

Framework for a Code of Business Conduct – HEA and IRC Employees – V. 2.0 approved at Board Meeting 6/11/18

Introduction

The first Code of Conduct for Employees was prepared in 2008 under an earlier Code of Practice. This revised framework is based on the 2016 Code. In accordance with the 2016 Code staff have been consulted on the terms of the framework. This Code will be subject to approval of the Board.

Scope

This code sets out the agreed standard of principle and practice which will inform the conduct of employees of the Higher Education Authority including those employed in the Irish Research Council (IRC). Employees are expected to comply with this written code. Staff should be aware that the Ethics in Public Office Act, 1995 also applies to members of the Senior Management Team and other posts that may be designated from time to time.¹

For the purposes of this document reference to the Authority refers to both documentation submitted to the Authority and material held by the Executive. For the purposes of clarity this Code refers both to electronic records and paper records. Should an employee have any doubt in relation to any aspect of the code she or he should consult the Chief Executive.

Objectives of the Code

This code seeks to;

- Establish an agreed set of ethical principles which will underpin the work of the Authority.
- Promote and maintain confidence and trust in the work of the Authority.
- Prevent the development or acceptance of unethical practices.

General Principles

Employees should observe the following general principles;

¹ Currently includes Senior Manager, Capital Funding.

- ***Integrity***

- disclosure by staff of outside employment/business interests in conflict or in potential conflict with the work of the Authority;
- Management and employees should not be involved in outside employment/business interests in conflict, or in potential conflict, with the business of the HEA and IRC;
- avoidance of the giving or receiving of corporate gifts, hospitality, preferential treatment or benefits which might affect or appear to affect the ability of the donor or the recipient to make independent judgement; staff shall comply with the HEA's policy on the making of, and receiving of gifts;
- Commit to compete vigorously and energetically but also ethically and honestly;
- conduct of purchasing activities of goods/services in accordance with best business practice;
- Ensure a culture of claiming expenses only as appropriate to business needs and in accordance with good practice in the public sector generally;
- ensuring that the Authority's accounts/reports accurately reflect their business performance and are not misleading or designed to be misleading;
- avoidance of use of the Authority's resources or time for personal gain or solely for the benefit of persons/organisations unconnected with the HEA;
- commitment not to acquire information or business secrets by improper means.

- ***Information***

- The HEA will seek to ensure that access to general information on the activities of the HEA is facilitated in a manner that is open and enhances its accountability to the general public.

Employees shall -

- uphold the confidentiality of sensitive information held by the Authority. Confidential information should not be disclosed without the approval of a staff member at Assistant Principal grade or higher. If in doubt consult your supervisor. This includes material such as:
 - reports not already published;
 - information received in confidence by the Authority;
 - personal information; and
 - commercial or institution specific sensitive information (including, but not limited to, future plans or details of major organisational or other changes such as restructuring);
 - observe appropriate prior consultation procedures with third parties where, exceptionally, it is proposed to release sensitive information in the public interest;
 - comply with relevant statutory provisions (e.g. data protection legislation, the Freedom of Information Act, 1997).
- ***Obligations***

Employees shall -

- Fulfil all regulatory and statutory obligations imposed on the HEA;
- Comply with detailed tendering and purchasing procedures, as well as complying with prescribed levels of authority for sanctioning any relevant expenditure.
- cooperate with controls put in place to prevent fraud and comply with prescribed procedures in relation to claiming of expenses for business travel;
- employees are required to co-operate with internal audit in the internal audit process.
- recognise that the acceptance of positions following the cessation of employment with the HEA can give rise to the potential for conflicts of interest and to confidentiality concerns. A former member of staff shall continue to respect the confidentiality of sensitive material held by the Authority in any

dealings he/she may have following the cessation of their employment with the HEA.

- Acknowledge the duty of all to conform to highest standards of business ethics.

- **Loyalty**

- Acknowledge the responsibility to be loyal to the HEA and Council and fully committed in all its business activities while mindful that the organisation itself must at all times take into account the interests of the shareholder.

- ***Fairness***

The Authority will -

- ensure that it complies with employment equality and equal status legislation including the HEA's Dignity at Work Policy and;
- be committed to fairness in all its activities; and
- will value stakeholders of the HEA and treat all equally.

- ***Work/External Environment***

The Authority will -

- place the highest priority on promoting and preserving the health and safety of employees and;
- ensure that community concerns are fully considered.
- Promote the development of a culture of 'speaking up' whereby workers can raise concerns regarding serious wrongdoing in the workplace without fear of reprisal.
- Minimise any detrimental impact of the operations on the environment

- ***Communications***

Employees shall -

- adhere to the HEA policy that only the Chairperson, Chief Executive, or their nominee speaks on behalf of the Authority to the media;

- recognise that communication of decisions taken by the Authority is to be conveyed by the CEO or a person nominated by him or her.
- Adhere to the HEA's Communications Strategy and Social Media Policy

- ***Responsibility***
 - This Code of Business Conduct will be circulated to all employees for their retention;
 - the above recipients will acknowledge receipt and understanding of same; and
 - Management will prepare an explanatory booklet providing practical guidance and direction on such areas as gifts and entertainment and on other ethical considerations which arise routinely.

- ***Review***
 - The Authority will review this Code of Business Conduct as appropriate.

Appendix One

Acceptance of outside appointments and of consultancy engagement following expiry of office, resignation or retirement

The following provisions, which will apply for a period of 12 months after their membership ceases, are designed to foster a culture in which HEA members and employees are fully aware of the potential for conflict of interest in accepting positions outside the HEA. It is important to declare to the appropriate authority (see below) such potential conflicts of interest in order to avoid any suspicion that the advice and decisions of a serving officer might be influenced by the expectation of future employment with a particular firm or organisation. However, it is not the intention to place an unnecessary burden on members or designated employees in this regard and it is expected that these provisions will not affect the generality of former members of staff joining outside employment.

Any former member or employee intending to be engaged in or connected with (i) any outside business with which he or she had official dealings or (ii) any outside business that might gain an unfair advantage over its competitors by employing him or her, must inform the appropriate authority outlined below of such an intention. Additionally, members and staff who hold positions which are “designated positions” for purposes of the Ethics Acts shall not, within twelve months of their membership expiring/resigning or retiring as a Member/Employee

- accept an offer of appointment from an employer outside the HEA, where the nature and terms of such appointment could lead to a conflict of interest, without first obtaining approval from the appropriate authority as outlined below.

or

- accept an engagement in a particular consultancy project, where the nature and terms of such appointment or engagement could lead to a conflict of interest, without first obtaining approval from the appropriate authority as outlined below.

The HEA is required to monitor the acceptance of outside appointments by former members and staff.

For the purpose of this policy the following shall be the appropriate authority;

Former Chairman – current chairman or deputy chair

Other Members – chairman

Chief Executive Officer – chairman

Other staff holding designated positions (staff who are required to submit returns under the Ethics in Public Office Acts – Chief Executive.

The Chairman and/or Chief Executive reserve the right to take appropriate action in the event that the provisions of this policy are not complied with including notifying the Minister for Education & Skills and Minister for Public Expenditure & Reform.