



An tÚdarás Rialála Limistéir Mhuiri
Maritime Area Regulatory Authority

MARA Code of Conduct

Maritime Area Regulatory Authority

MARA Board: Code of Conduct

Policy Reference: COD-002

10/09/2024

Confidential

Area	Board Action
Code of Conduct	Board approval

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Responsible Officer	Board Secretary
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1. Introduction

The Maritime Area Regulatory Authority (MARA) is required to have a written code of conduct for Board members and employees. The 2016 “Code of Practice for the Governance of State Bodies” provides a working framework for the application of best practice in governance and the MARA has adopted the Code of Conduct as outlined.

MARA is obliged to issue its Code of Conduct to Board members, staff and members of Board Committees who are not members of the Board. The code of conduct provides a framework against which the business of the MARA can be run in a legal and ethical manner, while upholding the values of the Authority. This Code should serve as a guide to the behaviour of Board members, staff and third-party entities engaged by the MARA in a way that reflects the values of the organisation.

This code applies to Board members, all staff and any third parties working for or engaged on behalf of MARA. As civil servants, staff members are also subject to the [Civil Service Code of Standards and Behaviour](#) and are governed by individual contracts of employment. While this code may not specify all instances of inappropriate conduct, it is understood that in the conduct of MARA’s activities, the staff and Board of MARA are bound by ‘proper standards of integrity, conduct and concern for the public interest’.

In addition to its obligations as a State body, this code shall be aligned to MARA’s values and reflects the principles of integrity and concern for public interest in accordance with the Maritime Planning Act 2021 (as amended).

MARA’s values, mission and vision are key to assisting the Board and staff members in delivering MARA’s strategic objectives.

The infographic features the MARA logo at the top center, with the text 'MARIA' in large letters and 'An tÚdarás Rialála Limistéir Mhuirí / Maritime Area Regulatory Authority' below it. Below the logo is the title 'Maritime Area Regulatory Authority' in a dark teal box. Underneath, there are three main sections: 'Our Values' with five sub-sections (Integrity, Collaboration, Innovation, Confidence, Inclusion), 'Our Mission' with a paragraph describing the role as custodian and regulator, and 'Our Vision' with a paragraph about being a trusted maritime regulator.

MARA
 An tÚdarás Rialála Limistéir Mhuirí
 Maritime Area Regulatory Authority

Maritime Area Regulatory Authority

Our Values

Integrity	Collaboration	Innovation	Confidence	Inclusion
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Our Mission

Our mission is to act as custodian and regulator of Ireland's maritime area. We aim to ensure that Ireland's marine environment is protected for the future through co-operation, compliance, enforcement and transparent decision making.

Our Vision

We will be a trusted maritime regulator contributing to the achievement of a thriving ocean ecosystem and the sustainable management of the maritime area of Ireland for the benefit of nature and generations to come.

3. Conflict of interest

This section of the code of conduct includes the obligations of Board members and staff under the Ethics in Public Office legislation and should be read in conjunction with MARA's Conflict of Interests Policy and Procedure and relevant HR policies.

The MARA acknowledges that Board membership and employment can provide opportunities for potential conflict of interests. All Board Members and staff must declare any personal or other interest, which could involve a conflict of interest or could compromise, or potentially conflict with, or appear to compromise, his or her professional judgment, objectivity or independence.

In order to safeguard against any loss of public confidence and damage to the reputation of the MARA, which could arise as a result of a poorly managed conflict of interest, the MARA shall adopt a Conflict of Interest policy. The Conflict of Interest Policy and the Ethics in Public Office are subject to separate policy documents.

4. Participation

- Board Members, and staff invited to attend Board meetings, shall demonstrate their commitment to the MARA by demonstrating a high priority of participation in Board and Committee meetings through high levels of attendance.
- In discharging their duties as members of the MARA, the distinction between the role of the Board and the role of the Senior Management Team will be recognised, as per the Board's delegation of authorities, with the Board's focus on oversight of the delivery of MARA's functions, strategy and ensuring that appropriate controls are in place for effective delivery of the MARA's remit.
- Board Members, and staff invited to attend Board meetings, shall prepare themselves for all Board and Committee meetings by familiarising themselves with the meeting's agenda and background materials to the greatest extent possible, with the goal of discussing the issues and business addressed at the meetings.
- Board Members shall focus on the discussions at hand and be prepared to deal with issues that may not be easily solvable.
- Board Members shall be members of at least one Committee of the Board
- Board Members shall participate in:
 - Strategic planning and orientation workshops
 - Board development workshops
 - Seminars and other educational events that enhance their skills as Board members
 - Other special events

5. Confidentiality

Due to nature of the organisation's activities, Staff and Board members will receive private information relating to work, which is not yet public, or may not be intended to be public. Staff and Board members are required to maintain strict confidentiality in relation to this information.

- Staff and Board Members shall maintain, at all times, the confidentiality of all confidential information and records of the MARA and must not make use of or reveal

such information or records except in the course of performance of their duties or unless the documents or information become a matter of general public knowledge.

- Staff and Board Members shall not use confidential information obtained through their association with the MARA to further their private interests or the private interests of their friends or relatives.
- Staff and Board Members shall comply with any MARA policies and procedures that guide the storage, use and transmission of any information of the Authority, including the use of computer databases or email systems.
- Board Members, and staff invited to attend Board meetings, shall treat Board discussions as a “safe haven” for the benefit of their peers and the MARA’s Executive and shall not repeat any discussions concerning the Authority’s business and practices, or any discussions of a personal nature of their peers and the Executive, in a public setting.
- Staff and Board Members should ensure that this confidentiality is maintained where membership of the Board has ceased or where employment has ended with the MARA. In particular, as stated previously, the MARA recommends that the acceptance of further employment where a real or perceived conflict of interest arises should be avoided during a reasonable period of time after the exercise of a function in the Authority.
- The Board secretary will communicate with all outgoing Board members in relation to their obligation regarding disposal of documentation relating to the business of the Authority.

6. Responsibility

- Staff and Board Members must adhere to the standards prescribed by this Code of Conduct, as well as any applicable Conflict of Interest and Policy, and shall execute declarations in favour of the MARA and the Board to that effect.
- Staff and Board members must adhere to all applicable legislation that govern the MARA.
- Staff and Board members must adhere to all applicable policies of the MARA while performing their duties, or while in situations which may affect their ability to perform their duties.
- Board Members shall report any breaches or potential breaches of this Code of Conduct to the Board through the Chair.
- Staff shall report any breaches or potential breaches of this Code of Conduct to their line manager.
- Board Members who have breached or who are in a potential breach of this Code of Conduct may be requested to resign or may request an exemption from any such breach or potential breach, by a determination of a special majority of the Board member’s peers.
- This Code of Conduct is to be circulated to all staff and Board members alongside a Disclosure of Interest policy for their annual signatory and retention.
 - Board Members and staff will be required to acknowledge the receipt and understanding of same on an annual basis.
 - Additional guidance shall accompany this Code on such areas, as gifts and entertainment and on other ethical considerations.

- Board members and staff should acknowledge the responsibility to be loyal to the MARA and fully committed in all its activities while mindful that the organisation itself must at all times take into account the interests of stakeholders.
- Loyalty in this context means acting in the best interests of the MARA, acting honestly and responsibly in relation to the organisation's activities and exercising care, skill and diligence in carrying out our roles.

7. Integrity

- Staff and Board members should disclose any outside employment/business which may have a perceived or real conflict of interest with the Business of the MARA.
- Staff and Board Members will commit to engage vigorously and energetically but also ethically and honestly.
- Staff and Board Members will conduct purchasing activities of goods/services in accordance with best practice and integrating Government's Green Public Procurement (GPP) principles.
- Staff and Board Members will ensure that the MARA's accounts/reports accurately reflect their performance and are not misleading or designed to be misleading.
- Staff and Board Members will avoid the use of the MARA's resources or time for personal gain, for the benefit of persons/organisations unconnected with the Authority or its activities or for the benefit of competitors.
- Staff and Board Members commit not to acquire information or business secrets by improper means.

8. Respect

- Staff and Board members shall express their opinions, independently, yet always with the goals of flexibility and compromise whenever achievable by remaining open to differing viewpoints.
- Staff and Board members shall work with and respect the opinions of their peers and leave personal prejudices out of discussions.
- Board Members, and staff invited to attend Board meetings, shall observe procedures and display courteous conduct in all Board and Committee meetings.

9. Support

- Staff and Board Members shall support, in an affirmative manner, all actions taken by the Board, even when they may be in a minority position with respect to any such action.
- Staff and Board Members shall represent the MARA in a positive and supportive manner at all times and in all places.
- Staff and Board Members shall exercise the duties and responsibilities of their office or position with integrity, collegiality and care.

10. Governance

- Board Members shall ensure that the Board performs its duties of governance. Board Members shall ensure that they understand their legal obligations and compliance to the MARA and that they ensure those commitments are upheld.
- Board Members shall place the MARA and its Board's interests before their own personal interests and will immediately declare any conflicts of interest which arise.
- Board Members shall remove themselves from situations where their continued presence on the Board may cause embarrassment to the MARA or undermine the confidence of their peers.

11. Statutory Responsibilities

Staff and Board Members must adhere to all statutory responsibilities imposed on the MARA and ensure compliance with any provisions within these or any other relevant Acts, including but not limited to:

- Maritime Area Planning Act 2021 (as amended)
- Data Protection Act 2018 and General Data Protection Regulations and (Data Protection and Privacy) Regulations 2003 and the European Communities (Electronic Communications Networks and Services) (Data Protection and Privacy) (Amendment) Regulations 2008
- Data Sharing and Governance Act 2019
- European Communities (Late Payment in Commercial Transactions) Regulations 2002
- Protected Disclosures Act, 2014
- Ethics in Public Office Act, 1995
- Standards in Public Office Act, 2001
- Regulation of Lobbying Act, 2015
- Safety, Health and Welfare at Work Act, 2005
- Financial Emergency Measures in the Public Interest Acts, 2009, 2010, 2013 and 2015
- The Organisation of Working Time Act 1997
- Equal Status Act, 2000, Equality Act 2004, Disability Act, 2005-Part 5 and Civil Law (Miscellaneous Provisions) Act 2008
- Regulation of Lobbying Act 2015
- Code of Practice for the Governance of State Bodies 2016
- Public Spending Code
- Circular 12/2010 – Protocol for Civil Servants Nominated to State Boards
- Circular 13/2014 – Management of and Accountability for Grants from Exchequer Funds
- Circular 25/2016 – Protocol for the Provision of Information to members of the Oireachtas
- Department of Housing, Local Government and Heritage and Public Expenditure & Reform/Finance circulars and directives
- Public Procurement Guidelines
- Freedom of Information Act 2014
- Access to Information on the Environment (AIE) legislation

- Irish Human Rights and Equality Commission Act 2014 (Public Sector Equality and Human Rights Duty)

12. Policy

- Board members shall use their best judgement to balance the relative importance of issues to be determined by the Board in setting policies and avoiding operational matters. Board members shall educate other Board members on those matters within their own area of expertise with a goal of having the Board make decisions collectively.
- Staff shall uphold the vision statement as approved by the Board, as may be amended from time to time.

13. Administration

- Staff and Board Members shall actively support the MARA's Executive by providing overall direction, resources and time frames to achieve the identified vision and aims of the Authority.
- Staff shall publicly support actions taken by the MARA's Executive to implement programs and achieve the objectives contained in the MARA's plans and budgets as approved by the Board.
- Board Members shall recognise the difference between the role of the Board to set policies and strategic objectives, and the role of the staff to implement same.
- Board Members shall not create any additional work for staff without the approval of MARA's CEO.

14. Media

- The Chief Executive Officer and Chairperson are the official spokespersons of the Authority in respect of all media comments and interviews unless otherwise approved by them.
- Each media request will be handled individually and should go through the MARA's communication representative in order that a record can be kept of media engagements.
- In the event of managing an emergency or crisis, the key contact person is the Chief Executive Officer.
- The Chairperson and Chief Executive Officer shall ensure to discuss possible interviews with each other, or a designated communications representative of the MARA.
- The Chairperson, Chief Executive Officer, Board Members and staff who may be approved to make comments to the media should ensure to make comment on items which represent the Board and Executive wholly.
- The Chairperson, Chief Executive, Board Members and staff shall ensure that any comments made by them to the media outside of the context of the MARA's business and practices is attributed to them in their personal capacity and not in their capacity as a member of the Board or Executive.
- The Executive will keep the Board apprised of any expected interviews or comments provided to the media.

15. Property

- Staff and Board Members shall not misappropriate the MARA's assets for personal use. Board members are entrusted with the care, management and cost-effective use of the Authority's property and resources, including the use of the MARA's name, and should not make use of these resources for their own personal benefit or purposes.
- Staff and Board Members shall ensure that all MARA property assigned to them is maintained in good condition and shall be accountable for such property.

16. Acceptance of Gifts and Hospitality

Under no circumstances may a staff or Board Member solicit, either directly or indirectly, gifts, hospitality etc. for personal use, gain or benefit.

The offer of any unsolicited gifts, including hospitality, travel, payments, services or benefits-in-kind on a scale which could affect, or be considered to affect, the ability of a staff member to exercise independent judgement on MARA matters, or to compromise their personal integrity or judgement, must be declined and notified to his/her Programme Manager or Director immediately. However, gifts of a nominal value may be accepted provided that (a) the donor is made aware that acceptance of the gift will not influence any business relationship between the donor and MARA or its staff and (b) receipt of the gift is notified to the recipient's Programme Manager/Director.

16.1 Guidelines for Gifts

The following general guidelines provide a framework within which decisions in this area can be made.

- Staff may accept and retain gifts of modest value (e.g. diaries, pens, etc.). Any gift of more significant value should be refused or, if such refusal would cause offence, should be brought to the attention of the Office Director, where a decision can be made.
- A gift, other than a gift of modest value, given to an employee by virtue of their official relationship with the donor or MARA's commercial dealings with the donor must be regarded as property of MARA.
- Individual staff members in recognition of the fact that official travel is disruptive to personal and family life may retain benefits under frequent flier schemes.
- Particular care should be taken in relation to gifts from donors who stand to derive a personal or commercial benefit from their relationship with MARA.
- Cash, gift cheques or any vouchers that may be exchanged for cash may not be accepted regardless of the amount.
- Staff may not solicit gifts, directly or indirectly.
- Staff may not approach any business with which they have contact through their official duties seeking sponsorship or support for any club, charitable organisation, association, trade union or other organisation.
- Staff should not accept special facilities or discounts on private purchases from suppliers with whom they have official dealings.

17. Information

- The Board Members support the management and employees of the MARA in the provision of access to general information relating to the Authority's activities in a way that is open and enhances its accountability to the general public, while respecting the confidentiality of sensitive information held by the MARA.
- This would constitute material such as commercially sensitive information including future plans or details of major organisational or other changes or personal information received in confidence by the MARA.
- The non-disclosure of privileged or confidential information does not cease when a Board Membership or employment in MARA has ended.
- Board Members and staff will comply with all relevant statutory provisions including but not limited to, General Data Protection Regulation in relation to the sharing of personal data and the Freedom of Information Act, 1997, 2003, 2014.
- The management and staff will observe appropriate prior consultation procedures with third parties where, exceptionally, it is proposed to release sensitive information in the public interest.
- Staff are expected to maintain clear, accessible, and secure records in an accessible format while minimising documentation gathering where possible.
- Board Members should not retain documentation obtained during their terms as a Board member and should return such documentation to the Secretary of the Board or otherwise indicate to the Secretary of the Board 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.

Any queries regarding freedom of information requests or the release of information under the provisions of the FOI Act and AIE legislation should be directed to the Freedom of Information Officer in writing. The MARA will implement a series of policies including Freedom of Information Policy, Confidentiality Policy and Data Protection Policy. These policies should be read in conjunction with this policy.

18. Obligations

The management and staff are required to fulfil all regulatory and statutory obligations imposed on the Authority.

- They will comply with detailed tendering and purchasing procedures, as well as complying with prescribed levels of authority for sanctioning any relevant expenditure
- They will work with the Audit & Risk Committee in implementing adequate controls to ensure compliance with best practice in financial procedures and reporting.
- All Board members and staff are required to co-operate with internal audit in the internal audit process.
- They will 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.
- They will acknowledge the duty of all to conform to the highest standards of business ethics.

19. Work / External Environment

- Staff and Board members of the MARA deliver on its strategic objectives through working to a high standard. The Authority recognises its duty to ensure an appropriate working environment is provided for all staff.
- Board Members and staff place the highest priority on promoting and preserving the health, safety and welfare of colleagues.
- Board and Staff members should promote a culture of 'speaking up' within the organisation. Staff and Board members should feel they can raise concerns regarding serious wrongdoing in the workplace without fear of reprisal.
- Additionally, Board and staff members should ensure that colleagues concerns are fully considered.
- The MARA conducts its operation in such a manner as to ensure that local community concerns in the area where its offices are located are fully considered, and will promote sustainability in the workplace in order to safeguard the environment.

20. Harassment

The MARA will not tolerate any form of harassment of its Board Members or members of staff or prospective employees by anyone.

- Discriminatory harassment unfairly harms people by targeting personal characteristics such as race, colour, religion, age, gender, national origin, disability, sexual orientation, or marital status.
- Sexual harassment is one form of discriminatory harassment and refers specifically to sexual behaviour that is perceived as unwelcome, personally offensive, and creates a hostile, intimidating or offensive work environment.
- Non-discriminatory harassment, such as belittling others and making inappropriate comments, also undermines the dignity and respect due to everyone.

22. Reporting Concerns (Protected Disclosure)

MARA is committed to ensuring that the culture and work environment are such that any employee/worker is encouraged and supported to report on any issue that may impact adversely on the Authority's ability to deliver a high-quality service.

Consistent with the MARA's policies, it is expected that any appropriate issue raised by an employee/worker with their line manager relating to a matter of the business of the MARA will be dealt with professionally and appropriately. This is essential to ensuring that all significant risks arising for the MARA are identified and effectively managed. In addition, an employee/worker appropriately raising any issue of concern will not be penalised for doing so.

The Protected Disclosure Policy focuses on issues of wrongdoing (as defined in the Protected Disclosures Act, 2014) and the resolution of which are in the public interest. There is an important distinction to be made between raising a concern regarding relevant wrongdoings as defined in the Protected Disclosures Act, 2014 covered by the policy and other issues that may be raised relating to the normal business of the MARA which do not fall under this policy.

It is to be expected that concerns in relation to day-to-day operational matters will, in the normal course of events, be brought to the attention of the relevant line manager and dealt with accordingly, or through agreed structures established by the MARA. Similar considerations apply to grievances or allegations relating to matters such as harassment/bullying which are not covered by this policy, and which will remain to be dealt with under the MARA Human Resources policies.

Malicious reporting or knowingly making false reports, however, is a violation of the Code and may result in disciplinary measures.

23. Health and Safety

The MARA is committed to ensuring that all regulatory and statutory obligations imposed on it are fulfilled. In this regard, the responsibilities of Directors and staff include: Promoting and preserving safety regulations and the health and safety of all personnel, in accordance with the MARA's Health and Safety Policy and Procedures.

24. Equal Opportunity

The MARA, like all public bodies in Ireland have a responsibility to promote equality, prevent discrimination and protect the human rights of their employees, service users and everyone affected by their policies and plans. This is a legal obligation, called the Public Sector Equality and Human Rights Duty.

As such, the MARA will recruit, train, and promote individuals based on their performance and in accordance with applicable laws and without regard to such personal characteristics as race, colour, religion, age, gender, national origin, disability, sexual orientation, or marital status.

25. Approval and Review

The Code of Conduct will be reviewed in 2 years from effective date or sooner if required and/or when revised Government guidance is issued.

Adopted by the board of the Maritime Area Regulatory Authority on 10 September 2024.