



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 Oak Learning Partnership Trust ('the Trust') are, and are seen to be, free from personal bias and do not unfairly favour any individual or company connected with the school.

Members of the Trust Board, local governing boards and school staff have an obligation to act in the best interests of the Trust communities 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. 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 risk the Trust's reputation.

The Trust has created this policy to:

- Ensure that every 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.

1. LEGAL FRAMEWORK

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

General Data Protection Regulation

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

DfE (2019) 'Governance handbook'

Charity Commission (2014) 'Conflicts of Interest: a guide for charity trustees'

'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 school.

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.

An 'interested party' is defined as a person who has a close relation to a person with a vested interest, e.g. a spouse.

'At cost' refers to the cost of a good or service (not including contracts of employment), without profit.

1. Definitions

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 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 school.

2.3 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.

2.4 An 'interested party' is defined as a person who has a close relation to a person with a vested interest, e.g. a spouse.

2.5 '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 Trust board and the local governing bodies are 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 any conflicts of interest.
Operating and making decisions in the best interests of pupils.
Operating and making decisions in line with their charitable objectives, where applicable.
- 3.2** The chair of the Trust Board and the chairs of the local governing bodies are responsible for:
Ensuring, in liaison with the CEO or headteacher, that all members of the Trust board or local governing bodies have declared any conflicts of interest, in accordance with the 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 school's HR team.
- 3.3** The clerk to the governing board is responsible for:
Keeping an accurate and up-to-date record of interests for all Trustees, governors, staff and volunteers, which is reviewed annually, and can be accessed by relevant people, e.g. the headteacher.
Keeping accurate meeting minutes.
- 3.4** The headteacher of each Trust school is responsible for:
Ensuring, in liaison with the chair of the governing board, that all members of the governing board have declared any conflicts of interest, in accordance with the Conflicts of Interests Register.
Ensuring that the General Interests Register is published on the school website.
Ensuring that any staff member who is responsible for proposing a course of action or handling the 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.

- 3.5** 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 school'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.

2. 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 school and its pupils.

4.3 Members of the Trust Board and local governing bodies will declare any conflicts of interest at an early stage and inform the relevant people, e.g. the headteacher.

4.4 Members of the Trust Board and local governing bodies 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 its pupils.

4.5 Members of the Trust Board and local governing bodies 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

Owing 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

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

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

If the academy trust's members, trustees or local governors have a relative whom

they know to have relevant interests, this will be declared.

Only relevant interests will be declared, e.g. the spouse of the owner of a catering service when the Trust 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.

4. CONFLICTS OF LOYALTY

4.1 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 governing board could be influenced by their other interests.

4.2 Members of the governing board 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 governing board or committee of which they are a member.

The individual that appointed them to the governing board.

4.3 Members of the governing board 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 school.

5. THE DECLARATION REGISTERS

5.1 Each declaration of interest will be recorded on the Trust's Conflicts of Interests Register. This register will allow all Trustees, governors and relevant employees to identify any business, commercial, financial or personal interests they have. If an actual conflict is identified, further details will be recorded in a separate register.

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

The nature of the business/interest

The name of the business/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

The Trust will keep the following two versions of the Conflicts of Interests Register: where an actual conflict is identified, this will be recorded in a register which will have restricted access – the Actual Declared Conflicts of Interests Register. The Register of Interests, which is more widely accessible, includes who has declared interests and which category they fall into.

5.3 The registers will be stored in accordance with the Trust's Data Protection Policy.

5.4 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.

- 5.5 If an individual is unsure whether they have a conflict of interest, the headteacher will advise the individual to declare any possible interests until they can confirm their interests at a later date.
- 5.6 If a new interest becomes applicable during the school year, it will be the responsibility of the individual concerned to amend the Conflicts of Interests Register.
- 5.7 The Declarations of Interests Register will be published publicly on the Trust website. The relevant business and pecuniary interests of members, trustees, governors and accounting officers will be published publicly on the website. The business and pecuniary interests of the accounting officer will be published publicly regardless of whether they are a trustee.
- 5.8 The board of trustees will be responsible for keeping their register of interests up-to-date through regular review.

6. TRUST OR LOCAL GOVERNING BODY BENEFITS

- 6.1 Conflicts of interest can arise where there is a potential or measurable benefit to a member of the Trust Board or local governing body, or to a person connected to a member.
- 6.2 Trust or local governing body benefits include any payments or benefits to members, or a connected person, apart from their reasonable out-of-pocket expenses.
- 6.3 Benefits also include situations where a member of the Trust Board or local governing body could receive property, loans, goods or services from the Trust.
- 6.4 Where there is a proposed sale or lease of land to a member of the Trust board or local governing body, 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.
- 6.5 The payment of reasonable expenses to a member of the governing board is not a benefit and therefore does not create a conflict of interest or require authorisation.

7. DECLARING INTERESTS

- 7.1 The Trust board and local governing body will be provided with a standard agenda item at the beginning of each meeting, to declare any actual or potential conflicts of interest.
- 7.2 Declarations will be made in writing, unless they are made at a meeting where official minutes are being taken.
- 7.3 All members of the Trust board and local governing body 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.
- 7.4 If a member is unsure whether they are conflicted, they will declare the issue

and discuss it with the rest of the Trust board or local governing body.

7.5 If a member is aware of an undeclared conflict of interest affecting another member, they will be required to notify the rest of the Trust Board or local governing body for appropriate action.

7.6 If new conflicts of interest arise for Trustees, governors or staff, they will inform the chair of the Trust Board or local governing body or the headteacher and the register will be updated.

8. REMOVING CONFLICTS OF INTEREST

8.1 The Trust Board or local governing bodies will consider any conflict of interest declared, ensuring that any potential effect on decision-making is eliminated.

8.2 If an individual has declared an interest, they will be required to leave the room when the matter is being discussed.

8.3 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. The rest of the Trust Board or local governing board will decide on what level of participation in decision-making, if any, is acceptable on the part of the conflicted member. The Trust Board or local governing body 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.

When deciding which course of action to take, the governing board will:

Always make their decisions in the best interests of the Trust and its pupils.

Always protect the Trust'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 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'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 Trust board or local governing body, could inhibit free discussion, and might influence decision-making in some way.

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

8.5 Members of the Trust Board or local governing body 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.

8.6 The clerk will record an entry in the minutes when an individual withdraws from a meeting.

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

9. NON-COMPLIANCE

9.1 Any member of the Trust Board or local governing body who fails to reveal information to enable the Trust Board or local governing body to fulfil its responsibilities might be in breach of the Trustee and Governor Code of Conduct and, as a result, be bringing the Trust Board or local governing body into disrepute.

9.2 The Trust Board or local governing body will consider suspending a Trustee or governor if they fail to declare information that brings the Trust Board or local governing body's reputation into question.

10. RELATED PARTY TRANSACTIONS

10.1 The Trust will be even-handed in their 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 governing board.

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.

All related party transactions will be reported to the ESFA in advance of transactions taking place, using the ESFA's [online form](#).

10.2 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

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.

10.3 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.

10.4 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

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

10.5 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

10.6 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.

10.7 The chair of the board of trustees and the accounting officer will ensure their capacity to control and influence does not conflict with requirements.

10.8 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

10.9 The Trust 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.

10.10 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.

10.11 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.

10.12 Relevant business and pecuniary interests of members, trustees, governors

and the accounting officer will be published on the academy's website.

11. MONITORING AND REVIEW

This policy will be reviewed on an annual basis.

Declaration of Conflicts of Interest Form for Governors and Trustees

Declaration

I hereby certify I understand that it is my responsibility to declare the nature of all business or personal interests, whether direct or indirect, of myself, my partner and/or members of my immediate family, that could unfairly benefit from my relationship and connection with the school.

I also understand that it is a criminal offence to:

- Withhold information relating to conflicts of interest.
- Provide falsified information.
- Fail to notify the governing board of any changes which might invalidate this declaration.

I agree to inform the Trust Board or local governing body (as appropriate) of any changes to aforementioned interests, or new conflicts of interest, at the earliest possible opportunity.

I confirm I do not have any actual or potential conflicts of interest to declare:

I wish to declare an actual or potential conflict of interest and have included further details below:

Name:	
Role:	
Signature:	
Date:	

