



Údarás Rialála Seirbhísí Maoine
Property Services Regulatory Authority

Property Services Regulatory Authority

Code of Business Conduct

for

Board Members of the Authority

Author: Corporate Governance Unit

Version: 2

Version Date: 4th December 2023

Approval Date: 4th December 2023

Contents

1. Introduction	3
2. Intent and Scope	3
3. Objectives of the Code	4
4. Principles	4
4.1 Integrity	4
4.2 Information	5
4.3. Confidentiality	6
4.4. Obligations	6
4.5. Loyalty	7
4.6 Fairness	7
4.7 Work/External Environment	7
5. Ethics in Public Office and Declaration of Interests	8
6. Responsibility	8
7. Review of the Code	8
8. Form of Acceptance	9
Appendix 1 – Supplementary PSRA Assurances to Principles in the Code - Template	10
Appendix 2 – Procedures in relation to Conflicts of Interest	11
Appendix 3 - Procedures for Board members in relation to Gifts and Entertainment	12
Appendix 4 - Procedure for obtaining Professional Advice	13
Appendix 5 – Form of Acceptance	14

1. Introduction

- 1.1. The Code of Business Conduct (“Code”) for Board members of the Authority sets out, in written form, the standards of conduct, ethics, and integrity to which the members of the Property Service Regulatory Authority (PSRA) have agreed to adhere in the performance of their duties. The Code incorporates the principles and standards of behaviour generally expected of Board members and senior managers across the public sector including those in the Code of Practice for the Governance of State Bodies (2016) and the Standards in Public Office.
- 1.2. The PSRA, an agency of the Department of Justice, was established on 03rd April 2012, pursuant to the Property Services (Regulation) Act 2011 (the Act), and is the statutory body with responsibility for licensing and regulating the property services sector in Ireland. In order to fulfil its functions, it is essential that each Board member strives to perform his/her duties in accordance with the highest ethical standards. This Code has been adopted by the Board to promote and encourage these standards.

2. Intent and Scope

- 2.1 The intent of this Code is to set out the ethical standards that members of the public, those engaged by the Board to assist in carrying out its functions, other Board members and staff can expect of individual Board members. Adherence to this Code safeguards the reputation of the PSRA and promotes and maintains public and stakeholder confidence in the manner in which the Board discharges its functions.
- 2.2 The Code will apply to members of the Board in respect of their duties as members of the Board, Committees or working groups. A member of the Board, following his/her appointment to the Board, shall be expected to read this Code and sign an acknowledgment verifying that he/she agrees to adhere to it and to act at all times in accordance with its terms.
- 2.3 The Code is based on several overall ethical principles, under which specific ethical standards are elaborated in greater detail. The principles set out in Section 4 of this Code are supported by the “PSRA Assurances to Principles in the Code of Business Conduct” document (PSRA Assurances) (Appendix 1). The PSRA Assurances addresses how each of the principles are fulfilled and provides assurances to the Board, where applicable, in respect of how the PSRA Executive supports the implementation of these principles.

- 2.4 Information in relation to Ethics in Public Office and Declarations of Interests (Section 5) and procedures regarding Conflict of Interests (Appendix 2), Gifts and Entertainment (Appendix 3) and the provision of Independent Professional Advice (Appendix 4) for Board members of the Authority are also set out in this Code.

3. Objectives of the Code

The objectives of the Code are to:

- 3.1 Set out the ethical principles in accordance with which the Board will carry out its functions.
- 3.2 Demonstrate on-going commitment by the Board to the highest standards of ethical behaviour.
- 3.3 Prevent the development or acceptance of unethical practises.
- 3.4 Promote and maintain confidence and trust in the Board and the PSRA.
- 3.5 Provide guidance to members in certain situations that may arise.

4. Principles

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

4.1 Integrity

Board members will:

- 4.1.1 Disclose outside employment/business interests in conflict or in potential conflict with the business of the PSRA.
- 4.1.2 Avoid 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.
- 4.1.3 Commit to participate vigorously and energetically but also ethically and honestly.

- 4.1.4 Ensure that the purchasing activities of goods/services are conducted in accordance with best business practice.
- 4.1.5 Ensure a culture of claiming expenses only as appropriate to business needs and in accordance with good practice in the public sector generally.
- 4.1.6 Ensure that the PSRA's annual report and financial statements accurately reflect their business performance and are not misleading or designed to be misleading.
- 4.1.7 Avoid the use of the PSRA'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.
- 4.1.8 Commit not to acquire information or business secrets by improper means.

4.2 Information

Board members will:

- 4.2.1 Support the PSRA, executive management and employees in fostering a culture of providing access to general information relating to the PSRA's activities in a way that is open and enhances its accountability to the general public.
- 4.2.2 Maintain, both during and after term of office, the confidentiality of information obtained in the course of the business of the PSRA and respect the confidentiality of sensitive information held by the PSRA including:
 - commercially sensitive information (including but not limited to information on contracts or tenders submitted to the PSRA, future plans, investigations, draft regulations or details of major organisational changes);
 - personal information; and
 - information received in confidence.
- 4.2.3 Observe appropriate prior consultation procedures with third parties where, exceptionally, it is proposed to release sensitive information in the public interest.

- 4.2.4 Comply with relevant statutory provisions relating to access to information (e.g. Data Protection Act, Freedom of Information Act, Access to Information on the Environment and Open Data Directive).

4.3. Confidentiality

- 4.3.1 Serving and former Board members must respect the confidentiality of sensitive information received while acting as members of the Board. This includes commercially sensitive information, personal information, and information received in confidence by the Authority.
- 4.3.2 Board members should not retain documentation obtained during their term as a member and should return such documentation to the Chief Executive Officer / Board Secretary or otherwise indicate to the Chief Executive Officer / Board Secretary that all such documentation in their possession has been disposed of in an appropriate manner. In the event that former Board members require access to Board papers from the time of their term on the Board, this can be facilitated by the Secretary of the Board.

4.4. Obligations

Board members will:

- 4.4.1 Fulfil all regulatory and statutory obligations imposed on the PSRA.
- 4.4.2 Comply with detailed tendering and purchasing procedures as well as complying with prescribed levels of authority for sanctioning any relevant expenditure.
- 4.4.3 Ensure that there are adequate controls in place to prevent fraud including controls to ensure compliance with prescribed procedures in relation to claiming of expenses for business travel.
- 4.4.4 Co-operate with internal audit in the internal audit process.
- 4.4.5 Endeavour to attend all Board meetings.
- 4.4.6 Conform with 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.

- 4.4.7 Acknowledge the duty of all to conform to highest standards of business ethics.

4.5. Loyalty

Board members will:

- 4.5.1 Acknowledge the responsibility to be loyal to the PSRA and to be fully committed in all its business activities while mindful that the organisation itself must at all times take into account the interests of its stakeholders.

4.6 Fairness

Board members will:

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

4.7 Work/External Environment

Board members will:

- 4.7.1 Promote the development of a culture of 'speaking up' whereby workers can raise concerns regarding serious wrongdoing in the workplace without fear of reprisal.
- 4.7.2 Place highest priority on promoting and preserving the health and safety of employees.
- 4.7.3 Ensure that community concerns are fully considered.
- 4.7.4 Minimise any detrimental impact of the operations on the environment.

5. Ethics in Public Office and Declaration of Interests

- 5.1 Each member of the Board and each person holding a “designated position” with the PSRA must ensure compliance with the relevant provisions of the Ethics in Public Office Acts 1995 and 2001.
- 5.2 Each Board member, whether he/she holds a designated directorship under the Ethics in Public Office Acts 1995 and 2001 or not, is required to follow the obligations set out in Appendix B of the Code of Practice for the Governance of State Bodies (2016) regarding disclosure of interests. Detailed guidelines on compliance with the Ethics Acts has been published by the Standards in Public Office Commission (the Standards Commission) on its website.
- 5.3 Each Board member must submit on appointment and annually thereafter a declaration of interests statement in accordance with section 5.8 of the Code of Practice for the Governance of State Bodies (2016).

6. Responsibility

The Chairperson of the Board, in conjunction with and supported by the Board Secretary, will:

- 6.1 Ensure the circulation of this Code and any guidelines on disclosure of interests to all Board members, management and staff for their retention.
- 6.2 Ensure the above recipients acknowledge the receipt and understanding of same.
- 6.3 Provide practical guidance and direction on such areas as gifts and entertainment and on other ethical considerations which arise routinely.

7. Review of the Code

- 7.1 The Board is committed to on-going monitoring and review of the operation of this Code. The Code and PSRA Assurances will be reviewed annually unless any deficiencies are identified or significant issues arise in the interim period.

8. Form of Acceptance

- 8.1 Board members are required to sign and return the Form of Acceptance (see Appendix 5 to this Code) to the PSRA.

Appendix 1 –PSRA Assurances to Principles in the Code of Conduct - Template

1. Introduction

1.1 The Code of Business Conduct (“Code”) for Board members of the Authority sets out, in written form, the standards of conduct, ethics, and integrity to which the members of the Property Service Regulatory Authority (PSRA) have agreed to adhere in the performance of their duties. The Code incorporates the principles and standards of behaviour generally expected of Board members and senior managers across the public sector including those in the Code of Practice for the Governance of State Bodies (2016) and the Standards in Public Office.

1.2 The Code is based on several overall ethical principles, under which specific ethical standards are elaborated in greater detail. The principles set out in Section 4 of the Code is supported by this “ PSRA Assurances to Principles in the Code of Conduct” document (PSRA Assurances). The PSRA Assurances address how each of the principles are fulfilled and provides assurances to the Board, where applicable, in respect of how the PSRA Executive supports the implementation of these principles.

2. PSRA Assurances to Principles in the Code

Principles	PSRA Assurance Applicable/Supporting Material
4.1 Integrity	
Board members will:	
4.1.1 Disclose outside employment/business interests in conflict or in potential conflict with the business of the PSRA.	The Code of Business Conduct sets out procedures for addressing conflicts of interest, refer to Appendix 1 in the Code of Business Conduct.
4.1.2 Avoid 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.	The Code of Business Conduct sets out procedures for Board members in relation to Gifts and Entertainment, refer to Appendix 2 in the Code of Business Conduct.
4.1.3 Commit to participate vigorously and energetically but also ethically and honestly.	When signing the Form of Acceptance in the Code of Business Conduct, Board members are committing to this Principle.
TEMPLATE VERSION ONLY: Principles continued in approved version.	TEMPLATE VERSION ONLY: Relevant assurance / supporting material provided in this column in approved version.

Appendix 2 – Procedures in relation to Conflicts of Interest

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. At each meeting of the Authority or Committee of the Authority, 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 a person or body connected with him/her may have an interest which may represent a conflict in the consideration of a proposal, should absent themselves from discussion on the item.
2. A member will absent himself/herself from any meeting, or part of a meeting, at which the Authority is deliberating or deciding on matters in which he/she (other than in his/her capacity as a member of the Authority) or a person or body connected with him/her has an interest. The minutes of the meeting will record any such abstentions and a separate record (to which the member will not have access) will be maintained.
3. 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.
4. Should a matter relating to the interests of the Chairperson arise at a meeting, the members present shall choose one of their members to chair their meeting and the Chairperson will absent himself/herself when the matter is being considered.
5. If a member of the Authority receives documentation relating to his/her interests or of those connected with him/her, then these documents should be returned to the Chief Executive Officer at the earliest opportunity or confirmation of deletion provided as appropriate.
6. It is recommended that the acceptance of a further position or employment where the potential for conflict of interest arises should be restricted for a reasonable period of time after the exercise of a function in the Authority has ceased.

Appendix 3 - Procedures for Board members in relation to Gifts and Entertainment

1. A Board member must not obtain personal advantage from any person dealing with the Property Services Regulatory Authority.
2. 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 judgments on any business matter.
3. 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.
4. 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.
5. Where the matter of the giving of a gift to persons or organisations doing business with the Authority arises, the approval of the Chairperson must be obtained and the gifts should be appropriate and modest in value.

Appendix 4 - Procedure for obtaining Professional Advice

1. In the event that any Board member wishes to seek independent professional advice in the furtherance of their duties, members should first consider whether such advice can be supplied by Property Services Regulatory Authority personnel or advisors already retained by the Authority.
2. It is only in relation to significant issues, and in circumstances where advice cannot be obtained from Property Services Regulatory Authority personnel or advisors already retained by the Authority or such advice is considered to be unreliable or lacking in objectivity that independent professional advice should be sought.
3. In such cases Board members should consult with the Chairperson regarding the basis on which such advice is required. The Chairperson will determine whether such advice is warranted.
4. Where it is deemed to be necessary, the Chief Executive Officer will arrange for independent professional advice to be provided to the member at reasonable expense to the Property Services Regulatory Authority.

Appendix 5 – Form of Acceptance



ÚDARÁS RIALÁLA SEIRBHÍ Sí MAOINE
PROPERTY SERVICES REGULATORY AUTHORITY

Form of Acceptance

Property Services Regulatory Authority

Code of Business Conduct

for

Board Members of the Authority

I acknowledge that I have read and understand the content of the Property Services Regulatory Authority's Code of Business Conduct.

I accept in full the content of the PSRA Code of Business Conduct.

Name: _____

Signature: _____

Date: _____