



Committee on Standards

Report on proposed updates to the Assembly Members' Code of Conduct and the Guide to the Rules relating to the Conduct of Members

Ordered by the Committee on Standards, on 1 July 2026, to be published.

This report is **embargoed** until the commencement of the debate in the Assembly

Report: NIA 176/22-27 Committee on Standards.

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Powers and Membership

Powers

The Committee on Standards is a Standing Committee of the Northern Ireland Assembly established in accordance with paragraph 10 of Strand One of the Belfast Agreement and under Assembly Standing Orders 51 and 57. Further provisions on the Committee's functions are also included in Standing Orders 69, 69A, 69B and 69C.

The Committee has power:

- To oversee the work of the Assembly Clerk of Standards;
- To examine the arrangements for the compilation, maintenance and accessibility of the Register of Members' Interests and any other register of interests established by the Assembly, and to review from time to time the form and content of those registers;
- To consider any matter relating to the conduct of members;
- To recommend any modifications to the Assembly Code of Conduct; and
- To make reports to the Assembly, including reports which include a recommendation that a sanction be imposed upon a member for failure to comply with any provision of the Assembly Code of Conduct.

The Committee is appointed at the start of every Assembly, and has the power to send for persons, papers and records that are relevant to its inquiries.

Membership

The Committee has 9 members, including a Chairperson and Deputy Chairperson, and a quorum of five members. The membership of the Committee is as follows:

- Cathy Mason MLA^[1] (Chairperson)
- Connie Egan MLA^[2] (Deputy Chairperson)
- Keith Buchanan MLA^[7]
- Trevor Clarke MLA ^[4]^[8]

- Stewart Dickson MLA
- Mark Durkan MLA^[3]
- Paul Frew MLA
- Declan McAleer MLA^[5]
- Emma Sheerin MLA^[6]

[1] From 3 February 2025 Mrs Cathy Mason replaced Ms Carál Ní Chuilín as Chairperson.

[2] From 8 November 2024 Ms Connie Egan replaced Mr Stewart Dickson as Deputy Chairperson.

[3] From 8 September 2025 Mr Mark Durkan replaced Mr Colin McGrath as a member of the Committee.

[4] From 8 April 2024 Mr Brian Kingston replaced Mr Stephen Dunne as a member of the Committee.

[5] From 10 February 2025 Mr Declan McAleer replaced Ms Carál Ní Chuilín as a member of the Committee.

[6] From 25 November 2025 Ms Emma Sheerin replaced Ms Jemma Dolan as a member of the Committee.

[7] From 02 March 2026 Mr Keith Buchanan MLA replaced Mr Harry Harvey as a member of the Committee.

[8] From 02 March 2026 Trevor Clarke MLA replaced Mr Brian Kingston as a member of the Committee.

List of Abbreviations and Acronyms used in this Report

ACAS: Advisory, Conciliation and Arbitration Service

MLA/Member: Member of the Legislative Assembly

PPERA: Political Parties, Elections and Referendums Act 2000

The Assembly: Northern Ireland Assembly

The Code: The Assembly Members' Code of Conduct and The Guide to the Rules relating to the Conduct of Members

The Commission: The Assembly Commission

The Commissioner: The Assembly Commissioner for Standards

The Committee: The Committee on Standards and Privileges/Committee on Standards

The Policy: Unacceptable Behaviours Policy

TUS: Trade Union Side

Introduction

1. *The Code of Conduct and The Guide to the Rules relating to the Conduct of Members* (the Code) sets out for both Members of the Legislative Assembly (Members/MLAs), and the public, the minimum ethical standards required of MLAs when discharging their obligations to the Assembly, their constituents and the public at large by:
 - a. establishing the principles of conduct expected of all Members in undertaking their duties;
 - b. setting the rules of conduct which flow from these standards and to which all Members must adhere; and, in so doing, providing openness and accountability to ensure public confidence in the standards regime at the Assembly.
2. If any MLA, member of the public or any other body believes that an MLA has breached the Code, they may make a complaint to the Assembly Commissioner for Standards (the Commissioner).
3. This report presents to the Assembly a number of proposed updates to the Code, as a result of:
 - (a) the agreement of an Unacceptable Behaviours Policy (the Policy) by both the Committee on Standards and Privileges (the Committee) and by the Assembly Commission (the Commission);
 - (b) advice from the Northern Ireland Electoral Commission updating existing information on Members' legal requirements under the Political Parties, Elections and Referendums Act 2000 (PPERA);
 - (c) a change to the name of the Committee from the Committee on Standards and Privileges to the Committee on Standards;
 - (d) the need to clarify certain exemptions in relation to the scope of the Code; and

- (e) the need to make various minor and clarificatory improvements to the text of the Code and Guide.
- 4. A proposed updated Code is at **Appendix 1** for the Assembly's consideration and approval. Tracked changes are included for the purpose of illustrating the proposed amendments to the Code.

Background

Unacceptable Behaviours Policy

- 5. A draft Policy was developed prior to the end of the last Assembly mandate by a working group representing the five main parties in the Assembly and comprising members of the then Committee and members of the then Commission. It was developed to deal with complaints of inappropriate/unacceptable behaviour involving anyone working for or within the Assembly, including MLAs, Members' staff, Party staff and Commission employees. The draft Policy envisaged a range of procedural and process improvements which would underpin fairness and take account of the sensitive nature of complaints under the Policy.
- 6. As part of the policy development process, the working group considered comparative research, took the views of the then Commissioner, received legal advice; and the group members consulted within their respective parties on the draft proposals. The working group's report on the draft Policy was published by the previous Committee, shortly before the end of the mandate.¹ The then Commission consulted with Trade Union Side (TUS) in relation to applicable aspects of the draft Policy.

Purpose of the Policy

- 7. The draft Policy was designed to provide a consistent message to everyone working for or within the Assembly in relation to standards of behaviour and, in

¹ <https://www.niassembly.gov.uk/assembly-business/committees/2017-2022/standards-and-privileges/report-on-the-development-of-an-unacceptable-behaviours-policy/>

particular, the unacceptable behaviours which would not be tolerated, whether by the Assembly as an institution, by the Commission as an employer, by MLAs as employers or by political parties as employers.

8. The draft Policy included clear descriptions of the range of unacceptable behaviours covered, including bullying, harassment, sexual harassment and victimisation (which were drawn from the Commission's existing Human Resource policies and based on the applicable Labour Relations Agency/ACAS guidance and best practice).
9. The draft Policy also set out how complaints may be raised, and provided for applicable investigative and adjudication processes, which took account of the sensitive nature of complaints under the Policy. As regards the latter issue, the draft Policy envisaged procedural amendments to underpin natural justice and procedural fairness, including providing complainants in cases arising under the Policy with similar opportunities to comment on findings and to be heard as currently existed for respondents; and measures to strengthen the confidentiality arrangements which applied to live complaints.

Committee consideration of the Policy

10. At its final meeting of the last mandate, the former Committee considered the working group's report and agreed, in principle, that it was content with the proposed reforms and that it would recommend that its successor Committee considers taking these forward early in the next mandate as applicable.
11. As part of its consideration of the previous Committee's Legacy Report recommendations, the current Committee undertook a public consultation on the draft Policy, which included writing to all MLAs, and no issues were raised as a result of that exercise.
12. An amended version of the draft Policy was approved by the Committee on 2 July 2025 and by the Commission on 19 November 2025. The amendments to the draft Policy arose mainly from decisions by the Committee:

(a) not to pursue the previously proposed appointment of lay members to the Committee; and

(b) to exclude the Policy from applying in the context of Assembly proceedings, thereby reflecting the freedom of expression protections afforded to Members by Article 10 of the European Convention on Human Rights.

13. In terms of the abovementioned decision at (a), following careful consideration, the Committee decided that there was not a case for adding lay members to its number. As regards the decision at (b), this sought to strike a balance in recognising the different thresholds for acceptable behaviour in the political sphere as compared to the wider working environment. As such, the Policy was amended to state that it does not apply to the conduct of an MLA when acting exclusively in proceedings of the Assembly – when the applicable existing Rules of Conduct would continue to apply – and that the Policy recognises that the Code of Conduct upholds Members’ right to freedom of expression.
14. The Policy, as approved by both the Committee and the Commission, is included at **Appendix 2** for information only.
15. The current Committee also received legal advice on necessary consequential procedural changes (including amendments to the Code, Standing Orders, and the Direction to the Commissioner on the general procedures to be followed for considering and investigating complaints). In addition, in line with the Assembly Commission’s Equality Scheme, an equality screening exercise was carried out in order to identify the impact the policy may have on any of the nine Section 75 groups and the policy was ruled out for full Equality Impact Assessment. A Data Protection Impact Assessment was also considered but not required.
16. In relation to the Code, the Committee agreed to the proposal in the working group’s report that it would recommend to the Assembly that the Code be amended to:

(a) make clear that the Commission’s existing ‘Northern Ireland Assembly Behaviour Code’² is an aspirational Principle of Conduct (rather than

² <https://www.niassembly.gov.uk/about-the-assembly/corporate-information/policies/behaviour-code/>

falling under an enforceable rule of conduct – for reasons explained below); and

(b) include a specific reference to the Policy in the Code, in order to highlight in the Code, the importance of the Policy. (The Committee agreed to propose that this would be most effectively achieved by splitting existing Rule of Conduct 10 into two separate rules. This is further explained in the ‘summary of proposed updates’ section of this report).

17. As regards the abovementioned proposal at (a), the Commission’s Behaviour Code sets out expectations that all individuals working within Parliament Buildings should act professionally and uphold the highest standards of integrity, courtesy, and mutual respect. However, the Behaviour Code, which is currently caught by existing Rule 10, sets out standards of conduct that are framed in high-level terms and are open to wide interpretation. This is in contrast to the Policy, which defines the various types of misconduct which it covers (i.e. bullying, harassment, sexual harassment and victimisation). Therefore, the proposed amendments to the Code will provide for a more objective and consistent position than exists presently.
18. In relation to safeguarding the confidentiality of complaints, the working group had recommended that the Committee examines necessary amendments to procedures to require both the complainant and respondent to sign a confidentiality agreement at the outset of the process. As well as encouraging confidentiality by all of those involved in the process, this would ensure that all parties to a complaint/investigation are treated fairly and would facilitate complainants (as well as respondents) in being provided with opportunities to comment on findings and to be heard during the process.
19. At its meeting on 2 July 2025, having considered legal advice and having sought the views of the former Commissioner, the Committee agreed its position in relation to the confidentiality agreement (subject to legal advice on a number of issues) and subsequently agreed suggested amendments to the draft agreement at its meeting on 10 September 2025.

20. In considering the implementation of the confidentiality agreement, the Committee agreed that it need only be signed by parties who were not MLAs. This is because, as complainants or as respondents, MLAs are already bound by Rules 12 and 17 of the Code (Rules 13 and 18 of the proposed updated Code), which act as a deterrent against unauthorised disclosure of confidential information by Members.
21. The Committee did, however, agree to propose the inclusion of a new paragraph in the Introduction to the Guide to the Rules to emphasise that Members are subject to confidentiality obligations as provided for in Rules 12 and 17 of the Code (Rules 13 and 18 of the proposed updated Code).
22. Subject to the Assembly approving the proposed amendments to the Code, the Committee will implement a range of other necessary amendments to procedures and processes to enable implementation of the Policy, as set out below.

Members' legal requirements under PPERA

23. The Committee considered correspondence from the Electoral Commission (**Appendix 3**) at its meeting on 12 November 2025 and agreed to propose that the Assembly approves various amendments to the Code (within the Guide to the Rules) regarding references to Members' legal requirements under PPERA.

Change to the name of the Committee

24. On 29 June 2026, the Assembly approved a Motion tabled by the Committee on Procedures to repeal Standing Order 70 (Privilege). One of the outworkings of this resolution is a change to the name of the Committee from the Committee on Standards and Privileges to the Committee on Standards. This is reflected in the proposed updates to the Code and Guide.

Clarificatory amendments to the Code

25. During the course of the Committee's work, it has noted clarificatory amendments which are needed to ensure the proper interpretation of two exemptions from the scope of the Code, as well as various textual improvements to the Guide. The main proposals in this regard are explained below and the associated amendments are illustrated in Appendix 1.

Conduct in the Assembly Chamber

26. Paragraph 2.2(a) of the Code provides that the Code does not apply to the conduct of a Member "in the Assembly Chamber when Standing Order 65 applies". This exemption from the scope of the Code recognises that good order in the Assembly Chamber is a matter for which the Speaker is responsible. The type of conduct covered by Standing Order 65 includes when any Member in the Chamber:

"(a) wilfully assaults, molests, obstructs or acts in a disorderly manner towards the Speaker or any other member;

(b) persistently and wilfully obstructs the business of the Assembly;

(c) is guilty of disorderly conduct;

(d) wilfully assaults, obstructs or resists any police constable or officer of the Assembly acting under the authority of the Speaker;

(e) uses unparliamentary words which he or she refuses to withdraw;

(f) persistently or wilfully refuses to conform with Standing Orders; or

(g) persistently or wilfully disregards the authority of the Speaker".³

27. Under Standing Order 65, if a Member behaves in the Chamber in a manner described above, the Speaker may order the Member to withdraw immediately from Parliament Buildings. The Standing Order also provides for the Speaker to "name" a Member and for him/her to put the question that such a Member be

³ <https://www.niassembly.gov.uk/globalassets/documents/standing-orders/sos-at-1-july-2025.pdf>

suspended from the service of the Assembly for a period of up to five working days.

28. The Committee is clear that the exemption in paragraph 2.2(a) is not intended to apply to *all* conduct in the Chamber. The limitation on the exemption is evident from the reference to it applying “when Standing Order 65 applies”. This means that, for example, complaints alleging that a Member breached Rule 5 by failing to declare a relevant interest during plenary proceedings or that a Member breached Rule 12 (Rule 13 in the proposed updated Code) by the unauthorised disclosure of confidential or protectively marked information during plenary proceedings would properly be considered by the Commissioner for Standards as alleged breaches of the Code. Therefore, the Committee is proposing an amendment to the wording of paragraph 2.2(a) to clarify the existing position.

Application of the Code to committee chairpersons

29. Paragraph 2.2(c) of the Code states that the Code does not apply to the conduct of a Member ‘when acting exclusively in the capacity of any other political or public office’.
30. During the course of its consideration of a complaint against a Member in the 2025/26 session, the Committee noted that, in a separate case, the former Commissioner had interpreted ‘any other political office’ as including the role of Assembly committee chairpersons. The premise for this interpretation was that, under section 29 of the Northern Ireland Act 1998, the chairperson of a statutory committee is appointed by the nominating officer of the political party to which he or she belongs and may be removed only if he or she resigns, is dismissed, or ceases to be a member of the Assembly. Under this interpretation, complaints relating to an Assembly committee chairperson acting exclusively in that capacity would fall outside the scope of the Code.

31. While this interpretation did not have a bearing on the outcome of the Committee's consideration of the specific complaint case⁴, the Committee nevertheless examined the issue, including consideration of legal advice.
32. Whilst noting how the exemption in paragraph 2.2(c) of the Code could be interpreted by some as applying to Assembly committee chairpersons, this was not the position of the Committee. As such, the Committee subsequently agreed to consider whether the Code should be amended to remove any potential ambiguity that the exemption in paragraph 2.2(c) does not apply to Assembly committee chairpersons.
33. On foot of that agreement, the Committee commissioned further legal and procedural advice on how the Code might be amended to reflect the Committee's position. The applicable clarificatory amendments proposed to the Code reflect the Committee's agreed position on the matter.

Other minor amendments proposed

34. The Committee is proposing various minor amendments to the Guide which help to elucidate the meaning and intention behind certain provisions and/or reflect the up-to-date position as applicable. These are self-explanatory and are also illustrated in Appendix 1.

Summary of Proposed Updates

35. A proposed updated version of the Code and Guide is at Appendix 1. Tracked changes have been included for ease of reference.

Updates as a result of the approved Unacceptable Behaviours Policy

36. Several of the proposed updates to the Code reflect the recommendations of the cross-party working group on the Policy.

⁴ <https://www.niassembly.gov.uk/assembly-business/committees/2022-2027/standards-and-privileges/reports/report-on-a-complaint-against-mr-timothy-gaston-mla/>

37. A new paragraph is proposed within the Additional Assembly Principles of Conduct section to make clear that the existing Northern Ireland Assembly Behaviour Code is an aspirational Principle of Conduct.
38. Amendments are proposed to the Rules of Conduct section to highlight the importance of the Policy. It is proposed to achieve this by splitting existing Rule 10 into two rules, with the requirement to observe and comply with the Rules on All-Party Groups becoming a separate rule. It is proposed that the Policy is referenced in new Rule 11, in the context of the requirement for MLAs to observe and comply with any policy, guidance or instructions of any kind published on behalf of the Assembly or the Assembly Commission.
39. The Committee has also agreed, given the importance that all of those involved in a complaints process must have reassurance around its confidentiality, to propose the inclusion of a new paragraph in the Introduction to the Guide to the Rules. The proposed new paragraph emphasises that Members are subject to confidentiality obligations as provided for in Rules 12 and 17 of the Code (Rules 13 and 18 of the proposed updated Code). The proposed amendment makes clear that this is particularly relevant in regard to the details of any complaint involving Members which is under consideration by the Commissioner or the Committee.

Other Updates

PPERA

40. Amendments are being proposed to the Code (within the Guide to the Rules) to update the references to Members' legal requirements under PPERA.
41. The amendments incorporate changes to PPERA, including an increase to the threshold when Members must report donations and loans to the Electoral Commission, and to the permissibility requirements for UK companies. The proposed amendments also reflect updated wording in the Electoral Commission's guidance for elected office holders and party members; and reinforce Members' obligations under PPERA.

42. These are suggested in the introduction, categories 2, 3 and 4 and Appendix 2 of the Guide to the Rules, within the Code. The proposed amendments are further explained in the correspondence from the Electoral Commission at Appendix 3.

Clarificatory amendments to the Code and Guide

43. Amendments are being proposed to the Code to clarify that the exemption in paragraph 2.2(a), regarding conduct in the Assembly Chamber, is limited to the behaviour which is dealt with by the Speaker when keeping good order in the Chamber, under Standing Order 65. As such, the Code applies to other types of conduct in the Chamber, such as that which would engage the rules in relation to declaration of relevant interests and the unauthorised disclosure of confidential information.
44. Amendments are being proposed to the Code to clarify that it applies to Assembly committee chairpersons. Specifically, the proposed amendments clarify that the exemption in paragraph 2.2(c) of the Code, in relation to a Member acting exclusively in any other political (or public) office, does not apply to Assembly committee chairpersons.

Minor amendments

45. Amendments have been made throughout the document to reflect the change in name of the Committee from the Committee on Standards and Privileges to the Committee on Standards, which was one of the outworkings of the repeal of Standing Order 70; and various minor typographical and clarificatory matters.

Next Steps

46. A proposed updated Code is at Appendix 1 for the Assembly's consideration and approval, by way of a Resolution. Tracked changes have been included for Members' convenience.
47. In terms of next steps in implementing the Policy, subject to the Assembly approving the proposed changes to the Code as applicable:

- (a) The Committee will issue a revised General Procedures Direction to the Commissioner.
- (b) The Committee will liaise with the Committee on Procedures on any updates that are required to Standing Orders.
- (c) The Policy will be introduced and published on the Assembly website.
- (d) The revised Code will be published on the Assembly website, at which point it will come into effect; and Members will be informed of its availability.

Links to Appendices

Appendix 1: Proposed updated Assembly Members' Code of Conduct and Guide to the Rules (with tracked changes)

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Appendix 2: Unacceptable Behaviours Policy agreed by the Committee in July 2025 and the Assembly Commission in November 2025

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Appendix 3: Correspondence from the Electoral Commission

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Appendix 4: Minutes of Proceedings

View Minutes of Proceedings of Committee meetings related to the report

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