



CONFLICTS OF INTEREST POLICY

Date	Issue No.	Details of Amendments
Mar24	1	Initial policy

1. INTRODUCTION

- 1.1 Under Section 40(4)(cc) of the Local Government Act (NI) 1972, the functions of the Local Government Staff Commission include:

“establishing and issuing a code of recommended practice as regards conduct of officers of councils”.

A Code of Conduct for Local Government Officers was therefore issued as a statutory recommendation for implementation in councils in Northern Ireland, including arc21, with recommended adoption from 1st April 2021.

- 1.2 It is desirable for the protection of the public and the protection of employees that guidance be given to local government employees as to the conduct expected of them. The Code of Conduct provides guidance to assist local government bodies and their employees in their day-to-day work and sets out the minimum standards of behaviour expected.
- 1.3 The Code of Conduct for Local Government Employees has been adopted by arc21 and is included in our suite of HR policies as a separate document.
- 1.4 The purpose of this document to set out some guidance as to how we manage aspects of this Code, such as the Declaration of Interest forms.
- 1.5 There is also a *“Northern Ireland Local Government Code of Conduct for Councillors”* in place, which applies to Elected Members. The enforcement of this Code is the responsibility of the Northern Ireland Ombudsman, and not arc21. It is however important that we assess the Declarations of Interests of Elected Members in relation to arc21 and associated activities.

2. DECLARATION OF INTEREST FORMS - EMPLOYEES

- 2.1 As specified in paragraph 4.1 of The Code of Conduct for Local Government Employees staff are expected to conduct themselves with integrity, impartiality and honesty and their private interests should not have the potential for allegations of impropriety or partiality to be sustained thereby bring arc21 or any of our Participant Councils into disrepute.
- 2.2 To aid the monitoring of this, there is a requirement for the completion of a Declaration of Interest forms for all key personnel. In terms of arc21 we require all staff to complete this form as this reflects the sensitive nature of any conflicts of interest (actual or perceived) in an organisation dealing with procurement activities and managing large contracts.
- 2.3 The Declaration of Interest form will need to be completed by all employees (including agency and secondment staff):
- Annually. The form will be sent to all staff in January of each year.
 - At any time during the year if any there are any changes required to the current declaration. This needs to be actioned within 14 days of an employee becoming aware of the changes, and should be sent to their line manager in the first instance.
 - As part of the induction process for new employees.

- 2.4 All completed forms will be presented to and reviewed by the Acting Chief Executive to ascertain if there are any conflicts of interest arising (either actual, potential or perceived).
- 2.5 If there are conflicts of interest arising then there is the possibility of changes to an employees work. If this occurs their line manager will be in conduct to discuss the situation and any potential mitigating actions required.
- 2.6 Employees should remain vigilant about any subsequent issues arising after the form has been last completed, for example resulting from arc21 dealing with a new organisation for the first time. If this arises then the responsibility is on the employee to notify their line manager as soon as possible. In any event, a new updated form should be completed within no later than 14 days.

3. DECLARATION OF INTEREST FORMS – ELECTED MEMBERS

- 3.1 All councillors in Northern Ireland are required to adhere to the “*Local Government Code of Conduct for Councillors*”. The Code includes a requirement that councillors “*must within 28 days of your election or appointment to office (if that is later), register your personal interests (both financial and otherwise)in your council’s register by providing written notification to your Chief Executive*”.
- 3.2 Unlike the councils and the council’s Chief Executives, arc21 does not have any influence, control or standing within the “*Local Government Code of Conduct for Councillors*”, especially with regards to ensuring that Declaration of Interest forms are completed for those Elected Members on the arc21 Joint Committee.
- 3.3 Most councils publish their Elected Member’s Declaration of Interest forms on their websites. There doesn’t appear to be a standard format across councils but there is strong commonality in the scope and breadth of questions asked, including in comparison with arc21’s own form.
- 3.4 arc21 will aim to achieve full compliance of Elected Member’s Declaration of Interest Forms by either:
 - using the forms already completed for Elected Member’s own councils, or
 - by using arc21’s own form (if council form is not available)
- 3.5 In addition, arc21 asks for conflicts of interests to be declared at the start of every Joint Committee meeting. This is actioned by the Chair reading out the following statement:

“Joint Committee Members are reminded of their personal responsibilities under the Northern Ireland Local Government Code of Conduct for Councillors relating to any conflict of interest that might arise during the meeting, and should any member declare an interest, that declaration, and any action resulting therefrom will be recorded in the Minutes. Members are also reminded of their personal responsibilities as to declaring within 28 days any gifts and hospitality offered or received in relation to arc21 and associated waste-related matters.”
- 3.6 All completed forms will be presented to and reviewed by the Acting Chief Executive to ascertain if there are any conflicts of interest arising (either actual, potential or perceived).

- 3.7 If there are conflicts of interest arising then the arc21 Chief Executive will in the first instance speak to the Chair of the Joint Committee to discuss the situation and any potential mitigating actions required.

4. PROCUREMENT

- 4.1. The issues around Conflicts of Interest are further heightened when goods and services are being procured.
- 4.2. Officers must be mindful to report any conflict of interest they believe they may have to their Line Manager, this is irrespective of the value of the transaction.
- 4.3. During a tender exercise all arc21 officers involved in the evaluation process will be required to sign conflict of interest and confidentiality forms. In addition, external participants from the constituent councils and/or consultants who are involved in this process will also be required to complete these forms.
- 4.4. The mechanism and further details around this process is included within the ISO Quality Management System – QP.01 Centralised Procurement Services. This is the key document to refer to for managing the conflicts of interest process for any tender exercise.