



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

**Code of Conduct for Members and Staff
of the Policing Authority**

January 2017

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1. Overview

1.1. Introduction

The Code sets out in written form the standards of principle and practice which govern the conduct of Members and staff of the Policing Authority. It is prepared pursuant to the Code of Practice for the Governance of State Bodies, which provides a framework for the application of best practice in corporate governance by both commercial and non-commercial State bodies, and with which Members shall familiarise themselves.

The purpose of the Code is to:

- Establish an agreed set of ethical principles for Members and staff of the Authority;
- Prevent the development or acceptance of unethical practices; and
- Promote and maintain confidence and trust in Members.

The Code underscores the Authority's commitment to the highest standards of business conduct and has been prepared to assist Authority Members in understanding their duties, rights and obligations. Members and staff shall promote and support the principles set out in this Code of Conduct by leadership and example and maintain and strengthen the public's trust and confidence in the integrity of the Policing Authority and its Members and staff in conducting official business.

1.2. Key Principles

Authority Members and staff shall observe the highest standards of conduct and to ensure this, they shall adhere to the key principles of:

- Acting in the Public interest;
- Integrity and Independence;
- Transparency;
- Confidentiality;
- Participation; and
- Fairness.

Members and relevant staff should also manage and disclose potential conflicts of interest, register their interests and appropriately handle their public communications.

1.3. Scope

The Code is binding on all Members and staff of the Authority and requires that each person be familiar with it. In addition, this Code applies to all members of any Committee established by the Authority, including any professional and other advisers appointed by the Authority to such Committee pursuant to section 44 of the Act. For the purposes of this Code, the term Member(s) as defined above, includes all advisers appointed by the Authority to such Committees except where indicated otherwise.

1.4. Acknowledgment by Members of their Obligations under this Code

Each Authority Member and each member of staff is required to sign the Declaration of Understanding set out in Appendix 1 acknowledging that they have read the Code and understand its provisions and related obligations. When signed, the Declaration of Understanding is to be returned to the Secretary for record purposes.

1.5. Interpretation

Throughout the Code:

- 'Act' means Garda Síochána Act 2005, as amended.
- 'Authority' means the Policing Authority, established under the Act.
- 'Chairperson' means the chairperson appointed by the Government under the Act.
- 'Code' means Code of Conduct for the Policing Authority
- 'Member (s)' means a Member (s) of the Authority appointed by the Government under the Act.
- 'Secretary' means a person appointed by the Chairperson in accordance with these Standing Orders.
- 'Staff' means a person who is engaged as an employee of the Policing Authority and includes persons engaged to provide services for the Authority under a contract for service, by outsourcing or other process of engagement for the limited supply of services.

The Appendices form part of the Code and shall be read in conjunction therewith.

Members shall also familiarise themselves with existing statutory requirements and other obligations imposed by Ethics, Standards in Public Office and Lobbying legislation, the specific statutory provisions relating to the Policing Authority itself and any other relevant legislation (e.g. equality legislation, employment legislation, etc.).

Members shall seek advice from the Chairperson or the Secretary of the Authority in any case of uncertainty about how the Code applies. Staff shall seek advice from their line manager or from the Head of Governance and Corporate Services in any case of uncertainty about how the Code applies.

1.6. Review of Code of Conduct

This Code of Conduct was formally adopted by the Authority in February 2016 and reviewed and updated in January 2017. The Authority will undertake periodic reviews of the Code to ensure that it remains appropriate.

2. Acting in the Public Interest

- 2.1. Members and staff shall accept responsibility to act at all times in the public interest, having regard to the legitimate interests of the wider public and the many stakeholders in the Authority's sphere of operations.
- 2.2. They shall demonstrate selflessness by taking decisions solely in terms of the public interest.
- 2.3. They shall represent the best interests of the Authority and the public.
- 2.4. It is recognised that Members of the Authority have individual roles and responsibilities, both professional and private. However, in relation to matters under the Authority's statutory remit, their overriding responsibility, as Members of the Authority, shall be to work in the public interest, in accordance with the relevant legislation and to act in, and protect and promote, the best interests of the Authority and the public.

3. Integrity and Independence

- 3.1. Members and staff must be objective and independent and shall adhere to the highest standards of professional integrity.
- 3.2. Members and staff shall be objective and make decisions on the business of the Authority solely on their merit and in a way that is consistent with the functions of the Authority.
- 3.3. Members or staff shall not place themselves in a position where outside individuals or organisations might inappropriately influence them in the performance of their Authority functions.
- 3.4. Members and staff shall ensure that there is transparency and probity in the way the Authority conducts its business by ensuring that there is proper interaction with parties who would seek to influence them, by means of lobbying or other access. This includes refraining from:
 - Contravening this code or any statutory provision;
 - Acting in any way which could bring discredit to the Authority;
 - Offering or according any preferential access or treatment to those lobbying on a fee basis on behalf of clients compared with that accorded to any other person or organisation;
 - Accepting any paid work which would involve lobbying on behalf of any person or organisation of clients of a person or organisation;
 - Providing services as an adviser or consultant advising on how to influence the Authority in relation to contact with or lobbying by any person or organisation.
- 3.5. Where an Authority Member is arrested, or becomes subject to proceedings which may result in the Member being disqualified from holding office in accordance with Section 62F (2) of the Act, the Member shall without delay inform the Chairperson. The Chairperson shall consider and determine whether the Member should stand aside from membership of the Authority until the matter is resolved and the Chairperson's decision shall be final.
- 3.6. Mindful that the Authority has established a Code of Ethics for the Garda Síochána, Members and staff of the Authority should have regard to and hold themselves to the same standards of conduct set out in the Code.

4. Transparency

- 4.1. The Authority has a duty to be as open as possible about its decisions and actions, giving reasons for decisions and restricting information only when the law prohibits disclosure. Members and staff shall support the Authority being accountable for decisions and actions to the public and submitting to whatever scrutiny is appropriate and required under the establishing legislation.
- 4.2. Subject to compliance with the relevant statutory confidentiality provisions that apply, Members and staff shall ensure that there is support by Members and the Executive of the Authority for the provision of access to general information relating to the Authority's activities in a way that is open and enhances its accountability to the general public.

5. Confidentiality

- 5.1. Members and staff operate under a statutory duty of confidentiality, as provided for by Section 62M of the Act.
- 5.2. Members and staff (including past Members and staff) shall not disclose any confidential information whether written or verbal or electronically recorded, generated or received other than in circumstances provided for by the Act. Members and staff shall respect the sensitivity of certain information held by the Authority, including personal information, information that is operationally sensitive or has been received in confidence.
- 5.3. Members and staff shall protect against the disclosure of confidential and/or sensitive information, observing appropriate prior consultation procedures with third parties where, exceptionally, it is proposed to release sensitive information in the public interest.
- 5.4. Members and staff shall comply with the relevant statutory provisions including, where applicable, the Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015, the Data Protection Acts 1988 & 2003, the Official Secrets Act 1963, the Ethics in Public Office Act 1995 the Freedom of Information Act 1997 as amended and the Protected Disclosures Act 2014.
- 5.5. Former Members of the Authority should treat information received during their tenure as Members of the Authority as confidential. Policing Authority documents are required to be returned to the Secretary after the retirement or resignation of a Member.

- 5.6. Members shall safeguard all documents and equivalent electronic records furnished them by virtue of their membership of the Authority. Staff shall safeguard all documents and equivalent electronic records furnished them by virtue of being employed by the Authority.
- 5.7. Members shall seek advice from the Chairperson in case of any uncertainty about whether material should be treated as confidential. Staff shall seek advice from their line manager in case of any uncertainty about whether material should be treated as confidential. To avoid breaches of confidentiality it is safest to assume that all information and particulars of the Authority's ongoing work are confidential unless there is evidence to the contrary.

6. Participation of Members

- 6.1. Members shall commit to vigorous, ethical and honest participation.
- 6.2. Members shall act diligently and in good faith to the full extent of their skill and knowledge, carry out their functions as Members for the sole purposes for which these functions are authorised (by virtue of legislation, administrative guidelines, or Authority policy, as the case may be) in the best interests of the public
- 6.3. Members shall make all reasonable endeavours to attend all Authority meetings and meetings of Committees on which they serve and be well prepared by reading relevant papers in advance and contributing to decision-making.
- 6.4. Members shall share corporate responsibility for decisions taken by the Authority as a whole.

7. Speaking up

- 7.1. Where a Member has a concern about possible issues or irregularities within the Authority, this should be raised in the first instance with the Chairperson. The Chairperson shall deal with such concerns, at all times respecting the confidentiality of the identity of the Member who disclosed such concerns, in an appropriate manner that ensures a meaningful follow-up of matters raised.
- 7.2. In the event that the matter has not been resolved by the Chairperson or where the matter relates to the Chairperson, the Member may raise such concerns directly with the Chair of the Audit and Risk Committee or the Minister.

- 7.3. Where a staff member has a concern about possible issues or irregularities within the Authority, the matter should be raised in accordance with the procedures in the Protected Disclosures Policy.

8. Fairness

- 8.1. Members and staff shall ensure that there is compliance with employment equality and equal status legislation.
- 8.2. Members and staff shall ensure that there is a commitment by the Authority to fairness in all its business dealings.
- 8.3. Members and staff shall ensure that they value and treat all colleagues and stakeholders equally and fairly and with respect and courtesy at all times.

9. Management of potential Conflicts of Interest

A conflict of interest may arise where the conflict is actual, perceived or potential. Members or staff are considered to have an interest in an issue in circumstances where the interest is material, pecuniary or non-pecuniary. The overarching consideration in the mind of a Member or of staff when considering whether a conflict of interest arises shall be whether a reasonable and informed observer would perceive that the objectivity of the Member is likely to be impaired. The primary responsibility rests on Members and staff to make themselves aware of a potential for conflict of interest, and then draw it to appropriate attention as early as possible.

While it is not possible for a code of conduct to provide for all situations which may arise, Members and staff are expected to ensure that all their activities are governed by the ethical standards reflected in this document and that they avoid any action which may discredit the Authority.

- 9.1. Members and staff shall be mindful of the fact that the appearance of a conflict of interest can be as damaging as an actual conflict of interest and that both shall be avoided.
- 9.2. Members and staff shall avoid placing themselves under any financial or other obligation to any individual or organisation that might reasonably be thought to influence the performance of their duties.
- 9.3. Members and staff shall refrain from seeking, accepting or deriving, at any time during membership of or employment in the Authority or thereafter, any unauthorised profit, corporate gifts, hospitality, preferential treatment or benefits which might affect, or

appear to affect, the ability of the donor or the recipient to exercise independent judgement on business transactions arising from membership of, or employment by, the Authority other than such remuneration directly and properly payable by the Authority.

- 9.4. Members and staff shall manage and disclose any potential conflicts of interest and appropriately deal with public interactions and regulatory and statutory obligations.
- 9.5. Disclosures of interests shall be a standing item at each Authority meeting when Members will be provided with a formal opportunity to declare any interests or potential conflicts. When considering such disclosures in the context of an Authority agenda, Members and staff, where applicable, should consider their own position and the interests of all persons connected with them.
- 9.6. Members and staff shall declare any interests they have and shall consider at the earliest stage possible whether there is an interest to declare.
- 9.7. Members and staff shall consider whether agendas for meetings raise any issue for such declaration of interest.
- 9.8. At any Authority meeting, procurement evaluation process or other meeting at which it is proposed to discuss or decide matters in which an Authority Member or staff member has an actual or perceived interest or in which a person or body connected with him/her has an interest, the Authority Member or staff member shall inform the meeting of this interest prior to commencement of the discussion. They shall then withdraw from the meeting for so long as the discussion shall continue and return any documents received from the Authority which could involve any possible conflict of interest. Authority documents on any matter which relate to dealings with the above interests shall not be made available to the person concerned prior to a decision being taken. Decisions, once taken, shall be notified to the person, if appropriate, and the relevant Authority documents can also be made available at that juncture.
- 9.9. The Authority will not tolerate canvassing in any circumstances related to its functions, in particular in relation to its statutory appointments function, or to any aspect of policing or the broader justice system.

Canvassing consists of any approach or representation, direct or indirect, on one's own behalf or on behalf of another, which is intended, or can reasonably be perceived as intended, to secure advantage or preferment. Members and staff will note and report any such approach to them to the Chairperson, CEO or Chair of the Audit and Risk Committee, as appropriate.

Furthermore, Members or staff will not provide character references to any past or serving employee of the Garda Síochána (whether civilian, reserve or sworn member) or to any persons seeking positions in the Garda Síochána.

- 9.10. Where a Member or staff member is a member of an interview or selection board and where they discover that a candidate is a personal friend of theirs, or a connected person to them as defined in section 10.2 below, that interview board member should make the fact known either to the person responsible for organising the interviews or the chair of the interview board at the earliest possible opportunity so that alternative arrangements can be made if considered necessary.
- 9.11. Where a Member or staff member is a member of an interview or selection board and where a candidate is known to them or another of the interview board members but is neither a personal friend, nor a connected person as defined in section 10.2 below, that interview board member should make the fact known to the chair of the interview board, who will decide at his/her discretion the manner in which they may participate in the interview and the assessment of the candidate.
- 9.12. Members and staff shall comply with the Code of Practice for the Governance of State Bodies, including where appropriate submitting annually a Declaration of Interests Statement in accordance with the Code of Practice for the Governance of State Bodies.
- 9.13. Members and staff, where required, shall comply with the Ethics in Public Office Act, 1995 and Standards in Public Office Act, 2001.
- 9.14. Where a question arises as to whether or not a matter relates to the interests of a Member or a person or body connected with him/her, the Chairperson of the Authority shall determine the question and his/her decision shall be final.

10. Registration of Interests

- 10.1. On appointment to the Authority each Member shall register with the Secretary of the Authority details relating to his/her employment and all other business and personal interests including shareholdings, professional relationships etc. which could involve or be perceived to involved a conflict of interest or could materially influence the Member in relation to the performance of his/her functions as a Member. Such interests may include voluntary, charitable or political interests that might be material or relevant to the Authority's business. The registration shall be in a form prescribed by the Secretary.

- 10.2. Members shall also register any interests of a Member's family of which he/she could be expected to be reasonably aware or a person or body connected with the Member which could involve a conflict of interest or could materially influence the Member in the performance of his/her functions should also be disclosed. For this purpose, persons and bodies connected with a Member shall include:
- a) his/her spouse, partner, parent, brother, sister, child or step-child;
 - b) a body corporate with which s/he is associated; and
 - c) a person acting as the trustee of any trust, the beneficiaries of which include the Member or the persons at (a) above or the body corporate at (b) above.
- 10.3. During the course of his / her membership of the Authority, each Member should update the Secretary on any changes or additions required as soon as practical.
- 10.4. If a Member has a doubt as to whether this Code requires the disclosure of an interest of his/her own or of a connected person, s/he should consult the Secretary or the Chairperson.
- 10.5. Details of Members' registered interests shall be kept by the Secretary of the Authority in a special confidential Register and shall be updated and confirmed by Members on an annual basis. Only the Chairperson, Secretary and Chief Executive of the Authority have access to the Register, subject to any legal requirements.
- 10.6. The provisions in this section also apply to staff of the Authority holding designated positions of employment.

11. Public Conduct and Communications

- 11.1. The Chairperson and the Chief Executive shall be the official spokespersons for the Authority. They may, if considered appropriate designate another Member to comment publicly on a specific subject consistent with the Authority's position on the subject in question.
- 11.2. If a Member is approached by the media they shall inform the Chairperson and in his/her absence, the Chief Executive. Only the Chair, Chief Executive or a formally designated person may respond to media questions or requests. If a member of staff is approached

by the media they shall inform the Authority's Press Officer and in his/her absence, the Head of Governance and Corporate Services or the Chief Executive.

- 11.3. Members and staff shall where possible refrain from expressing personal opinions on matters touching the Authority, its statutory functions or its sphere of operations, having regard to the risk that such opinions could impede the Authority in the performance of its statutory functions, including by making its operating environment more difficult. In the event that a Member of the Authority or staff does express such a personal opinion on any such matter, they shall make it clear from the outset that they are not purporting to speak on behalf of the Authority.
- 11.4. Members and staff shall be vigilant and conscious of any unintended consequences of their communications, including presentations, articles, speeches or social media interactions.
- 11.5. Members and staff shall always be conscious of not identifying individuals in a context or situation where the consequence of the individual being so identified might be to cause the individual to suffer a real and immediate risk or harm or disproportionately infringe any other human rights of the individual or their family or unfairly deprive the individual of due process or a fair procedure.
- 11.6. Where a Member of the Authority or staff is involved in or is aware of an event which could impact negatively on the Authority, they shall without delay inform the Chairperson or the Chief Executive.
- 11.7. Where a Member is unsure about the appropriateness of a communication the Member shall liaise with the Chairperson to discuss the matter. The Chairperson of the Authority shall determine the question and his/her decision shall be final.

Appendix 1 - Acknowledgement of the provisions of the Code of Conduct for the Policing Authority



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

I have read, and understood, the Code of Conduct for the Policing Authority and its Appendices (including all guidance and directions regarding the policies and procedures of the Authority) and agree to be bound by same.

Signed: _____

Name: _____

(block capitals)

Date: _____

Appendix 2 – List of certain relevant Acts and Codes

- Code of Practice for the Governance of State Bodies (2016).
<http://www.per.gov.ie/en/revised-code-of-practice-for-the-governance-of-state-bodies/>
- Civil Service Code of Standards and Behaviour
<http://hr.per.gov.ie/files/2011/06/Civil-Service-Code-of-Standards-and-Behaviour.pdf>
- The Code of Ethics for the Garda Síochána
[http://www.policingauthority.ie/Website/PA/PolicingAuthorityWeb.nsf/page/DCMY-AHVDK69503323-en/\\$File/Code%20of%20Ethics%20for%20the%20Garda%20S%C3%ADoch%C3%A1na.pdf](http://www.policingauthority.ie/Website/PA/PolicingAuthorityWeb.nsf/page/DCMY-AHVDK69503323-en/$File/Code%20of%20Ethics%20for%20the%20Garda%20S%C3%ADoch%C3%A1na.pdf)
- Standards in Public Office Act, 2001
<http://www.irishstatutebook.ie/eli/2001/act/31/enacted/en/html>
- The Ethics in Public Office Act, 1995
<http://www.irishstatutebook.ie/eli/1995/act/22/enacted/en/html?q=ethics>
- Garda Síochána Act, 2005
<http://www.irishstatutebook.ie/eli/2005/act/20/enacted/en/html?q=garda&years=2005>
- Garda Síochána (Policing Authority and Miscellaneous Provisions) Act, 2015
<http://www.irishstatutebook.ie/eli/2015/act/49/enacted/en/html?q=policing&years=2015>

Appendix 3 - Practice Note in relation to Canvassing.



AN TÚDARÁS PÓILÍNEACHTA
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This guidance has been developed in order to set out the Authority's practice in relating to canvassing in accordance with the policy set out in section 9.9 of the Authority's Code of Conduct as follows:

“The Authority will not tolerate canvassing in any circumstances related to its functions, in particular in relation to its statutory appointments function, or to any aspect of policing or the broader justice system.

Canvassing consists of any approach or representation, direct or indirect, on one's own behalf or on behalf of another, which is intended, or can reasonably be perceived as intended, to secure advantage or preferment. Members and staff will note and report any such approach to them to the Chairperson, CEO or Chair of the Audit and Risk Committee, as appropriate.

Furthermore, Members or staff will not provide character references to any past or serving employee of the Garda Síochána (whether civilian, reserve or sworn member) or to any persons seeking positions in the Garda Síochána.”

In the event of any Member of the Authority, staff or agents of the Authority being approached in this manner they should:

- Indicate that it is not appropriate for them, as a Member or staff member, or contractor (or a member of a selection board) of the Authority to continue the conversation and indicate that further information is available on the Authority's website or as detailed below;
- Report the details of the approach to:
 - In the case of Authority Members or the Chief Executive, the Chairperson of the Authority or, in her absence or where the person reporting is the Chairperson, the Chair of the Audit Committee;
 - In the case of staff, contractors and other agents of the Authority, the Chief Executive or, in her absence, the Secretary to the Authority;
- Make a note for their own record of the engagement, including:
 - the fact that they were approached;
 - relevant details (by whom, on whose behalf, in relation to what, date, etc.);
 - the response given; and
 - the fact that the event was referred to the Authority contact point (who, when)

While an approach may be made with the purpose of seeking information, as opposed to seeking preferment, for the avoidance of doubt the Authority's policy requires that all requests be treated in a strictly consistent manner. Consequently, when a recruitment or procurement competition is underway, all persons with requests for information about the Authority, its functions and processes, should:

- Be referred to information available on the Authority's website at www.policingauthority.ie;
- Make a request by email at info@policingauthority.ie;
- In the case of a procurement process, follow the process set out in relevant request for tender document for raising queries in relation to the process; or
- Telephone the Authority at 01-8589090.

Where the request relates to Garda Síochána functions and processes or terms and conditions of Garda employment, the requester will be referred directly to the HR Directorate of the Garda Síochána.

This practice will ensure that queries are dealt with in a consistent manner and will allow the provision of the same information to all enquirers. It is the Authority's practice to publish the responses to Frequently Asked Questions ('FAQs') in relation to ongoing processes on its website.

Selection Competitions

It is acknowledged that prospective candidates for selection competitions may seek, as part of their preparations for their candidature, to undertake research in relation to some or all of the following issues and they could be referred to the contact points noted below:

- The Policing Authority website, which has published information available about the role of the Authority www.policingauthority.ie.
- The Garda website which has information about the Garda Síochána and policing in Ireland www.garda.ie
- The Garda Competitions page on the Authority website at www.policingauthority.ie which has information about the particular selection competition, including such documents as the Statement of Practice, Candidate Information Booklet, application form and Frequently Asked Questions.
- The Authority's Recruitments Unit, which can be emailed at the email address provided on the website for the specific competition concerned or can be phoned at 01- 8589058.
- Information about the terms and conditions of the rank and/or post being recruited for – refer to Recruitment Unit at 01 – 8589058 where they will be redirected to an appropriate contact in the Garda HR Unit for direct response to their query.

The Authority's Recruitment Unit will note all queries received and publish the response to queries as FAQs on the relevant selection competition section of the website so as to provide clarifications and answers to queries in a fair and transparent manner to all potential candidates. A link to the FAQs has been provided to the Garda Síochána and the PSNI so that this can be made available through internal portal/message board systems in those organisations.

23 February 2017