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1. Introduction

NI Water has always been conscious of its statutory obligations in relation to Human Rights and has taken appropriate steps to ensure that these have been met. Although NI Water had been granted a derogation in regard to PGN 03/18 - Human Rights in Public Procurement we are committed to implementing PPN 05/21 in an effective and pragmatic manner.

Terms and Conditions

NI Water’s standard Terms and Conditions currently reference the applicable Human Rights and Modern Slavery legislation as shown below:

37.0 THE HUMAN RIGHTS ACT 1998

The Contractor shall, and shall use reasonable endeavours to ensure that its Staff shall, at all times, act in a way which is compatible with the Convention rights within the meaning of Section 1 of the Human Rights Act 1998. The Contractor agrees to indemnify and keep indemnified the Client against all loss, costs, proceedings or damages whatsoever arising out of or in connection with any breach by the Contractor of its obligations under this clause 37.

38.0 MODERN SLAVERY ACT 2015

38.1 The Contractor shall ensure that the Contractor and its Staff:

- (a) do not engage in any activity, practice or conduct which constitutes an offence under the MSA 2015; and
- (b) comply with all applicable anti-slavery and human trafficking laws, statutes, regulations and codes from time to time in force including, but not limited to, the MSA 2015.

38.2 In performing its obligations under the Contract, the Contractor shall ensure it:

- (a) has and maintains throughout the Contract Period its own policies and procedures to ensure its compliance with the MSA 2015 in accordance with any requirements of the MSA 2015; and
- (b) includes in its contracts with its sub-contractors and suppliers anti-slavery and human trafficking provisions that are at least as onerous as those set out in this clause 38.

Tendering & Contract Management

NI Water internal procedures ensure that bidders must confirm that they are compliant with the Modern Slavery Act 2015 and that they also provide evidence to NI Water of their own Modern Slavery Statement. As part of the contract implementation process NI Water’s Commercial Team will verify that an applicable statement has been published.

In addition to the measures described above, Northern Ireland Water publish their own modern slavery statement here: [Modern Slavery Act \(niwater.com\)](https://www.niwater.com/modern-slavery-statement/) and also have an effective Complaints Procedure in place - <https://www.niwater.com/complaints/>.

2. Implementation of PPN 05/21 in NI Water

Given that NI Water had been granted a derogation to the previous guidance (PGN 03/18 - Human Rights in Public Procurement) there will be significant effort required to ensure that PPN 05/21 is implemented in a pragmatic and effective manner. Although some actions have already been taken, there are other steps that will need to be taken before implementation is complete.

2.1 Actions taken to date

Key actions taken to date include:

- NI Water has established a working group comprising procurement managers, contract managers and business users to implement the new Policy.
- NI Water representatives have also met with the Human Rights Commission for guidance and have subsequently joined the Business and Human Rights Forum.
- A preliminary gap analysis has been completed to compare the requirements of the PPN to NI Water’s current procedures, T&Cs etc.

2.2 Next steps

The working group will be responsible for delivering the following:

- Identifying and arranging for the delivery of suitable Human Rights awareness training for the Commercial Team
- Updating Specification templates to reflect section 3.2 of PPN:
 - *A Contractor’s practices must meet, or exceed, minimum human rights standards;*
 - *A Contractor must not use forced labour in the delivery of services;*
 - *The protection of human rights must be maintained in the delivery of public services;*
 - *Processes are in place to prevent unequal treatment or harassment;*
 - *The Contractor must have respect for human rights in their supply chains.*
- Developing a pragmatic, risk-based approach to allow potential Human Rights violations occurring in a contract to be identified and allocate an initial risk grading at the Business Case stage. Supporting guidance will be developed to assist the Business Case author in assessing the risk and applying a grading.
- Determining how and when a risk grading (L/M/H) is assigned to a contract and what minimum requirements this will result in. Once this is agreed the relevant contract documents will be updated.
- Updating the Call for Tender templates to include appropriate pass/fail eligibility criteria such as contractors providing a human rights policy etc. dependent on contract risk level (as per sections 4.4 – 4.9 of the PPN).
- Identifying and implementing appropriate contract management processes to support the PPN.
- Completing final gap analysis to ensure that NI Water is compliant with the PPN.

4 Concluding Thoughts

NI Water are committed to supporting PPN 05/21 and ensuring that opportunities for Human Rights violations within its supply chains are prevented. Our risk based approach outlined above was discussed with the Northern Ireland Human Rights Commission and we are confident that it will ensure compliance with the PPN.