

Policy Statement on Disclosure of Interests by staff

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Amendment History

Date	Revision level	Details of amendment	Approval signature
17 May 2018	001	Updated to refer to the Code of Practice 2019	
29 Feb 2024	002	LMETB updated to reference the current ETB Code of Governance for ETBs Circular letter 0002/2019 as per IAU recommendations	

Section 5 of The Code of Practice for the Governance of ETBs Circular letter 0002/2019 states :

‘To ensure continued integrity and transparency, and to avoid public concern or loss of confidence, the Board should ensure that appropriate policies are in place so that members and staff take decisions objectively and steps are taken to avoid or deal with any potential conflicts of interest, whether actual or perceived. These policies should ensure that any potential or actual conflicts of interest arising in the case of decision making by board members and employees of the ETB are addressed. The Ethics in Public Office Acts 1995 to 2001 set out statutory obligations which apply to board members and employees separately from the provisions of this Code. The Protected Disclosures Act 2014 provides a statutory framework within which workers can raise concerns regarding potential wrongdoing that has come to their attention in the workplace.’

<https://circulars.gov.ie/pdf/circular/education/2019/02.pdf>

Compliance with the Ethics Acts is deemed to be a condition of appointment or employment.

Ethics legislation

The Ethics in Public Office Act 1995 provides for the disclosure of registrable interests by occupiers of designated positions of employment in public bodies prescribed for the purposes of the Ethics legislation.

Persons in designated positions of employment must, in each year, during any part of which they occupy or occupied a designated position of employment in a public body, prescribed by regulations made by the Minister for Finance, persons in designated positions of employment are required to prepare and furnish, in a form determined by the Minister for Finance, a statement in writing of their registerable interests, and the interests, of which a person has actual knowledge, of his or her spouse or a child of the person or of his or her spouse, which could materially influence the person in, or in relation to, the performance of the person’s official functions by reason of the fact that such performance could so affect those interests as to confer on, or withhold from, the person, or the spouse or child, a substantial benefit. The statement must be furnished to the relevant authority for the position as determined by the Minister for Finance. Where no registerable interest or interests exist, a ‘nil’ statement should be made.

The occupier of a designated position of employment is required to furnish a statement of a material interest where a function falls to be performed, and where the member of staff or a “connected person” (e.g., a relative or a business associate of the director or member of staff) has a material interest in a matter to which the function relates. Such a statement must be furnished to the relevant authority by the occupier of a designated position of employment. The Commission will provide advice and publish mandatory procedures concerning steps to be taken by holders of designated positions (among others) to ensure compliance with the Act. Where a person who holds a designated position of employment in a State body is advised by the Commission, or it appears from guidelines published by the Commission that his/her interest or the interest of a connected person should be disclosed, that person must make an appropriate statement to the relevant authority in the State body.

The Standards Commission publishes the "Guidelines on Compliance with the Provisions of the Ethics in Public Office Acts 1995 and 2001 - Public Servants" that provides information on the steps that public servants who are covered by the Ethics legislation need take in order to comply with the requirements of the legislation. The designated positions of employment in public bodies, as prescribed for the purposes of the Ethics legislation, the forms for preparing statements of registrable interests and ‘nil’ statements, and details of the officers of the body and the relevant

authorities to whom such statements should be furnished are also provided in the Standards Commission's "Guidelines", available on its website: <https://www.sipo.ie/>

Education and Training Boards Act 2013

The Provisions of Paragraph 12 of Schedule 3 of the Education and Training boards Act 2013 applies where a member of staff of an education and training board, otherwise than in his or her capacity as such member, has a pecuniary interest or other beneficial interest in, or material to, any contract, agreement or arrangement, or proposed contract, agreement or arrangement, to which the board is a party.

This matter is further dealt with in Section 5.11 of The Code of Practice for the Governance of ETBs Circular letter 0002/2019;

Disclosure of Interests by ETB members of staff: Additional Requirements

5.11 In addition to the requirements under the Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001, where a member of staff (including family members as set out in the local authority requirements) of an ETB has a pecuniary interest or other beneficial interest in, or material to, any contract, agreement or arrangement, or proposed contract, agreement or arrangement, to which the board is a party, that person shall:

- (a)** disclose to the Chief Executive concerned his or her interest and the nature thereof;
- (b)** take no part in the negotiation of the contract, agreement or arrangement or in any deliberation by members of staff of the board, as the case may be, in relation to it, or
- (c)** not influence, or seek to influence, a decision to be made in the matter or make any recommendation in relation to the contract, agreement or arrangement.

ENDS