

Ruskington Parish Council Procurement Act 2023 Conflicts Assessment.

Version 1.

Adopted by Ruskington Parish Council on: 12 May 2026

Min ref: 12.9. Page 33-2026-AMPC.

For review: May 2028, or before in view of any legislation changes.

Introduction:

Sections 81 to 83 of the Procurement Act 2023 apply to any situation where ‘a person acting for or on behalf of the contracting authority in relation to the procurement’ has a direct or indirect personal, professional or financial interest which might be perceived to create a conflict. A person acting ‘in relation to the procurement’ is defined as a person who influences a decision made by the contracting authority in relation to a procurement, such as:

- the senior responsible officer, the budget holder, the commercial director, members of the management board, commercial staff, people who will assess tenders, external experts, private sector secondees and consultants, non-executive board members, special advisers, private office employees and, as set out in section 81(2)(b), Ministers.

The conflicts assessment guidance publication includes the following suggestions to mitigate conflict:

- reassigning individuals with a conflict or potential conflict of interest away from situations where they can influence decisions;
- providing for more than one person to assess tenders and carrying out and recording moderation meetings;
- cancelling and re-running the procurement;
- including an independent observer in the procurement team;
- ensuring that management with appropriate oversight is aware of the conflict of interest and that they review and sign-off outputs from the individual;
- monitoring the situation and having checkpoints to review whether it has led to an unfair advantage or disadvantage for a supplier; or
- sharing procurement and process information with all relevant suppliers in a timely manner and at the same time.

The conflicts assessment must be reviewed upon the publication of a tender notice; a transparency notice; a dynamic market notice in relation to the establishment of a dynamic market; a contract details notice relating to a public contract; a contract change notice.

It is mandatory to **exclude** a supplier from the procurement where a conflict of interest puts the supplier at an unfair advantage that cannot be mitigated, or the supplier refuses to take any necessary steps. Regulation 57(8)(e) of the PCR included a discretionary exclusion ground.

The following table summarises the requirements of the Act and suggests compliance actions/steps as taken by Ruskington Parish Council.

Regulation/ Heading	Summary of Requirement	Actions
<p>Section 81</p>	<p><i>Take all reasonable steps to identify and review any conflicts of interest or potential conflicts of interest relating to procurement.</i></p>	<p>Initial steps taken to identify conflicts:</p> <p>Have relevant persons been asked to declare whether they have a conflict of interest and, where required, provide an updated declaration?</p> <p>YES / NO [delete as appropriate]</p> <p>Individuals and or teams related to the procurement (including their roles and how they are relevant to the procurement):</p> <p>Have the required conflicts of interest information or declarations been received?</p> <p>Actual conflicts:</p> <p>Potential conflicts:</p>

		<p>Under s82(3), a contracting authority may ask the supplier to take reasonable steps to ensure it is not put at unfair advantage. Has this been done?</p> <p>YES / NO [delete as appropriate]</p> <p>Why was this decision made?</p>
<p>Section 83</p>	<p><i>A conflict assessment must be carried out before publication of a tender notice, transparency notice or dynamic market notice.</i></p> <p>.</p>	<p>Which notice applies?</p> <p>What action has been taken?</p> <p>Has the supplier been asked to provide a declaration that they are unaware of any conflict/provide conflict information and proposed mitigations. YES / NO [delete as appropriate].</p> <p><u>Provide further detail if needed.</u></p> <p>Upon publication of a notice, there must be confirmation that an updated conflicts assessment has been carried out. Has this confirmation been provided?</p> <p><u>YES / NO [delete as appropriate]</u></p>

<p>Outcome</p>	<p><i>Provide the outcome of this conflict assessment/ review using the box provided.</i></p> <p><i>(i.e. whether the supplier must be treated as an excluded supplier under s26 or if the conflict of interest cannot be remedied by other means so they must be excluded (s82(3) and s82(4)).</i></p>	
<p>The Procurement Act requires that a conflicts assessment is regularly reviewed and updated (for example, to comply with regular conflict checks or if a notice under s83 is needed).</p>		