

Ormiston Academies Trust

Brownhills Ormiston Academy

Business and pecuniary interests policy

Policy version control

Policy type	Mandatory
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In consultation with	Claire Lovell, Head of Compliance and Reporting
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Review	Policies will be reviewed in line with OAT's internal policy schedule and/or updated when new legislation comes into force
Description of changes	<ul style="list-style-type: none"> ▪ Restructured to reflect trust processes and use of GovernorHub ▪ Process for members added ▪ Specific events process removed ▪ Associate committee members added to the process ▪ Associate members of LGBs added to the process

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1. Introduction

- 1.1. The trust takes its duty to manage public funds seriously and, therefore, ensures that no member, trustee, governor, employee, or related party benefits personally from the use of funds.
- 1.2. It is vital that decision-making processes and the application of decisions at the trust and its academies are free from personal or other bias, such that the trust is not laid open to criticism, challenge, or reputational damage.
- 1.3. The trustees will ensure that there are measures in place to manage conflicts of interest.

2. Objectives

- 2.1. To ensure that the actions of members, trustees, associate committee members, governors and employees cannot be brought into question, this framework of accountability has been created to guarantee that the trust's business and pecuniary decisions are in no way influenced by personal interests and provide openness and transparency to parents and the wider public/stakeholders.

3. Roles and responsibilities

- 3.1. OAT members, trustees, governors, and employees:
 - must act in accordance with the trust's business and pecuniary interests policy at all times.
 - will operate and make decisions in the best interest of pupils and in line with the trust's charitable objectives and not in their own interests.
 - have an obligation to avoid any conflict of interest between personal and/or professional affairs and those of the academy/trust.
 - are responsible for identifying any business or pecuniary interests which have not been previously declared.
 - will ensure that no-one with an interest is present. Any individual with an interest in a particular agenda item or discussion, should be invited to leave the meeting/discussion until a decision has been reached or the discussion concluded.
- 3.2. OAT members, trustees, associate committee members & executive:
 - 3.2.1. Must complete a business and pecuniary interest declaration on GovernorHub annually at the start of the academic year.
 - 3.2.2. Must update GovernorHub with any changes to business or pecuniary interests throughout the academic year and notify the company secretary of the change.
 - 3.2.3. New appointments must complete declarations of interest upon appointment.

- 3.2.4. Business interests will be published on the trust website and a record maintained on GovernorHub.
- 3.2.5. At a meeting of members or trustees, it is the responsibility of the CEO and meeting chair to ensure that all members, trustees, and associate committee members with voting rights have declared any business or pecuniary interests relating to items on the meeting agenda or any changes to their annual declarations.
- 3.2.6. The chair of the meeting is responsible for determining anyone else present who is considered an interested party with significant control and/or influence with the trust. If identified, said person will need to complete a business and pecuniary interest form either on GovernorHub or in appendix 1 and return to the company secretary.
- 3.3. OAT governors and associate members (including principals):
 - 3.3.1. Must complete a business and pecuniary interest declaration on GovernorHub annually at the start of the academic year.
 - 3.3.2. Must update GovernorHub with any changes to business or pecuniary interests throughout the academic year and notify the clerk to governors of the change.
 - 3.3.3. New governors, including new principals, must complete declarations of interest upon appointment.
 - 3.3.4. Business interests will be published on the academy website and a record maintained on GovernorHub.
 - 3.3.5. At a meeting of governors, it is the responsibility of the principal and meeting chair to ensure that all governors with voting rights have declared any business or pecuniary interests relating to items on the meeting agenda or any changes to their annual declarations.
 - 3.3.6. The chair of the meeting is responsible for determining anyone else present who is considered an interested party with significant control and/or influence with the trust. If identified, said person will need to complete a business and pecuniary interest form either on GovernorHub or in appendix 1 and return to the clerk to governors.
- 3.4. OAT head office staff (excluding the executive):
 - 3.4.1. All budget holders and senior leaders must complete a business interest form (appendix 1) annually at the start of the academic year. These should be returned to the governance team.
 - 3.4.2. All budget holders and senior leaders must update the form with any changes to business or pecuniary interests throughout the academic year and notify the governance team of the change.
 - 3.4.3. New budget holders or senior leaders must complete declarations of interest upon appointment.
 - 3.4.4. The executive team is responsible for determining anyone else present in meetings/decision making who is considered an interested party with significant control and/or influence in the trust. If identified, said person will need to complete a business and pecuniary interest form in appendix 1 and return to the governance team.

- 3.4.5. The head of financial control will ensure that any head office staff member who is responsible for proposing a course of action in relation to spending the trust's designated budget has declared any business or pecuniary interests. At the onset of any procurement activity, the document in appendix 3 to be completed and submitted to the procurement lead and head of governance. Please refer to the procurement policy for further details. OAT academy staff (excluding the principal)
- 3.4.6. The company secretary is responsible for ensuring that the register of business interests is stored and maintained appropriately.
- 3.5. OAT academy staff (excluding the principal)
 - 3.5.1. All budget holders and senior leaders must complete a business interest form (appendix 1) annually at the start of the academic year. These should be returned to a named contact in the academy and collated onto the register of interests (appendix 2). Once completed, this should be returned to the head office governance team.
 - 3.5.2. All budget holders and senior leaders must update the form with any changes to business or pecuniary interests throughout the academic year and notify the academy contact of the change who should update the register of interests.
 - 3.5.3. New budget holders or senior leaders must complete declarations of interest upon appointment.
 - 3.5.4. The principal is responsible for determining anyone else present in meetings/decision making who is considered an interested party with significant control and/or influence in the academy. If identified, said person will need to complete a business and pecuniary interest form in appendix 1 and return to the named contact in the academy who should update the register of interests.
 - 3.5.5. The principal will ensure that any employee who is responsible for proposing a course of action in relation to spending the academy's designated budget has declared any business or pecuniary interests.
 - 3.5.6. The principal is responsible for ensuring that the register of business interests is stored and maintained appropriately.
- 3.6. Employees who have no influence on the selection of suppliers, or involvement in payments to suppliers, or other significant dealings with the supplier, such as approving their work/deliveries, are under no obligation to declare any business and pecuniary interests they may have.
- 3.7. All employees are responsible for following the Trust's Whistleblowing Policy where there are concerns that a business or pecuniary interest has not been declared and an individual, or relatives, may have subsequently benefitted.

4. Identifying conflicts of interest

- 4.1. It is important for all people involved in spending public money to demonstrate that they do not benefit personally from the decisions they make.

- 4.2. The trust expects members, trustees, associate committee members, governors, and employees, to be able to identify any conflicts of interest, such as business and pecuniary interests, at an early stage.
- 4.3. Members, trustees, associate committee members, governors, and employees, who fail to identify and declare any conflicts of interest, will also fail to comply with personal legal responsibility to avoid conflicts of interest and act only in the best interests of the trust and its children.
- 4.4. Members, trustees, associate committee members, governors and employees will ensure that any conflicts of interest do not prevent them from making a decision that would only be in the best interests of the school and its children.
- 4.5. Members, trustees, associate committee members, governors, and relevant employees, will declare the following interests:
 - Owning significant shares or other investment or asset in a company with which the academy/trust may work
 - Being an employee, director, adviser or partner of another business or organisation
 - Receiving a gift, hospitality, or other benefit from someone/an organization (refer to the Gifts & Hospitality Policy for further details)
 - Having a beneficial interest in a trust where relevant to the operations of the academy/trust
 - Details of charities where the individual is a trustee
 - Pursuing a business opportunity
 - Owning a debt to someone/an organisation where there is a proposal to engage that person/organization to work with the academy/trust
 - Details of any other educational establishment where the individual is a governor, associate member or trustee
 - Details of a relative whom they know to have relevant material interests
 - Interests and connections which could influence the trust's reputation with the public
- 4.6. Only relevant interests need to be included, e.g., the spouse of the owner of a catering service. Any interests which would 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.
- 4.7. 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.
- 4.8. If there is any doubt about declaring an interest it is advised to declare it.
- 4.9. Where there are no interests to declare, members, trustees, associate committee members, governors and employees must submit a 'nil' return.

5. Declaring interests

- 5.1. Details of each interest will be recorded on the relevant register, including the following:
 - The name of the business

- The nature of the business
 - The nature of the interest
 - The date the interest began
- 5.2. Any conflicting interest or relationship will be described in sufficient detail using appropriate language, in order to clarify under what circumstances an individual's position might be brought into question.
- 5.3. Anyone that has identified a direct or indirect personal interest which could conflict with their duties, will declare that interest as soon as they are aware of it.
- 5.4. Wherever possible meeting chairs should make arrangements to avoid conflicts of interest arising.
- 5.5. Declarations will be made in writing, unless they are made at a meeting where official minutes are being taken.
- 5.6. During a meeting, if a person is unsure whether or not they are conflicted, they are required to declare the issue and discuss it with the rest of the meeting members.
- 5.7. If a person is aware of an undeclared conflict of interest affecting another person, they are required to notify the company secretary (head office staff, members, trustees, associate committee members and governors (including principals) or the principal (academy staff) for appropriate action.
- 5.8. If the person making the declaration is only one of a number participating in the board of trustees or local governing body's discussion and decision-making process, the declaration will be made to the other participants.
- 5.9. If the person making the declaration is the only person making a decision on behalf of the board of trustees or local governing body, the declaration will be made to the chief executive officer or principal.

6. Governing board benefits

- 6.1. Conflicts of interest can arise where there is a potential or measurable financial benefit to a member of the board of trustees, or LGB, or to a person connected to a member.
- 6.2. Members of the board of trustees or LGB can only benefit from the Trust where there is an explicit authority in place in the Trust's governing document.
- 6.3. Board of trustee or LGB benefits include any payments or benefits to members, or a connected person, apart from their reasonable out-of-pocket expenses.
- 6.4. Benefits also include situations where a member of the board of trustees or LGB could receive property, loans, goods, or services from the school.
- 6.5. Where there is a proposed sale or lease of land to a member of the board of trustees or LGB, or to a person or company closely connected with a member, this will require authorization from the DfE before it is granted, even if the disposal is at full market value.

- 6.6. The payment of reasonable expenses to a member of the board of trustees or LGB is not a benefit and therefore does not create a conflict of interest or require authorization (refer to the Trustees' Expenses Policy for further details).

7. Removing conflicts of interest

- 7.1. Members, trustees, governors, and employees will consider any conflict of interest declared, ensuring that any potential effect on decision-making is eliminated.
- 7.2. If an individual has declared an interest, they must leave the meeting room while the matter is being discussed.
- 7.3. If the members, trustees, or governors are discussing the appointment to a post, or making decisions which may lead to a staff vacancy, regarding a role for which a member, trustee or a governor could apply, the person in question must leave the discussion, as this is classed as a business and pecuniary interest.
- 7.4. Members, trustees, governors, or employees 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.
- 7.5. Declarations will be clearly recorded so that there can be no potential for misunderstandings.
- 7.6. In circumstances where participation is unavoidable, the chair of the meeting will consider the risks associated with the situation and advice will be sought from the trust governance team.

8. Non-compliance

- 8.1. Any member trustee or governor who fails to reveal information may be in breach of the Code of Conduct and, as a result, be bringing the trust into disrepute.
- 8.2. Suspension of the office holder from role will be considered if they fail to declare information which contravenes the declarations of interest policy or brings the trust's reputation into question.
- 8.3. Any employee found to be withholding information may be subject to disciplinary action.

9. Monitoring and review

- 9.1. This policy will be reviewed every three years or when new legislation/guidance regarding the subject is published, and requires the approval of the board of trustees or local governing body as it cannot be delegated to a committee.
- 9.2. The relevant business and pecuniary interests will be available to be viewed and amended at every meeting of the board of trustees or LGB.

Appendix 1

Pecuniary Interests (form)

Academy budget holders and senior leaders should complete and return to the designated academy contact

Head office budget holders and senior leaders should complete and return to the central governance team

Members, trustees, governors (including principals) and OAT executive should complete interests on GovernorHub

Name:
School/HO Dept:
Date of appointment:

Declaration of Interests

I give notice that having read the above material regarding registerable interests I have set out below my interests under the appropriate heading and have put 'none' where I have no such interests related to the academy.

Employment, office, trade, profession, or vocation:

Employment, office, trade, profession or vocation of spouse or partner:

Substantial interests in trading companies:

Contracts with the academy held by self, spouse/partner or any company mentioned above:

Name of any body, charity, association, or organisation which operates in the locality of the academy of which you or your spouse/partner are a member or officer (*Do not list those with no specific local connections unless you consider that they are likely to have dealings with the academy*):

Details of any governance role you hold in any other institution:

Declaration

I hereby certify that 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, which 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 will endeavour to inform the academy of any changes to the above-mentioned interests at the earliest possible opportunity.

Signed: _____

Date: _____

Appendix 2

Register of interests

(to be completed by SBMs/Finance Leads with Appendix 1 returns for academy budget holders and senior leaders)

(add lines and columns as required)

Name	Staff member type (i.e. history teacher, DSL, Receptionist, etc)	Employment: self	Employment: partner	Any substantial interests in trading companies	Academy contracts: held by the staff member, their family or any company in which they have interests	Name of any local body, charity, association or organisation of which the staff member or partner is a member or officer	Any other current governance roles held

Appendix 3

Conflict of interest in OAT procurement declaration

Name	Role Title	Nature of procurement activity	Declaration of interest description