

Brainse an Iarbhunoideachais.
An Roinn Oideachais agus Eolaíochta,
Bóthar Phort Laoise,
An Tulach Mhór,
Co. Uíbh Fhailí.



Post-Primary Administration,
Department of Education and Science,
Portlaoise Road,
Tullamore,
Co. Offaly.

Circular 0150/2006.

To: Chief Executive Officer of each Vocational Education Committee.

Re: Ethics in Public Office Acts 1995 and 2001.

Dear Chief Executive Officer,

I refer to the *Ethics in Public Office Act 1995*, the *Standards in Public Office Act 2001* (i.e. the 'Ethics Acts') and to previous correspondence on this issue. The *Ethics in Public Office (Prescribed Public Bodies, Designated Directorships of and Positions in Public Bodies) Regulations 2005 (S.I. No. 672 of 2005)*, that came into operation on 1 January 2006 has brought more offices and public sector bodies, including VECs, within the scope of the Ethics Acts. The full texts of the Acts are available on the Office of the Attorney General's website: www.gov.ie/ag/ in the "Irish Statute Book" section.

Under the Ethics Acts, members of VECs and occupiers of positions of employment in respect of which the maximum salary is not less than the maximum salary of a Principal Officer (general service grade) in the Civil Service, as well as certain employees paid below the level of Principal Officer (e.g. those with procurement functions), prescribed for purposes of the Acts, are required to furnish annual statements of registrable interests. Where no registrable interests exist a 'nil statement' is requested. Ad hoc statements should also be furnished where a proximate conflict of interest may arise.

The interests that would be required to be disclosed are those of the position holder themselves, of his or her spouse or a child of the person or of his or her spouse, which could materially influence them in the performance of the functions of the position involved.

Members of VECs should furnish their statements to the Standards in Public Office Commission and to the CEO of the relevant VEC. Designated employees of the VEC should furnish their statements to the CEO of the relevant VEC. CEOs should furnish their statements to their Committee Chairperson. (Note that statement of interests/nil statements should be furnished only to the "relevant authority for the position").

The period comprehended by the statements to be furnished by 31 January 2007 is 1 January 2006 to 31 December 2006, or such period during the year as the person furnishing the statement was a member of the VEC or held a designated position of employment. Statements should, therefore, be signed after the period covered by the statement. Where a statement has been signed during the period covered, it should be returned to the person, and a statement/ nil statement covering all of the relevant period requested.

The statements determined for use by the Minister for Finance are those published on the Department of Finance website (www.finance.gov.ie). Only the paper editions of these forms, with the content and signature in writing, are acceptable. Where a statement must be furnished to the Standards Commission, the Standards Commission will accept a photocopy of a statement, subject to an original signature.

The following positions within VECs have been prescribed under the terms of the above-mentioned Acts:

- a) Members of the Committee
- b) Chief Executive Officer
- c) Adult Education Officers
- d) Personnel Officer
- e) Buildings Officer
- f) School Principals
- g) Education & Training Centre Managers
- h) All posts the maximum salary of which is not less than the maximum salary of a Grade VII officer involved in procurement, grants and scholarships
- i) All other positions, in respect of which the maximum salary is not less than the maximum salary of a principal officer (general service grade, Class B PRSI) in the Civil Service.

You are requested to advise the holders of the above-mentioned positions that the positions have been prescribed under the terms of the Acts. Holders of the positions listed above are required to confirm in writing that they have received notification of and understand their obligations under the Acts. Please see the attached form for this purpose.

The forms to be used in making a return are attached to this letter. The Irish language versions of the forms are available on the Ethics page of the Department of Finance web site.

If you have any query on the legislation, you may contact the Commission directly at 18 Lr. Leeson Street, Dublin 2, phone 01-639 5666 or email sipo@ombudsman.gov.ie,

Thank you for your co-operation.

J Kelly
Post Primary.
21st December, 2006.

Ethics in Public Office Acts 1995 and 2001.

I, the undersigned, confirm that I have been advised of and understand my obligations under the terms of the Ethics in Public Office Acts 1995 and 2001.

Name: _____

Position: _____

VEC: _____

Date: _____

Ethics in Public Office Act, 1995 and Standards in Public Office Act, 2001

The Ethics Acts, 1995 and 2001 require that an annual return of registrable interests is furnished by members of VECs and office holders serving in a grade of which the maximum salary is not less than the maximum salary of a Principal Officer (General Service Grade) in the Civil Service along with the VEC positions specified as designated positions. A return in respect of the period 1 January 2005 to 31 December 2005 is due by 31 January 2006.

The Standards in Public Office have produced comprehensive guidance on the legislation. The 'Guidelines on Compliance with the Provisions of the Ethics in Public Office Acts 1995 and 2001 Public Servants (Fourth Edition)', published by the Standards in Public Office Commission in June 2006, provides advice on what is required for public servants, i.e. holders of designated directorships, occupiers of designated positions and certain others, to comply with the Ethics Acts. The guidelines are available, in electronic format only, on the Standards in Public Office Commission web site:

<http://www.sipo.gov.ie/en/Guidelines/EthicsActs/PublicServants>

Procedures for Disclosing Interests (Paragraph 18 of the Guidelines)

A person who is covered by the guidelines is required to furnish a statement, in writing, of:

- i. the interests of the person, and
- ii. the interests, of which the 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.

A statement of interests is not legally required where the interests could not materially influence the person in, or in relation to, the performance of his or her official functions. The Standards Commission recommends that a "nil" statement, rather than no statement, should be provided in such circumstances.

The following are the interests which are referred to in paragraph 18, being the interests specified in the Second Schedule to the 1995 Act. It should be noted that it will not be necessary to specify in a statement of interests the amount or monetary value of any interest or the remuneration of any trade, profession, employment, vocation or other occupation included in the statement. A reference in this paragraph to "during the appropriate period" means during the period to be covered by the statement of interests.

(a) Occupational Income, etc.

A remunerated trade, profession, employment, vocation or other occupation of the person concerned at any time during the appropriate period where the remuneration to the person, e.g. pay, pension, benefits-in-kind, rental income, etc., during the period exceeded €2,600.

(b) Shares, etc.

A holding by the person concerned of shares, bonds, debentures, or other like investments in any particular company or other enterprise or undertaking, with an aggregate nominal or market value in excess of €13,000 at any time during the appropriate period. Holding does not include money in a current, deposit or other similar account with a financial institution but does include a holding in unit trusts or managed funds.

(c) Directorships

A directorship or shadow directorship of any company held by the person concerned at any time during the appropriate period.

(d) **Land (including premises)**

Any interest in land of the person concerned, including land in the State and land in any other jurisdiction, being an interest that exceeded in value €13,000 at any time during the appropriate period. This includes an interest in any contract for the purchase of land, whether or not a deposit or part payment has been made under the contract. It also includes an interest in any option held to purchase land, whether or not any consideration has been paid in respect thereof, or land in respect of which such an option has been exercised but which has not been conveyed.

A person is not required under this heading to disclose information regarding his or her private home or that of a spouse and any subsidiary or ancillary land to such home that is not being used or developed primarily for commercial purposes. Also excluded is a holiday home and any other private home used by the person or his or her family and any land that is subsidiary or ancillary to it which is required for its amenity or convenience and is not being used or developed primarily for commercial purposes.

(e) **Gifts**

A gift, or gifts from the same person, given to the person concerned during the appropriate period where the value, or the aggregate value, exceeded €650. Excluded from this requirement is a gift given to the person, for purely personal reasons, by a relative or friend of the person or of his or her spouse or child or of the spouse's child (child being a son or daughter of any age), unless acceptance of the gift could have materially influenced the person in the performance of his or her official functions.

(f) **Property and Services**

Property supplied or lent or a service supplied to the person concerned, once or more than once by the same person, during the appropriate period, where the consideration or price was less than the commercial consideration or price by more than €650. Also included is property lent or a service supplied free of charge where the commercial consideration or price would have been more than €650.

Excluded is property supplied or lent or a service supplied to the person, as a gift for purely personal reasons, by a relative or friend of the person or of his or her spouse or child or of the spouse's child, unless acceptance could have materially influenced the person in the performance of his or her official functions. If services disclosed relate to legal or medical services (including psychiatric or psychological services) it will be sufficient to state that the services were supplied. No further details will be required.

(g) **Travel facilities, etc.**

Travel facilities, living accommodation, meals or entertainment supplied to the person concerned during the appropriate period free of charge or at less than the commercial price.

Excluded are:

- travel facilities, living accommodation, meals or entertainment supplied, by the same person, once or more than once, free of charge during the appropriate period where the commercial price or the aggregate of the commercial prices was less than €650, or supplied where the price paid was less than the commercial price by not more than €650;
- travel facilities, living accommodation, meals or entertainment provided:
 - a) within the State,
 - b) in the course and for the purpose of performing the person's official functions, or
 - c) in the course and for the purpose of any trade, profession, employment or other occupation of the person;
- travel facilities, living accommodation, meals or entertainment supplied as a gift for personal reasons by a relative or friend of the person or of his or her spouse or child or of the spouse's child, unless the acceptance of such might reasonably be seen to have been capable of influencing the person in the performance of his or her official functions.

(h) **Remunerated Position**

A remunerated position held by the person concerned as a political or public affairs lobbyist, consultant or adviser during the appropriate period.

(i) **Contracts**

Any contract, or contracts, for the supply of goods or services to a Minister of the Government or a public body during the appropriate period, to which the person concerned was a party or in which he or she was interested in any other way, directly or indirectly, if the aggregate value of the goods or services supplied to a Minister of the Government or a public body during the appropriate period exceeded €6,500.

Ethics in Public Office Acts, 1995 and 2001

Designated Positions of Employment

Statement of Interests for the purpose of section 18 of the

Ethics in Public Office Act, 1995

Name:	
Position Held:	
Public Body:	
Date of Appointment:	
Period comprehended by this Statement:	1 January 2006 - 31 December 2006
Address for correspondence:	

In relation to each of the following registrable interests, you should state any interest held **by you** and any interests held, to your knowledge, **by your spouse, a child of yours, or a child of your spouse**, which could materially influence¹ you in or in relation to the performance of your official functions. **The amount or monetary value of the interests need not be specified.** Explanatory notes on certain of the required statements are attached.

1. OCCUPATIONAL INCOME

Details of any remunerated trade, profession, employment, vocation or other occupation (other than your current position), the remuneration from which exceeded €2,600, during the period comprehended by this statement, should be listed here.

Description of trade, occupation, etc.	Business Address
<u>Self:</u>	
<u>Spouse or Child (name):</u>	

2. SHARES ETC.

Details of any holding of shares in, or bonds or debentures of, or other like investments in, a particular company or other enterprise or undertaking, where the aggregate value of the holding exceeded €13,000 at any time during the period comprehended by this statement, should be listed here².

Type of Holding	Where held	Nature of Business
<u>Self:</u>		
<u>Spouse or Child (name):</u>		

3. DIRECTORSHIPS

Details of any directorship or shadow directorship of any company held during the period comprehended by this statement should be listed here³.

Type of Directorship	Business Address	Nature of Business
<u>Self:</u>		
<u>Spouse or Child (name):</u>		

4. LAND

Details of any interest in land where the value of such interest exceeded €13,000 at any time during the period comprehended by this statement should be listed here, including –

- (i) any contract entered into for the purchase of land, whether or not a deposit or part payment has been made under the contract; and
- (ii) any option held to purchase land, whether or not any consideration has been paid in respect thereof, or land in respect of which such an option has been exercised but has not yet been conveyed⁴.

Property Address	Purpose for which used
<u>Self:</u>	
<u>Spouse or Child (name):</u>	

5. TRAVEL, ACCOMMODATION, MEALS, ETC.

Details of travel facilities, living accommodation, meals or entertainment supplied during the period comprehended by this statement, free of charge or at a price that was less than the commercial price or prices, should be listed here⁵.

Full Description	Name and Address of Supplier
<u>Self:</u>	
<u>Spouse or Child (name):</u>	

6. OTHER REMUNERATED POSITIONS

Details of any remunerated positions held as a political or public affairs lobbyist, consultant or adviser during the period comprehended by this statement, should be listed here.

Full Description of Position	Name and Address of Person / Company / Organisation
<u>Self:</u>	
<u>Spouse or Child (name):</u>	

7. PUBLIC SERVICE CONTRACTS

Details of any contract to which the person concerned was a party, or was in any other way, directly or indirectly interested, for the supply of goods or services to a Minister of the Government, or a public body during the period comprehended by this statement, if the value of the goods or services supplied exceeded €6,500 or, in case other goods or services were supplied under such a contract if the aggregate of their value and the value aforesaid exceeded €6,500, should be listed here.

Description of Contract and Interest	Name and Address of Contractor	Minister /Public Body Concerned
<u>Self:</u>		
<u>Spouse or Child (name):</u>		

8. GIFTS, PROPERTY & SERVICES

Details of:

- (i) any gift given during the period comprehended by this statement⁶;
- (ii) property supplied or lent, or a service supplied to the person, once or more than once by the same person, during the period comprehended by this statement, for a consideration or considerations, or at a price or prices less than the commercial consideration or considerations, or the commercial price or prices, by more than €650; and
- (iii) property lent, or a service supplied to the person, once or more than once by the same person, during the period comprehended by this statement, free of charge if the commercial consideration or considerations, or the commercial price or prices was, or were more than €650⁷;

should be listed here⁸.

Full Description of Gift, Property and/or Service	Name and Address of Benefactor, Supplier and/or Lender
<u>Self:</u>	
<u>Spouse or Child:</u>	

9. OTHER INTERESTS

In line with the provisions of Section 30 of the Ethics in Public Office Act, 1995, voluntary statements in respect of any interests not specified in the Second Schedule to that Act (i.e., other than those specified at 1. to 8. above), and which are held by **you or your spouse, or a child of yours or your spouse**, may be listed here if it is considered that such interests could materially influence you in or in relation to the performance of your official duties.

Self:

Spouse or Child (name):

Signed: _____ **Dated:** _____

NOTES

¹ affect a decision relating to your functions in order to confer on or withhold from you or a connected person, a significant benefit or impose on you or a connected person a significant loss, liability, penalty, forfeiture, punishment or other disadvantage, without also affecting people generally, or a significant class in a similar way.

² "holding" does not include money in a current, deposit or other similar account with a financial institution.

³ "shadow directorship" means the position held by a person who is a shadow director within the meaning of the Companies Acts, 1963 to 1990, or, in the case of a public body that is not a company (within the meaning of the Companies Acts, 1963) and is specified in subparagraph (8), (9), (10), (11), or (12), or stands prescribed for the purposes of subparagraph (13), of paragraph 1 of the First Schedule to the Ethics in Public Office Act, 1995, the position held by the person in accordance with whose instructions or directions, the members of the body, or the members of the board or other body that controls manages or administers that body, are accustomed to act.

⁴ but excluding any interest in land consisting of any private home of the person or of his or her spouse, that is to say, a building or part of a building that is occupied by the person, or his or her spouse, or a child of the person, or of the spouse, as a separate dwelling and any garden or other land usually occupied with the dwelling, being land that is subsidiary or ancillary to it, is required for its amenity or convenience and is not being used or developed primarily for commercial purposes.

⁵ but excluding:

- (a) travel facilities, living accommodation, meals or entertainment provided
 - (i) within the State, or
 - (ii) in the course and for the purpose of:
 - the performance of the functions of the person as an occupier of a designated position, or
 - the trade, profession, employment, vocation or other occupation of the person (other than current position);
- (b) travel facilities, living accommodation, meals or entertainment supplied to the person by a relative or friend of the person, or of his or her spouse, or of a child of the person or of his or her spouse, where such supply was in the nature of a gift to the person and for personal reasons only, unless the acceptance of such facilities, accommodation, meals or entertainment might reasonably be seen to have been capable of influencing him or her in the performance of his or her functions as a holder of a designated position;
- (c) travel facilities, living accommodation, meals or entertainment supplied to the person, once or more than once by the same person during the period comprehended by this statement, free of charge if the commercial price, or the aggregate of the commercial prices, of the facilities, accommodation, meals or entertainment did not exceed €650; or
- (d) travel facilities, living accommodation, meals or entertainment supplied to the person, once or more than once by the same person during the period comprehended by this statement, at a price or prices less than the commercial price or prices by not more than €650.

⁶ but excluding:

- (i) a gift to the person by a relative or friend of the person or of his or her spouse, or of a child of the person or of his or her spouse, for purely personal reasons only, unless the acceptance of the gift by the person could have materially influenced him or her in the performance of his or her functions as an occupier of a designated position; and

- (ii) a gift given to the person, or gifts given to the person by the same person, during the period comprehended by the statement, as respects which the value, or the aggregate value, of the property the subject of the gift or gifts did not exceed €650 at any time during the period comprehended by the statement.

⁷ other than property supplied or lent, or a service supplied to a person by a relative or friend of the person, or of his or her spouse, or of a child of the person or of his or her spouse, where such supply or loan was in the nature of a gift to the person and for personal reasons only, unless the acceptance of the property or loan or the service by the person could have materially influenced him or her in the performance of his or her functions as an occupier of a designated position.

⁸ insofar as services in (ii) and (iii) relate to legal or medical services (including psychiatric or psychological services), it is only necessary to state that such services were supplied to you or to a person (who need not be identified) in respect of whom you are required to make a statement.

Ethics in Public Office Act, 1995 and 2001

Designated Positions of Employment

Statement of Nil Interests
for the purpose of section 18 of the Ethics in Public Office Act, 1995

Name:	
Position Held:	
Public Body:	
Date of Appointment:	
Period ¹ Covered by this Statement:	1 January 2006 – 31 December 2006
Address for Correspondence:	

I hereby state that, in respect of the period covered by this statement, there are no registrable interests, as specified in the Ethics in Public Office Act, 1995, of my own, or, to my actual knowledge, of a spouse or child, which could materially influence me in, or in relation to, the performance of the functions of the position described above.

I am also aware of the obligations placed on me by Section 18(2)(b) of the Ethics in Public Office Act, 1995 ²(see below).

Signed: _____

Date: _____

¹ Standard registration year (1 January to 31 December) or any part thereof

² 18(2)(b) *in any case where such a function (of the position) falls to be performed and he or she has actual knowledge that he or she or a connected person has a material interest in a matter to which the function relates (he or she)-*

- (i) shall, as soon as may be, prepare and furnish to the relevant authority a statement in writing of those facts,*
- (ii) shall not perform the function unless there are compelling reasons requiring him or her to do so, and*
- (iii) shall, if he or she proposes to perform the function, prepare and furnish to the relevant authority, before or, if that is not reasonably practicable, as soon as may be after such performance, a statement in writing of the compelling reasons aforesaid.*