

Code of Conduct for the Board and Employees of the ERC

1. The work of the ERC

The Educational Research Centre (ERC) on the campus of St Patrick's College, Dublin began its work in January 1966 and was established as a statutory body under Section 54 of the Education Act, 1998 in October 2015.

The functions of the Centre as outlined in the Establishment order (S.I. no 392 of 2015) are as follows:

- Providing advice to the schools and centres for education on the assessment of the attainment levels and academic standards of students
- Carrying out national and international assessments of the attainment levels and academic achievement of students and reporting on such assessments to the Minister
- Maintaining, storing securely and publishing information on the attainment levels and academic standards of students in schools and centres for education in Ireland
- Engaging in the evaluation of educational programmes and activities
- Initiating, and conducting research consistent with the objects of the Centre, and publishing and disseminating the findings of this research
- Building capacity for educational assessment and research in Ireland by making provision for the professional development of staff of the Centre and by providing to others training in, and advice on, areas of its competence
- Serving on national and international bodies of relevance to the Centre
- Co-operating with other bodies, as appropriate, in research, assessment and evaluation studies and in the dissemination of findings concerning research and evaluation
- Providing consultancy services
- Co-operating with other bodies, as appropriate
- Doing all such acts and things as may be necessary to further the objects of the Centre

2. Intent and Scope

Corporate governance comprises the systems and procedures by which enterprises are directed and managed. The ERC acknowledges that it must serve the interests of the taxpayer, pursue value for money in its endeavours (including managing risk appropriately), and act transparently as a public entity.

This document sets out the Code of Practice for the Governance of the Educational Research Centre (ERC). It has been prepared in accordance with the Code of Practice for the Governance of State Bodies published by the Department of Finance in August 2016.

The provisions of the Code do not override existing statutory requirements and other obligations imposed by the Companies Acts 2014, Ethics legislation, Standards in Public Office legislation, the specific statutory provisions relating to the ERC itself and any other relevant legislation (e.g. Equality legislation, Employment legislation).

This code was adopted by the Board on 4 December 2019. A copy of the code is available on request and on the ERC website www.erc.ie.

The Code of Conduct sets down the general principles and standards, which govern the professional activities and conduct of the Board members, CEO and staff of the Educational Research Centre (ERC), thereby fulfilling the requirements for integrity, loyalty, confidentiality and fairness as well as maintaining a high level of public confidence in the organisation as a public body and employer.

The provisions of the Code of Conduct are ancillary to the requirements set out in the *Code of Practice for the Governance of State Bodies* and forms part of the Terms and Conditions of Employment for all staff.

Staff are obliged to comply with policies and procedures, staff regulations, work rules and any standards and codes of practice adopted by the ERC. This Code of Conduct is binding on all staff (including those on leave, career breaks etc.).

For the purpose of clarity, where the distinction is not clearly made, the term staff refers to staff of the ERC, CEO, Board members and Committee Members. It also includes staff working in the ERC through an agency.

3. Objectives

The objectives of the code of conduct are as follows:

- To set out an agreed set of ethical principles by which the ERC conducts its business
- To promote and maintain confidence and trust in the ERC
- To prevent the development or acceptance of unethical practices.

4. General Principles

The Code of Conduct relates both to internal and external activities of the ERC. Wherever we operate, we must ensure that our business is conducted and managed effectively, efficiently and objectively in the public interest, in a manner consistent with the highest professional standards of accountability and responsibility and in accordance with the law.

The ERC is committed to conducting its activity in accordance with its statutory remit and all relevant legislation in observance of three fundamental principles of Integrity, Loyalty and Fairness.

Integrity

(i) Conflict of interests and disclosures

Board members, management and employees should not be involved in outside employment/business interests in conflict, or in potential conflict, with the work or business of the ERC.

Where such a conflict arises, disclosure should immediately be made by Board members, management or staff of outside employment/business interests in conflict, or in potential conflict, with the business of the ERC.

All such interests of parent, brother, sister, spouse, civil partner, children or step children, a body corporate with which the member is associated, or any other connected persons so far as they are known must also be disclosed.

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, that member should consult the Chairperson.

The disclosure of an interest must be recorded in the minutes of Board meetings and kept on a confidential register by the CEO which will be updated on a yearly basis.

For as long as the matter to which the disclosure relates is being considered or discussed, the individual who made the disclosure must not be counted in the quorum of meetings.

Anyone who has disclosed an interest should:

- not influence nor seek to influence a decision to be made in relation to the matter
- not make any recommendations in relation to the matter, contract, agreement or arrangement
- absent himself/herself from meetings or part of meetings during which the matter is being discussed
- take no part in any deliberation relating to the matter
- not vote on a decision relating to the matter
- not retain information or materials with respect to the matter.

The staff, CEO and Board members have a duty of confidentiality on the matter which survives termination of employment or appointment.

Confidential disclosures: The Board will put in place procedures whereby employees may, in confidence, raise concerns about possible irregularities in financial reporting or other matters and for ensuring meaningful follow up of matters raised in this way.

(ii) Reporting

The ERC shall ensure that its annual report and financial statements accurately reflect its work and business performance and are not misleading or designed to be misleading.

(iii) Procurement

The conduct of purchasing goods/services should be in accordance with best business practice.

(iv) Gifts and hospitality

Giving or receiving 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 on business transactions should be avoided.

As such, gifts and hospitality are neither sought nor encouraged by the ERC and in case of acceptance of same the following applies:

- all offers of hospitality and gifts, as well as their acceptance where relevant, must be recorded
- the acceptance and receipt of hospitality and gifts from an applicant for a contract or for funding are prohibited
- the offer or giving of hospitality and gifts by an applicant for a contract or for funding may disqualify the application.

The ERC does not provide corporate gifts, hospitality (other than normal business courtesy), preferential treatment or benefits to suppliers or to any party with which it conducts business.

Exceptionally the ERC may organise raffles for teachers and students to encourage participation in studies. On such occasion the ERC will be mindful of fairness and equal opportunity. The prizes may exceed €50. However the value should not be excessive.

Permitted gifts and hospitality

Acceptance of gifts and/or hospitality by ERC staff is limited to the following:

- Working lunches or refreshments provided during a business event.
- Hospitality offered to ERC staff during a seminar, conference or other event, so long as the same hospitality is offered to all attendees

- Incidental hospitality during sponsored events
- Attendance at workshops, seminars and talks if attendance for all is free.
- Publications offered free of charge to clients or industry participants
- Unsolicited items of a value of no more than €50
- Unsolicited branded materials of a token value
- Seasonal or other gifts accepted on behalf of all ERC employees.

Prohibited gifts and benefits

The following should not be offered to nor accepted by any members of the ERC staff:

- Cash
- Any gifts or hospitality from an applicant for a contract or funding, for as long as their application remains to be considered
- Any overnight stay in any hotel or accommodation (unless it is offered for participation as a speaker at a conference)
- Travel outside Ireland
- Sports equipment, electronic devices, musical instruments, works of arts, furniture
- Advantageous terms and conditions for the supply of goods and services from any supplier of goods and services to the ERC.

In the event of an ERC staff accepting a prohibited gift, he/she will be precluded from any involvement in any process involving the giver of the gift, until such time as that process has concluded.

In cases where the ERC hosts international meetings , different rules may apply, to be agreed by the Board.

(v) Corporate opportunity

The ERC commits to compete vigorously and energetically but also ethically and honestly.

All staff shall avoid the use of the ERC's resources or time for personal gain, for the benefit of persons/organisations unconnected with the body or its activities or for the benefit of competitors.

The ERC commits not to acquire information or business secrets by improper means.

(vi) Expenses

All staff shall ensure a culture of claiming expenses only as appropriate to business needs and in accordance with good practice in the public sector generally (Ref: ERC Claiming payment and expenses policy).

(vii) Information

The Board, management and employees of the ERC support the provision of access to general information relating to the ERC's activities in a way that is open and enhances its accountability to the general public.

The ERC respects the confidentiality of sensitive information it holds. This constitutes material such as:

- commercially sensitive information (including, but not limited to, future plans or details of major organisational or other changes such as restructuring);
- personal information and
- information received in confidence by the ERC.

The ERC observes appropriate prior consultation procedures with third parties where, exceptionally, it is proposed to release sensitive information in the public interest.

The ERC complies with relevant statutory provisions (e.g. data protection and Freedom of Information legislation).

Board members should not retain documentation obtained during their terms on the Board and should return such documentation to the CEO or otherwise indicate that such documentation in their possession has been disposed of in an appropriate manner.

Obligations relating to the non-disclosure of information survives post in the ERC. For the purpose of clarity, posts refers to posts assigned to staff of the ERC, CEO, Board members and Committee Members. It also includes staff working in the ERC through an agency.

Loyalty

Members of the Board, the CEO and staff of the ERC acknowledge their responsibility to be loyal to the State body and fully committed to all its work and business activities, while mindful that the ERC must, at all times, take into account the interests of the State and other stakeholders. Board members shall endeavour to attend all Board meetings

Fairness

The ERC is committed to fairness and due process in the conduct of its activities and especially undertakes to:

- Comply with employment equality and equal status legislation
- Commit to fairness in all business dealings
- Value customers and treat all customers equally.

5. Obligations

The ERC is committed to

- Fulfilling all regulatory and statutory obligations imposed on the State body
- Complying with detailed tendering and purchasing procedures, as well as complying with prescribed levels of authority for sanctioning any relevant expenditure
- Introducing controls to prevent fraud including adequate controls to ensure compliance with prescribed procedures in relation to claiming of expenses for business travel
- Ensuring that all Board members and employees co-operate with internal audits in the internal audit process
- Conforming to procedures laid down by the Board in relation to conflict of interest situations, including in regard to acceptance of positions following employment and/or engagement by a State body that may give rise to the potential for conflicts of interest and to confidentiality concerns
- Acknowledging the duty of all to conform to the highest standards of business ethics
- Promoting the development of a culture of ‘speaking up’ whereby employees can raise concerns regarding serious wrongdoing in the workplace without fear of reprisal. To this aim, the ERC will ensure that employees of the ERC have an opportunity to raise any concerns they may have about possible irregularities concerning the organisation’s duties and obligations or matters presenting a risk for the organisation. Employees’ concerns will be dealt with confidentially and anyone reporting potential irregularities or wrongdoing will not be subjected to victimisation in any form
- Placing the highest priority on promoting and preserving the health and safety of employees
- Ensuring that community concerns are fully considered.
- Minimising any detrimental impact of the operations on the environment.

6. Responsibilities and circulation of information

The Code of Conduct for the ERC and a policy document on disclosure of interests will be circulated to all Board members, management and employees for their retention.

The above recipients will acknowledge receipt and understanding of the code and related documents.

This code will be reviewed once every two to three years or more frequently if required.

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