

**FOR THE ATTENTION OF ALL EMPLOYEES
ACROSS ALL GRADE CATEGORIES
WHERE THE MINIMUM SALARY POINT IS EQUAL TO OR ABOVE
THE MINIMUM POINT (i.e. €70,373)
OF THE
GRADE VIII SALARY SCALE,**

ANNUAL STATEMENT OF INTERESTS

Ethics in Public Office Acts 1995 and 2001 (the “Ethics Acts”)

1. INTRODUCTION

- 1.1 Any employee in any grade where the minimum point of the salary scale applicable to that grade is equal to or greater than the first point of the Grade VIII salary scale (i.e. €70,373 as at 1 October 2021) occupies a **“Designated Position of Employment”** under the Ethics Acts.
- 1.2 All persons occupying a Designated Position of Employment will be aware that they are required to file a Statement of Interests or alternatively a NIL Statement on an annual basis.
- 1.3 Please note that it is a contractual as well as a statutory obligation on persons holding Designated Positions of Employment to comply with the Ethics Acts.
- 1.4 Following consultation with the Standards in Public Office Commission (SIPO) a more user-friendly system is being introduced to facilitate employees to comply with the Ethics Act and to file annual Statements of Interests / Nil Statements in respect of 2021.

2. THE PROCESS IN PREVIOUS YEARS

- 2.1.1 In previous years employees received an email in December with a link to a webpage containing relevant information about the process for making a Statement of Interest. Employees would have downloaded the relevant form from the webpage, completed it manually, scanned it, and then sent it back via a dedicated email address.
- 2.1.2 This process was not ideal and may have contributed to a lower number of Statements of Interest / NIL Statements being filed than would be anticipated for an organisation of the HSE’s size.

3. **ELECTRONIC FILING**

3.1 The HSE is now putting in place a **digital solution** in respect of annual Statements of Interests and also in respect of NIL Statements.

3.2 Employees will be able to complete their annual Statement of Interest / NIL Statement forms electronically, to sign the forms electronically using digital signature technology, (DocuSign) and to file/submit their statement thereafter.

3.3 The new electronic filing system utilises encryption software to ensure confidentiality. It is much more user-friendly, and it will support employees' and the HSE's **mutual legal obligations** to comply with the Ethics Acts.

4. **THE ETHICS ACTS: WHAT IS A STATEMENT OF INTEREST?**

4.1 A Statement of Interest is a statement, which outlines:

(a) the interests of the employee; and / or

(b) the interests of which the employee has actual knowledge of his or her spouse or civil partner or a child of the employee or of his or her spouse,

which **could materially influence an employee in, or in relation to, the performance of the employee's official functions.**

5. **WHAT DOES THIS MEAN FOR ME?**

5.1 The Standards in Public Office Commission has provided guidelines for employees in relation to interests that must be disclosed. You should read the guidance carefully, which may be accessed here: <https://www.sipo.ie/acts-and-codes/guidelines/public-servants/1.10.21-PS-Guidelines-10th-edition-English-updated-October-2021.pdf#page=45>

5.2 Having read the guidance as it relates to your own circumstances you must come to a decision about whether you need to file a Statement of Interest or alternatively file a NIL Statement.

5.3 **DO I HAVE AN INTEREST THAT COULD MATERIALLY INFLUENCE ME IN THE PERFORMANCE OF MY OFFICIAL FUNCTIONS?**

5.4 In order to come to arrive at an answer to this question you must think carefully about your official role and responsibilities and consider whether any private interests that you have (or those of your spouse, civil partner, or child) have the potential to "**materially influence**" you in the way that you perform your official functions.

5.5 If you are unsure, you are also entitled to seek advice from the SIPO Commission in relation to any provision of the Ethics Acts as they relate to you, or in relation to the guidelines published by the SIPO Commission. Any such queries can be emailed to: sipo@sipo.gov.ie.

5.6 By way of example, if an employee¹ provides goods or services (whether on their own account, or as an employee of a third-party organisation or through a company structure) to

¹ Employees must, in the example above also assess the potential for "material influence" in the context of any goods and services provided by their spouse, civil partner, child and/or child of their spouse or civil partner of which they have actual knowledge.

clients of the HSE,² (e.g. patients) or intends to sell goods and/or services directly to the HSE, then any such interest(s) may be disclosable, and that employee may need to disclose this interest on his or her Annual Statement of Interest.

6. **WHAT IS A STATEMENT OF NIL INTEREST?**

6.1 A statement of NIL interests is a statement either that (a) the employee has no interests to disclose; or (b) the employee is satisfied that any interests he or she may have **could not** materially influence him or her in the performance of their functions.

6.2 For example, if an employee,³ outside of his or her employment relationship with the HSE, provides goods or services (whether on their own account, or as an employee of a third-party organisation or through a company structure) but is not and will not be selling to the HSE⁴, and this commitment will not otherwise materially influence the employee in the performance of their official functions, then the Employee may not be required to file an annual statement in respect of that interest. The employee may instead decide to file a NIL Statement.

6.3 In summary, where either of the scenarios outlined at paragraph 6.1 above applies, employees are required by the HSE to file a NIL statement of interest.

7. **BY WHEN SHOULD THE STATEMENT OF INTEREST / NIL STATEMENT BE FILED AND IN RESPECT OF WHAT PERIOD OF TIME?**

7.1 The Statement of Interest / Nil Statement relates to the period **1 January 2021** (or date upon which employment commenced if later) up to and including **31 December 2021**.

7.2 Employees will not therefore be in a position to complete the Annual Statement of Interest for the year 2021 in the current year. They must wait until 1 January 2022 at the earliest.

7.3 The SIPO Commission has advised that the latest date for the filing of completed Statements of Interests / NIL Statements in respect of 2021 is **31 January 2022**. While the HSE will continue to issue reminders to employees beyond that date, and returns filed after 31 January 2022 will be accepted, they will have to be marked as late filings.

8. **OTHER OBLIGATIONS UNDER THE ETHICS ACTS OF WHICH EMPLOYEES MUST BE AWARE**

8.1 The obligations on Employees under the Ethics Acts continue throughout the year, and employees' obligations are not met solely by filing a Statement of Interest and/or a NIL Statement. Some important further obligations are outlined below:

8.2 **Material Interest in relation to any particular function**

8.2.1 In any case where a function of your position as an employee of the HSE falls to be performed and you have **actual knowledge** that you, or a connected person, have a material interest in a matter to which the function relates, **you must, as soon as may be, prepare and furnish a statement in writing of those facts** to the Chief Executive Officer / Chief Officer of the

² HSE in this context would include any organisation that is directly funded to provide services on behalf of the HSE under Section 38 and Section 39 of the Health Act 2004 (as amended).

³ See footnote 1. Above.

Hospital Group / Community Healthcare Organisation where you work, or if you work in a national service, to the relevant National Director with responsibility of your area of work.

8.2.2 You should not perform the function unless there are compelling reasons requiring you to do so. If you propose to perform the function you should, before doing so or, if that is not reasonably practicable, as soon as possible afterwards, **prepare and furnish a statement in writing of the compelling reasons** to the persons referred to in paragraph 8.2.1. These requirements apply regardless of whether you have previously disclosed this interest in an annual Statement of Interest.

8.3 **Statement on Leaving**

8.3.1 If your appointment ends during the course of any particular year, you must nevertheless furnish a statement covering the period from 1 January in that year, or the date of your appointment, if later, up to the date on which your appointment ended. This statement should may be furnished after your employment has ended, but in any event no later than 31 January of the following year. A system will be put in place to facilitate persons who are leaving or have left employment to file an annual Statement of Interest / a Nil Statement, as the case may be.

8.3.2 Please note that obligation this is both a statutory and a contractual requirement, that continues beyond the end of your employment relationship with the HSE.

9. **WHAT HAPPENS NEXT?**

- On or after **1 January 2022** every employee occupying a “Designated Position of Employment” will receive a link from which they can access the online form together with explanatory documentation.
- Between 1 January and 31 January 2022 periodic reminders will issue to employees requesting them to comply with the Ethics Acts by filing a Statement of Interest or a Nil Statement, as the case may be.
- By 31 January 2022 all employees occupying “Designated Positions of Employment” must file either a Statement of Interest or a Nil Statement.
- Once an employee has filed a return no further reminders will be sent.
- After 31 January 2022 reminders will continue to issue to employees who have not complied with the obligations under the Ethics Acts to file a Statement of Interest, or the HSE’s requirement to file a NIL Statement (as the case may be) within the timelines provided for by the SIPO Commission.
- The HSE will prepare a report for the SIPO Commission in respect of compliance with the Ethics Acts in 2021 during 2022.

Signed: 
John Kelly

Head of Corporate Affairs

Health Service Executive

Dated: 8 December 2021