



Holly Park School

Conflicts of Interest Policy

Contents:

Statement of intent

1. Legal framework
2. Definitions
3. Roles and responsibilities
4. Identifying conflicts of interest
5. Conflicts of loyalty
6. The declaration registers
7. Governing board benefits
8. Declaring interests
9. Removing conflicts of interest
10. Records of proceedings
11. Non-compliance
12. Monitoring and review

Appendices

Appendix 1 – Declaration of Conflicts of Interests Form for Governors and Trustees

Appendix 2- Declared Conflicts of Interests Register pro forma

Appendix 3 - General Interests Register pro forma

Statement of intent

This policy sets out the framework for ensuring that the decisions and decision-making processes at Holly Park 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 governing body and school staff have an obligation to act in the best interests of the 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 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 school, and risk the school's reputation.

The school 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 school.

I. Legal framework

- 1.1. This policy has due regard to all relevant legislation including, but not limited to, the following:
 - Data Protection Act 2018
 - General Data Protection Regulation
- 1.2. This policy has due regard to all relevant guidance, including, but not limited to, the following:
 - DfE (2019) 'Governance handbook'
- 1.3. This policy operates in conjunction with the following school policies:
 - Financial management Policy
 - Whistleblowing Policy
 - Declared Conflicts of 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 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 governing body 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 any conflicts of interest.
 - Operating and making decisions in the best interests of pupils.
- 3.2. The chair of governors is responsible for:
- Ensuring, in liaison with the headteacher, that all members of the governing body 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 school's HR team.
- 3.3. The clerk to the governing body 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. the headteacher.
 - Keeping accurate meeting minutes.
- 3.4. The headteacher is responsible for:
- Ensuring, in liaison with the chair of the governing body, that all members of the governing body 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 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.

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 governing body will declare any conflicts of interest at an early stage and inform the relevant people, e.g. the headteacher.
- 4.4. Members of the governing body will ensure that any conflicts of interest do not prevent them from making a decision that would be in the best interests of the school and its pupils.
- 4.5. Members of the governing board 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
- 4.6. All interests and connections that could influence the 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. **[Academies]** 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 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. 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 governing body could be influenced by their other interests.
- 5.2. Members of the governing body 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.
- 5.3. 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.

6. The declaration registers

- 6.1. Each declaration of interest will be recorded on the school'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/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
- 6.4. The 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 school office, where they can be accessed by the headteacher and chair of the governing body, 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 school's Data Protection Policy.
- 6.7. The governing body 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 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 school website; however, certain interests of staff members may be omitted from the published copy, unless they are also a governor or relevant member of staff.

7. Governing body benefits

- 7.1. Conflicts of interest can arise where there is a potential or measurable benefit to a member of the governing body, or to a person connected to a member.
- 7.2. Members of the governing body can only benefit from the school where there is an explicit authority in place in the school's governing document.
- 7.3. Governing body 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 governing body could receive property, loans, goods or services from the school.
- 7.5. Where there is a proposed sale or lease of land to a member of the 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.
- 7.6. 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.

8. Declaring interests

- 8.1. Wherever possible, the headteacher and chair of the governing body will make arrangements to avoid a conflict of interest arising.
- 8.2. The stipulations below apply to all members of the governing body, the headteacher and any others in attendance at meetings, including the SMT.
- 8.3. The 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.
- 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 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.
- 8.6. If a member is unsure whether they are conflicted, they will declare the issue and discuss it with the rest of the governing board.
- 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 governing body for appropriate action.
- 8.8. If the person making the declaration is only one of a number participating in the governing body'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 governing body the declaration will be made to the headteacher.
- 8.10. If the person making the declaration is the headteacher, the declaration will be made to the chair of the governing board.
- 8.11. Staff will declare conflicts of interests to the headteacher 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 the governing body or the headteacher and the registers will be updated.

9. Removing conflicts of interest

- 9.1. The governing body 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 governing body will decide on what level of participation in decision-making, if any, is acceptable on the part of the conflicted member.
- 9.5. The 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.
- 9.6. When deciding which course of action to take, the governing body will:
 - Always make their decisions in the best interests of the school and its pupils.
 - Always protect the 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 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 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 governing body, could inhibit free discussion, and might influence decision-making in some way.

- 9.7. If the 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 governor could apply, the member in question will be required to leave the discussion, as this is classed a conflict of interest.
- 9.8. Members of the 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.
- 9.9. The clerk to the governing body 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 the governing body will consider the risks associated with the situation and advice will be sought from the school's HR team. An entry of the situation, including the outcome, will be recorded in the minutes.
- 9.12. The governing body 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 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 governing board benefit.
- 9.14. To remove a conflict of interest, the governing body 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 the governing board or headteacher will sign and date the recording

11. Non-compliance

- 11.1. Any member of the governing body who fails to reveal information to enable the governing body to fulfil its responsibilities might be in breach of the Governor Code of Conduct and, as a result, be bringing the governing body into disrepute.
- 11.2. The governing body will consider suspending a governor if they fail to declare information that brings the governing board'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. Monitoring and review

- 12.1. 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 governing body as it cannot be delegated to a committee.
- 12.2. The governing body ensure that any conflicts of interests are identified and mitigated as soon as possible.
- 12.3. Any staff member or member of the governing body 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 governing body.
- 12.4. The governing body will review the Declared Conflicts of Interest Register on an annual basis, or when circumstances have changed.

- 12.5. The General Interests Register will be available to be viewed and amended at every meeting of the full governing board.

Document Control

Revision History

Version	Revision Date	Revised By	Revision
1.0	Autumn 2019	Ann Pelham	Created in light of guidance on new statutory policies
1.1	Autumn 2019	Full Govs	Ratified
1.2	Autumn 2020	Full Govs	Ratified
1.3	Autumn 2021	Full Govs	Ratified

Signed by

	Name	Signature	Date
Headteacher	Ann Pelham		
Chair of Governors	Tim Graveney		

Distribution

Shared with
<ul style="list-style-type: none">• Staff via school server• Governors via committee meetings

Date for next review
Autumn 2022

SCHOOL: _____

REGISTER OF BUSINESS INTERESTS FOR YEAR 20 /

NAME OF GOVERNOR OR MEMBER OF STAFF:

--

Name of Business	Nature of Business	Nature of Interest eg Shareholding/Directorship	Date of Appointment Or Acquisition	Date of Cessation Of Interest	Date of Entry

Signed: _____ Date: _____

Could each Governor please complete. Please register if you or a partner have any interest in a shareholding/directorship that might stand to benefit from a contract made with the school. Even if you have nothing to declare please make a nil return and forward the completed form to the School Office to be held for any future Audit Inspection.

Appendix 2

Declared Conflicts of Interests Register

[illegible]

Appendix 3

General Interests Register

[illegible]