



An tSeirbhís Chúirteanna  
Courts Service

**Code of Business Conduct**

**for**

**Board Members**

## **Introduction**

The Code of Business Conduct for Board members sets out the standards of business conduct to which the members of the Board of the Courts Service have agreed to adhere in the performance of their duties.

The Code applies to all members of the Courts Service Board and outlines the ethics regime under which the Board operates. In accordance with the Code Board members will strive to perform their duties in accordance with the highest ethical standards of honesty, integrity, fairness, confidentiality and independence and will actively seek to prevent the development of unethical practices.

Procedures in relation to Disclosure and Conflict of Interests; Gifts and Entertainment and the provision of independent professional advice for Board members are set out at Appendix 1 to the Code.

## **General Policy and Objectives**

The objectives of the code are to

- Establish an agreed set of ethical principles
- Prevent the development or acceptance of unethical practices
- Promote and maintain confidence and trust in the Board and the Courts Service

## **General Principles**

Board members are expected to adhere to and support the following fundamental principles.

### **Integrity**

Take decisions solely in terms of the public interest.

Exercise their skills and abilities in the execution of their duties and give adequate consideration to Board matters.

Participate in Board activities vigorously but also ethically and honestly at all times

- Ensure the Service conducts its business fairly
- Ensure that Court Service resources are used for the benefit of the organisation and not for personal gain or benefit of persons or organisations unconnected with the Courts Service or its activities.

- Ensure that the purchasing activities of goods/services are carried out in accordance with best business practice

### **Information**

- Support the principle of access to general information (as set out in Freedom of Information Acts and the Data Protection Act) relating to Board activities, in a way that encourages a spirit of accountability to the public.
- Maintain, both during and after term of office, the confidentiality of information obtained in the course of the business of the Service and respect the confidentiality of sensitive information held by the Service including
  - commercially sensitive information on future plans or details of major organisational changes
  - personal information
  - information received in confidence.

### **Loyalty and Obligations**

- Acknowledge responsibility to be loyal to the Courts Service and to be fully committed to its activities and decisions.
- Acknowledge duty to conform to the highest standards of business ethics
- Make all reasonable efforts to attend all meetings
- Regulatory and statutory obligations imposed on the Service are fulfilled and procedures and controls in relation to procurement, prevention of fraud and conflict of interest are complied with.
- The necessary systems are in place to ensure economy, efficiency, transparency and effectiveness of expenditure by the Service
- The accounts and reports of the Service are true and accurately reflect performance.

### **Fairness**

- Employment equality and equal status legislation is complied with
- Commitment to fairness in all business dealings
- Customers are valued and all customers are treated equally.

### **Work/External Environment**

- Systems, equipment and procedures are implemented to promote and preserve the health and safety of employees.
- Community concerns are fully considered when taking decisions
- Minimise in so far as is possible any detrimental impact of the operations of the Service on the environment.

### **Responsibility**

A copy of this Code of Business Conduct will be circulated to all Board members, who must acknowledge receipt and understanding of same.

The Code of Business Conduct will be reviewed annually or more frequently should circumstances so require.

## **Appendix 1**

### **Procedures for Board Members in relation to Disclosure of Interests and Conflict of Interests**

The Ethics and Standards in Public Office legislation does not apply to the Board of the Courts Service. The Code of Practice for the Governance of State Bodies (2016) requires that procedures be put in place for Board members for addressing conflict of interests. The following procedures have been put in place:

#### **1. Periodic Disclosure of Interests**

1.1 On appointment and annually thereafter, each Board member should furnish to the Secretary of the Board or other nominated person a statement in writing of:

- (a) the interests of the Board member;
- (b) the interests, of which the Board member has actual knowledge, of his or her spouse or civil partner, child, or child of his/her spouse or civil partner;

which could involve a conflict of interest or could materially influence the Board member in relation to the performance of his/her official functions, where such performance could so affect those interests as to confer on, or withhold from, the Board member, or connected person, a substantial benefit.

1.2 A statement of interests is not required where the interests could not materially influence the person in, or in relation to, the performance of his or her official functions.

1.3 Where there is a change in the interests of a Board member, or in the interests of the person's spouse or civil partner or child or a child of the spouse or civil partner, the Board member may, at any time, furnish a statement of the change, in writing, to the Secretary.

1.4 For the purposes of this disclosure, "interests" has the same meaning as that contained in the Ethics in Public Office Act 1995 as set out in the Disclosure of Interest Form.

The Disclosure of Interest Form and explanatory notes are attached at Appendix A.

#### **2. Disclosure of interest relevant to a matter which arises**

2.1 In addition to the periodic statements of interest required under (1) above, Board members are required to declare a material interest at the time where an official function falls to be performed by the Board member and he/she has actual knowledge that

he/she, or a connected person has a material interest in a matter to which the function relates.

2.2 Doubt - If a Board member has a doubt as to whether an interest should be disclosed he/she should consult with the Chairperson of the Board.

### **3. Confidential Register**

3.1 Details of interests disclosed by Board members will be kept by the Secretary of the Board or other nominated person in a special confidential register. Access to the register will be restricted to the Chairperson and Secretary of the Board on a strictly need to know basis.

### **4. Chairperson's Interests**

4.1 Where a matter relating to the interests of the Chairperson arises, the other members attending the meeting shall choose one of the members present at the meeting to chair the meeting. The Chairperson should absent himself/herself when the Board is deliberating or deciding on a matter in which the Chairperson or his/her connected person has a material interest.

### **5. Documents**

5.1 Board or Courts Service documents on any deliberations regarding any matter in which a member of the Board has disclosed a material interest will not be made available to the Board member concerned.

5.2 Early return of documents: Where a Board member receives documents relating to his/her interests or of those connected with him/her, he or she should return the documents to the Secretary of the Board at the earliest opportunity.

### **6. Meetings**

6.1 At each meeting of the Board or Committee of the Board, where a procurement proposal is being considered, the Chairperson will request as a matter of good governance that any member of the Board who considers that he or she or connected person may have an interest which may represent a conflict in the consideration of a proposal, should absent themselves from discussion on the item.

6.2 A member will absent himself/herself from any meeting, or part of a meeting, at which the Board is deliberating or deciding on matters in which he/she (other than in his/her capacity as a member of the Board) or a person or body connected with him/her has an interest.

6.3 The minutes of the meeting will record any such abstentions and consideration will be given to whether a separate record (to which the member will not have access) should be maintained.

6.4 If a member has a doubt as to whether an interest of his/her own or of a connected person represents a conflict that member should consult the Chairperson.

7. Where a question arises as to whether or not an interest declared a Board member is a material interest, the matter will be determined by the Chairperson.

## **Procedures for Board Members**

### **in relation to Gifts and Entertainment**

A Board member must not obtain personal advantage from any person dealing with the Courts Service.

Board members must undertake not to give or receive corporate gifts, hospitality or preferential treatment or other benefits that might affect or appear to affect the ability of the donor or the recipient to make independent judgements on any business matter.

In particular, a Board member must not accept or solicit any gifts or inducements where the value of such could make it appear that the giving of the gift is an attempt to influence the Board member to gain advantage.

Business gifts may be accepted by Board members as courtesies where such are designed to build understanding and goodwill, are modest in value and the refusal of the gift might cause offence.

Where the matter of the giving of a gift to persons or organisations doing business with the Service arises, the approval of the Chairperson must be obtained and the gifts should be appropriate and modest in value.



## **Procedures to enable Board members**

### **take Independent Professional Advice**

In the event that any Board members wishes to seek independent professional advice in the furtherance of their duties, members should first consider whether such advice can be supplied by Courts Service personnel or advisors already retained by the Service.

It is only in relation to significant issues, and in circumstances where advice cannot be obtained from Courts Service personnel or advisors already retained by the Service or such advice is considered to be unreliable or lacking in objectivity that independent professional advice should be sought.

In such cases members should consult with the Chairman regarding the basis on which such advice is required. The Chairperson will determine whether such advice is warranted.

Where it is deemed to be necessary, the Secretary will arrange for independent professional advice to be provided to the member at reasonable expense to the Courts Service.

## Appendix A

### Courts Service Board

#### Statement of Interests by Members of the Courts Service Board.

Please complete in BLOCK CAPITALS

<b>Date of Appointment:</b>	
<b>Period comprehended by this Statement</b> ( <i>i.e.</i> 1 January to 31 December or part thereof):	

In relation to each of the following disclosable interests you should state any interest held **by you** and any interests held, to your actual knowledge, by your spouse<sup>1</sup> or civil partner<sup>2</sup>, a child of yours, or a child of your spouse or civil partner, **which could materially influence<sup>3</sup> you** in or in relation to the performance of your official functions. **The amount or monetary value of the interests need not be specified.** Explanatory notes on certain of the required statements are attached.

### 1. OCCUPATIONAL INCOME, etc.

Details of any remunerated trade, profession, employment, vocation or other occupation (other than the directorship described on the first page of this form), the remuneration from which exceeded €2,600, during the period comprehended by this statement, should be listed here.

Description of Occupation	Business Address
Self:	
Spouse or Civil Partner or Child (name):	

### 2. SHARES etc.

Details of any holding of shares in, or bonds or debentures of, or other like investments in, a particular company or other enterprise or undertaking, where the aggregate value of the holding exceeded €13,000 at any time during the period comprehended by this statement, should be listed here<sup>4</sup>.

Type of Holding	Where held	Nature of Business
Self:		
Spouse or Civil Partner or Child (name):		

### 3. DIRECTORSHIPS

Details of any directorship or shadow directorship of any company<sup>5</sup> held during the period comprehended by this statement should be listed here<sup>6</sup>.

Type of Directorship	Business Address	Nature of Business
Self:		
Spouse or Civil Partner or Child (name):		

### 4. LAND (EXCLUDING PRIVATE HOME<sup>7</sup>)

Details of any interest in land where the value of such interest exceeded €13,000 at any time during the period comprehended by this statement should be listed here, including -

- (i) any contract entered into for the purchase of land, whether or not a deposit or part payment has been made under the contract; and

- (ii) 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 has not yet been conveyed.

<b>Property Address</b>	<b>Purpose for which used</b>
<b>Self:</b>	
<b>Spouse or Civil Partner or Child (name):</b>	

#### **5. TRAVEL, ACCOMMODATION, MEALS, etc.**

Details of travel facilities, living accommodation, meals or entertainment supplied during the period comprehended by this statement, free of charge or at a price that was less than the commercial price or prices, should be listed here<sup>8</sup>.

<b>Full Description</b>	<b>Name and Address of Supplier</b>
<b>Self:</b>	
<b>Spouse or Civil Partner or Child (name):</b>	

#### **6. OTHER REMUNERATED POSITIONS**

Details of any remunerated positions held as a political or public affairs lobbyist, consultant or adviser during the period comprehended by this statement, should be listed here.

<b>Full Description of Position</b>	<b>Name and Address of Person / Company / Organisation</b>
<b>Self:</b>	
<b>Spouse or Civil Partner or Child (name):</b>	

#### **7. PUBLIC SERVICE CONTRACTS**

Details of any contract to which the person concerned was a party, or was in any other way, directly or indirectly interested, for the supply of goods or services to a Minister of the Government, or a public body during the period comprehended by this statement, if the value of the goods or services supplied exceeded €6,500 or, in case other goods or services were supplied under such a contract if the aggregate of their value and the value aforesaid exceeded €6,500, should be listed here.

Description of Contract and Interest	Name and Address of Contractor	Minister / Public Body Concerned
Self:		
Spouse or Civil Partner or Child (name):		

## 8. GIFTS, PROPERTY & SERVICES

Details of:

- (i) any gift given during the period comprehended by this statement<sup>9</sup>;
- (ii) property supplied or lent, or a service supplied to the person, once or more than once by the same person, during the period comprehended by this statement, for a consideration or considerations, or at a price or prices less than the commercial consideration or considerations, or the commercial price or prices, by more than €650; and
- (iii) property lent, or a service supplied to the person, once or more than once by the same person, during the period comprehended by this statement, free of charge if the commercial consideration or considerations, or the commercial price or prices was, or were more than €650<sup>10</sup>;

should be listed here<sup>11</sup>.

Full Description of Gift, Property and/or Service	Name and Address of Benefactor, Supplier and/or Lender
Self:	
Spouse or Civil Partner or Child (name):	

## 9. OTHER INTERESTS

In line with the provisions of Section 30 of the Ethics in Public Office Act 1995, voluntary statements in respect of any interests not specified in the Second Schedule to that Act (*i.e.*, other than those specified at 1. to 8. above), and which are held by **you or your spouse or a civil partner, or a child of yours or your spouse**, may be listed here if it is considered that such interests could materially influence you in or in relation to the performance of your official duties.

<b>Self:</b>
<b>Spouse or Civil Partner or Child (name):</b>

**OBLIGATION TO DISCLOSE A MATERIAL INTEREST IN AN OFFICIAL FUNCTION**

I am aware of the obligations placed on me by to disclose a material interest in an official function.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## EXPLANATORY NOTES

- <sup>1</sup> "*spouse*", in relation to a person, does not include a spouse who is living separately and apart from the person;
- <sup>2</sup> "*civil partner*" in relation to a person, means a civil partner within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, but does not include a civil partner who is living separately and apart from the person;
- <sup>3</sup> which could materially influence you in or in relation to the performance of the functions of the directorship by reason of the fact that such performance could so affect those interests as to confer on or withhold from you or your spouse or civil partner or child of yours or child of your spouse a substantial benefit.
- <sup>4</sup> "*holding*" does not include money in a current, deposit or other similar account with a financial institution.
- <sup>5</sup> "*company*" means any body corporate;
- <sup>6</sup> "*shadow directorship*" means the position held by a person who is a shadow director within the meaning of the Companies Acts 1963 to 1990, or, in the case of a public body that is not a company (within the meaning of the Companies Act 1963) and is specified in subparagraph (8), (9), (10), (11), or (12), or stands prescribed for the purposes of subparagraph (13), of paragraph 1 of the First Schedule to the Ethics in Public Office Act 1995, the position held by the person in accordance with whose instructions or directions, the members of the body, or the members of the board or other body that controls manages or administers that body, are accustomed to act.
- <sup>7</sup> but excluding any interest in land consisting of any private home of the person or of his or her spouse or civil partner, that is to say, a building or part of a building that is occupied by the person or his or her spouse or a child of the person or of the spouse as a separate dwelling and any garden or other land usually occupied with the dwelling, being land that is subsidiary or ancillary to it, is required for its amenity or convenience and is not being used or developed primarily for commercial purposes.
- <sup>8</sup> but excluding:
  - (a) travel facilities, living accommodation, meals or entertainment provided –
    - (i) within the State, or
    - (ii) in the course and for the purpose of –
      - the performance of the functions of the person as the holder of a designated directorship, or
      - the trade, profession, employment, vocation or other occupation of the person (other than as the holder of a designated directorship);
  - (b) travel facilities, living accommodation, meals or entertainment supplied to the person by a relative or civil partner or friend of the person, or of his or her spouse or civil partner, or of a child of the person or of his or her spouse, where such supply was in the nature of a gift to the person and for personal reasons only, unless the acceptance of such facilities, accommodation, meals or entertainment might reasonably be seen to have been capable of influencing him or her in the performance of his or her functions as the holder of a designated directorship;
  - (c) travel facilities, living accommodation, meals or entertainment supplied to the person, once or more than once by the same person during the period comprehended by this statement, free of charge if the commercial price, or the aggregate of the commercial prices, of the facilities, accommodation, meals or entertainment did not exceed €650; or

(d) travel facilities, living accommodation, meals or entertainment supplied to the person, once or more than once by the same person during the period comprehended by this statement, at a price or prices less than the commercial price or prices by not more than €650.

<sup>9</sup> but excluding -

(i) a gift to the person by a relative or civil partner or friend of the person or of his or her spouse or civil partner, or of a child of the person or of his or her spouse, for purely personal reasons only, unless the acceptance of the gift by the person could have materially influenced him or her in the performance of his or her functions as the holder of a designated directorship; and

(ii) a gift given to the person, or gifts given to the person by the same person, during the period comprehended by the statement, as respects which the value, or the aggregate value, of the property the subject of the gift or gifts did not exceed €650 at any time during the period comprehended by the statement.

<sup>10</sup> other than property supplied or lent, or a service supplied to a person by a relative or civil partner or friend of the person, or of his or her spouse or civil partner, or of a child of the person or of his or her spouse, where such supply or loan was in the nature of a gift to the person and for personal reasons only, unless the acceptance of the property or loan or the service by the person could have materially influenced him or her in the performance of his or her functions as the holder of a designated directorship.

<sup>11</sup> insofar as services in (ii) and (iii) relate to legal or medical services (including psychiatric or psychological services), it is only necessary to state that such services were supplied to you or to a person (who need not be identified) in respect of whom you are required to make a statement.