

MARINE CASUALTY INVESTIGATION BOARD

CODE OF BUSINESS CONDUCT

Document Control	
Document Title Code of Business Conduct	
Version Number 4	Document Owner Margaret Bell (Secretary)
Date Approved 15 March 2022	Effective Date 15 March 2022
Approved by MCIB Board	Date of Next Review March 2024
Version Number 5	Document Owner Margaret Bell (Secretary)
Date Approved 03 September 2024	Effective Date 03 September 2024
Approved by MCIB Board	Date of Next Review September 2026

GENERAL POLICY

It is the Policy of the MCIB to maintain its reputation for ethical behaviour and to conduct its business in a manner which is both impartial and seen to be impartial. It is necessary to have a written Code of Conduct to help protect and guide individual Board Members and to comply with the Code of Practice for the Governance of State Bodies. In addition to the requirement for a Board Member to behave in an ethical manner there is also a requirement to comply with the relevant provisions of the Ethics in Public Office Act, 1995 and 2001 (“the ethics Acts”) and the Standards in Public Office Act, 2001.

APPLICABILITY

This code applies to all Members of the Board and seconded Departmental staff assigned as the Secretariat and shall apply to all investigators and contractors who are required to have regard to the principles contained in the Code of Business Conduct.

Section 1. Objectives

This code is intended to:

- a) Offer guidance to MCIB Board Members, Secretariat staff, investigators and contractors in their business conduct
- b) Establish an agreed set of ethical principles for the conduct of the Board’s business
- c) Promote and maintain confidence and trust in the Board, and
- d) Prevent the development or acceptance of unethical practices in the Board.

Section 2. Conflicts of interest

2.1 Disclosure of conflicts of interests by Members of the Board

2.1.1. MCIB consultants, advisers, investigators or providers of other skills or expertise engaged by the Board under section 16 must comply fully with the provisions of Section 17 of the Merchant Shipping (Investigations of Marine Casualties) Act, 2000 (as amended) ("Section 17").

2.1.2 On appointment to the Board and in compliance with the requirements of the Ethics Acts and the Standards in Public Office Act, 2001, each Member will furnish to the Secretary details relating to his/her employment and all other business interests including shareholdings, professional relationships etc., which could involve a conflict of interest or could materially influence the Member in relation to the performance of his/her functions as a Member of the Board as required in the aforementioned legislation and section 17.

Any interests of a Member's family of which he/she could reasonably be expected to be aware or of a person or body connected with the Member which could involve a conflict of interest or could materially influence the Member in the performance of his/her functions should also be disclosed. For this purpose, persons and bodies connected with a Member are as defined in the Ethics Acts and the Standards in Public Office Act, 2001, and section 17, which should include:

- a) A spouse, parent, brother, sister, child, or stepchild
- b) A body corporate with which the Member is associated
- c) A person acting as the trustee of any trust, the beneficiaries of which include the Member or the persons at (a) above or the body corporate at (b) above, and
- d) A person acting as a partner of the Member or of any person or body who, by virtue of (a) – (c) above, is connected with the Member.

2.1.3 Each Member should furnish to the Secretary details of interests as required in Ethics Acts and the Standards in Public Office Act, 2001, and section 17, of which he/she becomes aware during the course of his/her directorship.

2.1.4 Where it is relevant in any matter which arises, the Member is also required to indicate to the Secretary the employment and any other interests of all persons connected with him/her, as required in the Ethics Act and the Standards in Public Office Act, 2001, and section 17.

2.1.5 The Board may exercise discretion regarding the disclosure by Members of minor shareholdings. As a general guideline, shareholdings valued at more than €15,000 or of more than 5 per cent of the issued capital of a company should be disclosed.

2.1.6 If a Member has a doubt as to whether this Code, Ethics Acts and the Standards in Public Office Act, 2001, and section 17, requires the disclosure of an interest of his/her own or of a connected person, that Member should consult the Secretary.

2.1.7 Details of the above interests shall be kept by the Secretary in a confidential register and should be updated on an annual basis. Changes in the interim should be notified to the

Secretary as soon as possible. Only the Chairperson and Secretary shall have access to the register.

2.1.8 Should a matter relating to the interests of the Chairperson arise, he/she should depute another Board Member to chair the Board meeting and should absent himself/herself when the Board is deliberating or deciding on a matter in which the Chairperson, or a person or body connected with the Chairperson, has an interest in accordance with section 17 (4).

2.1.9 Board documents on any case which relate to any dealings with the above interests may not be made available to the Member concerned prior to a decision being taken as may be determined by the Board. (Such documents should be taken to include those relating to cases involving competitors to the above interests). Decisions once taken should be notified to the Member.

2.1.10 As it is recognised that the interests of a Member and persons connected with him/her can change at short notice, a Member should, in cases where he/she receives information (including documents) relating to his/her interests or of those connected with him/her, provide the information/documents to the Secretary at the earliest opportunity.

2.1.11 A Member should absent himself/herself when 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. In such cases a separate record (to which the Member would not have access) should be maintained.

2.1.12 Where a question arises as to whether or not a case relates to the interests of a Board Member or a person or body connected with that Member, the Chairperson of the Board should determine the question.

2.1.13 Serving and former Board Members should respect the confidentiality of sensitive information received while acting in that capacity. This includes commercially sensitive information, personal information, and information received in confidence by the Board.

2.2 Avoidance of conflicts of interest by staff assigned to the Board and by investigators

2.2.1 Staff assigned to the Board and investigators should not involve themselves in outside employment or business interests which are in conflict, or in potential conflict, with the business of the Board, or would prevent them from carrying out their duties.

2.2.2 Investigators must comply fully with the conflict-of-interest clauses in their contracts with the Board.

2.2.3 Where a question arises as to whether a case involved a conflict of interest for staff assigned to the Board/investigators, the matter should be brought to the attention of the Secretary. Where it is appropriate and warranted, the Chairman shall determine the question and his/her decision shall be final.

2.2.4 Staff assigned to the Board/investigators must declare in writing to the Secretary - who maintains a confidential record - any personal or family interest or possible conflict of interest that might affect their impartiality in carrying out their duties immediately if such exists or as soon as it occurs.

Section 3. Gifts and entertainment

3.1 Staff assigned to the Board/investigators must not accept or give gifts, hospitality, preferential treatment, or any other benefits or favours which might affect or appear to affect the ability of the donor or the recipient to perform their duties in an independent and impartial manner.

3.2 Some suppliers, consultancies/service providers and contractors may send unsolicited gifts to named staff assigned to the Board/investigators with whom they have contact. In such cases staff assigned to the Board/investigators may accept gifts of small value (less than €100) of this nature provided:

- a) The gift is unsolicited,
- b) The donor is not involved in the work of the Board, and
- c) Not more than one such gift may be accepted in a year from any one contractor/supplier of goods/services.

3.3 Details of all gifts received by staff assigned to the Board/investigators must be notified to the Secretary.

3.4 Entertainment of Board members, staff assigned to the Board or of a consultant, adviser, investigator or provider of other skills or expertise engaged by the Board under section 16 i by external service suppliers is not permissible under any circumstances. Such offers should be tactfully refused, and this policy quoted. Entertainment is defined as meals, residential stays, tickets for a sports or other public entertainment event, or any other benefit in kind which a Member, investigator or staff assigned to the Board is offered. Under no circumstances may cash or cash vouchers be accepted by any Board Member, staff assigned to the Board, or investigator.

Section 4. Prohibition on solicitation of gifts

4.1 Under no circumstances may any Member, investigator or staff assigned to the Board acting in a professional or personal capacity, solicit or request a gift, donation or support from suppliers of goods or services to the Board or any person involved in an investigation.

Section 5. Giving of gifts by the Board

5.1 The Board shall not give gifts at public expense. Where the question of giving a gift to persons or organisations connected with the Board arises, this shall be at the personal expense of the Board or staff assigned to the Boards. Gifts of this nature must be token and should not normally exceed €50 in value.

Section 6. Business conduct

6.1 The Board is committed to operating in an ethical manner.

6.2 Board Members, investigators and staff assigned to the Board and any consultant, adviser, investigator or provider of other skills or expertise engaged by the Board under section 16 should not use the Board's resources or time for personal gain, for the benefit of persons or organisations unconnected with the Board or its activities, or for the benefit of competitors.

6.3 Board Members should use their reasonable endeavours to attend all Board meetings.

6.4 In accordance the Ethics in Public Office Acts 1995 and 2001 each Board member will provide to the Secretary to the Board, at the beginning of each year, but no later than the 31 January a Statement of Interests for the purpose of Section 17 of the Ethics in Public Office Act 1995 (SIPO return) listing disclosable interests held by them; a spouse or civil partner; or a child of theirs or their spouse, which could materially influence them in the performance of official functions. If applicable a 'Nil' return should be made.

Section 7. Tendering and purchasing procedures

7.1 The purchasing activities of the Board will be conducted in accordance with best business practice and the requirements of national and EU tendering policies subject to such principles and derogations as may apply.

7.2 Tendering and purchasing procedures must be strictly adhered to. Tendering and Award/Contract procedures are compatible with and complement EU Public Procurement Directives as well as other relevant international trade control mechanisms subject to such principles and derogations as may apply.

7.3 The Tendering and Purchasing/Award Procedures are designed to provide an objective framework to assess the services/products and value-for-money of suppliers, and to provide the organisation with goods and services at competitive prices.

7.4 Tendering procedures and approval levels must be seen as the backdrop to this Code of Business Conduct.

Section 8. Information

8.1 The Board will provide access to general information relating to its activities, in a way that is open and enhances its accountability to the general public. Members of the Board and staff assigned to the Board and any consultant, adviser, investigator or provider of other skills or expertise engaged by the Board under section 16 must comply with the confidentiality obligations in the Merchant Shipping (Investigations of Marine Casualties) Act, 2000 (as amended) and the European Communities (Merchant Shipping) (Investigation of Accidents) Regulations 2011. S.I. No. 276 of 2011).

8.2 Members of the Board and staff assigned to the Board and any consultant, adviser, investigator or provider of other skills or expertise engaged by the Board under section 16 must respect the confidentiality of sensitive information held by the Board. This includes:

- a) commercially sensitive information,
- b) personal information; and
- c) information received in confidence by the Board.

8.3 There must be appropriate prior consultation with third parties where, exceptionally, it is proposed to release sensitive information in the public interest.

8.4 Subject to the provisions of the European Communities (Merchant Shipping) (Investigation of Accidents) Regulations 2011. S.I. No. 276 of 2011 and the Merchant Shipping (Investigations of Marine Casualties) Act, 2000 (as amended) the Board must comply with the requirements of the Freedom of Information Acts and the Data Protection Acts.

Section 9. Loyalty

9.1 Members of the Board and staff assigned to the Board and any consultant, adviser, investigator or provider of other skills or expertise engaged by the Board under section 16 must be loyal to the Board and fully committed in all its statutory activities, and to conform to the highest standards of business ethics.

Section 10. Obligations

10.1 The Board is obliged to:

- a) fulfil its regulatory and statutory obligations
- b) ensure the effective operation of controls to prevent fraud,
- c) ensure that its accounts and reports accurately reflect its performance and are not misleading nor designed to be misleading.

Section 11. General observance of the spirit of the Code

11.1 All Members of the Board, staff assigned to the Board and consultant, adviser, investigator or provider of other skills or expertise engaged by the Board under section 16 are required to bear these principles in mind in the conduct of their duties.

11.2 It is not possible for this Code to provide for all situations which may arise. Members of the Board, staff assigned to the Board and investigators will bear in mind, therefore, that it is primarily their responsibility to ensure that all of their activities, whether covered specifically or otherwise in this document, are governed by the ethical principles described here.

11.3 A copy of this Code of Business Conduct will be circulated to current Members of the Board, staff assigned to the Board, any consultant, adviser, investigator or provider of other

skills or expertise engaged by the Board under section 16, and to all new Board Members and staff on their appointment.

11.4 Board Members, staff assigned to the Board and investigators will acknowledge to the Secretary that they have received and understood the requirements of this Code.

11.5 This Code replaces all earlier similar Codes. In the event of any conflict between the provisions of this Code and the Ethics Act, the Standards in Public Office Act, 2001, the European Communities (Merchant Shipping) (Investigation of Accidents) Regulations 2011. S.I. No. 276 of 2011 or the Merchant Shipping (Investigations of Marine Casualties) Act, 2000 (as amended) the provisions of the aforementioned legislation shall apply.

11.6 This Code will be published on the Board's website.

11.7 This Code will be reviewed every two years.