

Guidance on the Implementation of the Civil Service Code of Standards and Behaviour in the FSPO in relation to Gifts and Hospitality

General guidelines in the Civil Service Code of Standards and Behaviour provide a framework governing gifts and hospitality. This Code has been adopted by the FSPO and accordingly all staff must abide by the provisions of the Code.

The Code is available on the [Website of the Department of Public Expenditure](#).

The purpose of this document is to provide guidance to staff of the FSPO in relation to complying with our obligations in relation to gifts and hospitality.

It is recognised that, on occasion, employees of the FSPO may be offered gifts or hospitality during the course of their official duties. Such offers carry an inherent risk that the Office of the FSPO, as well as individual employees, could be exposed to suggestions of improper influence or conflicts of interest. The Code of Standards and Behaviour (Code) and this Guide seek to protect the Office and its employees from such risks. This Guide should be read in conjunction with the Code, which outlines more generally the standards expected of employees and how conflicts of interest can be avoided.

The particular nature of the work carried out by staff of the FSPO, and the requirement for absolute independence and impartiality, requires the utmost transparency in dealing with complainants and financial service providers. The overriding concern is that the actions of staff must be reflective of the values of the Office and reflective of the importance of the role they perform. In addition, the actions of staff must not give rise to any actual, potential or perceived conflict of interest, and dealings with commercial and other interests or with complainants or financial service providers or their representatives should bear the closest possible scrutiny.

The term “gift” includes any benefit which is given to a staff member free of charge or at less than its commercial price. It is important for employees to note that, under the Prevention of Corruption Acts 1889 to 2001 as amended by the Ethics in Public Office Act 1995, the corrupt giving of gifts to, or receipt of gifts by, civil/public servants is a criminal offence punishable by imprisonment or fine or both. The Acts provide that money, gifts or other consideration received by a civil/public servant from a person holding or seeking to obtain a contract from a Government Department/Office is deemed to have been received corruptly unless the contrary is proven.

This guidance applies to employees, their spouse, partner, children, family members or close associates, who may not accept gifts or hospitality, or anything else of monetary value, from any person or organisation where the offer of such gifts or hospitality arises as a result of their official duties with the FSPO.

Under no circumstances may employees solicit gifts or hospitality, directly or indirectly from parties they have a connection with as a result of their official duties.

Employees may not approach any business, provider or complainant, directly or indirectly, with whom they have or had contact through their official duties, seeking sponsorship or support for themselves, for any individual, club, charitable organisation, association, trade union or other organisation.

Gifts

Gifts from any person or individual cannot be accepted when they arise as a result of the employee's employment. This includes, but is not limited to cash, gift cheques or any vouchers that may be exchanged for cash, flowers, lottery tickets, scratch cards or anything with a monetary or potential monetary value regardless of the value. In the first instance, any offers of gifts should be refused. If an employee is sent a gift, then the gift must be returned.

The Compliance Manager, within the Corporate and Communication Services Directorate, must be informed of any gift that is received and it must be recorded on the FSPO central gifts register. The gift must then be returned. If the employee believes that returning the gift may offend, the Compliance Manager will return the gift on behalf of the employee, citing the Code and this Guide. If it is not practical to return a gift, it will be donated to charity or a voluntary organisation. The FSPO central gifts register will be reported annually to the Audit and Risk Committee by the Director of Corporate and Communications Services.

The only items that employees are permitted to accept are modest gifts such as a pen or diary, provided that the value of the pen or diary would not exceed €20.

Hospitality

In developing this guidance, the FSPO has taken account of the Civil Service Code of Standards and Behaviour which states:

"It is impossible to lay down definite rules covering the acceptance of hospitality in all circumstances. The overriding concern is that all actions of civil servants in carrying out their official duties be above suspicion and not give rise to any actual or potential conflict of interest, and that their dealings with commercial and other interests should bear the closest possible scrutiny. It is accepted that civil servants should not be put in a position where they cannot accept what are regarded as normal courtesies in business relationships. However, in their contacts with outside organisations or persons, every care must be taken by civil servants to ensure that their acceptance of hospitality does not influence them, and could not reasonably be seen to influence them, in discharging their official functions."

The following list, while not exhaustive, includes forms of hospitality that must be refused other than explicitly provided for in this policy:

- Free tickets to paid events, including sporting and cultural events
- Free attendance at conferences/training events organised by commercial entities, where other attendees pay to attend
- Offers of hospitality from commercial interests which have or might have contractual relations with the FSPO

In certain circumstances, the acceptance of hospitality in the form of a working meal, or invitation to attend educational, knowledge sharing or industry networking events is permitted, if such events are relevant to the functions and/or operations of the FSPO.

Employees have an individual responsibility to ensure that:

1. They consider whether acceptance of hospitality could give rise to an actual, perceived or potential conflict of interest
2. They do not accept forms of hospitality offered by a financial service provider or pension provider without first consulting this policy and as necessary, Corporate and Communication Services
3. They inform Corporate and Communication Services, for the purposes of updating the Gifts & Hospitality Register, of all offers of hospitality

Employees may be required to attend or speak at conferences or training events in the course of official business. Such events can include complimentary attendance at the event and /or an element of hospitality. Therefore, for clarity, the following applies to conferences/events:

- Where an employee is speaking at a conference/event, it is permissible for the employee to attend free of charge and avail of a working meal. However, the decision to speak at an event must comply with this document's provisions below in relation to Speaking Engagements.

Before accepting any invitation of business hospitality is accepted, employees should consult with their line manager and the Director and Corporate and Communications Services for further guidance.

Speaking Engagements

- Speaking engagements cannot be accepted if there is potential for a conflict of interest or suggestion of improper influence. Speaking at events organised by commercial interests is not permitted, with the exception of events that are arranged by industry bodies and/or qualify for CPD hours for members of the organisation which invited the FSPO to speak. Speaking at events organised by financial services providers or their representative bodies must be authorised by the Ombudsman or Deputy Ombudsman and notified to Corporate and Communications Services.
- Corporate and Communications Services maintains an official record of all speaking engagements and should be informed of any such engagements.
- Reimbursement or payment of accommodation and/or travel expenses relating to speaking engagements run by commercial entities should not be accepted.

Official Entertainment

The Financial Services and Pensions Ombudsman may entertain in accordance with the approved entertainment limits under [Circular 25/2000](#).

Entertainment in this context excludes refreshments and lunches which take place during work meetings, and when the Office is hosting meetings with third parties.

Employees should note that failure to adhere to this guidance may result in disciplinary action.

This Guidance will be reviewed as necessary and in the context of the number of applicable scenarios that arise.