



# Pennine Academies Yorkshire

## Conflicts of Interest Policy

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## Statement of intent

This policy sets out the framework for ensuring that the decisions and decision-making processes at Pennine Academies Yorkshire are, and are seen to be, free from personal bias and do not unfairly favour any individual or company connected with the Trust and School.

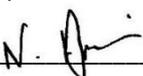
Members of the Board of Trustees, Trust and School staff have an obligation to act in the best interests of the Trust and School community to avoid situations where there may be a potential conflict of interest.

Situations may arise where family interests or loyalties conflict with those of the Trust and School. Such interests may create problems as they can inhibit free discussions, result in decisions or actions that are not in the interests of the Trust and School, and risk the Trust and School's reputation.

The Trust and School has created this policy to:

- Ensure that every trustee, governor and staff member understand what constitutes a conflict of interest, and that they have a responsibility to identify and declare any conflicts that might arise.
- Record the conflict and the actions taken to ensure that the conflict does not affect the decision-making of the Trust and School.

Signed by:

 \_\_\_\_\_ Chairs of Trustees      Date: 12.05.2021

## 1. Legal framework

1.1. This policy has due regard to all relevant legislation including, but not limited to, the following:

- The Companies Act 2006 (strategic Report and Directors' Report) Regulations 2013
- Data Protection Act 2018
- UK General Data Protection Regulation
- The Charities Act 2011

1.2. This policy has due regard to all relevant guidance, including, but not limited to, the following:

- DfE (2020) 'Governance handbook'
- The Charity Commission (2014) 'Conflicts of Interest: a guide for charity trustees'
- The Charity Commission (2020) 'Managing conflicts of interest in a charity'
- DfE (2020) 'Academies financial handbook'

1.3. This policy operates in conjunction with the following Trust and School policies:

- MAT Financial Procedures Policy
- Finance Policy for Trust and Schools
- Procurement and Tendering Policy
- Reserves and Investment Policy
- Gifts, Hospitality and Anti-Bribery Policy
- Whistleblowing Policy
- Asset Control Policy
- Anti-Fraud and Corruption Policy
- Declared Conflicts of Interests Register
- General Interests Register
- Data Protection Policy

## 2. Definitions

2.1. For the purpose of this policy, a person is defined as having a **'business or pecuniary interest'** if they have a monetary or financially vested interest in a business or service, which could prevent the individual from acting in the Trust and School's best interests.

2.2. **'Conflicts of interest'** are any situations where an individual's personal interests or loyalties could, or could be seen to; prevent the individual from making a decision in the best interests of the Trust and School.

- 2.3. **'Financial Conflicts'** are when an individual is connected to a person and/or organisation and could receive money or something else of value from the selection of their decision. Individuals' expenses, e.g. governor expenses, are not included in this definition.
- 2.4. **'Loyalty conflicts'** are unrelated to money or individual benefits; rather, these conflicts are concerned with other reasons relating to an individual's loyalty or duty to another organisation which would impair their decision making in consideration to their obligation to prioritise the school's/trust's best interest.
- 2.5. A **'connected person'** broadly relates to an individual's family, relatives or business partner. To determine if an individual is considered connected in case-specific issues, we will seek legal advice if necessary.
- 2.6. The term **'significant shareholder'** refers to any individual or relative of an individual holding more than 20 percent of the share capital or exercising more than 20 percent of the voting power in an organisation.
- 2.7. An **'interested party'** is defined as a person who has a close relation to a person with a vested interest, e.g. a spouse.
- 2.8. **'At cost'** refers to the cost of a good or service (not including contracts of employment), without profit.

### 3. Roles and responsibilities

3.1. The Board of Trustees is responsible for:

- Ensuring that all members of staff, including volunteers, act in accordance with this policy at all times.
- Identifying any conflicts of interests that have not been previously declared.
- Making complete declarations on an annual basis, and ensuring they are up-to-date.
- Ensuring there are measures in place to manage and identify any conflicts of interest.
- Operating and making decisions in the best interests of pupils, schools and the trust.
- Independently and objectively making decisions about executive pay and benefits, scrutinising each decision so conflicts of interest are avoided.

3.2. The Chair of Trustees is responsible for:

- Ensuring, in liaison with the Chief Executive Headteacher (CEH) and Headteacher, that all members of the Board of Trustees have declared any conflicts of interest, in accordance with the Declared Conflicts of Interests Register.
- Considering the risks associated with an individual who has declared a conflict of interest participating in any decision-making or voting and seeking advice from the Trust and School's Business Partner.
- Setting professional standards of governance and accountability for the board.

3.3. The clerk to the Board of Trustees is responsible for:

- Keeping an accurate and up-to-date record of interests for all governors, staff and volunteers, which is reviewed annually, and can be accessed by relevant people, e.g. CEH, the Headteacher.
- Keeping accurate meeting minutes.

3.4. The Accounting Officer is responsible for:

- Being the trust's lead in financial matters, including a personal responsibility to government and to the ESFA's accounting officer.
- Completing and signing a statement on regularity, propriety and compliance each year submitting this to the ESFA with the audited accounts.
- Ensuring the Trust Board is compliant with the trust's article of association, funding agreement and 'Academies Financial Handbook'.
- Notifying the ESFA's accounting office immediately, in writing, if the board isn't compliant.

3.5. The CEH & Headteacher are responsible for:

- Ensuring, in liaison with the chair of the Board of Trustees, that all members of the Board of Trustees have declared any conflicts of interest, in accordance with the Declared Conflicts of Interests Register.
- Ensuring that the General Interests Register is published on the Trust and School website.
- Ensuring that any staff member who is responsible for proposing a course of action or handling the Trust and School's budget has declared any conflicts of interest.
- Deciding who else is considered an 'interested party', and ensuring they declare any conflicts of interest.

3.6. Staff, including volunteers, are responsible for:

- Declaring any conflicts of interest.
- Acting in accordance with this policy at all times.
- Identifying any conflicts of interests that have not been previously declared.
- Following the Trust's Whistleblowing Policy where there are concerns that a conflict of interest has not been declared, and an individual might have subsequently benefitted.
- Ensuring that all individuals in a discussion do not have a vested interest in the subject.

#### **4. Identifying conflicts of interest**

- 4.1. All staff (including volunteers) will be able to demonstrate that they do not have a vested interest in any decision-making or budget spending.
- 4.2. All staff (including volunteers) will remain objective and act within the best interests of the Trust and School and its pupils.
- 4.3. Members of the Board of Trustees will declare any conflicts of interest at an early stage and inform the relevant people, e.g. the CEH

4.4. Members of the Board of Trustees will ensure that any conflicts of interest do not prevent them from making a decision that would be in the best interests of the Trust and School and its pupils.

4.5. Members of the Board of Trustees and relevant staff will declare the following interests:

- Holding another public office
- Being an employee, director, adviser or partner of another business or organisation
- Pursuing business opportunities
- Being a member of a club, society or association
- Having a legal or professional obligation to someone else
- Having a beneficial interest in a trust
- Owning or occupying a piece of land
- Owning shares or some other investment or asset
- Having received a gift, hospitality or other benefit from someone/an organisation
- Owning a debt to someone/an organisation
- Holding or expressing strong political or personal views that may indicate prejudice or predetermination for or against a person or issue
- Being a governor, associate member or trustee at any other educational establishment
- Being a spouse, partner, relative or close friend of someone who has one of these interests

4.6. All interests and connections that could influence the Trust and School's reputation with the public will be declared.

4.7. If staff (including volunteers) have a relative whom they know to have a declarable interest, this information will be declared.

4.8. If the academy trust's members, trustees or local governors have a relative whom they know to have relevant interests, this will be declared.

4.9. Only relevant interests will be declared, e.g. the spouse of the owner of a catering service when the Trust and School is seeking a new catering company. Any interests that do not directly benefit individuals or their relatives do not need to be declared – for example, being a small shareholder in a large national company rather than a significant shareholder.

## **5. Identifying conflicts of loyalty**

5.1. Conflicts of interest can also arise, even if the individual does not gain any financial benefit, when their decision-making as a staff member or a member of the Board of Trustees could be influenced by their other interests.

5.2. Members of the Board of Trustees and relevant staff will be required to declare any interest that might conflict with their loyalty to:

- Another organisation, such as their employer.
- A member of their family.
- Another connected person or organisation.
- Another Board of Trustees or committee of which they are a member.
- The individual that appointed them to the Board of Trustees.

5.3. Members of the Board of Trustees will also be required to declare any conflicts of interest where their religious, political or personal views could interfere with their ability to make decisions in the best interests of the Trust and School.

## **6. The register of interests**

6.1. Each declaration of interest will be recorded on the Trust's Declared Conflicts of Interests Register.

6.2. This register will allow all governors and relevant employees to identify any business, commercial, financial or personal interests they have.

6.3. Details of each interest will be recorded on the register, including the following:

- The nature of the business and/or interest
- The name of the business and/or interest
- The date the interest began
- A brief description of duties or responsibilities
- The date of cessation of interest
- The date of entry onto the register
- Relevant material interests which occur through close family relationships between those individuals and employees.

6.4. The Trust and School will keep the following two versions of the Declared Conflicts of Interests Register:

- One that details the nature of the interests declared that will have restricted access – the full Declared Conflicts of Interests Register
- A General Interests Register, which is more widely accessible, and includes who has declared interests and which category they fall into

6.5. The declaration registers will be stored in the relevant school or Trust office, where they can be accessed by the Headteacher, CEH and Chair of Trustees, as well as inspected by Ofsted or anyone else who has a right to it to carry out their statutory duties.

- 6.6. The DPO will ensure that the registers are protected in accordance with the Trust and School's Data Protection Policy.
- 6.7. The Board of Trustees is responsible for deciding who else has access to the registers, including other staff members, governors and parents.
- 6.8. If an individual has no interest to declare, they will indicate this by stating 'nil' on their conflicts of interest form, before signing and dating the declaration.
- 6.9. If an individual is unsure whether they have a conflict of interest, the CEH or Headteacher will advise the individual to declare any possible interests until they can confirm their interests at a later date.
- 6.10. Any conflicting interests or relationships will be described in sufficient detail using appropriate language to clarify under what circumstances an individual's position might be brought into question.
- 6.11. If a new interest becomes applicable during the School year, it will be the responsibility of the individual concerned to amend the Declared Conflicts of Interests Register.
- 6.12. The General Interests Register will be published publicly on the Trust website; however, certain interests of staff members may be omitted from the published copy, unless they are also a trustee, governor or relevant member of staff.
- 6.13. The relevant business and pecuniary interests of members, trustees, governors and accounting officers will be published publicly on the website.
- 6.14. The Trust will have discretion over the publication of interests of other individuals named on the register.
- 6.15. Trustees will consider any other interests they deem relevant and, if there is any doubt, register them regardless.
- 6.16. The board of trustees will be responsible for keeping their register of interests up-to-date through regular review.

## **7. Board of Trustees benefits**

- 7.1. Conflicts of interest can arise where there is a potential or measurable benefit to a member of the Board of Trustees, or to a person connected to a member.
- 7.2. Members of the Board of Trustees can only benefit from the Trust where there is an explicit authority in place in the Trust and School's governing document.
- 7.3. Board of Trustees benefits include any payments or benefits to members, or a connected person, apart from their reasonable out-of-pocket expenses.
- 7.4. Benefits also include situations where a member of the Board of Trustees could receive property, loans, goods or services from the Trust.
- 7.5. Where there is a proposed sale or lease of land to a member of the Board of Trustees, or to a person or company closely connected with a member, this will require authorisation from the DfE before it is granted, even if the disposal is at full market value.

- 7.6. The payment of reasonable expenses to a member of the Board of Trustees is not a benefit and therefore does not create a conflict of interest or require authorisation.

## **8. Declaring interests**

- 8.1. Wherever possible, the Headteacher and Chair of Trustees will make arrangements to avoid a conflict of interest arising.
- 8.2. The stipulations below apply to all members of the Board of Trustees, CEH, the Headteacher and any others in attendance at meetings, including the SLT.
- 8.3. The Board of Trustees will be provided with a standard agenda item at the beginning of each meetings, to declare any actual or potential conflicts of interest.
- 8.4. Declarations will be made in writing, unless they are made at a meeting where official minutes are being taken.
- 8.5. All members of the Board of Trustees will be required to declare any interest that has been outlined as an item to be discussed, at the earliest possible opportunity and before any discussion of the item itself.
- 8.6. If a member is unsure whether they are conflicted, they will declare the issue and discuss it with the rest of the Board of Trustees.
- 8.7. If a member is aware of an undeclared conflict of interest affecting another member, they will be required to notify the rest of the Board of Trustees for appropriate action.
- 8.8. If the person making the declaration is only one of a number participating in the Board of Trustees's discussion and decision-making process, the declaration will be made to the other participants.
- 8.9. If the person making the declaration is the only person making a decision on behalf of the Board of Trustees, the declaration will be made to the CEH and/or Headteacher.
- 8.10. If the person making the declaration is the Headteacher, the declaration will be made to the Chair of Trustees and CEH.
- 8.11. Staff will declare conflicts of interests to the Headteacher and/or CEH, and ensure that this information is up-to-date.
- 8.12. If new conflicts of interest arise for governors or staff, they will inform the Chair of Trustees, CEH or the Headteacher and the registers will be updated.

## **9. Removing conflicts of interest**

- 9.1. The Board of Trustees will consider any conflict of interest declared, ensuring that any potential effect on decision-making is eliminated.
- 9.2. If an individual has declared an interest, they will be required to leave the room when the matter is being discussed.
- 9.3. Where there is a conflict of loyalty and the affected member does not stand to gain any benefit, they will be required to declare the interest.

9.4. The rest of the Board of Trustees will decide on what level of participation in decision-making, if any, is acceptable on the part of the conflicted member.

9.5. The Board of Trustees will decide whether the affected member:

- Can participate in the decision, after having registered and fully declared their interest.
- Can stay in the meetings where the decision is discussed and made, but not participate.
- Must be withdrawn from the decision-making process.

9.6. When deciding which course of action to take, the Board of Trustees will:

- Always make their decisions in the best interests of the Trust, schools and its pupils.
- Always protect the Trust and School's reputation and be aware of the impression that their actions and decisions may have on others.
- Always be able to demonstrate that they have made decisions in the best interests of the Trust and School and its pupils, and independently of any competing interest.
- Require the withdrawal of the affected member from any decisions where their other interest is relevant to a high-risk or controversial decision, or could significantly affect the member's decision-making.
- Allow a member to participate where the existence of their other interest poses a low risk to decision-making in the Trust and School's interest, or is likely to have only an insignificant bearing on their approach to an issue.
- Be aware that the presence of a conflicted member can affect trust between other members of the Board of Trustees, could inhibit free discussion, and might influence decision-making in some way.

9.7. If the Board of Trustees is discussing the appointment of a post, or making decisions that may lead to a staff vacancy, regarding a role for which a governor, member or trustee could apply, the person in question will be required to leave the discussion, as this is classed a conflict of interest.

9.8. Members of the Board of Trustees who have declared an interest will not be able to vote or make decisions regarding that topic, including any financial activity connected to the matter, and will not be present when the vote is taken.

9.9. The clerk to the Board of Trustees will record an entry in the minutes when an individual withdraws from a meeting.

9.10. Declarations will be clearly recorded so that there can be no potential for misunderstandings.

9.11. In circumstances where participation is unavoidable, the Chair of Trustees will consider the risks associated with the situation and advice will be sought from the Trust or school's HR Service Provider. An entry of the situation, including the outcome, will be recorded in the minutes.

9.12. The Board of Trustees will follow any legal or governing document requirements on how a conflict of interest must be handled, but may, in serious cases, decide that removing a conflict of interest itself is the most effective way of preventing it from affecting their decision-making.

9.13. Serious conflicts of interests include, but are not limited to, those which:

- Are so acute and extensive that the member is unable to make their decision in the best interests of the Trust and School and its pupils.
- Are present in significant high-risk decisions of the trustees.
- Mean that effective decision-making is regularly undermined or cannot be managed in accordance with the required or best practice approach.
- Are associated with an inappropriate Board of Trustees benefit.

9.14. To remove a conflict of interest, the Board of Trustees will undertake appropriate action, including:

- Not pursuing the course of action.
- Proceeding with the issue in a different way so that a conflict of interest does not arise.
- Securing the resignation of the member affected by a conflict of interest.
- Not making member appointments that would knowingly introduce a conflict of interest.

## **10. Records of proceedings**

10.1. Each time a declaration has been made during a meeting or an individual has withdrawn from a discussion, a record will be kept in the meeting minutes.

10.2. At a minimum, the following information will be recorded:

- The nature of the conflict
- Which members were affected
- Whether the conflicts of interest were declared in advance
- Whether anyone withdrew from the discussion
- How the trustees reached the decision made
- A description of what was disclosed and in what circumstances
- A cross-reference to an entry in the General Interests Register
- The Chair of Trustees, CEH or Headteacher will sign and date the recording

## **11. Non-compliance**

11.1. Any member of the Board of Trustees who fails to reveal information to enable the Board of Trustees to fulfil its responsibilities might be in breach of the Governor Code of Conduct and, as a result, be bringing the Board of Trustees into disrepute.

11.2. The Board of Trustees will consider suspending a governor, member or trustee if they fail to declare information that brings the Board of Trustees's reputation into question.

11.3. Any member of staff found to be withholding information about a conflict of interest may be subject to disciplinary action in line with the Disciplinary Procedures Policy.

## **12. Related party transactions**

12.1. The academy will be even-handed in its relationship with related parties by ensuring:

- Trustees - compliance with their statutory duties to avoid conflicts of interest, not accept benefits from third parties, and declare interest in proposed transactions or arrangements.
- A register of interest has been completed by the clerk to the Board of Trustees.
- No member of the academy uses their connections to the trust for personal gain.
- All payments are permitted by the articles of association or by authority from the Charity Commission.
- The Charity Commission approves payments to a trustee where there is a significant advantage to the academy.
- Any payment provided to a person satisfies the 'at cost' requirement.

12.2. All related party transactions will be reported to the ESFA in advance of transactions taking place, using the ESFA's online form. This will be applied to all contracts and agreements made on or after April 2019.

12.3. The ESFA's prior approval will be obtained, using the online form, for contracts for the supply of goods or services to the academy by a related party where any of the following limits apply:

- A contract exceeding £20,000.
- A contract of any value that would take the total value of contracts with the related party beyond £20,000 in the same financial year ending 31 August.
- A contract of any value if there have been contracts exceeding £20,000 individually or cumulatively with the related party in the same financial year ending 31 August.

12.4. For the purposes of reporting to the ESFA, transactions with related parties will not include salaries and other payments made by the academy to a person under a contract of employment through the academy's payroll.

12.5. When completing the ESFA's online form, all the information required to complete the form will be collected – it is not possible to partially complete a form and then return to it.

12.6. The following information is needed to create a record for the supplier:

- The name of the supplier.
- The supplier's address.
- The supplier's company number which can be found using the Companies House website (for limited companies).
- The statement which best describes the relationship between the supplier and the academy.

- Confirmation that the supplier is listed on the academy's register of interests.
- Confirmation that the academy has a statement of assurance from the supplier.
- Confirmation that the academy has an open-book agreement with the supplier.

12.7. The following information is needed about the related party transaction:

- A short description of the goods or services
- Details of the proposed cost
- The start and end date of any contract or agreement

12.8. When seeking approval for a related party transaction, evidence including the following is required:

- How the academy agreed to the related party transaction
- That the academy followed its Tendering and Procurement Policy
- That the academy tested the market before making a decision
- How the academy managed any conflicts of interest
- A copy of the agreement and proposed contract

12.9. The Board of Trustees and accounting officer will manage personal relationships with related parties to avoid both real and perceived conflicts of interest, promoting integrity and openness in accordance with the seven principles of public life.

12.10. The Chair of Trustees and the accounting officer will ensure their capacity to control and influence does not conflict with requirements.

12.11. The academy recognises that some relationships with related parties may attract greater public scrutiny, such as:

- Transactions with individuals in a position of control and influence, including the chair of the board and the accounting officer.
- Payments to organisations with a profit motive, as opposed to those in the public or voluntary sectors.
- Relationships with external auditors beyond their duty to deliver a statutory audit.

12.12. The academy will keep up-to-date records and make sufficient disclosures in their annual accounts to show accordance with the high standards of accountability and transparency required within the public sector.

12.13. The academy's register of interests will include business and pecuniary interests, including:

- Directorships, partnerships and employments with businesses.
- Trusteeships and governorships at other educational institutions and charities.

- For each interest: the name of the business; the nature of the business; the nature of the interest; and the date the interest began.
- Any other interests deemed relevant by the board of trustees.

12.14. The register of interests will identify any relevant material interests from close family relationships between the academy's members, trustees and governors. It will also identify relevant materials arising from close family relationships between those individuals and employees.

12.15. Relevant business and pecuniary interests of members, trustees, governors and the accounting officer will be published on the academy's website.

12.16. The clerk to governors will maintain a Related Party Transactions (RTP) Register, which will be stored in accordance with the Data Protection Policy.

### **13. Monitoring and review**

13.1. This policy will be reviewed on an annual basis, or when new legislation/guidance regarding the subject is published and requires the approval of the full Board of Trustees as it cannot be delegated to a committee.

13.2. The next scheduled review date will be in date.

13.3. The Board of Trustees will carry out continuous monitoring of its and members' activities to ensure that any conflicts of interests are identified and mitigated as soon as possible.

13.4. Any staff member or member of the Board of Trustees who fails to declare an interest and is found to be in conflict with their decision-making will be required to explain the reasons for their omission to the rest of the Board of Trustees.

13.5. The Board of Trustees will review the Declared Conflicts of Interest Register on an annual basis, or when circumstances have changed.

13.6. The General Interests Register will be available to be viewed and amended at every meeting of the full Board of Trustees.

## **Declaration of pecuniary and personal interest**

### **This is a statutory document and must be completed**

It is important that members, trustees, directors, governors and staff not only act impartially, but are also seen to act impartially. The governing body and academy staff have a responsibility to avoid any conflict between their business and personal interests and affairs and those of the academy. There is a legal duty on all governors and staff to declare an interest likely to lead to questions of bias when considering any item of business at a meeting and for the governor or staff concerned to withdraw, if necessary, whilst the matter is considered.

To help put this duty into practice, Pennine Academies Yorkshire is required to establish and maintain a register of interests indicating, for all members, directors, staff and governors any business and pecuniary interests. This should include, if appropriate, the company by whom they are employed, directorships, significant shareholdings or other appointments of influence within a business or other organisation which may have dealings with the academy.

Members, Trustees, Governors and staff completing the 'Declaration of pecuniary and personal interest' forms should include their own interest and those of any member of their immediate family (including partners) or other individuals known to them who may exert influence. The 'Declaration of pecuniary and personal interests' form should be signed by the governor/staff member and completed on an annual basis.

All completed declaration forms will be passed to the Clerk who will collate this information and enter it on to a main Pennine Academies Yorkshire register. This information is retained at Pennine Academies Yorkshire. The register is shared with governors and the board members. Some of this information will have to appear on the trust website.

The central register will enable the Academy Trust to demonstrate that in spending public money individuals do not benefit personally from decisions that they make. The register must contain, as a minimum, the elements shown on the attached sheet. It is a requirement that this register is kept up to date and signed off annually by the Trust Board.

Guidance notes are attached

# Appendix 1

## Declaration of pecuniary and personal interest

This is a statutory document and must be completed

Name: .....

Academy: .....

Position: .....

I ....., declare as a:

- Academy Trust member
- Academy Director/Trustee
- Academy Governor
- Member of staff at .....

(please cross out the above statement that is not relevant)

That I hold the following personal and/or pecuniary interest(s):

Pecuniary interests	Please provide details of the interest (the name of the business, the nature of the business and the nature of the interest)	Date interest started	Date interest ceased
Current employment			
Businesses (of which I am a partner or sole proprietor)			
Company directorships – details of all companies of which I am a director			
Charity trusteeships – details of all companies of which I am a trustee			
Membership of professional bodies, membership organisations, public bodies or special interest groups of which I am a member and have a position of general control or management			
Gifts or hospitality offered to you by external bodies while acting in your position as a governor/trustee and whether this was declined or accepted in the last 12 months			
Contracts offered by you for the supply of goods and/or services to the trust/school			
Any other conflict			

Personal interests	Name	Relationship to me	Organisation	Nature of the interest
Immediate family/close connections to other staff member/ governor/trustee				
Company directorships or trusteeships of family/close connections to governor/trustee				

**If you are a governor or trustee of any schools, academies, or other educational institutions, please provide details below:**

**Name of school/academy:** .....

**Position held:** .....

**Date appointed/elected to post:** .....

**Date of termination to post:** .....

To the best of my knowledge the information supplied above is correct and complete. I understand that it is my responsibility to declare any conflict of interest/loyalty, business or personal that relates directly or indirectly, to myself or any relation in any contract, proposed contract or other matter when present at a meeting at the academy where such contract or matter comes under consideration. I understand that I must withdraw from any meeting during the discussion of such contract or matter and must not vote in respect of it.

I agree to review and update this declaration annually and give consent for the information provided to be used in accordance with the trust/school's conflicts of interest policy.

**Signed:** .....

**Date:** .....

## Guidance notes

Staff, Governors, Members and Trustees have a legal duty to act only in the best interests of their schools/academies. If a situation arises in which they cannot do this, and this is due to a personal interest, steps should be taken to identify, prevent and record the conflict. Thus ensuring governors or trustees are acting in the best interests of the school/academy.

In reference to the declaration you must provide details relating to:

- Your ownership or partnership of a company or organisation which may be used by the trust/school to provide goods or services;
- Goods or services you offer which may be used by the trust/school;
- Any close relation you have to someone who satisfies either of the above;
- Any close relationship you have to someone who is employed by the trust/school.

Declaring your conflicts of interest is a legal requirement within the School Governance (Roles, Procedures and Allowances) England Regulations 2013 and for academies, in the Articles of Association and Academies Financial Handbook. However, making an annual declaration does not remove your requirement to make an oral disclosure of the interest and temporarily leave the meeting, where the interest is relevant to something being discussed.

## Important guidance

- Forms need to be completed by the person signing the form
- Boxes on the form need to be completed even if by putting n/a
- Signatures cannot be typed
- Pen must be used
- Tippex cannot be used

## Completed forms must be returned to:

Original copies to be returned to the Clerk at the attendance of the next Board Meeting  
Scanned copies to the Trust Business Partner at [j.taylor@paymat.org](mailto:j.taylor@paymat.org) asap  
Incomplete forms will be returned to amend.

## Pecuniary interests

Generally, staff and governors should not participate in any discussions in which they may directly or indirectly benefit from a pecuniary interest, except where the relevant authority has authorised this (i.e. legislation for maintained schools or articles of association for academies).

- A direct benefit refers to any personal financial benefit;
- An indirect benefit refers to any financial benefit you may have by virtue of a relationship to someone who stands to gain from a decision of the governing board;
- Both direct and indirect interests must be declared.

## Non-pecuniary interests (conflicts of loyalty)

There may be a non-pecuniary interest whereby the governor does not stand to gain any benefit but a declaration should still be made. For example, this might be where a governor has a family member working in the academy. While the governor might not benefit personally, their judgment could be impaired if something was brought up that would affect the family member.

## Handling the conflict

The Trust Board/Local Committee must make a decision whether or not they should take steps to remove the conflict by:

- Not pursuing the course of action it relates to;  
or
- Proceeding with it in an alternative way which does not give rise to conflict;  
or
- Not appointing the Trustee/governor in question or seeking to secure their resignation.

In the minutes of the meeting, the following should be recorded:

- The nature of the conflict;
- Which Trustee(s)/Governor(s) it relates to;
- Whether a declaration was made in advance of the meeting;
- A brief overview of what was discussed;
- Whether the governor(s) withdrew from the meeting;
- How the Trustees/governors made the decision in the best interests of the academy.

Any new interest or ceased interest, should be reported to the Clerk as and when they occur and a new form completed. Upon completion, this signed form should be given to the Clerk whose responsibility it is to keep the register of all interests.

The Charity Commission has produced [guidance on dealing with conflicts of interests](#) which may be useful, even for schools that do not have charitable status.