



Coimisiún na Scrúduithe Stáit
State Examinations Commission

State Examinations Commission

Code of Business Conduct

For Commissioners

FINAL October 2013

The Code of Practice for the Governance of State Bodies requires that each state body should have a written code of business conduct for its Directors and employees. The employees of the State Examinations Commission (SEC), as civil servants, are bound by the terms and conditions of employment in the Irish Civil Service and the Civil Service Code of Standards and Behaviour.

This code sets out the agreed standards of principle and practice which will inform the conduct of Commissioners of the State Examinations Commission and its Committees. Commissioners are expected to voluntarily comply with this written code. Commissioners should also take into account their obligations under the Ethics in Public Office Act. Should a Commissioner have any doubt in relation to any aspect of the code she or he should consult the Chairperson or Chief Executive Officer (CEO).

Objectives of the Code

This code seeks to;

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

General Principles

Commissioners should observe the following general principles.

Integrity

Commissioners should

- Submit annually a declaration of interests statement in accordance with the Code of Practice for the Governance of State Bodies
- Disclose outside employment/business interests which may be in conflict ,or in potential conflict, with the work of the SEC
- Not participate in discussions or decisions involving conflicts of interest whether or not such conflicts have previously been disclosed. Where a matter relating specifically a real or potential conflict of interest is under consideration by the SEC they should reveal the interest to the other Commissioners and recuse themselves when the matter is under consideration and or discussion. All documentation relating to the matter should be returned. For ongoing matters the documentation relating to the issue should not be provided to the individual concerned.
- Not promote their own interests. Where a matter relating specifically to their own interests is under consideration by the SEC they should reveal the potential conflict to the other Commissioners and recuse themselves when the matter is under consideration and or discussion. All documentation relating to the matter should be returned. For ongoing matters the documentation relating to the issue should not be provided to the individual concerned.
- Avoid 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

- Ensure that the SEC's accounts/reports accurately reflect their business performance and are not misleading or designed to be misleading
- Avoid use of the SEC's resources or time for personal gain or solely for the benefit of persons/organisations unconnected with the SEC
- Commit not to acquire information or business secrets by improper means.

Information

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

Commissioners should;

- respect the confidentiality of sensitive information held by the SEC. This includes material such as:
 - reports submitted for consideration by the SEC;
 - information received in confidence by the SEC;
 - personal information including examination results;
 - information relating to the involvement or performance of individual schools in the certificate examinations, or aspects thereof
 - material to be included in examinations papers and other test instruments if this information is brought to their attention for emergent reasons
 - commercial or other specific sensitive information (including, but not limited to, future plans or details of major organisational or other changes such as restructuring)

(Notwithstanding the above Commissioners may, in the interests of being as well briefed as possible, seek objective information, on a matter under consideration by the SEC.)
- 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, Freedom of Information Acts 1997 and 2001).

Obligations

Commissioners should;

- ensure that the SEC fulfils all of its regulatory and statutory obligations
- ensure that the SEC complies with detailed tendering and purchasing procedures, regulations and guidelines
- comply with prescribed levels of authority for sanctioning any relevant expenditure
- be satisfied that controls to prevent fraud have been put in place including adequate controls to ensure compliance with prescribed procedures in relation to claiming of expenses for business travel
- use their reasonable endeavours to attend all SEC meetings
- recognise that the acceptance of positions following membership of the SEC can give rise to the potential for conflicts of interest and to confidentiality concerns. A

Commissioner shall continue to respect the confidentiality of sensitive material held by the SEC in any dealings he/she may have following the termination of his/her position as Commissioner. The Code for the Governance of State Bodies 2009 recommends that “the acceptance of further employment where the potential for conflict of interest arises should be avoided during a reasonable period of time after the exercise of a function in the State body has ceased”.

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

Fairness

Commissioners should;

- comply with employment equality and equal status legislation
- commit to fairness in their business dealings
- value the customers and stakeholders of the SEC equally and treat all equitably.

Work Place/Environment

Commissioners should;

- place the highest priority on promoting and preserving the health and safety of fellow Commissioners and employees
- ensure that community concerns are fully considered
- minimise any detrimental impact of the operations of the SEC on the environment.

Communications

Commissioners should;

- observe SEC policy that only the Chairperson, CEO, or their nominee speaks on behalf of the SEC to the media or to the Education partners, including the department of Education and Skills
- ensure that any correspondence received by Commissioners relating to their work as Commissioners should be referred to the Executive for appropriate response.

Responsibility

The Chairperson of the SEC will arrange for this Code of Business Conduct and/or the Civil Service Code of Standards and Behaviour along with guidelines on the disclosure of interests to be circulated to all Commissioners, Committee Members and Management for their retention. All recipients must acknowledge receipt and understanding of same.

An explanatory booklet and practical guidance and direction on such areas as gifts and entertainment and on other ethical considerations which arise routinely will be provided

Review

The State Examinations Commission commits to review this Code of Business Conduct on the intake of a new Commission or as the need arises.

APPENDIX A

Protocol on the circulation and maintenance of confidentiality of documents of the SEC

Introduction

1. The SEC is committed to openness and transparency in its operations and will pro-actively comply with its obligations under Freedom of Information legislation. However, the unauthorised release of documentation or information can hamper the work of the SEC and damage the integrity of its operations. This protocol sets out procedures to be followed in order to provide safeguards to ensure that confidential documents and information of the SEC are disclosed only in an authorised way.
2. This Protocol applies to all documents circulated to the Commission whether for the purpose of a meeting of the Commission or to which a Commissioner has access to otherwise in his or her role. In the case of members of staff of the SEC, the Protocol applies to all documents a staff member has access to as part of his or her duties.

Access to relevant documents

3. The SEC Executive shall operate at all times in accordance with the principle that Commissioners are entitled to all information relevant to any matter on the agenda of a meeting of the Commission and that such information should be made available to each Commissioner in good time before the meeting at which the matter is for discussion or decision.
4. The Executive, in consultation with the Chairperson, shall decide on the documents which are relevant to any matter on the agenda of a Commission meeting. In deciding on whether a document is relevant or not they will be predisposed towards provision.
5. Where a Commissioner is of the opinion that a document which is relevant to a matter for discussion or decision has not been made available to him or her, he or she shall as soon as practicable, inform the Chairperson of his or her opinion and the Chairperson, in consultation with the CEO, shall decide whether the document is, or is not, relevant.
6. A Member who, having had his or her request for documents refused in accordance with paragraph 5, may table the matter as an agenda item at the next meeting of the Commission, immediately following the decision and the decision of the Commission on the matter shall be final.

Restricted circulation

7. Notwithstanding Paragraph 5 above, the CEO may, with the agreement of the Chairperson, circulate any document on a restricted basis only, where he or she is of the opinion that this is necessary in the interests of the effective conduct of the business of the SEC, the best interests of the SEC generally or there are other good and substantial reasons for so doing.
8. Where the CEO has, with the consent of the Chairperson, decided to circulate documents on a restricted basis only, he or she shall inform each of the Commissioners of that decision when the documents relating to the agenda of the meeting concerned are circulated and the reasons for that decision.

9. If a Commissioner is dissatisfied with the decision of the CEO, he or she may inform the Chairperson, who may, following consultation with the CEO reverse the decision in whole or in part.
10. A Commissioner who, who is unhappy with the decision taken in relation to the circulation of restricted documents as set in paragraph 9, may table the matter as an agenda item at the next meeting of the Commission, immediately following the decision and the decision of the Commission on the matter shall be final.
11. For the purposes of this Protocol restricted circulation means –
 - (a) circulation of a document only at the meeting where the matter it relates to is to be discussed and return of the document to the CEO on completion of the discussion of the matter at that meeting;
 - (b) circulation of part only of a document either in the normal way or as at sub-paragraph (a) above, or
 - (c) non-circulation of a document.

Staff of the SEC

12. While it is desirable that staff of the SEC be informed in advance of the agenda of a meeting of the Commission and that each of them, as appropriate, have access to all documents relating to agenda items, the CEO may confine access to any document as he or she considers appropriate.

Co-operation with inquiries

13. Where an unauthorised publication of a document occurs each Commissioner and each staff member shall co-operate fully with any inquiry into that publication as shall be carried out on behalf of the SEC.