



## **Tipperary Education and Training Board**



### **TETB Procedure Regarding Ethics in Public Office Obligations**

## Tipperary ETB Procedure regarding Ethics in Public Office Obligations

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## TIPPERARY EDUCATION AND TRAINING BOARD (TETB)

### Ethics and Standards in Public Office Obligations / Code of Governance Compliance

All those who hold designated directorships<sup>1</sup> in public bodies prescribed by regulation for the purposes of the ethics legislation (i.e. the Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001) must comply with the relevant provisions of the legislation. Compliance with the Ethics Acts is deemed to be a condition of appointment or employment. Detailed guidelines on compliance with the Ethics Acts has been published by the Standards in Public Office Commission (the Standards Commission) on their website. <http://www.sipo.gov.ie>.

All persons who have obligations under the Acts are obliged to act in accordance with the guidelines and any advice given by the Standards Commission, unless by so doing they would be contravening another provision of the legislation.

#### Disclosure of Registrable Interests

The Ethics in Public Office Act 1995 provides for the disclosure of registrable interests by holders of designated directorships **and occupiers of designated positions of employment in public bodies** prescribed for the purposes of the Ethics legislation. **TETB has identified employee's roles which have designated positions of employment.**

The requirements impact on designated directors and designated positions of employment:

#### Designated Directors – ETB Members

In each year, during any part of which they hold or held a designated directorship of a public body, prescribed by regulations made by the Minister for Public Expenditure and Reform, designated directors are required to prepare and furnish, in a form determined by the Minister for Public Expenditure and Reform, a statement in writing of their registrable 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 Standards in Public Office Commission (the Standards Commission) and to such an officer of the body as determined by the Minister for Public Expenditure and Reform. Where no registrable interest or interests exist, a 'nil' statement should be made.

#### Designated Positions of Employment in TETB

- TETB Staff involved in procurement and/or involved in any way in the ordering of goods/services **must** complete a yearly declaration, a statement in writing of their interests or a 'nil' statement before the 31 January for the preceding year in accordance with the requirements under the Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001,
- TETB staff where a member of staff (including family members and connected persons (e.g. a relative or a business associate of the member of staff)) 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 make a disclosure at the time of the process and also step away from any involvement in the process. (SEE ADDITIONAL REQUIREMENTS BELOW)

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<sup>1</sup> Designated directors in ETBs are the ETB members.

As prescribed by regulations made by the Minister for Public Expenditure and Reform, persons in designated positions of employment are required to prepare and furnish, in a form determined by the Minister for Public Expenditure and Reform, a statement in writing of their registrable interests. This requirement applies in each year, during any part of which they occupy or occupied a designated position of employment in a public body.

In addition, this requirement applies to the interests, of which the holder of a designated position of employment 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 Public Expenditure and Reform.

Where no registrable interest or interests exist, a 'nil' statement should be made.

### **Material Interests**

The holder of a designated directorship and all TETB staff are required to furnish a statement of a material interest where a function or role is required to be performed, and where the director or 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 or role relates.

Such a statement must be furnished to **Ms Fiona Campbell, Corporate Governance, Tipperary Education and Training Board (TETB), Church Road, Nenagh, Co Tipperary.**

### **Disclosure of Interests by all ETB members of staff: Additional Requirements**

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.

### **Tax Clearance obligations of appointees to "senior office"**

The tax clearance provisions of the Standards in Public Office Act 2001 apply to persons appointed to "senior office", i.e. to a designated position of employment or to designated directorship in a public body under the 1995 Ethics Act, in relation to which the remuneration is not less than the lowest remuneration of a Deputy Secretary General in the civil service.

A person appointed to "senior office" must provide to the Standards in Public Office Commission, not more than nine months after the date on which he or she is appointed:

- a tax clearance certificate that is in force and that was issued to the person not more than nine months before, and not more than nine months after, the appointment date; or

- an application statement that was issued to the person and was made not more than nine months before, and not more than nine months after, the appointment date; and
- a statutory declaration, made by the person not more than one month before, and not more than one month after, the date of appointment, that he or she, to the best of his or her knowledge and belief, is in compliance with the obligations imposed on him or her by the Tax Acts and is not aware of any impediment to the issue of a Tax Clearance Certificate.

### **Investigations**

Directors and members of staff in public bodies can be subject to an investigation by the Standards Commission, either where it considers it appropriate to do so, or following a complaint, or where there is contravention of the tax clearance requirements, and there is nothing that precludes the Standards Commission from taking into account this Code of Practice in such an investigation.

### **Additional information and advice**

This procedure is provided for information purposes only and does not constitute a legal interpretation of the Ethics Acts. Requests for advice on compliance should be referred to the Standards in Public Office Commission. 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 directorships and 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: <http://www.sipo.gov.ie>.