a complaint has been brought under the Policy, either the complainant or respondent has not complied with the terms of the Policy.
- 9.3. The Commissioner may only discontinue consideration of a complaint under paragraph 9.2 with the approval of the Committee.
- 9.4. Where the Commissioner intends to discontinue consideration of a complaint under paragraph 9.2, the Commissioner must write to the Committee setting out the reasons for discontinuation and enclosing a copy of the complaint and all related papers.

10. Referrals

- 10.1. The Commissioner must investigate a referral in accordance with the terms of reference of the referral.
- 10.2. Where the terms of reference of a referral are inconsistent with these Directions, those terms of reference are to prevail.

11. Commissioner investigations

- 11.1. The Commissioner must not—
- (a) initiate a Commissioner investigation unless the Commissioner decides that there is a prima facie case that a breach of the Members Code of Conduct or the Ministerial Code of Conduct or both has occurred,
 - (b) make generalised or speculative inquiries in relation to the conduct of Members or Ministers for the purposes of enabling him or her to initiate a Commissioner investigation,

- (c) initiate a Commissioner investigation more than six months after the date on which that investigation could reasonably have been initiated,
 - (d) initiate a Commissioner investigation into any alleged breach of the Ministerial Code of Conduct which occurred before 22 March 2021.
- 11.2. The Commissioner must not initiate a Commissioner investigation into a former Member or former Minister unless that investigation—
 - (a) is initiated within four weeks of that person having ceased to be a Member, and
 - (b) the Commissioner is of the opinion that it is in the public interest for the investigation to be initiated.
- 11.3. In forming the opinion referred to in paragraph 7.3 and paragraph 11.2(b), the Commissioner must have due regard to—
 - (a) the effective use of public money, and
 - (b) the nature of the breach of the Members Code of Conduct or the Ministerial Code of Conduct alleged.

12. Investigations: general procedure

- 12.1. The provisions of this paragraph apply to an investigation on—
 - (a) a complaint,
 - (b) a referral, where the terms of reference of that referral require the Commissioner to form a view on whether or not a breach of the Members Code of Conduct has occurred, and
 - (c) a Commissioner investigation.
- 12.2. The Commissioner must at all times act in accordance with the principles of natural justice and fairness.
- 12.3. Paragraphs 12.4 and 12.8-12.14 apply to a referral where the terms of reference of that referral do not require the Commissioner to establish whether or not a breach of the Members Code of Conduct has occurred.
- 12.4. The Commissioner must conduct a full and thorough investigation but is not required to investigate any parts of a complaint which have been accepted by the person who is the subject of the complaint.
- 12.5. The Commissioner must undertake an investigation with a view to—
 - (a) establishing all the relevant facts in relation to the potential breach of the applicable code or codes, and
 - (b) forming a view whether or not a breach of the applicable code or codes has occurred.
- 12.6. The Commissioner may form a view that a breach of the applicable code or codes has occurred only if he or she is satisfied on the balance of probabilities that such a breach has occurred.

- 12.7. Where the Commissioner begins a complaint investigation, he or she must write to the complainant, the person who is the subject of the complaint and the Clerk to the Committee advising that an investigation into the complaint has commenced.
- 12.8. Where the Commissioner begins a Commissioner investigation, he or she must write to—
- (a) the person who is to be the subject of the investigation, informing him or her of the decision to initiate an investigation and providing details of the prima facie case that a breach of the applicable code or codes has occurred, and
 - (b) the Clerk to the Committee, advising him or her of the decision to initiate an investigation and providing details of the reason for initiating an investigation.
- 12.9. Before interviewing or requesting any evidence from any person in the course of an investigation, the Commissioner must notify that person in writing of—
- (a) the purpose of the interview or the request,
 - (b) the powers of the Commissioner to call for witnesses and evidence, and
 - (c) the procedure to be followed in connection with the investigation.
- 12.10. When interviewing a person ('the interviewee'), the Commissioner—
- (a) must ensure what is said is recorded,
 - (b) must provide the interviewee with a transcript of the recording or, where appropriate, a note of the interview,
 - (c) must allow the interviewee not less than 14 days to suggest revisions to that note or transcript, and
 - (d) may in the Commissioner's discretion accept or reject any revision proposed by the interviewee.
- 12.11. Where during an investigation the Commissioner decides that the conduct of a Member or Minister should be investigated by the police or other public body, the Commissioner may liaise with the police or such other public body as he or she deems appropriate.
- 12.12. Where during an investigation the Commissioner becomes aware of criminal proceedings or a criminal investigation which may be prejudiced by the Commissioner's investigation, the Commissioner must suspend the investigation until satisfied that the risk of prejudice has ended.
- 12.13. Where during an investigation the Commissioner becomes aware of an investigation by a public body which may be prejudiced by the Commissioner's investigation, the Commissioner may suspend the investigation until satisfied that the risk of prejudice has ended.
- 12.14. Where during an investigation the Commissioner uncovers material evidence which is inconsistent with any statement or other representation made by the person who is the subject of the investigation, the Commissioner must invite that person to make representations on that inconsistency.
- 12.15. Before finalising a report on an investigation, the Commissioner must give the person

who is the subject of the investigation not less than 14 days to challenge any findings of fact made by the Commissioner.

13. Reports to the Committee

- 13.1. All reports by the Commissioner to the Committee on a complaint, referral or Commissioner investigation must set out—
- (a) the details of the investigation carried out by the Commissioner,
 - (b) the facts established by the Commissioner in his investigation, with references to evidence as appropriate,
 - (c) any challenge to a finding of fact under paragraph 12.15,
 - (d) any revision proposed by an interviewee in accordance with paragraph 12.10(c) and rejected by the Commissioner,
 - (e) the Commissioner's reasoned decision, including (except on a referral where paragraph 12.5 does not apply) his or her view as to whether or not a breach of the applicable code or codes has occurred, and
 - (f) all evidence (other than the tape or digitally recorded record of an interview where a transcript or note of that interview is provided) which has been obtained as part of the Commissioner's investigation and which was relied upon by him or her in order to reach a decision.
- 13.2. The Commissioner may omit evidence from a report to the Committee on a complaint, referral or Commissioner investigation where—
- (a) that omission is necessary to prevent the disclosure of data which is in the reasonable view of the Commissioner confidential or private data, and
 - (b) the confidential or private data omitted was not relied on by the Commissioner in order to reach a decision.
- 13.3. A report by the Commissioner to the Committee on a referral must also set out the terms of reference of the referral.
- 13.4. A report by the Commissioner to the Committee on a Commissioner investigation must also set out the reasons for the investigation, including the detail of the prima facie case that a breach of the applicable code or codes has occurred and the relevant elements of the applicable code or codes to which the investigation relates.
- 13.5. A report made by the Commissioner may make such recommendations as the Commissioner thinks fit, except that the Commissioner may not include any specific recommendation for the imposition of a sanction.

14. Rectification

- 14.1. The procedure set out in this paragraph ('the rectification procedure') may be used in respect of an admissible complaint which satisfies criteria set out at paragraph 14.2 or 14.3.

- 14.2. The criteria are—
- (a) the complaint is that a Member failed to register an interest, register a change to an interest, or declare an interest, and
 - (b) in the opinion of the Commissioner—
 - (i) the interest concerned may be minor, or
 - (ii) the failure may be inadvertent.
- 14.3. The criteria are—
- (a) the complaint is that a Member breached the Policy, and
 - (b) in the opinion of the Commissioner, the breach—
 - (i) may be minor, and
 - (ii) is suitable for the rectification procedure.
- 14.4. Where the Commissioner intends to resolve a complaint to which paragraph 14.2 applies by use of the rectification procedure, the Commissioner must require the Member to—
- (a) provide evidence that that the interest concerned was minor, or the failure to register an interest was inadvertent, and
 - (b) acknowledge any failure and undertake to apologise for it (unless the Commissioner is satisfied that the member has already apologised for it).
- 14.5. Where the Commissioner intends to resolve a complaint to which paragraph 14.3 applies by use of the rectification procedure, the Commissioner must require the Member to—
- (a) provide evidence that the breach was concerned was minor, and
 - (b) acknowledge the behaviour and undertake to apologise for it (unless the Commissioner is satisfied that the member has already apologised for it).
- 14.6. If, having received information provided by the Member under paragraph 14.4 or 14.5, the Commissioner intends to proceed with the rectification procedure, the Commissioner must write to the Committee—
- (a) setting out the details of the complaint, and of the relevant elements of the Code or the Policy to which the complaint relates,
 - (b) setting out the reasons why the Commissioner is satisfied that the failure was minor or inadvertent, or that the breach was minor,
 - (c) setting out the evidence that the Member who is the subject of the complaint acknowledges the failure or that the breach was minor, and has either undertaken to apologise for it or has apologised for it, and
 - (d) recommending rectification.
- 14.7. Where the complaint relates to the Policy, information may be omitted from correspondence to the Committee in accordance with paragraph 13.2.
- 14.8. Should the Committee decide that the rectification procedure is not appropriate, the Commissioner must be informed of this decision, and may—
- (a) investigate the complaint in accordance with paragraph 12, or
 - (b) decide to discontinue consideration of the complaint under paragraph 9.2.

14.9. Where—

- (a) the Commissioner at any stage decides that the interest or behaviour was not minor or that the failure was not inadvertent, or
 - (b) the Member who is the subject of the complaint does not acknowledge the failure or behaviour, or apologise or undertake to apologise for it
- paragraph 4.6 shall cease to apply (and the Commissioner may investigate the complaint in accordance with paragraph 12).

15. Record Keeping

- 15.1. The Commissioner must keep full and accurate records in respect of the exercise of the Commissioner's functions, including investigative functions.
- 15.2. The records referred to in paragraph 15.1 include retaining a tape or digitally-recorded record of any interviews carried out during any investigation.
- 15.3. The Commissioner must transfer all records held in respect of the exercise of the Commissioner's functions to the Northern Ireland Assembly Commission once he or she determines that the records are no longer required in order to carry out those functions.

16. Transitional

- 16.1. Subject to paragraph 16.2, the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011 (General Procedures) Direction 2016 is revoked.
- 16.2. The Direction referred to in paragraph 16.1 shall continue to complaints received by the Commissioner before the date on which this Direction comes into force.

Signed:



Cathy Mason
Chairperson of the Committee on Standards