



lwetb

*Bord Oideachais agus Oiliúna
an Longfoirt agus na hIarmhí*
Longford and Westmeath
Education and Training Board

Title	LWETB Disclosure of Interest Policy
Date	19 th November, 2019
Approved By	LWETB Meeting 18 th November, 2019

LWETB Disclosure of Interest Policy

1. Background

The Code of Conduct, section 5a, states that a policy document on disclosure of interests must be made available to all members of the Board of LWETB. To ensure continued integrity and transparency and to avoid public concern or loss of confidence, the Board of LWETB must ensure that appropriate policies are in place so the members take decisions objectively and steps are taken to avoid or deal with any potential conflicts of interest, whether actual or perceived.

2. Definition of Interest

The provisions of paragraph 10 of Schedule 3 of the Education and Training Boards Act 2013 apply where a member has a pecuniary interest or other beneficial interest in, or material to any of the following matters arising at a board meeting:

- (a) an arrangement to which the board is a party,
- (b) an arrangement to which the board proposes to become a party,
- (c) a contract or other agreement with the board, or
- (d) a proposed contract or other agreement with the board

3. Procedures for LWETB Board Meetings

In accordance with the ETB Act, 2013: Schedule 3(10), 3(11), 3(12), Members of LWETB must sign a conflict of interest disclosure form and advise the Chairperson of any disclosures or conflicts of interests at the beginning of each board meeting. Where an interest is disclosed, the disclosure shall be recorded in the minutes of the meeting concerned and, for so long as the matter to which the disclosure relates is being dealt with by the meeting, the member of the board by whom the disclosure is made shall not be present for the meeting or counted in the quorum for the meeting.

4. Disclosure of Interest by Board Members in accordance with the Code of Practice for the Governance of Education and Training Boards

Paragraph 5.4 of the Code of Practice for the Governance of Education and Training Boards states:

“Each member of the Board of an ETB and each person holding a designated position of employment within an ETB must comply with the relevant provisions of the Ethics in Public Office Act, 1995 and the Standards in Public Office Act, 2001”

- a) **Periodic Disclosure of Interest:** On appointment and annually thereafter, each board member should furnish to the Chairperson a statement in writing of:
 - the interests of the board member;
 - interests of which the board member has actual knowledge; of his/her spouse or civil partner, child or child of his/her spouse or civil partner;

which could materially influence the board member in, or in relation to, the performance or his/her official functions by reason of the fact that such performance could so affect those

interests as to confer on, or withhold from, the board member, or the spouse or civil partner or child, a substantial benefit.

For the purpose of this disclosure interests has the same meaning as that contained in the Ethics in Public Office Act 1995. The statement of interests form used for annual statements under the 1995 Act could be utilised for this purpose on an administrative basis.

- b) **Disclosure of interest relevant to a matter which arises:** In addition to the periodic statements of interest required under (a) above, Board members are required to furnish a written statement of interest at the time where an official function falls to be performed by the Board member and he/she has actual knowledge that he/she, or a connected person as defined in the Ethics Acts, has a material interest in a matter to which the function relates. For the purposes of this disclosure, material interests has the same meaning as that contained in the Ethics in Public Office Act 1995.
- c) **Doubt:** If a Board member has a doubt as to whether an interest should be disclosed pursuant to this Code, he/she should consult with the Chairperson of the Board and/or the nominated person in LWETB for dealing with such queries.
- d) **Confidential Register:** Details of interests disclosed under this Code should be kept by the administrative support to the Board or other nominated person in a special confidential register. Access to the register should be restricted to the Chairperson and senior administrative support person to the Board and other members of LWETB executive and board members on a strictly need to know basis.
- e) **Chairpersons' Interests:** Where a matter relating to the interests of the Chairperson arises, the other members attending the meeting shall choose one of the members present at the meeting to chair the meeting. The Chairperson should absent himself/herself when the Board is deliberating or deciding on a matter in which the Chairperson or his/her connected person has an interest.
- f) **Documents Withheld:** Board documents on any deliberations regarding any matter in which a member of the Board has disclosed a material interest should not be made available to the Board member concerned.
- g) **Early Return of Documents:** As it is recognised that the interests of a Board member and persons connected with him/her can change at short notice, a Board member should, in cases where he/she receives documents as part of the work of the Board relating to his/her interests or of those connected with him/her, return the documents to the senior administrative support person of the Board at the earliest opportunity.
- h) **Absent:** A member should absent himself/herself when the Board is deliberating or deciding on matters in which that member (other than in his/her capacity as a member of the Board) has declared a material interest. In such cases consideration should be given as to whether as separate record (to which the board member would not have access) should be maintained.
- i) **Uncertainty:** Where a question arises as to whether or not an interest declared by a Board member is a material interest, the Chairperson of the Board should determine the question as to whether the provisions of this Code apply. Where a Board member is in doubt as to whether he or she has an obligation under the Ethics in Public Office Acts 1995 and 2001, he or she should seek advice from the Standards in Public Office Commission under section 25 of the Ethics in Public Office Act 1995.