

Title of Report:	Conflicts of Interest Policy
Committee Report Submitted To:	Corporate Policy and Resources Committee
Date of Meeting:	27 September 2022
For Decision or For Information	For Decision

Linkage to Council Strategy (2019-23)	
Strategic Theme	Innovation and Transformation
Outcome	Successful delivery of Organisational Development and Human Resource Services across the Causeway Coast and Glens Borough Council
Lead Officer	Director of Corporate Services

Budgetary Considerations	
Cost of Proposal	N/A
Included in Current Year Estimates	YES/NO
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	Yes	Date: August 2022
	EQIA Required and Completed:	No	Date:
Rural Needs Assessment (RNA)	Screening Completed	No	Date:
	RNA Required and Completed:	Yes/No	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	Yes/No	Date:

1.0 Purpose of Report

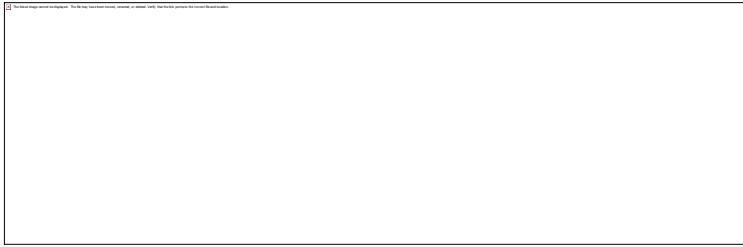
The purpose of this report is to present Council with the Conflicts of Interest Policy for consideration.

2.0 Background

- 2.1 This Conflicts of Interest Policy seeks to ensure that conflicts of interest are identified and managed in a way that safeguards the integrity of staff and maximises public confidence in the Council's ability to deliver public services. The policy sets out the Council's commitment to the effective management of conflicts of interest and provides a framework for dealing with such conflicts in a consistent and transparent manner.
- 2.2 The policy provides guidance on potential conflict of interest situations that may be encountered by Council officers.
- 2.3 This policy should protect Council officers from criticism and misunderstanding and protect the Council from allegations of wrongdoing or bias. Compliance with this policy will help the Council demonstrate good governance and transparency.
- 2.4 The draft policy has been considered at the Senior Leadership Team and also the Trade Unions through the Action Group and Joint Consultative and Negotiating Committee (JCNC).
- 2.5 In accordance with Council's duty under Section 75 Equality Legislation, the policies have been screened and the result is that they were screened "out".
- 2.6 If approved, training will be provided to managers and staff in relation to the implementation of the policy.

3.0 Recommendation(s)

It is recommended that the Conflicts of Interest Policy is recommended to Full Council for approval.



CONFLICTS OF INTEREST POLICY

Policy Number	
Version Number	Version 1
Author	Director of Corporate Services

Screening Requirements			
Section 75 Screening	Screening Completed:	Yes/No	Date:
	EQIA Required and Completed:	Yes/No	Date:
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Appendices:

- I Potential Conflict of Interest Situations**
- II Recognising a Conflict of Interest**
- III Register of Interest Form for Employees**
- IV Register of Interests**
- V Strategies to Manage Conflicts of Interest**

1. INTRODUCTION

- 1.1 This policy seeks to ensure that conflicts of interest are identified and managed in a way that safeguards the integrity of staff and maximises public confidence in the Council's ability to deliver public services. The policy sets out the Council's commitment to the effective management of conflicts of interest and provides a framework for dealing with such conflicts in a consistent and transparent manner.
- 1.2 All Council officers are expected to observe the highest standards of conduct and should at all times be guided by the Code of Conduct for Local Government employees. The aim of this policy is to support officers in meeting their obligations set out within the Code of Conduct.
- 1.3 Council employees are expected to conduct themselves with integrity and honesty in carrying out their duties and must provide the highest possible standard of service to the public. Employees should not misuse their official position or information acquired in their official duties to further their private interest or those of others.
- 1.4 Responsibility is placed on every member of staff for disclosing to an appropriate manager or officer of the Council every actual, potential or perceived conflict of interest in which he/she may be involved. In general employees' private interests must not be such as to have the potential for allegations of impropriety or partiality to be sustained thereby bringing the Council into disrepute.
- 1.5 This policy provides guidance on potential conflict of interest situations that may be encountered by Council officers.
- 1.6 This policy should protect Council officers from criticism and misunderstanding and protect the Council from allegations of wrongdoing or bias. Compliance with this policy will help the Council demonstrate good governance and transparency.

2. POLICY STATEMENT

- 2.1 The purpose of this policy is to ensure that actual, potential or perceived conflicts of interest are identified and managed in a way that safeguards the integrity of staff and maximises public confidence in the Council's ability to deliver public services properly.

- 2.2 This policy seeks to provide clear and simple advice and should also help staff in key positions to recognise when they have an actual, potential or perceived conflict of interest and how they should act when such a situation arises.
- 2.3 This policy does not form part of an employee's contract of employment and Council may amend it at any time.

(The policy statement should be signed and dated as follows by relevant Council representatives and Trade Union representatives)

Signed: _____ Date: _____
Mayor
Causeway Coast and Glens Borough Council

Signed: _____ Date: _____
Chief Executive
Causeway Coast and Glens Borough Council

3. SCOPE

- 3.1 This policy applies to all Council Employees (temporary, permanent, part time, full time) and any agency staff, volunteers or consultants undertaking Council work.
- 3.2 This policy does not apply to Elected Members, who have their own Code of Conduct issued by the Department of the Environment (DOE).

4. DEFINITIONS

4.1 Conflict of Interest

- A conflict of interest involves a conflict between the public duty and the private interest of a public official in which the official's private-capacity interest could improperly influence the performance of his/her official duties and responsibilities.”
- A conflict of interest can also be perceived.

4.2 Perceived Conflict of Interest

- A **perceived** conflict of interest exists where it could be perceived, or appears, that private-capacity interests could improperly influence the performance of a public official's duties and responsibilities. It may pose no actual risk to the conduct of public business, but it requires proper management in order to minimise the risk of reputational damage both to the organisation and the individual(s) concerned.
- A perception of a conflict of interest can be just as significant as an actual conflict of interest. The key issue is whether there is a risk that a fair-minded outside observer, acting reasonably, would conclude that there is a real possibility of bias.

5. CONFLICTS OF INTEREST

5.1 Is a conflict of interest always wrong?

In many cases a conflict of interest will be neither wrong nor unethical. The main concern is that the conflict is identified early, and any risks are managed appropriately.

5.2 What are the risks to the organisation?

Actual, potential or perceived conflicts of interest can lead to doubt about the integrity of a public official and can impact on the reputation of the organisation. A conflict of interest that is concealed or managed poorly, even if unintentionally through ignorance of proper procedure, creates at best a risk of allegations or perceptions of misconduct. It could potentially result in more serious consequences against the employee or litigation against the organisation.

5.3 Whose interest?

The interest in question need not be that of the employee themselves, it can also include the interests of close relatives or friends and associates who have the potential to influence the employee's behaviour. Appendix 1 details those identified in the Code of Conduct as close relatives/friends.

Where an individual has to declare interests of this nature, they may wish to seek advice from a senior manager or the Chief Executive to ensure that all potential conflicts are identified.

A 'friend or associate' should be considered as someone with whom the individual has a longstanding and/or close relationship, socialises with regularly or has had dealings with which may create a conflict of interest.

5.4 How to recognise a conflict of interest?

The checklist at Appendix 2 should be used to help in determining if an actual, potential or perceived conflict of interest exists.

5.5 Examples of Conflicts of Interest

Examples of a conflict of interest include (but are not limited to):

- You, a family member, or a personal contact own property, or intend to buy property, the value or purchase price of which may be affected by a decision or recommendation that you are involved in making, in the course of your work for the Council.
- You are making a purchasing decision involving external suppliers/contractors and you, or a family member, or a personal contact has an interest (financial or otherwise) in one of the potential suppliers/contractors.

- You are involved in voluntary work for a charity, which may benefit financially or otherwise be affected by a decision or recommendation that you are involved in making, in the course of your work for the Council.
- Work/involvement in business outside of the Council, without permission to do so.
- You have access to information at work which may assist or be perceived as assisting you in a private venture.
- You use Council systems / contacts to obtain materials for your own use at a preferential price.
- You are involved in conducting a disciplinary investigation or are a panel member on a recruitment campaign in which a person you have a personal relationship with is involved.
- You have a close personal familiarity with an individual Elected Member(s) and use this relationship to approach or attempt to influence Elected Members out of personal motives.
- You have a relationship with an external contractor / potential contractor / applicant for planning consent or grant funding. Similarly, any beneficial interest or licence in respect of land which is affected by a planning application must be made known to the appropriate manager.

6. PREVENTING CONFLICTS OF INTEREST

6.1 The Council aim to prevent conflicts of interest arising in the first place and therefore in order to do this **encourage officers not to:**

- Have any involvement in any decision that could lead to financial gain or benefit to the individual, a relative or close friend.
- Have any involvement in any decision that could lead to the appointment of a relative or friend.
- Have any involvement in, or influence, the award of a contract or grant where the Council Officer is connected to any of the tenderers or applicants.
- Carry out business on behalf of the organisation with their own or a relative's company.
- Own shares in, or work for, organisations that have dealings with the Council; and
- Accept gifts and hospitality in connection with their official role in compliance with the Council's Gifts & Hospitality Policy.

7. REQUIREMENT TO DECLARE CONFLICTS OF INTERESTS

- 7.1** It is your responsibility to declare any **actual** or **potential** conflicts interest. If you are in any doubt about whether an actual or potential conflict of interest exists, you should consult your immediate line manager or Human Resources.
- 7.2** This will safeguard you from the possibility of future criticism and allow your manager to plan the work you are involved in accordingly to avoid actual or potential conflicts of interest arising which could impact negatively on the Council and potentially result in disciplinary action up to and including dismissal being taken against you.
- 7.3** Similarly, if a manager becomes aware of an actual or potential conflict of interest, which an employee appears not to have raised, they should raise the matter with the employee and take appropriate action.
- 7.4** If you consider there **may** be a conflict of interest you should complete the Register of Interests Form (See Appendix 3). The Register of Interests Form is available on the Staff Portal or from your line manager. This should be submitted to your Line Manager for consideration.
- 7.5** Heads of Service should submit their form to their Director and Directors should submit their form to the Chief Executive.
- 7.6** There may be occasions where the conflict declared presents serious concerns about the employee's continued ability to perform the full range of their duties. In such circumstances, a meeting will be arranged to discuss the issue in detail with the relevant Head of Service and the employee. The employee may be accompanied at this meeting, by a work colleague or a Council recognised Trade Union representative.

8. MANAGING CONFLICTS OF INTEREST

8.1 Declaration of Interest Forms

All Council employees are required to complete an annual declaration of interests form – see Appendix 3. This will allow the organisation to identify when a conflict may arise and plan how to manage it. Regularly completing this annual declaration will remind employees that they must guard against conflicts that may arise as a consequence of their employment.

All staff will be reminded of their obligation to declare their interests each year by the 1st April.

8.2 Register of Interest

Register of interest forms should be compiled into a 'Register of Interests' (Appendix 4) and retained by a designated officer. The register enhances transparency within the organisation and is a useful tool to help individuals and managers identify conflicts at an early stage and take the necessary steps to manage them. The register should be kept up to date through an annual declaration of interest's process. In addition, all staff must ensure that any new actual, potential or perceived conflicts of interest are declared immediately and any changes to their declarations are recorded as and when they arise.

The Register of Interests should record the following information for each conflict of interest:

- Name of the employee.
- The circumstances involved.
- An assessment of the situation.
- How the matter was resolved or how the risk was reduced/eliminated; and
- Any action taken by the organisation.

The Chief Executive and the Directors will review their relevant registers at least annually. Evidence of this review should be documented and retained. In addition to this the registers will be inspected by Audit on a regular basis.

Officers should be aware that the registers may be released under the Freedom of Information Act.

8.3 Disclosing a conflict of interest

Council officers must be open and transparent about any overlap between their official role and private interests and must fully disclose any such conflict of interest to the organisation. This allows others with suitable expertise to determine whether an actual, potential or perceived conflict of interest exists, to assess its seriousness and to decide on any action needed to manage it.

In addition to the annual declaration of interests and notification of changes as they arise, conflicts of interest should also be declared where they arise in specific settings. For example, tender evaluations, recruitment processes, committee meetings etc.

A conflict of interest form should be considered as part of the appointment process for all council employees. This allows the conflict to be explored to determine how it might affect the individual's ability to contribute effectively and

impartially to the role and how the conflict may be handled following appointment. If the interview panel regards the conflict as so serious that impartiality and integrity could not be assured, the individual's application may be deemed ineligible.

8.4 Nil Returns

Nil returns are required from all officers at Head of Service level and above on an annual basis.

8.5 Consequences of non-declaration

If information comes to light regarding an employee's outside activities, private or personal interests, and the Council considers that you should have made a declaration but chose not to do so, or if you did not fully disclose details of any potential conflict of interest, then disciplinary action up to and including dismissal may be taken.

9. MANAGING IDENTIFIED CONFLICTS OF INTEREST

When an actual, potential or perceived conflict of interest has been identified, the Council must carefully consider what action, if any, needs to be taken to adequately avoid or mitigate the associated risks. The seriousness of the conflict, as well as the range of options available to manage or monitor it, must be assessed.

As and when conflicts of interest are declared they will be reviewed by the relevant Line Manager / Head of Service / Director or the Chief Executive to establish what action, if any, needs to be taken. When an individual reports an interest, management must consider how it should be dealt with.

Questions to be answered include:

- Could the Council employee's family or friends gain from his/her connection to the Council?
- How is the declared interest likely to be perceived externally?
- Could the declared personal interest damage the reputation, impartiality or integrity of the Council?
- Is there a possibility that the declared interest might influence decision making by the employee or others?

There are different options for managing conflicts of interest including the following:

- Register
- Restrict
- Recruit
- Remove
- Relinquish
- Resign

Refer to Appendix 5 for the most and least suitable times to use the above management strategies.

10. BREACHING THE CONFLICTS OF INTEREST POLICY

- 10.1** All employees are required to comply with this policy and failure to do so may result in a range of consequences for both the individual concerned and the organisation including the following:

Individual

- Embarrassment
- Disciplinary action
- Being subject to an internal or external enquiry
- Loss of employment
- Criminal prosecution

Organisation

- Reputational damage
- Loss of public trust
- Being subject to an external inquiry
- Legal action

11. SUPPORT & ADVICE

Advice and guidance on how matters of concern may be pursued can be obtained from the Internal Auditor, Legal Services or Director of Corporate Services.

12. GUIDELINES & FORMS

The Code of Conduct for Local Government Employees will assist in the implementation of / or compliance with this policy. The Code of Conduct and Register of Interests Form can also be located on the Staff Portal.

13. RISK MANAGEMENT

Failure to effectively implement this policy increases the risk of the Council not achieving the highest possible standards in terms of openness, probity and accountability. This in turn increases the risk of problems being overlooked or the concern being directed to the media or other external bodies.

14. BRIBERY & CORRUPTION

Under the Bribery Act 2010 it is a serious criminal offence to:

- Offer, promise or give someone a reward to induce them to perform their functions or activities improperly.
- Accept, agree to accept or request a reward in return for performing a relevant function or activity improperly.
- Bribe a foreign public official in order to win business, keep business or gain business advantage for the organisation.

More detail on this can be found in the Council's Anti-Fraud, Bribery and Corruption Policy, located on the Staff Portal.

15. RAISING CONCERNS

Should anyone have any concerns relating to a declaration of interest, they are encouraged to report it to their Line Manager as soon as possible. Please refer to Raising Concerns Policy located on the Staff Portal.

16. EVALUATION AND REVIEW OF THE POLICY

Council will keep this Policy under review as required and may make changes in line with legislation. This policy does not form part of an employee's contract of employment and Council may amend it at any time.

17. SECTION 75 EQUALITY AND GOOD RELATIONS

Causeway Coast and Glens Borough Council is fully committed to meeting its obligations in relation to Equality and Good Relations under Section 75 of the Northern Ireland Act. In this regard this policy will be screened using Section 75 guidelines and will be subject to an Equality Impact Assessment if found necessary as a result of the screening process.

18. CONTACT DETAILS

Any issues or queries relating to this policy should be addressed to:

Director of Corporate Services
Causeway Coast and Glens Borough Council
Cloonavin
66 Portstewart Road
COLERAINE
BT49 1EY

APPENDIX 1 - POTENTIAL CONFLICT OF INTEREST SITUATIONS (Code of Conduct paragraph 4.4, page 10)

Persons who owe you an obligation, or to whom you owe an obligation – this might include a debtor, creditor, fellow member of an organisation.

Very close personal relationships may also create a conflict, e.g., a good friend.

Family Relationship

For the purposes of the Code of Conduct, a relevant family relationship shall be deemed to exist between an officer and another person if they are:

- Married
- Civil Partners
- Cohabiting as if they were married
- Cohabiting as if they were civil partners (partners)

Or the other person is a biological, adopted, foster or step relative to an officer or of that officer's married partner, civil partner, or partner under one of the following categories:

- Child
- Parent
- Sibling
- Son in law or Daughter in law
- Mother-in-law or Father-in-law
- Sister-in-law or Brother-in-law
- Uncle or Aunt
- Nephew or Niece
- Grandson or Granddaughter
- Grandparent

For the avoidance of doubt, a personal relationship for the purposes of the Code of Conduct includes:

- a family relationship other than that specified above
- a business/commercial/financial relationship
- a sexual/romantic relationship
- a friendship

APPENDIX 2 – RECOGNISING A CONFLICT OF INTEREST

Do you think you have an actual, potential or perceived conflict of interest?

The following questions may help when assessing an issue being considered and the situation in which you are involved.

- Would I or anyone associated with me benefit from, or be detrimentally affected by, my proposed decision or action?
- Could there be benefits for me in the future that could cast doubt on my objectivity?
- Do I have a current or previous personal, professional or financial relationship or association of any significance with an interested party?
- Would my reputation or that of a relative, friend or associate stand to be enhanced or damaged because of the proposed decision or action?
- Do I or a relative, friend or associate stand to gain or lose financially in some covert or unexpected way?
- Do I hold any personal or professional views or biases that may lead others to reasonably conclude that I am not an appropriate person to deal with the matter?
- Have I contributed in a private capacity in any way to the matter my organisation is dealing with?
- Have I made any promises or commitments in relation to the matter?
- Have I received a substantial gift, benefit or hospitality from someone who stands to gain or lose from my proposed decision or action?
- Am I a member of an association, club or professional organisation or do I have particular ties and affiliations with organisations or individuals who stand to gain or lose by my proposed decision or action?
- Could this situation have an influence on any further employment opportunities outside my current official duties?
- Could there be any other benefits or factors that could cast doubt on my objectivity?

APPENDIX 3 - REGISTER OF INTEREST FORM FOR EMPLOYEES

To be completed by the employee making the declaration	
Employee's Name:	
Job Title:	
Department:	
Section/Team:	
<p>Please provide as much detail as possible in relation to your declaration below, include dates and role.</p>	
<p>1. Company interests – any relationship with a company or commercial organisation; Directorships, paid employment, consultancy, close family connection.</p>	
<p>2. Self-employment</p>	
<p>3. Land or Property Holdings – see page 6 of the NIAO Guidelines on Conflicts of Interest and Representation on Outside Bodies</p>	
<p>4. Charities – trusteeships, governorships or employment with any charities or voluntary organisations.</p>	
<p>5. Public Appointments – remunerated or unremunerated.</p>	

6. Memberships – including membership of professional or external bodies, trade or other associations

7. Close Family Links – specific close family interest in any of the above

8. Other interests – any other interests held by you or your close family

I confirm that the above declaration is complete and correct to the best of my knowledge and belief. The interests I have declared include both direct and indirect interests (ie. those of a partner, spouse or close relative) and any specific financial interests are shown.

Please sign and date and forward to your Line Manager for signature.

Employee Signature		Name:	
		Date:	
Line Manager Signature		Name:	
		Date:	

A copy of the completed form should be sent to your line manager either by email or in hard copy marked 'confidential'. Please retain a copy for your records.

Line managers to send all completed forms to RegisterOfInterests@causewaycoastandglens.gov.uk

The details from this declaration will be recorded on your personal file.

APPENDIX 4 – REGISTER OF INTERESTS

Name of Employee	Details of actual / perceived / potential interests	Date conflict declared	Does action need to be taken in related to the conflict of interest?		Action taken by the organisation to reduce / eliminate the conflict declared (if necessary)
			Yes	No	

APPENDIX 5 – STRATEGIES TO MANAGE CONFLICTS OF INTEREST

Management Strategy	When Most Suitable	When Least Suitable
<p>Register Where details of the existence of a possible or potential conflict of interest are formally registered.</p>	<p>For very low-risk and potential conflict of interest.</p> <p>Where the act of transparency through recording the conflict of interest is sufficient</p>	<p>The conflict of interest is more significant or higher risk.</p> <p>The potential or perceived effects of a conflict of interest on the proper performance of the employee's duties require more proactive management.</p>
<p>Restrict Where restrictions are placed on employee's involvement in the matter.</p>	<p>The employee can be effectively separated from parts of the activity or process.</p> <p>The conflict of interest is not likely to arise frequently.</p>	<p>The conflict is likely to arise more frequently.</p> <p>The employee is constantly unable to perform a number of their regular duties because of conflict of interest issues.</p>
<p>Recruit Where a disinterested third party is used to oversee part or all of the process that deals with the matter.</p>	<p>It is not feasible or desirable for the employee to remove themselves from the decision-making process.</p> <p>In small or isolated communities</p>	<p>The conflict is serious and ongoing, rendering ad hoc recruitment of other unworkable.</p> <p>Recruitment of third party is not appropriate for the proper handling of the matter.</p> <p>A suitable third party is unable to be sourced.</p>
<p>Remove Where the employee chooses to remove themselves from the matter.</p>	<p>For ongoing serious conflicts of interest where ad hoc restriction or</p>	<p>The conflict of interest and its perceived or potential effects of low risk or low significance.</p>

	recruitment of others is not appropriate.	The employee is prepared to relinquish the relevant private interest rather than radically change their work responsibilities or environment
Relinquish Where the employee relinquishes the private interest that is creating the conflict.	The employee's commitment to public duty outweighs their attachment to their private interest.	The employee is unable or unwilling, for various reasons, to relinquish the relevant private interest.
Resign Where the employee resigns from their position within the organisation.	No other options are workable. The employee cannot or will not relinquish their conflicting private interest and changes to their work responsibilities or environment are not feasible. The employee prefers this course as a matter of personal principle.	The conflict of interest and its potential or perceived effects are of low risk or low significance. Other options exist that are workable for the employee and the organisation.