

# DEPARTMENT OF EDUCATION

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**Gerry Carroll MLA**  
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24 February 2021  
AQW 14314/17-22

Gerry Carroll has asked:

To ask the Minister of Education whether he has powers under the Education Act (Northern Ireland) 2014 to remove individuals from the Education Authority Board if they act in a manner that shows prejudice.

ANSWER

Under Schedule 1 of the Education Act (Northern Ireland) 2014, the Education Authority Board (EA) is constituted with a Chairperson and 12 Board Members by the Department of Education with the remaining eight Board Members appointed directly by political parties in accordance with the D'Hondt principles.

Under Schedule 1, 4(4), the Department may by notice in writing remove a person from office as Chair or Appointed Member if satisfied that the person—

- (a) has, without reasonable excuse, failed to discharge the functions of the office for a continuous period of 6 months,
- (b) is the subject of a bankruptcy restrictions order (or interim order) or a debt relief restrictions order,
- (c) has failed to comply with the terms of appointment,

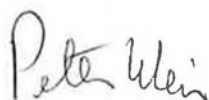
- (d) has been convicted of an indictable offence, or
- (e) is otherwise unable, unfit or unwilling to perform the functions of the office.

The Act does not provide for the removal of Political Members from the Board.

Any matters pertaining directly to members of the EA Board should be addressed in the first instance through the EA Board Members' Code of Conduct. This Code provides that members must at all times observe and comply with the Seven Principles of Public Life drawn up by the Committee on Standards of Public Life (the Nolan Committee).

In addition to the Seven Principles of Public Life, the Northern Ireland Assembly identified 5 further principles with which Members must also comply:- Equality; Promoting Good Relations; Respect; Good Working Relationships between Members; and Good Working Relationships with Employees of the NDPB.

A copy of the Education Authority's Code of Conduct for Board Members is available in the Assembly Library.

A handwritten signature in cursive script that reads "Peter Weir".

Peter Weir MLA



**Annex A**

**CODE OF CONDUCT FOR  
THE EDUCATION AUTHORITY BOARD MEMBERS**

**April 2015**

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## **1. INTRODUCTION**

This Code of Conduct for the Members of the Education Authority forms part of the EA's Standing Orders. Standing Order 13.1 requires Members of the EA to comply with this Code of Conduct at all times.

The aim of the Code of Conduct is to ensure that Members are fully aware of their roles and responsibilities and the behaviours expected of them as a Board Member of a Non-Departmental Public Body (NDPB) and the principles associated with managing public money.

When a Member is uncertain about the application of the Code of Conduct to a particular situation, he or she must consult the Chair. In such a situation the Chair will provide the Member with advice on interpretation of the Code of Conduct and may, at his or her discretion, instruct the Member on how to comply with the requirements of the Code of Conduct.

## **2. PUBLIC SERVICE VALUES**

### **2.1 General Requirements**

The Education Authority and its Members must at all times:

- observe the highest standards of propriety involving impartiality, integrity and objectivity in relation to the stewardship of public funds and the EA's management;
- maximise value for money through ensuring that it operates in the most economical, efficient and effective way, within available resources, and with independent validation of performance achieved wherever practicable. Value for money is not the lowest price: it is the optimum combination of whole life costs and quality to meet the user's requirement;
- be accountable to the Northern Ireland Assembly, individual citizens and staff for the activities of the EA, its stewardship of public funds and the extent to which key performance targets and objectives have been met; and
- in accordance with Government policy on openness, comply fully with the principles of the Freedom of Information Act 2000; the Data Protection Act 1998 and Environmental Information Regulations 2004.

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

Members must at all times observe and comply with the Seven Principles of Public Life drawn up by the Committee on Standards of Public Life (the Nolan Committee).

Those Principles are:

#### **1. Selflessness**

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

#### **2. Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisation that might influence them in the performance of their official duties.

### **3. Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

### **4. Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

### **5. Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

### **6. Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interests.

### **7. Leadership**

Holders of public office should promote and support these principles by leadership and example.

## **2.3 Additional Principles Established by the Northern Ireland Assembly**

In addition to the Seven Principles of Public Life, the Northern Ireland Assembly has identified 5 further principles with which Members must also comply with. The additional principles are

### **1. Equality**

Holders of public office should promote equality of opportunity and not discriminate against any person by treating people with respect regardless of race, age, religion, gender, sexual orientation, disability, political opinion, marital status and whether or not a person has dependents.

## **2. Promoting Good Relations**

Holders of public office must act in a way that is conducive to promoting good relations by providing a positive example for the wider community to follow by acting in a way that seeks to promote a culture of respect, equity and race and which embraces diversity in all its forms.

## **3. Respect**

While it is acknowledged that the exchange of ideas and opinions on policies may be robust, this should be kept in context and not extend to individuals being subjected to unreasonable and excessive personal attack. Holders of public office must show respect and consideration for others at all times and keep in mind that rude and offensive behaviour may lower the public's regard and confidence in public bodies and the member of such public bodies.

## **4. Good Working Relationships between Members**

Members of the NDPB must work responsibly with other Members for the benefit of the whole community. Members must treat each other with courtesy and respect and promote an effective working environment.

## **5. Good Working Relationships with Employees of the NDPB**

The relationship between Members and employees of the NDPB must at all times be professional, courteous and based on mutual respect. Members must show respect and consideration for employees of the NDPB at all times and ensure that their actions do not compromise the impartiality of employees.



### **3. RELATIONSHIP WITH THE DEPARTMENT OF EDUCATION**

The Minister for Education is answerable to the Northern Ireland Assembly for the policies and performance of the EA, including its use of resources and the policy framework within which it operates.

The Department of Education (“DE”) is the sponsoring Department of the Education Authority. The relationship between the Department and the EA is set out in a Management Statement and Financial Memorandum (MSFM) issued by DE which establishes the detailed procedures which DE requires the EA to comply with in order to protect public funds and to ensure financial and procedural regularity in the work of the EA.

### **RELATIONSHIP WITH THE DEPARTMENT OF EMPLOYMENT AND LEARNING**

In areas of mutual interest, the EA engages with the various education sectoral bodies and with the further education sector, which comes under the control of Department of Employment and Learning (“DEL”). The EA has responsibilities for student support services which come under the control of DEL. The relationship between the DEL and the EA exists in order to protect public funds and to ensure financial and procedural regularity in the work of the EA on behalf of DEL.

## **4. THE ROLE OF THE CHAIR AND MEMBERS OF THE AUTHORITY**

### **4.1 The Role of the Chair**

The Chair has additional responsibilities over and above those of Board Members, particularly in relation to strategic leadership in the conduct of the EA Board business. These include:

- taking lead responsibility in representing the EA Board in links with the Minister and the Assembly (other Board Members may also be involved from time to time);
- taking the lead in building links, at Board level, with partner organisations and other stakeholders;
- ensuring that all EA Board Members have a proper knowledge and understanding of their corporate roles and responsibilities;
- ensuring that the Board carries out its essential functions efficiently and effectively so that:
  - all planned business is dealt with, a conclusion is reached in respect of each item and that each Member of the Board understands and commits to the EA Board's collective decision;
  - the EA Board takes proper account of DFP and Departmental guidance etc. in reaching decisions;
  - the EA Board meets at regular intervals and that the minutes of meetings accurately record decisions taken and views of individual Members (as appropriate);
  - the EA Board delegates sufficient authority to its Committees;
  - all EA Board Members are given the opportunity to express their views before any important decision is taken; and
  - the EA Board receives professional advice when needed.
- developing an effective working relationship with the Chief Executive:
  - overseeing the way the Chief Executive, together with the other senior managers, implements Board decisions; and
  - agreeing the Chief Executive's annual performance targets and undertaking the assessment of his/her performance, where appropriate, gaining EA Board (or Board Committee) approval for both the targets and the performance assessment.

- ensuring the formulation of the EA's strategy for discharging its statutory duties;
- encouraging high standards of propriety, and promoting the efficient and effective use of staff and other resources throughout the organisation;
- representing the views of the Board to the general public; and
- providing an annual assessment of performance of individual Board Members and when they are being considered for reappointment to the Board or for appointment to the Board of some other public body.

Communications between the EA Board and the Minister will normally be through the Chair except where the Board has agreed that an individual Member should act on its behalf. Nevertheless, an individual Member has the right of access to the Minister on any matter which he or she believes raises important issues relating to his or her duties as a Member of the EA Board. In such cases the agreement of the rest of the EA Board should normally be sought.

The main point of contact between the EA and the Department on day-to-day matters will normally be the Chief Executive or another member of staff who is authorised to act on behalf of the EA.

The Chair should ensure that all Members of the EA Board, when taking up office, are fully briefed on the terms of their appointment and on their duties, rights and responsibilities. The Chair and other Members of the Board should each have a copy of the Authority's Standing Orders and Code of Conduct (this document); the Management Statement and Financial Memorandum; the latest Corporate Plan and Annual Reports and Accounts; the Treasury's memorandum *The Responsibilities of a NDPB Accounting Officer*; the Treasury's handbook *Regularity and Propriety*; notes describing EA's organisational structure and the statutory basis of operation. The Chair should encourage new EA Board Members to attend an induction course on the duties of Board Members of public bodies or some other suitable form of induction programme.

## **4.2 Corporate Responsibilities of Members**

Members of the EA Board have corporate responsibility for ensuring that it complies with statutory or administrative requirements for the use of public funds. Other important responsibilities of EA Board Members include:

- ensuring that high standards of corporate governance are observed at all times;
- establishing the overall strategic direction of the EA within the policy and resources framework agreed with the Minister;
- ensuring that the EA operates within the limits of its statutory authority and any delegated authority agreed with its sponsor department, and in accordance with any other conditions relating to the use of public funds;
- ensuring that, in reaching decisions, the EA Board has taken into account any guidance issued by the sponsor department;
- formulating a strategy for implementing the principles and requirements of the Freedom of Information Act 2000; the Data Protection Act 1998 and Environmental Information Regulations 2004 including prompt response to public requests for information and meeting other requirements for openness and responsiveness; and
- ensuring that the EA operates within the framework of the Sustainable Development Strategy.

## **4.3 Individual Responsibilities of Members**

Individual Members should be aware of their wider responsibilities as Members. Like others who serve the public, they should follow the Seven Principles of Public Life set out in paragraph 2.2 and the additional principles set out in paragraph 2.3.

Board Members must:

- undertake on appointment to comply at all times with this Code of Conduct and with government rules and guidance relating to the use of public funds;
- act in good faith and in the best interests of the EA;
- not misuse information gained in the course of their public service for personal gain or for political purposes, nor seek to use the opportunity of public service to promote their private interests or those of connected persons, firms, businesses or other organisations;

- not disclose any information which is confidential in nature or which is provided in confidence without authority. This duty continues to apply after he or she has left the EA Board;
- ensure that they comply with the EA's procedures on the acceptance of gifts and hospitality;
- respect the principle of collective decision-making and corporate responsibility. This means that, once the EA has made a decision, Members should support that decision; and
- comply with any statutory or administrative requirements relating to the post.

In their public role on the Education Authority, Members should be and be seen to be politically impartial. Members may engage in political activities, provided that they remain conscious of their responsibilities as a Member and exercise proper discretion, particularly in regard to the work of the EA. Members should inform the Chair and the sponsor department before undertaking any significant political activity.

The arrangements for appointing individual Members of public bodies make it possible to remove them from office if they fail to perform the duties required of them to the standards expected of persons who hold public office.

#### **4.4 Personal Liability of Members**

Although any legal proceedings initiated by a third party are likely to be brought against the EA, in exceptional cases proceedings (civil or, in certain cases, criminal) may be brought against the Chair or other individual Members. For example, a Member may be personally liable if he or she makes a fraudulent or negligent statement which results in loss to a third party. Members who misuse information gained by virtue of their position may be liable for breach of confidence under common law or may commit a criminal offence under insider dealing legislation.

However, the Government has indicated that individual Members who have acted honestly and in good faith will not have to meet out of their own personal resources any personal civil liability which is incurred in the execution of their functions as a Member of the EA, save where the Member has acted recklessly.

Members who need further advice should consult, through the Chair, the EA's legal advisers, who must also be informed at the earliest possible moment if a Member believes that there is a possibility of a legal action being taken against him or her or against the EA.

#### **4.5 Openness and Responsiveness**

Members should conduct all their dealings with the public in an open and responsible way to ensure full compliance with the principles of the Freedom of Information Act 2000; the Data Protection Act 1998 and Environmental Information Regulations 2004.

They should take account as far as possible of the "Standard of Best Practice for Openness in Executive NDPBs and NHS Bodies" in the First Report of the Committee on Standards in Public Life (Cm 2850-1).

The EA will make provision for information to be disseminated to the public, so that the public will be aware of decisions other than:

- decisions on issues upon which debate within the EA has not, as yet, resulted in definitive conclusions;
- decisions on issues which are confidential for other good reasons.

Those arrangements will be given appropriate publicity.

Members should assure themselves that the EA can demonstrate that it is using resources to good effect, with propriety, and without grounds for criticism that public funds are being used for private, partisan or party political purposes. The EA will need to act consistently with the nature of its functions and the possible need for confidentiality on commercial or other grounds, always subject to the right of the Assembly and auditors to obtain information.

#### **4.6 Conflicts of Interest**

The EA's Standing Orders provide a framework for handling actual and perceived conflicts of interest and include the following provisions.

Standing Order 13.2 provides for disclosures by Members of actual and perceived conflicts of interest.

Standing Order 13.3 requires Members who are in doubt about the relevance of an interest to discuss the matter with the Chair and / or Chief Executive.

Standing Order 13.4 requires a Register of Declared Interests to be maintained by the Chief Executive. The Register is to be reviewed annually and to be made available to the public.

Standing Order 13.5 specifies the procedures for handling conflicts of interest at meetings of the EA Board and committees thereof.

Standing Order 13.8 deals with conflicts arising from staff appointments.

Members are required to comply with those provisions at all times.

#### **4.7 Gifts and Hospitality**

Members must not accept any gifts or hospitality which might, or might reasonably appear to, compromise their personal judgment or integrity or place them under an improper obligation.

Members must never canvass or seek gifts or hospitality.

Members must comply with EA procedures on the acceptance of gifts and hospitality which are in line with current DFP guidance.

Members should inform the Chair and Chief Executive of, and seek their approval to, any offer of gifts or hospitality and ensure that, where a gift or hospitality is accepted, this is recorded in a public register in line with the EA procedures.

Members are reminded to record all gifts and hospitality, whether accepted or declined, and to complete a Gifts & Hospitality return whenever required, even if it is a nil return.

Members are responsible for their decisions on the acceptance of gifts or hospitality and for ensuring that any gifts or hospitality accepted can stand up to public scrutiny and do not bring the EA into disrepute.

## **5. STRATEGIC PLANNING AND THE CONTROL & USE OF PUBLIC FUNDS**

### **5.1 Strategic Planning**

A key task of the EA Board is the oversight of the production of a Corporate Plan.

The process of preparing such a document provides an opportunity for agreeing, with the Minister or officials on his or her behalf, the policy and resources framework within which the EA will discharge its duties; and for determining its key strategic objectives and targets. Such targets should normally cover areas such as the organisation's financial performance; the efficiency and effectiveness of its operations; and the quality of the services it provides.

To this end the Board and its Members shall:

1. establish the overall strategic direction of the EA within the policy and resources framework determined by the Minister;
2. oversee the production of a Corporate Plan including determination of key strategic objectives and targets as approved by the Minister;
3. ensure that the organisation fulfils the aims and objectives set out in the Corporate and Business Plans and promote the economic, efficient and effective use of staff and other resources by the EA;
4. ensure that the EA's Sponsoring Department is kept informed of any changes likely to impact on the strategic direction of the EA or on the attainability of its targets and determine the steps needed to deal with such changes;
5. ensure they receive and review up to date financial / managerial information; be informed in a timely manner of any concerns about the activities of the EA; and provide positive assurance to the Department that appropriate action has been taken on such concerns;
6. appoint, with the approval of the Department, a Chief Executive and, in consultation with the Department, set performance objectives and remuneration terms linked to these objectives for the Chief Executive, which give due weight to the proper management and use of public monies;
7. oversee performance including financial performance, the efficiency and effectiveness of operations and the quality of services;
8. take due account of risk analyses and performance measures;



9. establish a Scheme of Delegations and consider all matters reserved to the EA under the Scheme of Delegations,
10. ensure the proper delegation of responsibility and accountability for specified matters to individual Members or committees of the EA;
11. constructively challenge the EA's executive team in their planning, target setting and delivery of performance.

## **5.2 Accountability for Public Funds**

Members have a duty to ensure the safeguarding of public funds - which for this purpose should be taken to include all forms of receipts from fees, charges and other sources - and the proper custody of assets which have been publicly funded. They must take appropriate measures to ensure that the EA at all times conducts its operations as economically, efficiently and effectively as possible, with full regard to the relevant statutory provisions and to relevant guidance in Government Accounting.

Members are responsible for ensuring that the EA does not exceed its powers or functions, as defined in statute. They will be advised on these matters by the Chief Executive and the EA's legal advisers.

## **5.3 Delegation**

Members serve on a part-time basis. To the extent permitted by the originating legislation or other provisions under which the EA is established, responsibility for day-to-day management matters should be delegated to staff so far as is practicable, within a clearly understood framework of strategic control.

The EA Board may decide to delegate, where it has power to do so, responsibility for specified matters to committees. Decisions taken by individual committees of the EA under delegated powers should be recorded in written minutes available to the EA as a whole.

## **5.4 Annual Report and Accounts**

As part of its responsibilities for the stewardship of public funds, the EA must ensure that it includes a full statement of the use of such resources in its Annual Report and Accounts. Such accounts will be prepared in accordance with the Accounts

Direction issued by the Minister and such other guidance as may be issued, from time to time, by the Department of Education and the Department of Finance and Personnel.

The EA will produce an Annual Report and Accounts as a single document and will give it appropriate publicity. The Annual Report and Accounts will provide:

- a full description of the EA's activities;
- state the extent to which key strategic objectives and agreed financial and other performance targets have been met;
- list the names of the current Members of the Board and senior staff; and
- provide details of remuneration of Board Members and senior staff in accordance with DFP guidance.

The Annual Report will contain information on access to registers of interests.

## **5.5 Audit and Risk Assurance Committee**

Standing Order 10.1 requires the EA Board to establish an Audit and Risk Assurance Committee at its first meeting or as soon as practicable thereafter.

The Audit and Risk Assurance Committee is chaired by a Member, other than the Chair, who has experience of financial matters. The responsibilities of the committee will overlap with those of the Accounting Officer, who will normally attend all meetings of the Audit and Risk Assurance Committee, unless, exceptionally, his or her own performance is being discussed. If required, the committee may also contain co-opted members - not members of the EA Board.

The Audit and Risk Assurance Committee is an advisory body with no executive powers or decision making capability. Its main functions are:

- to help promote the highest standards of propriety in the use of public funds and encourage proper accountability for the use of public funds;
- to improve the quality of financial reporting by reviewing financial statements on behalf of the Board;
- to promote a climate of financial discipline and control which will reduce the opportunity for financial mismanagement; and

- to promote the development of internal control systems that will help satisfy the Board that the company will achieve its objectives and targets, and is operating in accordance with statutory requirements, within its delegated authorities and in a manner that will make most economic and effective use of available resources.

## **6. THE EDUCATION AUTHORITY AS AN EMPLOYER**

### **6.1 The Role of the Chief Executive**

The Chief Executive has responsibility, under the EA, for the overall organisation, management, and staffing of the EA and for its procedures in financial and other matters, including conduct and discipline. This involves the promotion by leadership and example of the values embodied in the Seven Principles of Public Life. Members will support the Chief Executive in undertaking this responsibility.

The Chief Executive is designated as Accounting Officer and is responsible to the Assembly and the Accounting Officer of the Department of Education for the resources under his or her control. The essence of the role is a personal responsibility for:

- the propriety and regularity of the public finances for which he or she is answerable;
- for the keeping of proper accounts;
- for prudent and economical administration;
- for the avoidance of waste and extravagance; and
- for the efficient and effective use of all the resources in his / her charge.

The Accounting Officer has a responsibility to see that appropriate advice is tendered to the EA on all these matters.

All EA Board Members should ensure that they have a copy of *The Responsibilities of a NDPB Accounting Officer*. The Treasury's handbook, *Regularity and Propriety*, describes what these concepts mean in a financial context. Although the handbook is intended primarily for accounting officers, Board Members should also familiarise themselves with it.

### **6.2 Responsibilities to all Employees**

Members of the EA will ensure:

- that the EA complies with all relevant legislation and that it employs suitably qualified staff who will discharge their responsibilities in accordance with the high standards expected of staff employed by such bodies;
- All staff will be familiar with the EA's main aims and objectives;

- that the EA adopts management practices which use resources in the most economical, efficient and effective manner;
- that the EA's policies for the recruitment and management of staff provide for appointment and advancement on merit on the basis of equal opportunity for all applicants and staff. In filling senior staff appointments, the Board should satisfy itself that a field of qualified candidates is considered, and should always consider the merits of full and open competition to attract external candidates, to enhance the breadth of experience and expertise in the Senior Management Team.
- that its staff, and the Members, have appropriate access to expert advice and training opportunities in order to enable them to exercise their responsibilities effectively (in line with wider Government commitments on training strategies).

Members have a responsibility to monitor the performance of the Chief Executive and other senior staff. As the terms and conditions of employment of the Chief Executive and other senior staff include an entitlement to be considered for performance-related pay, and such payments are assessed by EA Board Members, the EA Board will ensure that they have access to the information and advice required to make the necessary judgements.

### **6.3 Members' Responsibilities towards Employees**

Members will treat any staff employed by the EA with courtesy and respect. It is expected that employees will show EA Board Members the same consideration in return.

Members will not ask or encourage employees to act in any way which would conflict with their own Code of Conduct.

## **Annex to Code of Conduct for Members**

### **1.1 Members' roles as nominees of stakeholder organisations**

1.1 The Education Authority was established under the Education Act (Northern Ireland) 2014, and consists of a Chair appointed by the Department of Education (NI), 8 political members nominated by political parties, and a total of 12 members appointed by the Department following consultation with persons or bodies representing, transferors of controlled schools; trustees of maintained schools; integrated schools; voluntary grammar schools; controlled grammar schools; and Irish Medium schools. Members are expected to contribute expertise and experience, including insights from their sectoral bodies, when engaging in EA Board and Committee business.

1.2 However, all members are expected to take decisions in the corporate interest of the Authority and not for personal reasons or to benefit factional interests. The NIAO publication "Board Effectiveness – A Good Practice Guide" recognizes the role of nominated members of different stakeholder groups can give rise to the members using the Board as a platform to champion their own interests and clarifies that

*"It is critical that nominated representatives act solely in the interests of the Board. Advocacy can help inspire decision making but an effective Board member must exhibit corporate responsibility and remember that they have a wide and unified role to play.....The notion that Board members have an objective view and unbiased judgement underlies the importance ascribed to having a Board at the forefront of an organisation's governance framework".*

1.3 The role of an EA Board member is set out in the EA's Management Statement and Financial Memorandum (MSFM), and repeated in each member's terms and conditions of appointment

## **2 Responsibility in respect of EA Board decisions**

2.1 Members may come to issues with contrasting or even conflicting views and should provide a strong 'challenge function', carefully scrutinising plans and underlying assumptions before decisions are taken.

2.2 Should a member decide that they wish to formally dissent from a decision taken by the Board, for example after a vote is taken, the member's dissent will be recorded. However once made, members are required to share corporate responsibility for collective decisions taken by the Board as a whole and support their implementation.

### **3. Responsibility for communicating Board decisions or explaining Board policy**

3.1 It is the role of the Chair or Chief Executive to communicate Board decisions or to explain Board policy. If a member is invited to comment in public about a Board decision or policy they should refer the enquirer to the EA's Head of Communication.

### **4 Dealing with operational issues brought to a member's attention**

4.1 EA Board members should maintain a focus on strategy, performance and behaviour. In cases where Board members become involved in operational issues there is a significant risk that this could negatively impact upon good governance, good management and clear accountability.

4.2 Members may from time to time receive representations relating to a range of issues, for example school transport, placement of pupils, provision for special needs children, procurement etc. These representations may come from a stakeholder group, elected representatives or members of the public. While these representations can be an important source of intelligence about the impact of Board decisions, they may create the risk of inappropriately drawing Board members into operational matters. Members should therefore refer any such matters to the Chief Executive's Office which will ensure that the matter is dealt with appropriately and Members will be advised accordingly. Members should not lobby or make representations to other staff.

4.3 The respective roles of the Executive, the Minister, the Department of Education, the EA and schools' Boards of Governors are not generally understood with the result that the public may assume that the EA has responsibilities which are the proper concerns of others. Members will wish to clarify where responsibility for a particular issue lies and to advise the enquirer accordingly.

4.4 Members may also be approached by EA staff or their representatives on human resource issues. While members play a role in the strategic direction of human resource matters, the day to day management of staff is the responsibility of the senior team. Members should avoid any engagement in relation to individual staffing matters particularly as they may have a role in the final stages of a HR process.

### **5 Managing conflicts of interest**

5.1 A conflict of interest involves a conflict between the public duty and the private interest of a Board Member in which the Member's private interest could improperly influence the performance of their duties and responsibilities. The management of conflicts of

interest as a Board Member is dealt with comprehensively in Sections 13.2 to 13.8 of the EA Board Standing Orders.

- 5.2 The composition of the Board reflects the intention to include a broad range of interests and expertise amongst its Members who will contribute the perspective of their sector in Board and Committee discussions. That is distinct from a real or perceived conflict of interest which can be characterised by a financial or a material personal interest that should be managed in accordance with the provisions of Section 13.5 of the EA Standing Orders. Similar arrangements apply in any matter in which members may have a non-financial interest where, in the judgement of a reasonable and objective observer, the non-financial interest would be likely to impair the objectivity of the Member.
- 5.3 Members should avoid situations where they are invited to adopt a position in public which challenges agreed Board policy or which might be perceived to compromise their independence as a Board Member. In particular, whenever possible, all public communication of Board policy should be via the Chief Executive or Chair.

## **6 Participation in delegations**

- 6.1 It is important that arrangements are in place for effective stakeholder engagement and involvement. It is however possible that Board Members may be approached to participate in delegations that meet with the Chief Executive, or the Chair. This may include lobbying for specific interests including funding and support. There is a risk that such participation by Board members may be perceived to represent a conflict of interest given the requirement for collective corporate responsibility for Board decisions. Accordingly, Members should consider very carefully whether to participate in delegations which are meeting with EA officials.
- 6.2 Members may be asked, or seek, to be participants in a delegation presenting to the Board or a committee of the Board. In these circumstances the Member will withdraw from Board or Committee meetings at which the specific representation of the delegation in which the Member participates is being considered, avoiding any involvement in either the discussions or the voting process.