

STAFF CODE OF BUSINESS CONDUCT BROADCASTING COMMISSION OF IRELAND

1. Introduction

The Broadcasting Commission of Ireland (BCI) has developed this Staff Code of Business Conduct for members of staff of the Commission as required under Paragraph 2.1 of the Code of Practice for the Governance of State Bodies. The Code of Practice requires that the Commission approves a Code of Business Conduct, taking account of the implications of the Standards in Public Office Acts, 1995 and 2001. A copy of the Code is available upon request and on the BCI website.

2. Intent and scope

The purpose of this Code is to provide guidance to the members of staff of the Commission in performing their functions and duties as set down in the Radio and Television Act 1988, the Broadcasting Act 2001 and the Broadcasting (Funding) Act 2003. Copies of these Acts have been provided to all members of staff of the Commission. This code also provides guidance to the members of staff of the Commission in relation to their responsibilities under the Standards in Public Office Acts, 1995 and 2001.

3. Objectives

The objectives of the Code are:

- To establish an agreed set of ethical principles
- To promote and maintain confidence and trust in the Members and staff of the Commission
- To prevent the development or acceptance of unethical practices
- To promote the highest standards in the conduct of the activities and business of the Commission

4. General principles

All members of staff of the Commission are required to observe the following fundamental principles:

4.1 *Integrity*

- 4.1.1 Members of staff of the Commission acknowledge the duty of all to conform to the highest standards of conduct and business ethics.
- 4.1.2 The Commission is committed to conducting its activities in accordance with its statutory remit, public policy and best business practice.
- 4.1.3 The Commission undertakes to fulfil its regulatory and statutory obligations in accordance with the Radio and Television Act, 1988, the Broadcasting Act, 2001, and the Broadcasting (Funding) Act, 2003.
- 4.1.4 The Commission is committed to ensuring that its accounts and/or reports accurately reflect its business performance and are not misleading or designed to be misleading.
- 4.1.5 The Commission is committed not to acquire information or business secrets by improper means.
- 4.1.6 Members of staff of the Commission shall avoid the use of the Commission's resources or time for personal gain or for the benefit of persons/organisations unconnected with the body or its activities.

4.2 *Information*

- 4.2.1 The Commission shall comply with all relevant statutory provisions (e.g., data protection legislation, the Freedom of Information Act, etc.)
- 4.2.2 The Commission is committed to providing access to general information relating to its activities in a way that is open and that enhances its accountability to the general public.
- 4.2.3 Members of staff of the Commission shall respect the confidentiality of sensitive information held by the Commission while complying with the requirements of the Freedom of Information Act, 1997, and the Freedom of Information (Amendment) Act, 2003, constituting such information as:
 - Commercially sensitive information;
 - Personal information;
 - Information received in confidence by the Commission.

4.2.4 The Commission shall observe appropriate prior consultation procedures with third parties where, exceptionally, it is proposed to release sensitive information in the public interest.

4.3 *Purchasing and Other Controls*

4.3.1 The Commission shall comply with detailed tendering and purchasing procedures, as well as with prescribed levels of authority for sanctioning any relevant expenditure in line with its procurement policy.

4.3.2 The Commission has introduced controls to prevent fraud, including adequate controls to ensure compliance with prescribed procedures in relation to claiming of expenses for business travel.

4.4 *Loyalty*

4.4.1 Members of staff of the Commission acknowledge their responsibility to be loyal to the Commission and fully committed in all its statutory activities, while mindful that the organisation itself must at all times take into account the interests of the state and other stakeholders.

4.5 *Fairness*

4.5.1 The Commission values its stakeholders and is committed to fairness and due process in the conduct of its activities and business dealings.

4.5.2 The Commission is committed to complying with all employment equality and equal status legislation.

4.6 *Gifts and Hospitality*

4.6.1 The Commission does not provide corporate gifts, hospitality (other than normal business courtesies), preferential treatment or benefits to suppliers or business partners.

4.6.2 Members of staff of the Commission are not permitted to receive corporate gifts, preferential treatment or benefits of any kind other than items of very small intrinsic value.

4.6.3 Members of staff of the Commission are obliged to ensure that the acceptance by them of hospitality does not, or could not reasonably be seen to influence them in the discharge of their duties or official functions. No objection would normally be made to the acceptance of what is regarded as routine hospitality.

4.7 *Work and external environment*

4.7.1 Commission members and management place the highest priority on promoting and preserving the health and safety of employees.

4.7.2 The Commission ensures that community concerns are considered in its activities and operations.

4.7.3 The Commission aims to minimise any detrimental impact of its operations on the environment.

5. Obligations for employees of the Commission

5.1 *Designated Positions*

The Standards in Public office Acts, 1995 and 2001 and the regulations made under the Acts by the Minister for Finance, designates positions in the Broadcasting Commission of Ireland and the Broadcasting Complaints Commission. These positions are identified in Appendix 1.

5.2 *Disclosure Requirements for Designated Positions*

Staff members of the Commission who hold designated positions are required to prepare and furnish to the Commission for each year or portion of a year in which they hold the position any or all of the relevant statutory declarations.

5.3 *Tax Clearance Requirements for Designated Positions*

Staff members of the Commission who hold designated positions, and whose remuneration for the post is not less than the lowest remuneration of a Deputy Secretary-General in the Civil Service, are required to furnish a Tax Clearance Certificate to the Standards in Public Office Commission within nine months of the appointment to the position.

5.4 *Outside employment or interests*

Members of staff of the Commission are not permitted to be involved in any outside employment or business interests which are in conflict or potential conflict with the activities or business of the Commission except as identified in paragraph 5.5.

5.5 *Membership of Boards of Non-associated Bodies*

A staff member of the Commission will, subject to Board approval be permitted to hold membership of the Boards of Bodies which are not subsidiary to or associated with the Commission and to retain not more than two fees in respect of such membership. The criteria for granting or rejecting approval to hold such membership is contained in Appendix 1.

5.6 *Declarations of Interests*

5.6.1 Staff members are required to declare to the Secretary of the Commission details of any interests and any interests of any connected persons, that they are aware of, in relation to any matter that is the subject of a decision of the Commission or in which the Commission enters into a contract and that staff member shall not undertake any duties or functions in relation to the particular matter.

5.6.2 It is acknowledged that the acceptance of positions upon appointment and/or engagement by a State body can give rise to the potential for conflicts of interest and to confidentiality concerns. The Commission shall, therefore, consider any cases in which such conflicts of interest or confidentiality concerns arise and shall take appropriate steps to deal with such matters in an effective manner. The Commission shall also ensure that any procedures that it may put in place in this regard are monitored and enforced.

5.7 *Membership of Oireachtas and European Parliament*

In accordance with the provisions of Section 10 (2) of the Schedule to the Radio and Television Act 1988 -

Where a person employed by the Commission is:

- a. nominated as a member of Seanad Éireann, or
- b. nominated as a candidate for election to either house of the Oireachtas or to the European Parliament, or
- c. regarded pursuant to section 15 (inserted by the European Assembly Elections Act 1984) of the European Assembly Elections Act 1977, as having been elected to the European Parliament to fill a vacancy,

he or she shall stand seconded from employment by the Commission and shall not be paid or be entitled to receive from, the Commission any remuneration or allowances -

- i)* in case he or she is nominated as a member of Seanad Éireann or is regarded as having been elected to the European Parliament, in respect of the period commencing on such nomination or election, as the case may be, and ending when he or she ceases to be a member of Seanad Éireann or the European Parliament.
- ii)* in case he or she is nominated as a candidate to either House of the Oireachtas or to the European Parliament, in respect of the period commencing on such nomination and ending when he or she ceases to be a member of such House or the European Parliament, as the case may be, or withdraws his or her candidature or fails to be elected, as may be appropriate.

6. Awareness

6.1 Circulation

The Commission has circulated this Code to all Commission members, management and employees of the Commission for their retention.

6.2 Guidance

The Secretary of the Commission in conjunction with the Chairperson will provide guidance on this generally and on the disclosure requirements.

7. Revision

7.1 The Commission shall review this Code from time to time.

7.2 Any revision to this Code shall be considered and approved by the staff of the Commission.

APPENDIX 1

Definitions

- “Interest” has the meaning defined in the Ethics in Public Office Act, 1995 and the Second Schedule to that Act.
- “Connected Person” has the meaning defined in the Ethics in Public Office Act, 1995 and the Second Schedule to that Act.

Disclosure of interest(s)

- On appointment to a designated position, and thereafter in each year during any part of which he or she occupies such a position, an employee of the Commission will be required to submit details of his or her interests to the appropriate authority in accordance with the requirements of the Standards in Public Office Acts, 1995 and 2001 as amended.

The following are designated positions for both the Broadcasting Commission of Ireland and the Broadcasting Complaints Commission in accordance with “*Ethics in Public Office (Prescribed Public Bodies, Designated Directorships of Public Bodies and Designated Positions in Public Bodies) Regulations 2004*” (S.I. No. 699 of 2004):

Broadcasting Commission of Ireland

Designated Positions	<i>Provide Statements to:</i>
Chief Executive	Chairperson of the Commission
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.	Chief Executive

Broadcasting Complaints Commission

Designated Positions	<i>Provide Statements to:</i>
Secretary to the Commission	Chairperson of the Commission
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.	Secretary to the Commission

- The Secretary of the Commission may request any employee of the Commission to furnish details of interests if he or she believes that a conflict of interest may arise for a particular employee.

- Where an employee of the Commission believes that he or she may be faced with a conflict of interest, this must be disclosed to the Secretary of the Commission explaining how the conflict arises.
- Any person holding a designated position, who is uncertain about any of the disclosure requirements may seek advice and clarification from the Secretary of the Commission.
- Interests disclosed in accordance with this guidance will be treated in confidence by the Secretary of the Commission who will maintain a register of the interests declared. This register will be updated annually. Only the Secretary of the Commission, Chief Executive or a person authorised by them will have access to the register's information.

Appointments to Boards

- The approval of the Board of the Commission is required in advance of the acceptance by any staff member of an appointment to the Board of any other Body for which fees are payable. For the purposes of clarity this includes: any Company registered with the Companies Registration Office or registered in a foreign country, any Charitable Body or Non Governmental Organisation, any Sporting Body or any Community Association or Organisation, any Statutory or Government Body or any Body appointed by any State Body or Agency, any Trade or Representative Body (excluding any Trade Union or Staff Representative Body).
- Approval of the Board of the Commission shall not be withheld unless the Body to which the appointment is being sought or any Body subsidiary to or associated with that Body has a contractual relationship with the Commission or is an applicant for grants, awards or licences issued by the Commission.
- A staff member may retain a maximum of two fees in respect of the membership of such Boards.