



## ALTERNATIVE PROVISION

# Conflict of Interest Policy

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Approved by: [RAISE-AP Educational Directors](#)

Approval Signatures

*RAISE-AP  
Directors*

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## Aims

At [RAISE AP](#) we want to ensure that the decisions taken by members of staff and by the governing board are free from personal bias and don't unfairly benefit any individual or company connected to the provision.

This policy aims to ensure that everyone to whom the policy applies (see section 3):

- › Understands what a conflict of interest is
- › Understands their responsibility to identify and declare any conflicts of interest
- › Understands what actions will be taken if a conflict of interest is identified

At [RAISE AP](#) we will ensure that:

- › Every potential conflict of interest, or perceived conflict of interest, is identified, recorded and prevented
- › Decision-making isn't affected by conflicts of interest
- › There are clear procedures for managing conflicts of interest where they arise

This policy does not form part of any employees' contract of employment. It may be amended at any time.

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## Legislation

This policy is based on:

- [Companies Act 2006](#)
- Guidance from the Charity Commission that explains statutory requirements and good practice regarding [conflicts of interest for charity trustees](#)
- [The Academy Trust Handbook](#)
- [The academy trust governance guide](#)
- [Model articles of association for academy trusts](#)

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## Scope

This policy applies to:

- All members of the provision staff
- Volunteers working in the provision
- Academy trust members
- All members of the board of trustees
- Members of local governing bodies (LGBs)
- Senior trust employees

For the purposes of this policy, we refer to all of the above as “staff”, except where we refer to some specific roles.

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## Definitions

### Conflict of interest

A conflict of interest is any situation in which a member of staff has a business or personal interest or loyalty that could or could be perceived to, prevent them from making a decision only in the best interests of the provision. Conflicts of interest can be actual, potential and perceived. They may be financial, professional, personal or indirect.

It's not possible to provide an exhaustive list of what constitutes a conflict of interest, but some examples include where:

- A member of staff is related to a child within the provision
- A member of staff has a connection or friendship with families within the provision
- A member of staff currently has or has had a sexual or intimate personal relationship with another member of staff
- A member of staff undertakes paid or voluntary work outside of their position at the provision that involves pupils from the provision/trust
- A member of staff is involved in invigilating examinations or assessing/submitting coursework for a pupil who is known to them outside of provision
- A governor works for a company that provides or has the potential to provide, services to the provision
- A governor owns their own business and sometimes does work for the provision

- A governor is in a relationship with a member of staff
- A governor also sits on the governing board of another provision or trust
- The class teacher of a parent governor's child is subject to a disciplinary hearing

Employees are expected to conduct themselves in a professional, sensitive and confidential manner. If you're an academy, explain what your articles of association say about conflicts of interest.

### Trustee benefit

A trustee benefit is any instance where money, or other property, goods or services that have monetary value, are received by a trustee from the academy trust. This doesn't include where trustees are compensated for proper out-of-pocket expenses.

Trustees can only benefit from the trust in such a way, either directly or indirectly, where there is an **explicit authority** in place before any decisions are made.

Examples of trustee benefits include where trustees decide to:

- Sell, loan or lease trust assets to a trustee
- Acquire, borrow or lease assets from a trustee for the trust
- Pay a trustee for carrying out a separate paid post within the trust, even if that trustee has recently resigned as a trustee
- Pay a trustee for carrying out a separate paid post as a director or employee of the trust's subsidiary trading company
- Pay a trustee, or person or company closely connected to a trustee, for providing a service to the trust
- Employ a trustee's spouse, partner or other close relative at the trust or its subsidiary trading company
- Make a grant to a service user trustee, or a service user who is a close relative of a trustee
- Allow a service user trustee to influence trust activities to their exclusive advantage

Explicit authority will come from either:

- Our articles of association
- A statutory provision (such as the power in the Charities Act, which allows charities to pay trustees for additional services in some circumstances)
- The Charity Commission
- The court

# Roles and Responsibilities

## Chair of governors

The chair of governors will:

- › Ensure that the register of interests is completed each year
- › Make sure declarations of interest are made before each governor/trustee meeting
- › Arbitrate decisions about how to deal with conflicts of interest, where appropriate
- › Monitor this policy and seek advice on any necessary changes

## Clerk to governors

The clerk will:

- › Maintain the register of interests, and update it when governors and members of staff inform them of changes to their circumstances
- › Advise the board on how to deal with conflicts of interest

## Governors

All governors will:

- › Declare their conflicts of interest before or during meetings, and complete the register of interests faithfully
- › Make sure they inform the chair and clerk immediately of any changes to their circumstances
- › Take appropriate action to remove any conflict of interest, or seek advice on how to do so if necessary

## Line managers

All line managers will:

- › Communicate the conflict of interest policy to all relevant individuals within their areas of responsibility
- › Review procedures annually to ensure that they anticipate and manage potential and actual conflicts of interest
- › Ensure that all new staff receive conflict of interest information at induction

## Members of staff

All members of staff will:

- › Ensure they are familiar with the conflict of interest policy
- › Read and understand the conflict of interest policy annually

Disclose any activity or relationship that may give rise to a potential conflict of interest

## Declarations

### What governors must declare

Governors must declare:

- › Directorships, partnerships and employment with businesses
- › Trusteeships and governorships at other educational institutions or charities
- › Material interests arising from relationships with other members, trustees or local governors (including spouses, partners and close relatives)
- › Material interests arising from relationships with trust employees (including spouses, partners and close relatives)
- › Business or personal interests of their spouses, partners and close relatives, where there's a possibility that the provision will have dealings with that person

If an individual isn't sure whether something constitutes a conflict of interest, or needs to be declared, they should err on the side of caution and declare it.

Senior trust employees, and governors/trustees who are staff members, must declare an interest in relation to matters of their own pay and appraisal, and must not participate in discussions or decisions about these.

### What provision staff should declare

Provision staff should declare:

- › Any friendship or family relationship where there is a potential conflict of interest, for example a relationship between staff members, involvement in recruitment involving friends or family members etc.
- › Any current business interest in a company that could stand to gain from their position as a member of the provision staff
- › Any relevant pecuniary interest in any contract the provision holds or proposes to enter into
- › Business interests of their spouses, partners and close relatives, where there is a possibility that the provision will have dealings with that person
- › Governance roles in other educational institutions
- › Any friendship or family relationship where there is potential for a conflict of interest. Staff must be aware of potential conflicts of interest when recruiting

### Conflicts of interest related to examinations

The provision will manage any conflicts of interest related to examinations by informing the relevant awarding bodies about any members of staff who are teaching and preparing members of their family (which includes step-family, foster family and similar close relationships) or close friends and their immediate family (e.g. son/daughter) for qualifications that include internally assessed elements.

The provision will maintain clear records of all instances where staff have members of their family (which includes step-family, foster family and similar close relationships) or close friends and their immediate family (e.g. son/daughter) entered for examinations and assessments at the provision.

Staff members who will need to declare potential conflicts of interest include:

- Teachers involved in the preparation of exam papers – i.e. teachers who see question papers before an exam is taken
- Teachers who mark public exams
- Staff involved in checking examination material prior to the exam (e.g. exams officers, lab technicians for practicals, etc.)
- Teachers involved in the marking and moderation of internally assessed coursework

The provision will:

- › Contact all members of staff to ascertain any conflict of interest
- › Record any confirmed or suspected conflicts and any steps taken to mitigate will also be recorded
- › Share with the relevant staff member any steps taken to mitigate conflicts of interest, so they are aware of actions in place and any additional requirements they need to adhere to
- › Inform any awarding bodies of any relevant conflicts of interest

Any member of staff who needs to declare a conflict of interest relating to exams should do so in writing.

### **Whistle-blowing**

Anyone concerned about the integrity of any aspect of the public exams process should raise their concerns with the relevant exam board. Concerns about the conduct of exams at the provision should be raised with the headteacher.

If a concern relates to the headteacher / exams officer, the chair of governors should be contacted. Concerns should be addressed in a reasonable and timely fashion; if they are not, the concern should be escalated in accordance with the provision/trust's whistle-blowing policy.

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## **Procedures**

### **Register of interests**

The provision requires each member of staff, governor and trustee to complete a declaration of interest form at the beginning of each academic year.

New members of staff and governors will also be asked to complete a declaration of interest form if they join after the start of the academic year.

Every member of staff, including the headteacher, in addition to members of the governing board must identify and declare potential conflicts of interest. Declarations should be made as soon as possible once they are identified.

The provision will explore potential conflicts of interest when:

- Reviewing applications for any position in the provision , including staff member, trustee and governor appointments
- Reviewing the register of interests for governors. This will take place on an annual basis. Everyone who is required to complete an annual declaration must do so each year, even if there are no conflicts of interest to register
- Reviewing the agenda of governing board meetings. Governors will be asked to declare any interest they have in any agenda item before it is discussed at the meeting
- Establishing relationships with external contractors. All relationships of a business or private nature with external contractors, or potential contractors should be made known to the headteacher. In the case of the headteacher, any financial interests or relationships of a business or private nature must be declared to the governing board
- A member of staff changes role or responsibility

The trust will publish information about the interests of members, trustees, local governors, and the accounting officer (where the accounting officer isn't already included due to being a trustee).

Senior trust employees, and governors/trustees who are staff members, aren't required to record their employment with the trust on the register of interests.

If an individual's circumstances change after the register of interests is completed, they must immediately alert their line manager or the chair and clerk that they need to make amendments or further declarations.

### **Declaring conflicts of interest and taking action (governors)**

Agendas of meetings will be circulated in advance. Governors must review any agenda sent to them and alert the chair and the clerk as soon as possible if they have a conflict of interest related to any item on the agenda.

Each meeting will also include a standing agenda item to allow declarations to be made.

If a conflict becomes apparent during a meeting, and governors didn't declare these prior to or at the beginning of the meeting, they must declare these immediately.

Depending on the nature of the meeting or discussion, and the interest in question, the board will decide whether the individual needs to:

- › Withdraw from the meeting
- › Refrain from contributing to the discussion
- › Refrain from voting on a decision

The board may also decide that, having declared the interest, the governor is free to participate in the discussion or decision as normal.

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

- › Always make their decision in the best interests of the provision and be able to demonstrate this
- › Act to protect the provision's reputation
- › Consider the impression that their actions and decisions may have on those outside of the provision
- › Consider the level of risk related to the decision in question, and the risk that the conflict will affect the individual's ability to be impartial, or to act only in the best interests of the provision
- › Be aware that the presence of a conflicted governor (even if they cannot participate in the decision or discussion) may inhibit free and open dialogue, and may affect the decision in some way

In cases of **serious conflict of interest**, the board may also choose to avoid the conflict by:

- › Not pursuing a particular course of action
- › Proceeding with the issue in a different way
- › Not appointing a particular governor or employee
- › Securing a resignation from a conflicted governor

A serious conflict of interest includes situations where the conflict:

- › Is so acute or extensive that the individual isn't able to make their decisions in the best interests of the provision or could be seen to be unable to do so
- › Is present in significant or high-risk decisions
- › Means that effective decision-making is regularly undermined or cannot be managed in accordance with the required or best practice approach

Details of any conflicts declared, and relevant actions taken, will be recorded in the minutes.

## **Declaring conflicts of interest and taking action (members of staff)**

### Recruitment of family and friends:

- › Staff will not be involved in recruitment and safer recruitment processes involving family and friends
- › If a family member or friend is appointed to a role, it may be appropriate to put in place alternative line management structures to eliminate a conflict of interest

### Confidential information obtained during work:

- › Staff should not disclose confidential information to anyone, including family and friends
- › If an employee is in doubt about what information can or can't be disclosed, they should speak with their line manager

### Staff whose children attend the provision:

- › Whilst at provision, the staff member's relationship with their child should follow the normal expectations that would apply with any other pupil. This may need to be explained to their child to ensure appropriate boundaries are maintained
- › The staff member will not be involved in any behaviour management matters relating to their child. If the staff member becomes aware of an issue, this should be discussed with their line manager
- › Communication regarding a staff member's child should be carried out in the usual way. A staff member should not make use of the provision's internal systems to gain additional information about their child

### Undertaking paid or voluntary work with pupils outside provision hours:

- › Where paid work is undertaken, it should be disclosed to the provision
- › Staff should ensure that confidentiality and appropriate demarcation are established

### Contractors and suppliers:

- › Staff should declare a relationship to any existing or potential contractor or supplier

### Misuse of position:

- › Staff should not use their position to gain an advantage or disadvantage with any person or organisation
- › Staff must declare any personal interest that may affect their impartiality

## Failure to Declare

### Governors

Failure to declare a conflict of interest is a breach of the board's code of conduct.

If the board becomes aware that a governor hasn't declared a relevant conflict of interest, it will immediately update the register of interests to ensure the record is complete and accurate.

Depending on the nature of the omission, the board may also:

- › Vote to suspend the governor/trustee
- › Vote to remove the governor/trustee from office
- › Follow any relevant disciplinary procedures

If a governor/trustee is aware of another governor/trustee's undeclared interest, they should alert the chair and the clerk immediately. The procurement process should then be started again.

### Members of staff:

Failure to declare a conflict of interest will be dealt with in line with the staff code of conduct.

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## Review

This policy will be reviewed every year and approved by the governing board.

Any information declared will only be used for the purposes intended within this policy.

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## Raise Values

Our [RAISE-AP values](#) (Resolve, Attitude, Invest, Social Skills and Education) are key in everything we do, specifically with attitudes (modelling and expectations), invest (tailoring setup for our young people) social skills (becoming part of a community) which are linked to our Conflict of Interests policy.

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