

IRISH WATER SAFETY

Sábháilteacht Uisce na hÉireann



GUIDELINES FOR COUNCIL AND MANAGEMENT

October 2007

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1. The Irish Water Safety (IWS) is a statutory body established under the Irish Water Safety (Establishment) Order, 2006 (S.I. 389 of 2006). Its role is set out in Article 4 of the Order.
2. The services provided by the Body are, in effect, similar to those, which had been provided by the “Water Safety Service” of the Irish Red Cross Society (1945-1971), the former Irish Water Safety Association (1971-1987) and the National Safety Council (Water Safety Ireland, 1988 - 1999). Although this continuity is very evident, the present role of the IWS is defined in the above article. In addition to the specific functions listed in Article 4, the Minister for the Environment and Local Government may require the IWS to provide ‘*such other services relating to water safety as the Minister may from time to time require, direct or determine*’. (Ar. 4(1)(d)). He may also ‘*give to the Body such general directives in relation to all or any of the services which the Body may provide as he considers appropriate*’ (Ar. 5(11)). The IWS must comply with any such directions.
3. There is a general obligation on all State bodies to deliver services efficiently and effectively. Both the Council and management of the IWS should be alert to this obligation at all times.
4. The roles of:
 - (a) the Minister and Department of the Environment and Local Government; and
 - (b) the Chairman and Council of the IWS;

The IWS operates – in an apolitical way – under the aegis of the DoELG but has a degree of operational freedom, within the parameters of the Establishment Order, to act to achieve the aims for which it was established. In any normal circumstances, it is unlikely that the Minister would intervene in the day to day activities of the IWS.

5. The IWS is accountable to the Minister for the Environment and Local Government for its actions; this is especially the case in relation to its financial affairs both in financial/regularity terms and in the context of wider value for money considerations. The above holds good for all revenue received by the IWS, irrespective of whether the revenue is sourced from the Exchequer or otherwise.

6. The management and staff of the Body are employed by the IWS but the Minister for the Environment and Local Government, in consultation with the Minister for Finance, exercises controls over the numbers of staff employed and their remuneration and superannuation arrangements.

7. The special role of the Council in relation to the IWS is set out in Article 6(1) which states:

“The Council shall exercise the powers of the Body, organise the Body and control and manage the affairs of the Body.”

In essence, the Council is the governing body of the Body.

8. The different roles of Council and management will reflect the normal division of responsibilities between the board and the executive of an organisation. The Council determines, having due regard to the Establishment Order, the policies of the Body, and the CEO and staff of the Council give effect to these policies. Management will also advise the Council in relation to policy matters, including bring forward different policy options for consideration by the Council, as required by the Council.

9. Consistent with normal practice and for reasons of efficiency and practicality, management must have flexibility in exercising control over the day to day operational and internal activities of the IWS (the Council is not always available to management for consultation). Management should liaise closely with the Chairman between Council meetings, and must seek his/her advice in relation to any issues which might not be consistent with existing policies determined by the Council. Likewise, the Chairman must respect the principle that management be accorded sufficient flexibility to discharge the operational and advisory roles assigned to it (although the Chairman is not precluded from involvement in specific instances if, in his/her judgement, there is a substantive need for this).

10. The Chief Executive Officer is charged by the Council with managing the affairs of the Body as set out above, and the CEO must do this in a fair-minded way. Both Council and management, in dealing with the members of the IWS, must be aware that the Body is comprised of voluntary people who give of their time freely in the interest of serving within a philanthropic Organisation. It behoves the Council and management to take full account of any views expressed by members of the IWS, and to accord them every courtesy and respect.

11. The Council is not always available for consultation; it follows that management will usually be in the front line when comment is sought by the Media. Comment is required from the standpoint of news value, and this must be borne in mind when responding to media requests for comments. If comment is appropriate, it should be made factually and with appropriate

tact. When to comment and when not to comment may often present difficulties, particularly if sensitivities arise, for example, from loss of life. Management must assess the relative merits of comment, or of no comment; in general, a cautious approach should be followed with all due regard to persons such as those who may be bereaved as a result of a drowning. Unless the Council itself decides to comment on a particular matter, management must decide what is best in the circumstances.

12. The Council should not inhibit Management or prevent prudent comment on matters relating to water safety. Common sense must also guide management. When statistics or other information are supplied to the media, or to other persons or organisations, these should be factual - and so verified - to allow the Council to stand over the information given. Management must be given as much scope as possible to build up good will, thus promoting the public awareness necessary to prevent accidents on or in the water. The Chairman of the Council, acting on behalf of the Council and the Body, may issue press releases or comment on radio or television on matters of water safety or rescue as required. On occasions it may be desirable for other members of Council to comment in relation to local issues or on technical matters, but this should always be done in accordance with these guidelines.
13. From time to time, the Chairman acting on behalf of Council or the Council may issue specific directions to Management about comment. There are a small number of cases where comment of any kind is undesirable. Comment should not be made about court cases or court decisions. Comment should not be partisan in a political sense, neither should comment be issued about proposals for legislation. If the Council wishes to comment on proposals for legislation or government policy, then such comment should be conveyed directly to the Minister. While it may well be the function of the Council to attempt to motivate other Government Agencies to act in a specific direction in relation to water safety awareness, it would not be prudent for the Council to criticise other Government Agencies for any action, or lack of it.
14. The Chief Executive Officer should have the confidence of the Council. Barring exceptional cases where comment should not be made, the Chief Executive Officer should have the confidence of the Council to act for them in making comment. If these guidelines are followed with sensitivity and due regard for the Body's status as a statutory and semi-state body, any risks which may be involved should be accepted by the Council.
15. Irish Water Safety is a national body, and its *raison d'être* is to serve the public and not just a section thereof. If it is to carry out this function satisfactorily, then the Council must have a good relationship with the Oireachtas and the Government, including Departments and other public bodies. Perceived under-funding, or the presence of any serious difficulties, which may

impair the activities of the Body, should be brought, via the Chairman, to the notice of the Minister for the Environment and Local Government.

16. Different interest groups may attempt to influence the activities of the Council, but the Council must never allow sectional interests to overshadow its statutory functions. The Body's special relationship with local authorities must be fostered, as must its association with other rescue organisations both at home and abroad.
17. If at any time a member of the Council discovers that a conflict of interest is arising by virtue of his/her appointment as a member of the Council, the facts should be brought to the notice of the CEO who will notify the Chairman.
18. The Chief Executive must bring to the notice of the Chairman all documents of major interests to the Council – especially those from its sponsoring Department – when received. Copies of Departmental documents should be tabled as necessary before the Council, or a Commission/Committee of the Council.
19. The Council may in the future amend these guidelines as it sees fit.

The Council at its meeting on "5th October 2007, adopted these guidelines.

Signed



Frank J. Nolan
Chairman

Signed



John F. M. Leech
Chief Executive