

**POLICY FOR MEMBERS OF STAFF, MEMBERS, DIRECTORS &
MEMBERS OF LOCAL MANAGEMENT BOARDS**

REGISTER OF BUSINESS AND PERSONAL INTERESTS

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Policy for Senior Staff, Members, Directors and Members of Local Management Boards for Business and Personal Interests

1 Introduction

The Trust is required to establish a register which lists for key management personnel (defined as the Members, Directors and Senior Leadership Team of the Trust), other staff with purchasing influence (e.g. school business managers and curriculum leads) and members of Local Management Boards any business or personal interest, pecuniary or otherwise, that they, or any member of their immediate family, have which could conflict with the Trust's interests; to keep the register up to date with notification of changes; to undergo an annual review of entries, and to make the register available for inspection.

2 The Register

The register of interests must capture relevant business and pecuniary including:

- directorships, partnerships and employments with businesses that provide goods or services to the Trust;
- trusteeships and governorships including at other educational institutions and charities irrespective of whether there is a trading relationship with the Trust; and,
- for each interest: the name of the business, the nature of the business, the nature of the interest, and the date the interest began.

The Trust must publish on its websites relevant business and pecuniary interests of Members, Directors and Local Management Boards.

3 Conflicts

For register purposes a close relative is defined as a close member of the family, or member of the same household, who may be expected to influence, or be influenced by, the person. This includes, but is not limited to, a child, parent, spouse or civil partner of the member of staff, Member, Member of Local Management Board, Director or any person living with the affected individual as his or her partner. As a general principle, and if in doubt individuals should err on the side of caution and declare interests that they think could be covered by this guidance. Such a declaration must be made as soon as an individual becomes aware of the possibility of any such conflict arising or indeed that may be perceived / construed as arising. A good test is for the individual to ask himself/herself whether others would think that the interest is of a kind to make this possible. If the individual thinks this is so, or is in doubt then the information should be recorded on the register of interests.

Conflicts of interest may arise where either:

- there is a potential financial or measurable benefit directly, or indirectly through connected person; or
- the individuals duty to the Trust may compete with a duty or loyalty they owe to another organisation or person

Examples of benefits are where the Directors decide to:

- sell, loan or lease Company assets to a Director
- acquire, borrow or lease assets from a Director for the Trust
- pay a Director for carrying out their Director role
- pay a Director for carrying out a separate paid post within the Trust, even if that Director has recently resigned as a Director
- pay a Director for carrying out a separate paid post as a director or employee of any subsidiary trading company
- pay a Director, or a person or company closely connected to a Director, for providing a service to the Trust. This covers anything that would be regarded as a service and includes legal, accountancy or consultancy services through to painting or decorating the Trust's premises, or any other maintenance work
- employ a Director's spouse or other close relative (or at the Trust's subsidiary trading company)
- make a grant to a Director, or a service user who is a close relative of a Director
- allow a Director to influence service provision to their exclusive advantage

Conflicts of loyalty may arise because although the affected individual does not stand to gain any benefit, their decision making for the Trust could be influenced by his or her other interests. For example, an individual's loyalty to the Trust could conflict with his or her loyalty to:

- another organisation, such as their employer
- another charity of which they are a trustee
- a close member of their family
- another connected person or organisation

4 RELATED PARTIES

Related parties arise where:

- one party has control or influence over the other, or
- the parties are subject to common control.

This includes parent companies and their subsidiaries, key management personnel including company directors, their close family members and other entities in which these parties have a controlling interest. The Trust **must** pay no more than 'cost' for goods or services provided to it by related parties ('services' do not include services provided under a contract of employment). The 'at cost' requirement applies to contracts for goods and services from a connected party exceeding £2,500, cumulatively, in any one financial year of the Trust. For these purposes, where a contract takes the Trust's cumulative annual total with the connected party beyond £2,500, the element above £2,500 must be at no more than cost.

For legal advice and audit services the 'at cost' requirement only applies where the organisation's partner directly managing the service is a member or trustee of the Trust.

All individuals must sign and return the Register of Interests Questionnaire even if they have no interests to declare. This return will be refreshed on an annual basis. Where a conflict of interest arises at any point it must be declared and the register updated. Individuals should not participate in any decisions where they stand to gain, whether directly, or indirectly through a connected person. Furthermore, in line with recognised best practice, the opportunity to declare such an interest will appear as a standard agenda item at all meetings of Directors and Local Governing Bodies.

A copy of the Register of Interests Questionnaire is attached at **Appendix 1**.

Register of Interests Questionnaire

To ensure compliance with the Education Funding Agency (EFA) guidance on related party transactions, please complete the following form.

Please note:

- 1 A summary of related party transactions that the Trust has entered into will be included on our website.
- 2 Details of related parties including children under the age of 18 years and other close family members will only be included on our website if the Trust has entered into a transaction with them
- 3 Failure to complete this form accurately could lead to the Trust entering into transactions with related parties which could have significant financial implications for the Trust.

Q1. Are you currently employed in a senior position in an organisation which has, or may have, dealings with the Trust?

If 'yes' please provide the name and activities of the organisation and the position held, including date of appointment.

Details

Name of organisation:	Nature of business:	Nature of Interest/position held:	Date the interest began/date of appointment:

Q2. Do you hold the position of director/trustee or company secretary in any other company, including charities?

If 'yes' please provide the names and activities of all companies and the position held, including date of appointment.

Details

Name of organisation:	Nature of business:	Nature of Interest/position held:	Date the interest began/date of appointment:

Q3. Do you have a controlling* interest in any company not listed in point 2 above?

If 'yes' please provide the names and activities of the businesses and, if applicable, the full name of any business partner(s).

Details

Name of organisation:	Nature of business:	Nature of interest/position held:	Date the interest began/date of appointment:

***Control:** the ability to direct the financial and operating policies of an entity with a view to gaining economic benefit from its activities. The EFA Financial Handbook refers to control as

- holding more than 20% of share capital (or equivalent)
- having the equivalent right to control management decisions of the body, or
- having the right to appoint or remove a majority of the board or governing body

Q4. Do you have an interest in any non-corporate businesses such as a partnership/sole trader or an unincorporated charity?

If 'yes' please provide the names and activities of the businesses and, if applicable, the full name of any business partner(s).

Details

Name of organisation:	Nature of business:	Nature of Interest/position held:	Date the interest began/date of appointment:

Q5. Please provide the full names of individuals that would be classed as close family members* under the definition provided. Please provide ages for any individuals under the age of 18.

*** Close family members:** those family members, or members of the same household, who may be expected to influence, or be influenced by, that person in their dealings with the reporting entity. Close family would therefore normally include a person's spouse or partner, all children, siblings and parents.

Q6. Does any individual listed in point 5 above hold a directorship or controlling interest in any company or non-corporate businesses such as a partnership/sole trader or an unincorporated charity?

If so, please provide full details, including the name(s) of any company.

I confirm that the above information is complete and correct and that I will notify the Clerk to the Board of Governors immediately if any of the organisations above enter into discussions with the Trust that may lead to transactions being entered into. I confirm that I will notify the Clerk to the Board of Directors of any changes to this information and to immediately declare where a conflict of interest arises so this register may be updated.

NamePosition in Trust (job title if a member of staff)
.....

Signature.....Date

Relevant school(s)