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ÚDARÁS NA GAELTACHTA

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ÚDARÁS NA GAELTACHTA

CODE OF CONDUCT FOR BOARD MEMBERS AND MEMBERS OF STAFF

Introduction

This Code of Conduct is laid out in accordance with the provisions of Appendix C to the Code of Practice for the Governance of State Bodies as issued by the Department of Public Expenditure and Reform in 2016. The Code of Conduct should be read in conjunction with the Údarás na Gaeltachta Acts, the Gaeltacht Act 2012, the Údarás na Gaeltachta Standing Orders and Staff Handbook, the Codes of Practice for High Level Customer Care and the Procedure for Handling Customer Complaints, as well as the Ethics in Public Office Acts of 1995 and 2001.

The Code of Conduct of Údarás na Gaeltachta is available on the website www.udaras.ie.

Aim of this Code

It is assumed that members of Údarás na Gaeltachta and its staff will, as a matter of principle, adhere to the recognised best practice and to the highest standards of public service as illustrated in this Code of Conduct.

The Údarás na Gaeltachta Acts

Údarás na Gaeltachta seeks to progress the objectives of the Údarás na Gaeltachta Acts and of the Gaeltacht Act 2012 vigorously, dynamically, and honestly through a comprehensive programme of actions which focus on the preservation of the Gaeltacht community and on the preservation of Irish as the principal medium of communication of that community. These goals will be achieved through the pursuit of strategic objectives in these main spheres:

- Enterprise Development
- Community and Regional Development
- Language Planning
- Human Resources Development

Through this Code, the Údarás will

- act in accordance with the recognised ethical standards,
- instil and maintain confidence and trust, and
- seek to prevent and avoid unethical practices.

Main Principles

As providers of public service, adherence to the values below is essential.

Integrity

Members of the Board and members of staff are obliged to disclose interests in accordance with the Údarás na Gaeltachta Acts (Members of the Board and staff members at Principal Officer or higher, or those who serve as directors of subsidiary companies of Údarás na Gaeltachta, in accordance with the Ethics in Public Office Acts, 1995 and 2001), and to take steps to avoid any conflict of interest which may adversely affect the Údarás. A register of members' interests is maintained as set out in the Code of Practice for the Governance of State Bodies. A register is maintained also in relation to those on the staff who disclose beneficial interest in affairs related to the Údarás. That register is reviewed annually.

As a general policy, it is not acceptable to accept, offer or give gifts or any other consideration of value (i.e. benefit in kind, accommodation, discount, services etc.), in connection with the efficient conduct of business, where it might affect or it could be construed that it might affect impartial judgement regarding affairs of the Údarás. While it is not feasible to specify a maximum value which might be acceptable, as each separate situation depends on the circumstances of that individual case, nevertheless, it may be presumed that any gift to a value greater than €75 would be unacceptable.

It is prohibited to accept a financial gift, no matter the value, in any circumstance, from clients, from business contacts or from firms providing goods or services to the organisation, when it would be possible to consider the gift is connected to the position of Board Member or member of staff of the organisation.

The Údarás ensures that goods and services are procured in accordance with accepted methods within the principles of guidelines under the Code of Practice for the Governance of State Bodies and of guidelines for public procurement mentioned therein. In accordance with the Guide "Ethics in Public Procurement" issued by the National Procurement Service in 2005, the following specific provisions will apply in relation to public procurement and other dealings with clients:

Hospitality and Sponsorship

Seeking hospitality, directly or indirectly, is not permitted in any situation.

A situation may arise from time to time where a meal may be taken with a supplier or a client in accordance with normal business practice, but adherence to all other guidelines of the organisation is required in such situations.

Invitations to golf or other recreational events should only be accepted on a limited basis, and adherence to all other guidelines of the organisation is required in such situations.

It must be ensured that the frequency of such a practice could not be construed as inferring that it might influence a business decision.

Payment by a supplier for accommodation or travel is not permitted in any situation.

Seeking sponsorship from a supplier or client is not permitted in any situation, and should sponsorship be offered, specific permission from management in writing is required before it might be accepted.

In a situation where sponsorship or a gift is being refused for ethical reasons, those reasons should be explained to the person offering such sponsorship or gift so as to avoid any misunderstanding or embarrassment.

Officers dealing with purchasing are not permitted to receive special conditions or discounts in relation to private purchases from contractors, suppliers, or suppliers of services with whom they have official dealings.

Anti-competitive Behaviour

As far as feasible, it must be ensured that people do not function in a manner which would interfere with open fair competition.

The procedures laid down by the Údarás from time to time, are adhered to within the principles of the guidelines in the Code of Practice for the Governance of State Bodies in regard to disposal of property and provision of assets to a third party.

Neither Board Members nor members of staff should make use of their position in the organisation to accrue any personal benefit or reimbursement from the organisation's resources nor should they attempt to accrue such from their service within the organisation. This does not apply to reimbursement or authorised expenses relating to the position, nor does it prevent a claim relating to terms of compensation or extra benefits in relation to the duty in itself.

Responsibility

The Board is responsible, under the provisions of the Údarás na Gaeltachta Acts and the Gaeltacht Act 2012, to the public and to the Minister for Culture, Heritage and the Gaeltacht, and should be prepared to submit to whatever examination is appropriate.

The Údarás acknowledges and understands its responsibilities under this Code and ensures that the Code and the information is distributed to Board Members and members of staff in the appropriate format so that best practice is maintained in the activities and business of the Údarás.

A procedure is in place to ensure receipt and understanding of the Code of Conduct and related materials is acknowledged by new Members and employees.

Through this Code and through the Údarás Staff Handbook, the Management and Board of the Údarás ensure that practical guidance and advice is available about matters such as gifts and accommodation and about ethical issues which arise regularly.

Subsidiary Companies

To ensure that the affairs of those subsidiaries are conducted in accordance with the appropriate legal and ethical standards, the specific responsibility of directors of subsidiary companies of the Údarás is recognised. The Údarás also acknowledges its own duty in regularly monitor the affairs of its subsidiary companies and the managerial duties of the Executive to properly keep the Údarás Board informed accordingly.

Duties

The Údarás should adhere to its statutory duties and other regulations and guidelines in relation to

- Distribution and effective implementation of the codes of practice, including this Code.
- Oversight of public funds.
- Adherence to the levels of authority specified from time to time.
- Implementation of regulatory systems to prevent fraud or to bring fraud to attention should such happen.
- Adherence to rules and rates regarding travel and subsistence costs, and regular claiming of travel costs, at the end of each month during which such costs accrue, as much as feasible.
- Regular attendance at Údarás meetings.
- Cooperation with the internal auditing process.

Information

The Board and staff of the Údarás support the access to general information on the activities of the Údarás in an open manner which reinforces accountability to the general public.

At the same time, it is accepted that privacy must be respected when the Údarás is in possession of sensitive information, whether:

- commercial information (including information relating to clients and enterprises engaged in business with the Údarás)
- personal information, and
- information which is given confidentially to the Údarás.

Appropriate standards regarding the disclosure of information is laid down in the Standing Orders, in the Board Members' Handbook and in the Staff Handbook, in the guidelines related to the Freedom of Information Acts and the Data Protection Acts, subject to compliance with the proper consultative procedures with third parties in advance where it is intended, exceptionally, to disclose sensitive information in the public interest. Employees sign an appropriate declaration of secrecy on their appointment as employees.

Neither Board Members nor members of staff will misuse information received in that capacity for their own private benefit nor for the private benefit of another person, and they will not act to progress private interests nor other people, companies, firms, or organisations with which they are connected through the use of confidential or private information received in performing their responsibilities for the organisation. This provision remains in force after a person has left the organisation, and includes a restriction, as appropriate, relating to the acceptance of positions after employment with the Údarás which could cause a conflict of interests or concerns relating to confidentiality.

Board Members should not retain confidential documentation received during their terms as Members. At the end of a period as Board Members they should return documents of this type to the Secretary of the Board of Údarás, either that or demonstrate to the Secretary of the Board that these have been disposed of in an appropriate manner.

In situations where a former Board Member requires Board documents relating to their term on the Board, the Secretary of the Board can facilitate that.

The accounts and reports of the Údarás are laid out on a basis of honesty and accuracy in order to provide a proper view of its business affairs and financial situation.

Loyalty

Board Members and members of staff are duty-bound to be loyal to the organisation and its functions while undertaking their responsibilities with the Údarás, while also taking into account their duty to adhere to rules regarding ethics and honesty. Without prejudice to the generality of this paragraph, the Údarás will ensure that the Irish language is used as much as possible in the performance of its functions and in the performance of functions on its behalf.

Equality and Fairness

The Údarás recognises the need:

- to comply to the law and the spirit of the legislation relating to equality in employment and equality status, and
- to adhere to best practice which is fair and equitable in regard to doing business and properly respects each person engaged in business with the Údarás.

Legal Requirements

Each Board Member and member of staff should ensure a sufficient understanding of those areas of law relating to their duties regarding the Údarás. Access to advice and to the services of the Secretary of the Board of Údarás is provided so as to ensure compliance with the procedures of the Údarás and compliance with the relevant rules and regulations.

Members may, for the purpose of fulfilling their duties, seek independent professional advice, if necessary, at a reasonable cost to the Údarás.

Insofar as possible, the necessity for professional advice will be set out through meetings of the Údarás or of its committees, and the need will then be met, as far as possible be through the organisations Board Secretary and through its Corporate Department. Should it be necessary to seek independent advice, the Secretary of the Board will consult with the Chairperson to agree a method for procuring this advice at a reasonable maximum cost.

Where a Member or Members consider it necessary to seek independent professional advice, which is not available from the Corporate Department or by an arrangement through a meeting of the Údarás or of one of its committees as outlined above, the Member or Members will consult with the Chairperson to agree on a method of procuring such advice and a pre-arranged reasonable maximum cost.

Staff Development

The Údarás wishes that all members of staff are afforded equal opportunities for development and, to that end, that staff members are provided with all reasonable opportunities for development. They will be supported so that they can reach their full potential in the organisation. The Údarás operates schemes for study and a mentorship system, as well as a system of annual review through which training needs are assessed with the individual staff members and where the employee's self-development is supported.

Work and Environmental Matters

The Údarás aims to adhere to the highest standards and continuously takes steps in relation to work and environmental matters:

- in relation to the health and safety of employees and visitors to its places of business;
- in relation to the needs and wishes of Gaeltacht communities; and
- in relation to the preservation of the physical and cultural environments, and to the preservation and expansion of Irish as the main means of communication in the Gaeltacht.

Role of the Chief Executive

The Chief Executive is responsible for the management and governance of the organisation and for the implementation of the Údarás Corporate and Business Plan in consultation with the Údarás itself. The Chief Executive will ensure that all obligations are met in relation to staff management, assessment and development and will ensure that appropriate staff development, training, advice and recruitment measures are in place. Members should support the Chief Executive in the management and governance of the organisation in accordance with proper business and legal standards.

In accordance with the Chief Executive's contract of employment, the Údarás makes an annual assessment of the Chief Executive's performance in accordance with the State guidelines regarding remuneration for such positions.

Revision

The Údarás will review this Code of Conduct as necessary.

August 2017

The Údarás is asked to consider and approve the Code of Conduct.

22/09/2017