



etbi
Education and Training
Boards Ireland
*Boird Oideachais agus
Oiliúna Éireann*

CONFLICT OF INTEREST

POLICY

*For all staff in
Education and
Training Boards
Ireland*

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I. DEFINITIONS

Conflict(s) of Interest/Conflict(s) means an actual, perceived or potential conflict where the personal interests of a person may be in conflict (or perceived to be in conflict) with the interests of ETBI and as more specifically described at section 5 of the Policy.

Policy means this Conflict of Interest Policy.

Staff means all employees and full and part time staff of the ETBI.

2. INTRODUCTION

2.1 Education and Training Boards Ireland (ETBI) is committed to the highest possible compliance standards with our legal and ethical obligations. ETBI values transparency and accountability in its administrative and management practices. Overall responsibility for this Policy & Procedures rests with ETBI's Council. Day-to-day responsibility for implementing the Policy & Procedures is delegated to the General Secretary and the Executive Leadership Team (ELT).

2.2 This policy sets out the procedures to be followed by ETBI in respect to actual, perceived or potential conflicts of interest. ETBI encourages staff to engage in external activities, many of which are also of benefit to ETBI. On occasion activities may give rise to Conflicts of Interest. This policy seeks to manage these Conflicts of Interest in a manner that is fair to all.

2.3 Staff must disclose to ETBI the activities that may give rise to conflicts. In most cases the notification of Conflict of Interest may be all that is necessary to fulfil the obligation required under the policy, depending on the circumstances. However, there may be occasions where intervention by ETBI will be required to manage that Conflict of Interest.

2.4 The purpose of this policy is to set out examples which may give rise to Conflicts of Interest and establish the policy for the notification and management of the conflict. The overarching message is that where there is any uncertainty on the matter, the Conflict of Interest should be notified to the identified authorities in ETBI and other appropriate bodies. The notifications made under this policy do not replace or substitute any additional declarations of conflicts that an individual may need to make to third parties.

2.5 Staff are also referred to the Grievance Procedure and the Disciplinary Procedure and Code of Conduct.

3. APPLICATION & SCOPE

- 3.1 This policy applies to all staff of Education and Training Boards Ireland (ETBI).
- 3.2 The policy requires that all individuals maintain an awareness of situations in which that person may have a Conflict of Interest. The Conflict of Interest must be disclosed as provided for below.
- 3.3 If an individual is unsure if this policy may apply to them, the matter should be raised to the appropriate Line Manager, the HR Department and Director.

4. CONFLICTS OF INTEREST

- 4.1 As set out above a Conflict of Interest is an actual, a potential or a perceived Conflict of Interest.
- 4.2 A Conflict of Interest arises when the commitments, duties, independence, and objectivity owed by a staff member of ETBI are likely to be or may appear to be compromised by a commitment to another body or person (such as a private company; funding body; family member; or a close friend). This includes where the individual may have resulting personal gain or benefit (financial or otherwise) or there may be gain or benefit to a family member or a close friend. A Conflict of Interest may be financial or non-financial.
- 4.3 A Conflict of Interest may also arise where an individual's judgement with respect to work being carried out for ETBI is unduly influenced by a secondary interest or there is seen to be an incentive to take certain actions by the individual.
- 4.4 Where there is an appearance of or potential for a Conflict of Interest, even where none arises, the matter should be disclosed. Individuals must consider how a situation may be perceived.

4.4.1 Financial Conflicts

A financial Conflict of Interest is one, as outlined above, where there is or appears to be an opportunity for personal financial gain or financial gain to a oneself, a family member, close friend or otherwise connected person. The financial value is immaterial and financial interest would include anything of monetary value. Any financial interest should be disclosed in accordance with this policy.

4.4.2 Non-financial Conflicts

A non-financial Conflict of Interest may include any kind of benefit or advantage, including any form of career enhancement (direct or other enhancement of education or similar gain for the individual or a to a family member or close friend).

Recognising that it is difficult to anticipate all conflicts in advance, staff are reminded that questions regarding this Conflict of Interest Policy may be made informally and confidentially at any time to the HR Department.

5. PROCEDURE

5.1 It is the duty of all persons to whom this policy applies to disclose any potential or perceived Conflict of Interest.

5.2 The Conflict of Interest shall be reported, as set out below, at the time the Conflict of Interest first arises or the first indication that there may be a perception of a potential for a conflict.

5.3 The Conflict of Interest shall be reported in writing using Appendix 1 as follows:

STAFF

- To the Line Manager and the HR Department
- If the Line Manager has an interest in the matter, the Conflict of Interest should be reported to the relevant Director and the HR Department.

5.4 Where advice received in relation to a given conflict (from the appropriate reporting line) is adhered to then there will be no further ETBI accountability to that person, this is subject to full disclosure of the conflict. It should be noted that this does not remove any external obligations such as legal actions outside of ETBI. An annual reminder will be distributed to all those which this policy applies to of their requirement to disclose any potential or perceived Conflict of Interest.

5.5 The annual reminder, sent electronically, will include a declaration, Appendix 2, where all staff will be required to confirm that they understand and will comply with the Policy and have no current unreported conflict.

5.6 In many instances there will be nothing further required. The declaration will be recorded on HR Sharepoint. These registers will be held confidentially, and each record will be held for the appropriate duration.

5.7 Any Conflict of Interest disclosed must be updated as new information becomes available which could affect the previously notified conflict.

5.8 The Conflict Register will be reviewed at regular intervals by the relevant Director and an annual report will be provided to the ETBI's Council.

5.9 ETBI has in place a Conflict of Interest Committee. In the event that a conflict cannot be

adequately resolved at Director level it should be referred to the Conflict of Interest Committee who may issue directions or guidance on the conflict.

5.10 In some cases, there may be a need for ETBI to manage the conflict. In such cases the process for management of the conflict should be documented and all interested parties should receive a copy. The following may be appropriate ways in which to manage the Conflict of Interest but this is not an exhaustive list:

- Abstention from meetings, decisions, or discussions on certain matters
- Not sitting on an interview panel & signing the Conflicts of Interest Notification Form prior to the interview;
- Referring to others certain matters for decision;
- Standing aside from any project that creates the Conflict of Interest;
- Declaring the Conflict of Interest to a relevant third party (for example a funding body).

5.11 Any decision of the Conflict of Interest Committee can be appealed to the General Secretary. The decision of the General Secretary shall be final notwithstanding the option to avail of ETBI's grievance procedures.

5.12 Directors should review conflicts which become disclosed at departmental meetings to ensure that the Conflict of Interest is being actively managed.

6. ROLE OF CONFLICT OF INTEREST COMMITTEE

6.1 The role of the Conflict of Interest Committee is to provide overall governance and management to ETBI in relationship to conflicts of interest. Duties of the Committee as per the Terms of Reference are attached as Appendix 3.

7. NON-DISCLOSURE OF CONFLICT

7.1 If there is a non or partial disclosure of a Conflict of Interest or failure to complete the Annual Declaration, ETBI reserves the right to invoke the Disciplinary Policy in relation to the matter.

8. CONFIDENTIALITY AND FREEDOM OF INFORMATION

8.1 Conflicts of Interest notifications may be subject to disclosure under Freedom of Information.

8.2 All Conflicts of Interest disclosures and related discussions will be held in confidence to the maximum extent permissible but shall be saved into the Conflict Register. Any personal data shall be held and maintained in accordance with data protection requirements and ETBI's Data Protection Policy.

9. SUPPORT AND ADVICE

9.1 Any worker who makes a Protected Disclosure may rely on the support and advice of the Human Resources/Industrial Relations Governance Officer.

10. RECORD KEEPING

10.1 All records related to the protected disclosure will be kept securely by HR Department. Access will ordinarily be restricted, to the extent possible, to those directly involved in the conflict of interest investigation and to the General Secretary and their nominee or Chairperson of ETBI as appropriate.

10.2 Regarding anonymous disclosures, should it be decided that no further action is to be taken, details of such disclosures and the reasons for taking no further actions will be recorded.

11. REVIEW OF POLICY

11.1 There will be a review of this policy two full years after its introduction or earlier if deemed necessary by ETBI management.

12. APPENDICES

12.1 Appendix 1 - Conflict of Interest Notification Form

NAME:
POSITION:
SCHOOL/FUNCTION:

OUTLINE NATURE OF CONFLICT OR PERCEIVED CONFLICT OF INTEREST:

NAME OF ANY THIRD PARTY CONNECTED TO CONFLICT:

I hereby declare the above conflict of interest in accordance with ETBI's Conflict of Interest Policy. I agree that if necessary, I shall take the necessary steps to manage this conflict. I note that recommendations may be made to me with respect to the management of the conflict and where necessary I may be directed to take certain actions. I confirm that I have no other conflicts of interest, other than conflicts which I have disclosed.

Signature:

Signature Head of Director:

Date:

12.2 Appendix 2 - Annual Conflict of Interest Declaration

I confirm I understand the Conflict of Interest Policy

I confirm I will abide by the Conflict of Interest Policy

I confirm I have no unreported Conflicts

12.3 Appendix 3 – Duties

The role of the Conflict of Interest Committee is to provide overall governance and management in relationship to conflicts of interest. The duties of the committee as per the Terms of Reference section 9 are as follows:

1. Advising ETBI and the Directors within ETBI on conflicts and the Conflicts of Interest Policy.
2. Recommend the Conflict of Interest Policy and Conflict of Interest Committee terms of reference to Governing Body for approval.
3. Monitoring Conflicts of Interest and review and update the Conflict of Interest Policy where necessary.
4. Ensure there are systems in place to promote and monitor compliance with the Conflict of Interest Policy.
5. Promptly review and determine the status of all reported activities and interests;
6. Handle and maintain all reported activities and interests in confidence;
7. Ensure actions are implemented;
8. Establishing a training plan and providing training for executive team and staff.
9. Implementing a risk-based approach to the annual COI declarations.
10. Issuing direction or guidance on conflicts that are referred to the Committee.
11. Advising on any questions referred to the Committee.
12. Establish a standardised register template and ensure regular review/audit of the register.
13. Provide an Annual Report to ETBI's Council.
14. Carry out (or have carried out) such other activities as may be reasonably necessary for the proper implementation and administration of this Policy.