

## STANDARDS OF BEHAVIOUR AND PROBITY & CONFLICTS OF INTEREST GUIDANCE FOR NOMINEES

*This Guidance should be read in conjunction with the information contained in the leaflet “CPANI Guidance on Conflicts of Interest, Integrity and how to raise a complaint” which provides examples of the types of issues that may give rise to conflicts of interest.*

### **Standards of behaviour**

Ministers expect that the conduct of those they appoint to serve on the Boards of public bodies will be above reproach. Anyone therefore seeking or nominated for a public appointment will be required to confirm their commitment to maintaining high standards of behaviour in public life.

### **The Seven Principles of Public Life**

The Seven Principles of Public Life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The Principles also have application to all those in other sectors delivering public services.

**Selflessness** - Holders of public office should act solely in terms of the public interest.

**Integrity** - Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

**Objectivity** - Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

**Accountability** - Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

**Openness** - Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

**Honesty** - Holders of public office should be truthful.

**Leadership** - Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

## **What is a conflict of interest?**

Public Appointments require the highest standards of propriety, involving impartiality, integrity and objectivity, in relation to the stewardship of public funds and the oversight and management of all related activities. This means that any private, voluntary, charitable or political interest which might be material and relevant to the work of the body concerned should be declared.

There is always the possibility for real or perceived conflicts of interest to arise. Both are a problem, as the perceived inference of a conflict may, on occasions, be as damaging as the existence of a real conflict.

No-one should use, or give the appearance of using, their public position to further their private interests. This is an area of particular importance, as it is of considerable concern to the public and receives a lot of media attention. It is important, therefore, that you consider your circumstances when completing your nomination form and identify any potential conflicts of interest, whether real or perceived.

## **Surely a perceived conflict is not a problem, as long as I act impartially at all times?**

The integrity of the individual is not in question here. However, it is necessary for the standing of the individual and the Board that members of the public have confidence in their independence and impartiality. Even a perceived conflict of interest on the part of a Board member can be extremely damaging to the body's reputation and it is therefore essential that these are declared and explored, in the same way as an actual conflict would be. The fact that a member acted impartially may be no defence against accusations of potential bias.

## **What should I do if I think I have a conflict of interest?**

You will find a section on conflicts of interest in the nomination form for you to complete. This asks you to consider and declare whether or not you have a real, or perceived, conflict. If you are unsure if your circumstances constitute a possible conflict, you should still complete this section, providing as much information as possible.

## **If I declare a conflict, does this mean I will not be considered for appointment?**

No - each case is considered individually. The Department will explore with you how far the conflict might affect your ability to contribute effectively and impartially on the Board and how this might be handled, if you were to be appointed. For example, it may be possible to arrange for you to step out of meetings where an issue is discussed, in which you have an interest. However, if, following the discussion with you, the Department believes that the conflict is too great and would call into question the probity of the Board or the appointment they can request your nominating party to consider selection of an alternative nominee.

## **What happens if I do not declare a known conflict, which is then discovered by the Department after my appointment?**

Again, each case would be considered on its merits, but the Department may take the view that by concealing a conflict of interest, you would be deemed to have breached the seven principles of conduct underpinning public life and may request your nominating party to select an alternative nominee to replace you on the Board.

## **What happens if I do not realise a potential conflict exists?**

This situation may arise where you are not familiar with the broad range of work which a body covers and therefore do not realise that a conflict might exist. In some cases, the Department might deduce that there is a potential conflict issue, based on the information provided by you on your nomination form. In such case the Department will explore this with you.

## **What happens if a conflict of interest arises after an appointment is made?**

This could arise for two main reasons. The first is that the member's circumstances may change, for example, they may change jobs and in doing so, a conflict with their work on the Board becomes apparent. The second is where a member is unfamiliar with the range of the work of the body, but after appointment, it becomes clear that a conflict exists where none had been envisaged during the nomination/appointment process.

In both cases, the issue should be discussed with the Chairperson of the Board and the Chief Executive of the Education Authority, in consultation with the Department, to decide whether or not the member can continue to carry out their role in an appropriate manner and each case is considered individually.

It may be that the conflict is such that it would be impractical for the member to continue on the Board, if they would have to withdraw from a considerable amount of the body's routine business. In such, cases, the Department may request your nominating party to select a new nominee to replace you on the Board.

You will be asked to sign a declaration of commitment to the above principles as a condition of your appointment.