

Appendix 2

UNACCEPTABLE BEHAVIOURS POLICY

*Approved by the Committee on Standards and Privileges on 2 July 2025 and by the
Northern Ireland Assembly Commission on 19 November 2025*

Introduction

- 1 The Northern Ireland Assembly is committed to equality of opportunity and to creating and sustaining an environment where everyone is treated with respect and dignity, free from any type of unacceptable behaviour.
- 2 Unacceptable behaviour will not be tolerated and anyone subject to this should feel confident in raising the matter, formally or informally.
- 3 The aim of Unacceptable Behaviours Policy ('the Policy') is to explain:
 - the standards of behaviour that are expected;
 - the types of behaviour that may be considered unacceptable;
 - the process for raising a complaint and having this considered (formally or informally); and
 - the sources of help and support available to complainants and those subject to a complaint under the Policy.
- 4 The Policy has been developed jointly by the Northern Ireland Assembly Commission ('the Commission') and the Assembly's Committee on Standards ('the Committee').

Behaviour Code

- 5 The Commission has established a Behaviour Code clearly setting out the standards of behaviour expected within the Assembly. Whether you are a visitor to Parliament Buildings or whether you work for or within the Assembly, this Behaviour Code sets out how you should be treated and how you should treat others.
- 6 You should at all times:
 - Show respect to and value everyone. Bullying, harassment, discrimination and sexual misconduct will not be tolerated;
 - Be aware of your power, influence or authority and don't abuse them;

- Think about how your behaviour affects others and always strive to understand their perspective;
 - Act professionally towards others;
 - Speak up about any unacceptable behaviour that you experience; and
 - Display the highest ethical standards of integrity, courtesy and mutual respect.
- 7 Members of the Legislative Assembly (MLAs) are encouraged and expected to observe the principles of the Behaviour Code of respect, professionalism, understanding others' perspectives, courtesy and acceptance of responsibility. MLAs must comply with the Code of Conduct of the Northern Ireland Assembly ([‘the Code of Conduct’](#)). A breach of the Policy by an MLA may be regarded as a breach of Rule 11 of the Code of Conduct.

Policy Scope

- 8 The scope of the Policy includes the management and investigation of complaints regarding behaviour by MLAs, MLA staff, Party staff and Commission staff (including temporary workers, inward secondees and contractors acting/working on behalf of the Assembly Commission) which is defined as unacceptable by the Policy. A complaint may be made by or against any of these groups.
- 9 In addition, a complaint may be made by a member of the public in relation to a matter that has arisen within the context of work/activity associated with Assembly business (conducted within Parliament Buildings or at another location, including outside of Northern Ireland). In relation to an MLA, Assembly business includes any activity in which they are participating/acting in their capacity as an MLA, whether this activity occurs in Parliament Buildings, at a constituency office, or elsewhere.
- 10 The Policy does not apply to the conduct of an MLA when acting exclusively in proceedings of the Assembly (including Committee proceedings). The Policy also recognises that the Code of Conduct upholds Members' right to freedom of expression.
- 11 Complaints which are considered frivolous or vexatious or otherwise an abuse of the complaints policy will not be admissible under this Policy. Similarly, complaints relating to service or performance standards and outcomes received from MLAs or their staff, including in a constituency office setting, may not be submitted under the Policy.

What is unacceptable behaviour?

- 12 The term unacceptable behaviour can be used to describe a range of behaviours that may have an adverse impact – this may include bullying, harassment (including sexual harassment), and victimisation. The Policy defines these behaviours as:

Any form of unwanted, unreasonable and offensive conduct that has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment. Conduct shall be regarded as having this effect only if, having regard to all circumstances and in particular the complainant's perception, it should reasonably be considered as having that effect.

- 13 The Policy is intended to address such behaviour/conduct whether it occurs in person or remotely, for example by email, phone, text or on-line/through social media. Such behaviour/conduct may occur in a single and isolated serious incident or in multiple incidents occurring over a period of time.

Bullying

- 14 There is no legal definition of bullying. Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour involving an abuse or misuse of power that is intended to or has the effect of making another person feel vulnerable, upset, undermined, coerced, humiliated or threatened. Power does not always mean being in a position of authority and can include both personal strength and the power to coerce through fear or intimidation. Bullying is not normally linked to an individual's personal characteristics.

- 15 Examples of bullying include:

- Verbal abuse, including shouting, swearing, insulting or ridiculing a person or humiliating them;
- Making jokes at the expense of an individual;
- Physically or psychologically threatening behaviour; and
- Abuse of authority or power, such as placing unreasonable work demands on a member of staff and/or coercing them to meet those demands.

What is not bullying

- 16 Within an employment situation, legitimate, constructive and fair criticism of an employee's performance or behaviour at work is not bullying. Isolated incidents of behaviour such as abruptness, sharpness or rudeness, while not acceptable, should not be described as bullying and should be dealt with in the first instance by letting the person know how their behaviour has made you feel.

- 17 An employer is entitled to ensure proper management of their staff, including providing feedback on issues such as performance managing poor performance. Similarly, employers must take reasonable action to control absenteeism or misconduct by the legitimate exercise of managerial control. This is not regarded as bullying.
- 18 Bullying is something more than just a firm management style. If an employer issues an instruction which an employee considers unreasonable, the employee may have a legitimate grievance. However, this should be pursued through the grievance procedure.
- 19 The behaviour of individuals in the workplace can vary from day to day. Someone who is normally perfectly civil may occasionally appear impatient, pre-occupied and fail to show the courtesy expected of them. This may be for a variety of reasons including pressure of work, domestic difficulties or ill health. The Policy is not intended to deal with occasional minor lapses of good manners, courtesy or respect, unless a pattern of behaviour emerges that becomes objectionable or intimidating in itself, in which case such behaviour can constitute bullying. Only persistent offensive behaviour, or offensive behaviour which is displayed in a single serious act, may be regarded as bullying.

Harassment

- 20 Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity and created an intimidating, hostile, degrading or offensive environment and which is linked to any aspect of the individual's personal characteristics, for example their appearance, gender, sexual orientation, disability, race, religious belief or accent. It is unwanted behaviour that is not encouraged or reciprocated by the recipient. If an individual makes it clear that the behaviour is not wanted (even if it were not on the face of it behaviour that would offend an objective bystander) then to continue with such behaviour may constitute harassment.
- 21 Examples of harassment include:
- Sending or displaying offensive material in any format, including images, graffiti, jokes that may intimidate or cause offence;
 - Mocking, mimicking, belittling, or making jokes about a person or group stereotype for example in relation to the attire worn by those of an ethnic or religious background;
 - Use of inappropriate language or racial or other stereotypes, regardless of whether the complainant is in fact a member of the group stereotyped;
 - Deliberately arranging meetings or work related social events in a location that is not accessible for an individual, for example because of their disability, therefore excluding them.

Harassment would not, for example, include sharing of party political information or display of flags or emblems associated with the ethos and beliefs of a political party, which is done in accordance with relevant legislation and any applicable policy of the Assembly or the Assembly Commission.

Sexual Harassment

- 22 Sexual Harassment may be defined as any unwanted behaviour of a sexual nature, whether verbal or physical, that makes a person feel distressed, intimidated or humiliated.
- 23 Examples of sexual harassment include:
- Unwanted and unwelcome sexual advances or physical contact, for example putting an arm around a person or touching any part of their body;
 - Unwanted and unwelcome comments to a person relating to their appearance, clothes or gender that might be construed as sexual in nature;
 - Making sexual approaches and/or seeking sexual favour, particularly when the instigator of this behaviour is in a position of authority or power;
 - Initiating and engaging in conversation of a sexual nature, even in banter or as a joke, that may be regarded by others as offensive and/or intimidating.

Victimisation

- 24 This Policy also offers protection for an individual who makes a complaint and others who give evidence or information in connection with a complaint, from victimisation. Victimisation occurs where a person who has made a complaint or assisted a complainant or respondent under this Policy, is subject to unacceptable behaviour as a consequence.

What can you do if you feel you have been subject to unacceptable behaviour?

- 25 In the first instance and if you feel comfortable/able to do so, you may speak with the person who has displayed the behaviour, explain how the behaviour made you feel, and ask that it is not repeated.
- 26 On many occasions, the behaviour will not have been intentional and an early conversation may address the situation.

What should you do if you are advised that your behaviour has caused offence?

- 27 If you are advised that your behaviour has caused offence/upset, you will probably find the accusation upsetting. You should take the matter seriously,

reflect on your behaviour that has caused offence/upset and seek to resolve the situation at an early stage. There are a number of things you may wish to consider:

- Remain calm and objective, be open to the concerns being raised with you;
- Do not dismiss the matter, try to convince the other person that their complaint is invalid, or pressure them to withdraw their accusation;
- Reflect on your behaviour, how it might have caused offence/upset and whether it needs to be modified;
- If you consider it appropriate, acknowledge that your behaviour could have led to offence/upset and undertake that it will not reoccur – issue an informal verbal apology if you are comfortable to do so.

28 You may wish to keep a note of any discussions or meetings that take place.

How to raise a complaint under the Policy

29 All complaints under this Policy should be submitted in the first instance, to the Northern Ireland Assembly Commissioner for Standards ('the Standards Commissioner').

30 You should submit your complaint by completing the Unacceptable Behaviours Complaint Form (link to be added) and sending it to:

Standards Commissioner for the Northern Ireland Assembly
Room 222, Parliament Buildings,
Stormont
Belfast
BT4 3XX

Or by email to standardscommissioner@niassembly.gov.uk

When you should raise your complaint

31 You should raise your complaint in writing as soon as is reasonable after the alleged behaviour giving rise to the complaint.

32 In most cases, a delay of more than 6 months in making a complaint will not be regarded as reasonable. This 6-month period is from the date of the alleged behaviour, or from the most recent alleged behaviour if the complaint relates to a series of behaviours.

33 In extenuating circumstances, there may be discretion to accept a complaint outside of the 6-month period.

Transitional provisions for historical complaints

- 34 Should you wish to submit a complaint regarding unacceptable behaviour as defined by the Policy that occurred before the issue of the Policy and the matter has not previously been subject to formal investigation, you must submit your complaint using the Unacceptable Behaviours Complaint Form ([link](#)) within 6 months from the date of issue of the Policy, (date of policy issue to be inserted here).
- 35 Historical complaints will not be accepted after this 6-month period. In considering historical complaints, the prevailing policies/conduct standards in force at the time of the alleged behaviour/incident will be considered.

Management of Complaints against Commission staff, MLA staff and Party staff

- 36 If your complaint is against a Commission staff member, the Standards Commissioner will refer the complaint to the Assembly Commission Human Resources Office.
- 37 The complaint will be managed in accordance with the Commission's policies and procedures, including consideration of informal and formal action and appeal mechanisms.
- 38 If your complaint is against an MLA's member of staff, the Standards Commissioner will refer the complaint to the relevant MLA, as the employer, for management in accordance with their policies and procedures, including consideration of informal and formal action and appeal mechanisms.
- 39 If your complaint is against a member of Party staff, the Standards Commissioner will refer the complaint to the relevant Party for management in accordance with its policies and procedures, including consideration of informal and formal action and appeal mechanisms.
- 40 The Standards Commissioner will write to you at the earliest opportunity to confirm that your complaint has been referred to the Commission or relevant MLA or Party, as appropriate.

Management of Complaints against an MLA

- 41 On receipt of your complaint, the Standards Commissioner will write to you at the earliest opportunity to acknowledge receipt of your complaint and outline the requirements in relation to confidentiality.

- 42 The Standards Commissioner will decide whether the complaint is admissible under the Policy and will be accepted. If this is not the case, the Standards Commissioner will write to you and advise you that your complaint has not been accepted, setting out the reasons why. If you are dissatisfied with the decision of the Commissioner in this regard, subject to meeting the necessary requirements set out in the [complaints procedures](#), you may request that the Committee further considers the decision that the complaint is not admissible.

Informal resolution

- 43 It is always preferable to resolve a problem through informal means, where this is appropriate. You do not have an automatic right to request that your complaint is formally investigated by the Standards Commissioner. If your complaint is accepted, the Standards Commissioner will consider the detail of your complaint and whether it is appropriate to deal with the matter through informal resolution (such informal resolution will be managed under the rectification procedure set out in the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011 (General Procedures) Direction 2021 – ‘the General Procedures Direction’ – and Assembly Standing Orders). This may be appropriate for example, if the alleged unacceptable behaviour is relatively minor and has not happened at any other time prior to or since the incident complained about. Informal resolution measures may include:

- **Mediation** – this is a way of solving problems so that you can come to a workable agreement with someone else. Mediation requires agreement from both parties and the solution to the problem is worked out by the parties and is not imposed; and
- **An apology to the complainant** – verbally or in writing.

Formal investigation

- 44 If the Standards Commissioner determines it to be appropriate, they will conduct a formal investigation into the allegations that have been made and this will be carried out in accordance with the applicable provisions of the General Procedures Direction. In conducting their investigation, the Standards Commissioner will liaise with you in relation to your allegations, in order to clarify information as required. The individual against whom the complaint has been made (the respondent) will be advised of the allegations against them and will be asked to respond to them. The Standards Commissioner may request information from witnesses to the alleged behaviour and will consider any other evidence provided by all parties to the investigation.
- 45 At the conclusion of their investigation, the Standards Commissioner will prepare their investigation report, including their findings of fact in their view on whether there has been a breach of the Policy. You and the respondent will be

provided with an opportunity to comment on the findings of fact before the investigation report is completed.

- 46 Where during an investigation the Standards Commissioner decides that the conduct of an MLA should be investigated by the police or other public body, the Commissioner may liaise with the police or such other public body as they deem appropriate.
- 47 The Standards Commissioner will refer their findings to the Committee. In presenting their findings, should the Standards Commissioner consider that the alleged behaviour was minor or inadvertent, they may include a recommendation to Committee that the matter is dealt with using the Rectification Procedure set out in the General Procedures Direction. If the Committee accepts the Commissioner's recommendation, the matter will not require a report to the Assembly.
- 48 In cases involving formal investigation, the Committee will consider the Standards Commissioner's investigation report. You and the MLA complained about (the respondent) will be provided with an opportunity to comment on the investigation report (through a written submission and possibly also in person) prior to the Committee's deliberations.
- 49 Having considered the investigation report and any submissions from you and the respondent, the Committee will decide whether there has been a breach of the Policy and will report to the Assembly. The Committee may, where applicable, recommend that a formal sanction is appropriate, for example:
- An apology to the Assembly;
 - Censure of the Member by the Assembly;
 - Exclusion of the Member from proceedings of the Assembly for a specified period and withdrawal of any of the member's rights and privileges (including salary and allowances) as a Member for that period.
- 50 Formal sanctions may only be imposed by the Assembly. For that reason, the Standards Commissioner's investigation report and recommendation of the Committee will be submitted for decision in the Assembly.
- 51 You will be advised in writing by the Committee if your complaint has/has not been upheld and if the Rectification Procedure has been applied or a sanction imposed by the Assembly.

Confidentiality

- 52 All complaints submitted under the Policy are confidential and will be managed accordingly, whether they are subject to investigation by the Standards Commissioner, the Assembly Commission or relevant Party. You and the respondent to a complaint are required to maintain confidentiality throughout

the complaints process. Information collated in relation to your complaint will be held and managed in accordance with the Data Protection Act 2018 and Data Protection principles.

- 53 You and the respondent (if not an MLA in either case) will be required to sign a Confidentiality Agreement at the outset of the complaint process (link to be added). You should be aware that, if the Standards Commissioner and the Committee have reasonable grounds to believe that you have breached the Confidentiality Agreement, your complaint may be discontinued.
- 54 If an MLA, as party to a complaint, breaches confidentiality, this may be considered a breach of the Code of Conduct and may be referred to the Standards Commissioner.

Policy review

- 55 The Commission and the Committee will monitor and review the Policy.

Further information/support

[D.N. To be completed]