



## **Children's Court Guardian Agency NI**

# **Conflict of Interests Policy**

## Document Control

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## 1. Introduction

The Children’s Court Guardian Agency for Northern Ireland (CCGANI) is committed to ensuring the highest possible standards of conduct in all that it does. It is therefore essential that all employees adhere to the HSC Code of Conduct.



Code of Conduct  
for HSC Employees.r

As a public body, the Agency must ensure that conflicts of interest are identified and managed in a way that safeguards the integrity of staff and maximizes public confidence in the Agency’s ability to deliver a public service.

This Policy covers the four main stages to work through in relation to conflicts of interest:

- **Identifying** a conflict of interest – actual, potential or perceived
- **Declaring** conflicts of interest
- **Managing** conflicts of interest; and
- **Publishing** registers of interest

The Agency will process the personal information you provide in the enclosed Declaration Form for the purposes of assessing declarations only, and in line with the General Data Protection Regulation (GDPR) and Data Protection Act 2028.

## 2. Purpose and Aims

The purpose of this Policy is to ensure that individuals covered by the scope of the policy are aware that they must take decisions free from any actual, potential or perceived situations of undue bias or influence in the decision-making of CCGANI.

The aims of this policy are to:

- Promote high standards in public life, ensuring that staff and Board members uphold the “Seven Principles of Public Life” known as the Nolan Principles;
  - Selflessness
  - Integrity
  - Objectivity
  - Accountability
  - Openness

- Honesty
- Leadership
- Set out the standards of conduct expected of all staff where their private interests might conflict with their duties as an employee / Board member and the steps CCGANI will take to safeguard itself against potential conflicts of interest.
- Protect CCGANI, its staff and Board members from any appearance of impropriety which may be a risk to its reputation or a breach of the Bribery Act 2010.

### 3. Policy Statement

CCGANI wishes to ensure that staff and Board members discharge their duties in a manner that is seen to be honest, fair and unbiased, in line with HSC values and the seven Nolan Principles of Public Life. It is the expectation of CCGANI that any conflict of interest (actual, potential or perceived) that arises in the course of conducting CCGANI business is declared.

### 4. Scope of Policy

This Policy must be adhered to by each member of the CCGANI Board and all staff.

This policy is designed to define the overarching principles of Management of Conflict of Interests in CCGANI and provide a mechanism for protection of CCGANI from actual, potential or perceived conflicts of interest.

### 5. Conflicts of Interest

#### Conflicts of Interest – Four Main Stages

##### (i) Stage 1 - Identify a Conflict of Interest

A **conflict of interest**—whether *actual*, *perceived*, or *potential*—arises when a Board member or staff holds an interest outside the organisation, which could influence, or be perceived to influence, the performance of their public duties.

## **Types of Conflict**

According to the NIAO Good Practice Guide:

- **Actual conflict of interest**

Occurs when a public duty directly clashes with a private interest—one that *does* improperly influence, or has the strong potential to influence, the individual’s performance of their role.

- **Perceived conflict of interest**

When an outsider might *reasonably* believe—or *the situation appears*—to carry a risk that private interests could improperly influence the Board member or staff duties, even if no actual influence exists. The main concern is what a fair-minded observer would see.

- **Potential conflict of interest**

Exists when a private interest *might* give rise to an actual or perceived conflict in the future, even if it hasn't yet affected any decisions or actions.

*(Implied by the emphasis on early identification before conflicts manifest.)*

All three types can **undermine public trust and impartiality**, pose legal or reputational risks, and may breach declared policies—even unintentionally

## **Scope of “Interest”**

- Includes the interests of close relatives, friends, or associates who could influence a Board member or staff.
- “Close relative” typically covers spouses/partners, children, parents, siblings, in-laws; “friend/associate” means someone with a longstanding or close relationship.

### **(ii) Stage 2 - Interest Categories**

Interests fall into the following categories:

- **Financial Interests:**

Where the individual may gain direct financial benefit from the consequences of a decision they are involved in making.

- **Non-financial professional interests:**

Where an individual may obtain a non-financial professional benefit from the consequences of a decision they are involved in making, such as increasing their professional reputation or promoting their professional career.

- **Non-financial personal interests:**

Where an individual may benefit personally in ways which are not directly linked to their professional career and do not give rise to a direct financial benefit, because of decisions they are involved in making in their professional career.

- **Indirect interests:**

Where an individual has a close association with another individual who has a financial interest, a non-financial professional interest or a non-financial personal interest and could stand to benefit from a decision they are involved in making.

### **(iii) Stage 3 - Declaring Conflicts of Interest**

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

Of note, all work, (regardless of whether it is remunerated or non-remunerated) outside of the staff member / Board member role with the Agency must be declared.

A conflict of interest that is concealed, even if unintentional, or managed poorly, can create a risk of allegations, perceptions of misconduct or potential reputational damage

#### **Who should declare a conflict of interest**

It is essential that as soon as a member of staff identifies any type of any conflict of interest arising from their actions or private interests that would impact on the work of the CCGANI, they must immediately notify his/her line manager.

In the case of a Non-Executive Board member, the Chair of CCGANI should be notified.

In the case of the Chair, Sponsor Branch should be notified.

**(Note:** positions which are ministerial appointments, should inform Sponsor Branch of a conflict of interest. Sponsor Branch will consider and agree how this will be managed, or if it has implications for them continuing in their current role.)

## **Specific responsibilities for annual returns**

Declarations should be made:

- On appointment with the Agency and thereafter annual declarations will be formally requested by the CCGANI.
- When staff move to a new role, or their responsibilities change significantly.
- As soon as circumstances change and new interests arise

Declarations should be made by completing the Declaration of Interest Form (**Appendix 1, Part 1**) In the event there is no declaration of interest to disclose, the form should be completed and forwarded to the Business Support Manager who will hold this information centrally in a secure Corporate Governance Sharepoint folder.

If a Declaration of Interest is disclosed (**Appendix 1, Part 2**) the form must be forwarded to the line manager (or in the case of a Board member, to the Chair of the Board) for consideration. The manager will be responsible for assessing the situation and completion of the Consideration of Declaration Form (**Appendix 1, Part 3**)

All Declaration of Interest that are disclosed will be held on CCGANI Internal Register of Interests.

If an interest arises subsequent to the completion of the form, the individual is required to immediately declare their interests by using the Declaration of Interest Form and submit as per above.

All existing staff will be reminded annually of this Conflict of Interest Policy and their responsibility to declare any actual, potential or perceived conflicts of interest by completing the Declaration of Interest Form.

Staff and Board members are responsible for making sure that their registered interests are kept up to date at all times. Although the interest may be declared, this does not remove their personal responsibilities for removing themselves from a position or situation which may result in a potential breach of this Policy.

Completion of a Declaration of Interest Form is required for all cases where a Board member, member of staff, partner, close relative, personal friend or other close associate has a 'Relevant and Material' interest, including significant financial interests.

A non-exhaustive list of interests which CCGANI considers as 'relevant and material' is listed in **Appendix 2**.

If in doubt about whether a declaration should be made, advice should be sought from your line manager, or in the case of Board members, advice should be sought from the CCGANI Chair. All individuals are requested to err on the side of caution. The test is that an interest must be declared if it could be considered to conflict with your official duties, impair your abilities to carry out your duties, and/or impact on your work.

There should be no conflict of interest (actual, potential or perceived) between a member of staff / Board member duties and any other outside work. Any new outside work must be recorded on the Declaration of Interests form.

### **Other Employment / Private Practice / Outside interests**

All staff / Board members of CCGANI must declare any other employment, outside interests or private practice, which may give rise to any actual, potential or perceived conflict of interest, or which is otherwise relevant to the proper performance of their contractual duties using the Declaration of Interests Form.

Any outside or private work undertaken during CCGANI contracted hours, if not previously agreed with management, may be considered potentially fraudulent and will be dealt with in accordance with the CCGANI Fraud Policy and the organisation's Disciplinary Procedures.

### **Board members' responsibilities**

In addition to the main content of this Policy, the following applies to CCGANI Board members.

Board members are required to declare interests which are relevant and material to CCGANI. This is stated in 'The Code of Accountability and Code of Conduct for Board members of Health and Social Care Bodies (July 2012)'

*'It is a basic requirement that Chairs and all Board members should declare any conflict of interest that arises in the course of conducting HSC business. Chairs and Board members must declare on appointment any business interests, position of authority in a charity or voluntary body in the field of health and social care, and any connection with a voluntary or other body contracting for HSC services.'*

*At the time Board members' interests are declared, they shall be recorded on the Register. Directorships and other significant interests held by members of HSC*

*Boards must be declared on appointment, kept up to date, and set out in the annual report.*

A Register of all Board member interests will be kept and maintained by the Business Support Manager and will be reviewed by the CCGANI Board on an annual basis. Interests, however, should be declared as and when they arise, and not only as a result of the annual declaration.

At the outset of a Board meeting and Committee meetings, the Chair shall invite members to declare an interest in any agenda item. If a conflict of interest is established, the member concerned shall, as soon as they are able after its commencement, disclose the fact and this is recorded in the minutes. It shall be disclosed in a manner that cannot be perceived to influence subsequent discussion or decision. Any action taken to manage any conflicts of interest e.g. the member leaves the meeting for a particular agenda item and plays no part in the relevant discussion or decision, should also be recorded in the minutes.

#### **Gifts, Hospitality and other benefits**

A conflict of interest can arise where Board members or any member of staff accept the offer of gifts, hospitality or other benefits, for example from potential contractors/suppliers.

CCGANI's Gifts and Hospitality Policy provides advice to all staff on the expected standards of conduct and to those staff who, in the course of their day to day work or as a result of their employment, either receive offers of gifts, hospitality or considerations of any kind from contractors, agents, organizations, firms or individuals. The Policy also refers to a Register of Gifts and Hospitality.

#### (iv) **Stage 4 - Managing Conflicts of Interest**

Conflicts of interest must be managed effectively by the CCGANI to prevent undermining the proper conduct of the Agency and adversely affecting the Agency's reputation.

Where an individual reports an interest, management must consider how it should be dealt with to ensure that all deliberations / actions are recorded on the Declaration of Interests Form and Register (including any decision to take no action or reduce the risk)

Matters to consider include:

- Could the Board member / staff member or their family or friends gain from their connection to CCGANI?
- How is the declared interest likely to be perceived externally?
- Could the declared personal interest damage the reputation, impartiality or integrity of the CCGANI?
- Is there a possibility that the declared interest might influence decision making by the Board member / staff member or by others?

The method of managing any conflicts of interest should be assessed on a case by case basis and will be determined after consideration of a number of factors such as the level of risk presented and what management of any conflict is feasible.

In very low risk cases, it may be deemed sufficient to declare the interest so that it is known, but with no further action considered necessary.

In other more complex situations, it may be deemed necessary to put in place mechanisms to ensure the individual can be effectively separated from part of the activity or process

In other more serious cases and it is considered it cannot be managed, it may be necessary for the staff member / Board member to either relinquish the private interest that is creating the conflict with their public duties, or for them to either resign from their position with CCGANI, or in the case of a staff member, be offered suitable redeployment to another role.

### **Publishing Registers of Interest**

All declaration of interest forms will be compiled into a “**Register of Interests**”. Register of Interest of CCGANI Board members and SLT will be published.

The Internal Register of Interests for staff will record all business and commercial interests declared by staff and will be held by the CCGANI Business Support Manager and will be subject to annual review by the CCGANI Senior Leadership Team.

All declarations will be considered expired when:

- The individual leaves the organization
- The individual submits a Nil return
- The individual notifies that a change in role no longer requires a declaration.

After expiry, an interest will remain on the register for a minimum of 6 months and a record of historic interests will be retained for a minimum of 6 years.

Where there is any doubt as to what an individual should or should not be registering, this should be discussed with the line manager.

When publishing a register of interests, CCGANI will take account of data protection legislation, and cognizant that only individuals on the register making declarations should be identifiable. It is important that when including family, friends and associates the relationships are not named and only noted in a generic form, for example, spouse, partner, parent, or sibling should be described as “close family member”. Only their relationship and business/activity and interaction with CCGANI need to be considered for publication.

The information provided will be processed in accordance with data protection principles as set out in the UK GDPR. Data will be processed only to ensure that Board members and staff act in the best interests of CCGANI. The information is not used for any other purpose.

## **6. Dealing with breaches**

There will be situations when alleged interests will not have been identified, declared or managed appropriately and effectively. This may happen innocently, accidentally, or because of deliberate actions. For the purposes of this policy these situations are referred to as breaches.

### **Identifying and reporting breaches**

Individuals who are aware about actual breaches of this policy, or who are concerned that there has been, or may be, a breach, should report these concerns in line with the Raising a Concern in the Public Interest Policy or by contacting a member of the Senior Leadership Team.

To ensure that interests are effectively managed individuals are encouraged to speak up about actual or suspected breaches. Every individual has a responsibility to do this. For further information about how concerns should be raised refer to the CCGANI Raising a Concern in the Public Interest Policy.

The organization will investigate each reported breach according to its own specific facts and merits and give relevant parties the opportunity to explain and clarify any relevant circumstances.

## **Outcomes**

Following investigation, the organization will:

- Decide if there has been or is potential for a breach and if so what the severity of the breach is.
- Assess whether further action is required in response.
- Consider who else inside and outside the organization should be made aware
- Take appropriate action as set out in the below section.

## **Action in response to breaches**

Action taken in response to breaches of this Policy will be managed in accordance with the CCGANI disciplinary procedures.

## **7. Legislative Compliance, Relevant Policies, Procedures and Guidance**

- DoF 07/21 revised 4 July 2023 Guidance on Conflicts of Interest – Employment Related Legal Cases
- NIAO Conflicts of Interest: A Good Practice Guide, 2015
- Bribery Act 2010
- CCGANI Gifts, Hospitality & Sponsorship Policy, 2026
- CCGANI Anti-Fraud and Anti-Bribery Policy and Fraud Response Plan
- Department of Health, Code of Conduct for Board Members
- Department of Health, Code of Conduct for HSC Employees, 2016

## **8. Reviewing the Policy**

It will be the responsibility of the Head of Corporate Services for CCGANI to review this Policy every 2 years.

## **9. Equality and Human Rights Considerations**

This policy has been screened for equality implications as required by Section 75 and Schedule 9 of the Northern Ireland Act 1998. Using the Equality Commission's screening criteria, no significant equality implications have been identified. The Policy is therefore not subject to equality impact assessment.

Similarly, this policy has been considered under the terms of the Human Rights Act 1998 and was deemed compatible with the European Convention Rights contained in the Act.

## **10. Sources of advice and further information**

Line-managers should be contacted in the first instance, in relation to any specific queries on the content of this policy. Line managers should then escalate queries which they are unable to address to their Assistant Director / Head of Corporate Services. Further advice for the AD / HoCs is available from the Chair / Chief Executive of CCGANI

A useful guidance document to assist in dealing with an actual or potential conflict of interests is NIAO – Conflict of Interests – A Good Practice Guide, March 2015.

**Part 1**

**Declaration of Interests Form**

Period:

<b>Full Name:</b>	
<b>Staff Number and Job Title:</b>	
<b>Date commenced work with the Children's Court Guardian Agency:</b>	
<b>Do you have any declaration of interest to disclose?</b>	<b>YES / NO</b> (Delete as required)
<b>Signature:</b>	
<b>Date:</b>	

**CCGANI employees and Board members must declare interests they, or close family or friends have, which might improperly influence the performance of their duties and responsibilities as a CCGANI employee / Board member or which could be perceived to do so.**

If **NO**, please return form via email to

[Ann.Andrew@childrenscourtguardianagencyni.co.uk](mailto:Ann.Andrew@childrenscourtguardianagencyni.co.uk)

If **YES**, please also complete Part 2.

**Part 2**

**Nature and Detail of Interest**

**1. Please state all work (whether paid or non-paid / voluntary) which you undertake outside your role with the Children’s Court Guardian Agency for Northern Ireland**

<b>Nature of work</b>	<b>Source of work</b> <ul style="list-style-type: none"><li>- HSC organisation</li><li>- Independent</li><li>- Other (please state)</li></ul>	<b>Will the work potentially come into contact with Children’s Court Guardian Agency for Northern Ireland? (Yes/No)</b>	<b>Steps taken by you to ensure no conflict of interest</b>

**I confirm that I have read and understood the Conflict of Interests Policy and that the above declaration is complete and correct to the best of my knowledge and belief. I also accept I must complete a new Declaration of Interest immediately where there is a change of circumstances which could give rise to an actual, potential or perceived conflict of interest.**

**Signed:**

**Date:**

*Please return to your Line Manager / CCGANI Chair*

### Part 3

#### Consideration of Declaration

*To be completed by the line manager / Chair on receipt of completion of Part 1 and 2 by the staff member / Board member*

I have read and discussed the above Declaration of Interest with the individual concerned and:

<b>Line Manager assessment of the situation:</b>	
<b>Outcome: No further action is required at this time. (Please provide an explanation)</b>	
<b>Outcome: Need to take the following action: (Please provide details)</b>	
<b>Signature of line manager:</b>	
<b>Date:</b>	

On completion, please return form via email to

[Ann.Andrew@childrenscourtguardianagencyni.co.uk](mailto:Ann.Andrew@childrenscourtguardianagencyni.co.uk)

### “Relevant and Material” Interests

An interest must be declared if it conflicts with your official duties, impairs your abilities to carry out your duties, and/or impacts on your work

#### Relevant Interests

- These are interests that **must be disclosed because they relate to the matter at hand** (e.g., a decision or transaction, or policy)
- They are considered “relevant” if they could **reasonably influence your judgment or actions** in your role.

#### Material Interests

- These go a step further: they are interests that are **significant enough to potentially affect the outcome or create a real conflict of interest**.
- “Material” usually means **substantial in value or importance**, not trivial.

Some interests are relatively easy to identify and manage, others are more difficult and complicated and require to be careful management while other conflict of interests will be strictly prohibited by the CCGANI.

### Examples of Interests which CCGANI considers are relevant and material and must be declared:

- An individual has the opportunity to use their professional position for personal financial gain.
- An individual has been involved in a decision that could lead to the appointment of a relative or friend
- Involvement in, or influencing, the award of a contract where the individual is connected to an applicant
- Carrying out business on behalf of the organization with their own or relative’s company
- Gifts, hospitality or other benefits received
- A Guardian is allocated a case where the family / child is known to them in a personal capacity or where they may have been directly involved with the family / child in a professional capacity in a previous role / employment.

- A Guardian may be employed in a bank capacity with, for example, a HSCT and during the course of their bank work may come in contact or have direct intervention with a child or young person who is subject to Public Law Family Proceedings
- A Guardian may be acting in a private capacity as an independent assessor and whose role may interface with the role and remit of the CCGANI

The above is not an exhaustive list.

**No remunerative / non-remunerative private work of the following description may be undertaken;**

- a. Work which would occupy the employee's time or attention or render them unavailable for duty during their contracted hours;
- b. Work identified in any way with the activities of a political party, group or organization
- c. Work of an educational, literacy or scientific nature involving the use of information acquired by the employee in their official capacity or from official sources, except where it has previously been published, unless they have received the permission of the Agency to undertake such work.
- d. Work of a nature conflicting with the individual's duty to the employer.
- e. Work which would involve the use of property, tools, equipment or materials of the Agency.
- f. Work which is, or might be, inconsistent with the individual's position as a public servant and may expose them or the Agency to public criticism.