



Conflict of Interest Policy

Approved by the Board of the Heritage Council on July 17th 2020



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1. Introduction

The Heritage Council is committed to maintaining the highest standards of conduct in all aspects of its activity. This policy aims to effectively manage potential conflicts of interest, be they real or perceived. The policy aims to support all those within the scope of the policy while also recognising the need to protect the Heritage Council against conflicts of interest that may be damaging to its activities and reputation. The Heritage Council expects all its board members, committee members and staff to conduct themselves with integrity, impartiality, honesty and professionalism at all times, and to avoid any conflict arising between their role with the Heritage Council and their private interests.

If an individual has a conflict of interest (actual, perceived or potential), they have a duty to disclose it and to take such actions as may be appropriate, as set out under the procedure below. This duty of disclosure applies to the perception of, as well as the actual existence of, a conflict of interest.

2. Scope

This Conflict of Interest Policy applies to all board members, employees and members of committees (including members of working groups which the board may set up from time to time) of the Heritage Council. This policy applies whenever an individual recognises, or should reasonably recognise, that a conflict of interest may arise from their current or future activities.

3. Determining a conflict of interest

A conflict of interest is a situation in which an individual has an interest which may compromise their obligations to the Heritage Council. For instance, if the interest might provide an incentive to the individual which affects their actions, or where the individual has the opportunity to affect or influence an institutional decision. A conflict of interest includes perceived and potential as well as actual conflicts of interest.

A perceived conflict of interest is one which a reasonable person would consider likely to compromise objectivity.

A potential conflict of interest is a situation which could develop into an actual or perceived conflict of interest. It is sometimes difficult to anticipate all conflicts in advance. Where clarifications or questions related to conflicts of interest are required, board and committee members should seek guidance from the secretary to the board, and staff from their line manager.



4. Obligations specific to board members and members of committees

On appointment and then annually, each board member should give the secretary of the Heritage Council or other nominated person a statement in writing of¹:

- the interests of the board member
- the interests, of which the board member has actual knowledge, of their spouse or civil partner, child, or child of their spouse or civil partner

which could materially influence the board member in, or in relation to, the performance of their 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.

Where there are no interests to declare, this should also be indicated. The secretary to the board will maintain a confidential register of interests of the Board and committee members. The secretary should be informed in writing throughout the year when any new interests arise or when previously declared interests cease.

It is the responsibility of individual board and committee members to ensure that the information held by the Heritage Council is accurate, comprehensive and up to date.

Conflict of interest will be an item on the agenda of all board and committee meetings. Where a conflict of interest exists board/committee members should:

- disclose to the council or committee, as the case may be, the nature of that interest in advance of any consideration of the matter
- not influence or seek to influence a decision in relation to the matter
- take no part in any consideration of the matter
- withdraw from the meeting at which the matter is being discussed or considered for so long as it is being discussed or considered by the council or committee, and shall not vote or otherwise act as such member in relation to the matter.

¹ The Statement of Interests form used for annual statements under the Ethics in Public Office Acts 1995 and 2001 will be used for this purpose.



Board documents on any deliberations regarding any matter in which a board/committee member has disclosed a material interest will not be made available to the board/committee member concerned.

A board/committee member should, in cases where they receive documents relating to their interests or of those connected with them, return the documents to the secretary of the board at the earliest opportunity.

5. Obligations specific to staff

In instances where an individual identifies a conflict of interest, be it real or perceived, they must bring this to the attention of their line manager in writing. The steps agreed by the line manager and the individual to properly manage or avoid a conflict of interest must specify:

- the persons to whom the conflict of interest will be made known
- any activities, including discussions, negotiations and decisions, in which the individual making the disclosure may not participate
- any positions which the individual making the disclosure may not occupy (whether temporarily or permanently).

Failure to disclose, failure to seek approval for and/or disclose complete and accurate information on conflict of interests may result in disciplinary action being taken by the Heritage Council.

6. Obligations under the ethics legislation

Board members or staff who occupy designated positions of employment in public bodies, prescribed by regulation for the purposes of the ethics legislation (i.e. the Ethics in Public Office Acts 1995 and 2001), must comply with the relevant provisions of the legislation. Detailed guidelines on compliance with the Ethics Acts have been published by the Standards in Public Office Commission (the Standards Commission) on its website <https://www.sipo.ie/>.

7. Conclusion

This document has been prepared in accordance with the requirements of relevant legislation and guidelines, including the *Code of Practice for the Governance of State Bodies* (2016), the Ethics in Public Office Acts 1995 and 2001, and the Heritage Acts 1995 and 2018. In the event of any conflict with this or any future legislation any provision of this document is overridden to the extent it is inconsistent with such enactments.