

APPENDIX 8

To: Council Members, CEO and POs, National Council for Special Education

Ethics in Public Office Acts, 1995 and 2001: Disclosure Provisions/Statements of Interest

National Council for Special Education

Introduction

The National Council for Special Education is a prescribed body for the purposes of the Ethics in Public Office Acts. “Designated Directors” and persons in “Designated positions” for the purposes of these Acts are required to comply with the terms of the Ethics Acts and Guidelines published by the Standards in Public Office (SIPO) www.sipo.gov.ie. 18 Lower Leeson Street, Dublin 2. A summary of the main provisions is set out under.

Who in the NCSE is covered by this Statutory Requirement?

The NCSE Chairperson and Council Members are prescribed as “Designated Directors” for the purposes of the Acts.

The NCSE CEO and the Heads of function (POs) are in “Designated Positions” for the purposes of the Acts.

What statements must you make and to whom do you make the statements?

The Ethics Acts and guidelines require disclosure of registerable interests by designated directors and by staff in designated positions.

- Annual statement You must complete and return a statement of any material interests or Nil return after the end of 2012
 - NCSE members must return this to the CEO and to SIPO.
 - The CEO must make her return to the Chairman of NCSE.
 - NCSE Heads of Function make their returns to the CEO.
- Statement of Material interest: In addition to the annual statement of interests referred to above, a Council Member or Senior Staff member (PO/CEO) is also required to furnish a statement, at the time, where an official function falls to be performed by the person and the person has actual knowledge that he or she, or a connected person, has a material interest in a matter to which the function relates. The Member, CEO, Senior Staff member should not however perform the function where he/she (or connected person) has a material interest except where there are compelling stated reasons.
 - The Council Members must make a statement of material interest to the other members and to the SIPO if a member considers there is a compelling reason to exercise the function.
 - In the case of the CEO, such a statement is made to the Chairman and
 - in the case of other staff, the statement is made to the CEO.

When do you make your annual statement?

An annual return of registrable interests is required. A return in respect of the period 1 January 2012 (or date of appointment, if later) to 31 December 2012 will be **due by 31 January 2013**. It must not be made before the end of 2012.

Where a designated director considers that he/se has no material interests which could be a material influence on the performance of the functions - is a statement required?

Yes. The Council of NCSE requires a “Nil” statement by a person with no interests to declare.

What must be included in a statement?

Council Members, CEO and POs are required to furnish a statement, in writing, of:

- i. His/her interests, and
- ii. the interests, of which he/she actual knowledge, of his or her spouse or a child of the person or of his or her spouse

which could materially influence the person in, or in relation to, the performance of the person's official functions by reason of the fact that such performance could so affect those interests as to confer on, or withhold from, the person, or the spouse or child, a substantial benefit.

A statement of interests is not legally required where the interests could not materially influence the person in, or in relation to, the performance of his or her official functions. A "nil" statement as indicated above should be provided in such circumstances.

What are Relevant Interests?

A summary of the areas of relevant interest which may need to be registered is set out in Appendix 1.

How do I make the returns?

A copy of the forms used for making annual returns is set out in Appendix 2. A "nil" return form is included at Appendix 2a.

Where do I get more Information?

The Guidelines for designated directors and persons in designated positions have been prepared by the Standards in Public Office Commission and are available on its website www.sipo.gov.ie.

If you have any query on the legislation, you may contact the Commission directly at 18 Lr. Leeson Street, Dublin 2, phone 01-639 5666 or email sipo@ombudsman.gov.ie.

R Jordan
Principal Officer
January 2013

APPENDIX 1 (of ethics notice)

SUMMARY OF THE AREAS OF REGISTERABLE INTEREST

The following are the interests which are referred to in the Ethics Act. It should be noted that it will not be necessary to specify in a statement of interests the amount or monetary value of any interest or the remuneration of any trade, profession, employment, vocation or other occupation included in the statement. A reference in this paragraph to "during the appropriate period" means during the period to be covered by the statement of interests.

(a) Occupational Income, etc.

A remunerated trade, profession, employment, vocation or other occupation of the person concerned at any time during the appropriate period where the remuneration to the person, e.g. pay, pension, benefits-in-kind, rental income, etc., during the period exceeded €2,600.

(b) Shares, etc.

A holding by the person concerned of shares, bonds, debentures, or other like investments in any particular company or other enterprise or undertaking, with an aggregate nominal or market value in excess of €13,000 at any time during the appropriate period. Holding does not include money in a current, deposit or other similar account with a financial institution but does include a holding in unit trusts or managed funds.

(c) Directorships

A directorship or shadow directorship of any company held by the person concerned at any time during the appropriate period.

(d) Land (including premises)

Any interest in land of the person concerned, including land in the State and land in any other jurisdiction, being an interest that exceeded in value €13,000 at any time during the appropriate period. This includes an interest in any contract for the purchase of land, whether or not a deposit or part payment has been made under the contract. It also includes an interest in any option held to purchase land, whether or not any consideration has been paid in respect thereof, or land in respect of which such an option has been exercised but which has not been conveyed.

A person is not required under this heading to disclose information regarding his or her private home or that of a spouse and any subsidiary or ancillary land to such home that is not being used or developed primarily for commercial purposes. Also excluded is a holiday home and any other private home used by the person or his or her family and any land that is subsidiary or ancillary to it which is required for its amenity or convenience and is not being used or developed primarily for commercial purposes.

(e) Gifts

A gift, or gifts from the same person, given to the person concerned during the appropriate period where the value, or the aggregate value, exceeded €650.

Excluded from this requirement is a gift given to the person, for purely personal reasons, by a relative or friend of the person or of his or her spouse or child or of the spouse's child (child being a son or daughter of any age), unless acceptance of the gift could have materially influenced the person in the performance of his or her official functions.

(f) Property and Services

Property supplied or lent or a service supplied to the person concerned, once or more than once by the same person, during the appropriate period, where the consideration or price was less than the commercial consideration or price by more than €650. Also included is property lent or a service supplied free of charge where the commercial consideration or price would have been more than €650.

Excluded is property supplied or lent or a service supplied to the person, as a gift for purely personal reasons, by a relative or friend of the person or of his or her spouse or child or of the spouse's child, unless acceptance could have materially influenced the person in the performance of his or her official functions. If services disclosed relate to legal or medical services (including psychiatric or psychological services) it will be sufficient to state that the services were supplied. No further details will be required.

(g) Travel facilities, etc.

Travel facilities, living accommodation, meals or entertainment supplied to the person concerned during the appropriate period free of charge or at less than the commercial price.

Excluded are:

- travel facilities, living accommodation, meals or entertainment supplied, by the same person, once or more than once, free of charge during the appropriate period where the commercial price or the aggregate of the commercial prices was less than €650, or supplied where the price paid was less than the commercial price by not more than €650;
- travel facilities, living accommodation, meals or entertainment provided:
 - (i) within the State,
 - (ii) in the course and for the purpose of performing the person's official functions, or
 - (iii) in the course and for the purpose of any trade, profession, employment or other occupation of the person;
- travel facilities, living accommodation, meals or entertainment supplied as a gift for personal reasons by a relative or friend of the person or of his or her spouse or child or of the spouse's child, unless the acceptance of such might reasonably be seen to have been capable of influencing the person in the performance of his or her official functions.

(h) Remunerated Position

A remunerated position held by the person concerned as a political or public affairs lobbyist, consultant or adviser during the appropriate period.

(i) Contracts

Any contract, or contracts, for the supply of goods or services to a Minister of the Government or a public body during the appropriate period, to which the person concerned was a party or in which he or she was interested in any other way, directly or indirectly, if the aggregate value of the goods or services supplied to a Minister of the Government or a public body during the appropriate period exceeded €6,500