

# Written Ministerial Statement

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*It has not been subject to the official reporting (Hansard) process.*

## Department of Finance

### TRANSPARENCY, ACCOUNTABILITY AND THE FUNCTIONING OF THE EXECUTIVE

*Published on Monday 16 March 2020*

**Mr Murphy (The Minister of Finance):** The Executive is committed to greater transparency and improved governance arrangements, aimed at restoring and maintaining public confidence. This is set out in the *New Decade, New Approach* document.

We have taken a number of steps in recent days that we believe will make a real difference. These are issues which engage the whole Executive, and I am making this statement on behalf of the First Minister and deputy First Minister, and I.

#### *RHI Inquiry Response*

The Executive has agreed the establishment of a dedicated sub-committee which will consider the findings of the RHI Inquiry and propose further reforms, in addition to those in the Agreement, to deliver the changes necessary to rebuild public confidence.

The Executive sub-committee will consider the RHI Inquiry Report and its recommendations in light of work already completed and relevant reforms set out in the Agreement. It will then recommend to the Executive any further work to be commissioned to rebuild public confidence, in addition to that already identified in the Agreement.

I shall chair the sub-committee, which will include the Ministers for the Economy, Health, Justice, Infrastructure and the Junior Ministers in the Executive Office.

The sub-committee will publish an action plan for implementation of recommendations flowing out of the RHI Inquiry report. I will keep the Assembly updated regularly.

#### *Ministerial Standards*

We have strengthened the codes that set standards of behaviour for Ministers. A new Code of Conduct for Special Advisers was introduced on 20 January, and my Executive colleagues and I have now agreed a revised Code of Conduct for Ministers, supplemented by new Guidance for Ministers in the exercise of their official functions.

The guiding principle behind these new Codes is that the highest standards should be expected and upheld by those in public office in order to ensure public confidence in government.

There should be increased openness about the mechanics of government. And there must be no conflict between public roles and private interests.

The revised versions of the **Ministerial Code of Conduct** and **Guidance for Ministers** are to be read in conjunction with each other. The Code of Conduct sets out high-level principles, and the Guidance expands upon those principles to inform their practical outworking.

Together they set out in greater detail the accountability of Ministers to the Assembly and the need for Assembly committees to be provided with the information they require to discharge their role;

- they strengthen the requirements for the declaration of interests by Ministers and require the avoidance of conflicts of interest;
- they set out that Ministers are responsible for the management, conduct and discipline of their special advisers;
- they make clear the need to record ministerial meetings and decisions;
- they require the regular publication of declarations of relevant interests; details of meetings with external organisations; and gifts and hospitality received.

In order to ensure that the Ministerial Code of Conduct and the Guidance for Ministers are effective in guiding ministerial behaviour, a new mechanism for the **Enforcement of Ministerial Standards** is to be introduced.

Alleged breaches of the Ministerial Code, the Guidance for Ministers, or Conduct of Executive Business will be referred to a Panel for Ministerial Standards, one of whose members will be the Assembly Commissioner for Standards.

The Panel members will investigate and publish findings in respect of alleged breaches. They will complete their investigations quickly; within a recommended 15 working days of their receipt of a complaint. Their findings will include whether or not the Minister has been found to have breached the terms of the ministerial standards documents, and may make a judgement as to the relative seriousness of the breach.

The Panel will publish their findings and report to the Assembly and the Executive. In this way the published report of the Panel will provide the grounds upon which sanctions can be imposed by the Assembly or the nominating officer of the Minister's party.

We will start this appointment process within days.

The role of **Assembly Private Secretaries** has also been reviewed in light of this body of work, to ensure there is clarity around their role. This is reflected in a revised Protocol which sets out the obligations upon Ministers in respect of Assembly Private Secretaries.

The Executive has agreed to immediately adopt for ourselves the standards set out in the Ministerial Code of Conduct, pending the legislative process for the formal implementation of the revisions.

#### *Civil Service Ethics*

We will also be bringing forward proposed changes to the **NICS Code of Ethics** to ensure that the role of civil servants is explicitly clear, and that the values to which civil servants are committed are fully set out. The Code of Ethics applies to Special Advisers, except – as before – the requirements of impartiality and objectivity.

The Code has been revised to emphasise the responsibility of the Civil Service to serve the Executive as a whole.

It refers to the necessity of working collaboratively, keeping accurate official records, and handling information as transparently as possible and it refers to the development of a more comprehensive policy for addressing staff and public concerns going beyond the existing whistleblowing policy, including reference to how a civil servant might raise concerns about a Minister or special adviser.

The NICS Code of Ethics is made by the Department of Finance, and the Department will be consulting with the civil service trade unions and the Civil Service Commission prior to issuing the new Code.

#### *Special Adviser Codes of Conduct and Appointment*

Members will recall that the Executive has also revised the Codes of Conduct and Appointment for Special Advisers. Together this new suite of documents can provide the basis on which the accountability and transparency of the Executive and its institutions can be improved.