

# Conflicts of Interest Policy



**Review Date**

March 2024

**Ratified**

March 2024

**Next Review Date**

March 2028

**Responsible Directorate**

Governance

# Our Trust

*These four critical questions make it clear who we are and what we do.  
We ask ourselves these questions to guide our work and our improvement.*

## Why do we exist?

To **transform life chances** by achieving the highest possible standards and preparing all our students to lead successful lives.

## How do we behave?

- **Hard work**  
*We are determined to see things through to the end and are resilient when faced with challenges.*
- **Integrity**  
*We do the right thing because it is the right thing to do.*
- **Teamwork**  
*We work together to help everyone succeed.*

## What do we do?

- We educate, safeguard and champion all our learners.
- We set high standards for ourselves and our learners.
- We build the powerful knowledge and cultural capital which stimulate social mobility and lifelong learning.

## How will we succeed?

1. Aligned autonomy
2. Keeping it simple
3. Talent development

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# 1 | Legal Framework

- 1.1 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
  - UK General Data Protection Regulations
  - The Charities Act 2011
- 1.2 This policy has due regard to all relevant guidance, including, but not limited to, the following:
- The DfE (2020) Governance Handbook
  - The Charity Commission (2014) Conflicts of Interest: a Guide for Charity Trustees
  - The Charity Commission (2020) 'Managing Conflicts of Interest in a Charity'
  - DfE (2023) 'Academy Trust Handbook'
- 1.3 This policy operates in conjunction with the ATT Finance Handbook, the following Trust policies and the Code of Conduct for the Trust Board and Local Governing Bodys:
- Anti-Fraud Policy
  - Data Protection Policy
  - Anti-Bribery Policy
  - Procurement Policy
  - Reserves Policy
  - Investment Policy
  - Finance Policy
  - Whistleblowing Policy
- 1.4 The following will be compiled from the submitted declarations:
- Declaration of Interests Register – this is the full register which details the nature of the interests declared. This has restricted access.
  - General Register – this register is published on the Trust Website.
  - Related Party Transactions (RPT) Register – academy trusts must report all related party transactions, regardless of value, in their annual financial statements as set out in the Academies Accounts Direction.

# 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 Trust'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

Trust. The most common types of conflict of interest can be separated into 'financial conflicts' and 'loyalty conflicts'.

- 2.3 'Financial conflicts' are when an individual is connected to a person and/or organisation and could receive money or something else of value from the selection of their decision. Individuals' expenses, e.g. governance expenses, are not included in this definition.
- 2.4 'Loyalty conflicts' are unrelated to money or individual benefits; rather, these conflicts are concerned with other reasons relating to an individual's loyalty or duty to another organisation which would impair their decision-making in consideration to their obligation to prioritise the Trust's best interest.
- 2.5 A 'connected person' broadly relates to an individual's family, relatives, or business partner. To determine if an individual is considered connected in case-specific issues, the Trust will seek legal advice if necessary.
- 2.6 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.
- 2.7 An 'interested party' is defined as a person who has a close relation to a person with a vested interest, e.g. a spouse.
- 2.8 '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 is responsible for:
- Ensuring that all members of staff, and any relevant volunteers, act in accordance with this policy at all times.
  - Identifying any conflicts of interest 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 and identify any conflicts of interest.
  - Operating and making decisions in the best interests of pupils and ATT.
  - Independently and objectively making decisions about executive pay and benefits, scrutinising each decision so conflicts of interest are avoided.
  - Operating and making decisions in line with their charitable objectives, where applicable.
- 3.2 The Chair of Trustees is responsible for:
- Ensuring, in liaison with the Head of Governance, that all Members, Trustees and Local Governing Body governors have declared any conflicts of interest, in accordance with the Declarations of Interest 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 Trust Executive Leadership Team.
- Setting professional standards of governance and accountability for the Board.

3.3 The Head of Governance, as Clerk to the Trust Board, is responsible for:

- Keeping an accurate and up-to-date record of interests for all Members, Trustees, Local Governing Body governors, staff and other relevant volunteers, which is reviewed annually, and can be accessed by relevant people.
- Keeping accurate meeting minutes.
- Ensuring that the General Interests Register is published on the Trust website.

3.4 The Accounting Officer is responsible for:

- Being the Trust's lead in financial matters, including a personal responsibility to government and to the ESFA's Accounting Officer.
- Completing and signing a statement on regularity, propriety and compliance each year and submitting this to the ESFA with the audited accounts.
- Ensuring the Trust Board is compliant with the Trust's Articles of Association, Funding Agreement, and the ESFA Academies Trust Handbook.
- Notifying the ESFA immediately, in writing, if the Board is not compliant.

3.5 The CFO, Directors and Principals are responsible for:

- Ensuring, in liaison with the Chair of Trustees and Head of Governance, that they and any staff reporting into them with positions of responsibility for whom this Policy is applicable have declared any conflicts of interest, in accordance with the Declarations of Interest Register.
- Ensuring that all other identified staff members who are responsible for proposing a course of action or handling ATT's budget have declared any conflicts of interest.
- Deciding who else is considered an 'interested party' or who is in a 'position of influence' and ensuring they declare any conflicts of interest.

3.6 Identified staff are:

- All Trust staff
- All Finance staff
- Principals, Vice Principals, Assistant Vice Principals
- All budget holders

## 4 | Identifying Conflicts of Interest

4.1 All staff and 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 and volunteers will remain objective and act within the best interests of ATT and its pupils.
- 4.3 Members, Trustees and Local Governing Body governors will declare any conflicts of interest at an early stage and inform the relevant people.
- 4.4 Members, Trustees and Local Governing Body governors will ensure that any conflicts of interest do not prevent them from making a decision that would be in the best interests of ATT and its pupils.
- 4.5 Members, Trustees, Local Governing Body governors and the identified members of 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.
  - Having a beneficial interest in a trust.
  - Having a legal or professional obligation to someone else.
  - Having received a gift, hospitality or other benefit from someone/an organisation.
  - Being a member of a club, society or association.
  - Owing a debt to someone/an organisation.
  - Owning or occupying a piece of land.
  - Owning shares or some other investment or asset.
  - 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 ATT's reputation with the public will be declared.
- 4.7 Staff and volunteers that have a relative whom they know to have a declarable interest will declare this information.
- 4.8 If the Trust's Members, Trustees or Local Governing Body 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 ATT 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 | Identifying 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 Member, Trustee, Local Governing Body Member or staff member could be influenced by their other interests.
- 5.2 Members, Trustees, Local Governing Body governors and identified 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 ATT employees undertaking a secondment opportunity outside of ATT (either on a full-time or part-time basis) must have prior, written approval from the CEO, either Deputy CEO or Director of Education. Employees on secondment must be aware of the possibility of conflicts of interest between their responsibilities as an employee of ATT and their role as a secondee. All conflicts of interest must be formally declared.
- 5.4 Members, Trustees, Local Governing Body governors and identified staff 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 ATT.

## 6 | The Register of Interests

- 6.1 Each declaration of interest will be recorded on the Trust's Declarations of Interest 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 and/or interest.
  - The name of the business and/or 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.



- Relevant material interests which occur through close family relationships between those individuals and employees.

- 6.4 The Trust will keep a Declarations of Interest Register that details the interests declared.
- 6.5 The declaration of interests registers will be stored securely on Sharepoint and/or GVO, where they can be accessed by the CEO and the Chair of Trustees, as well as inspected by Ofsted or anyone else who has a right to it to carry out their statutory duties.
- 6.6 The Data Protection Officer (DPO) will ensure that the registers are protected in accordance with the Trust's Data Protection Policy.
- 6.7 The Trust Board is responsible for deciding who else has access to the registers.
- 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 CEO, member of ELT or Principal 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 update their declaration by submitting their declaration of Interests. The Declarations of Interest Register will be updated accordingly.
- 6.12 It is noted that Members must not be Trust employees.
- 6.13 The relevant business and pecuniary interests of Members, Trustees, Local Governing Body governors and the Accounting Officer will be published publicly on the Trust website.
- 6.14 ATT will have discretion over the publication of interests of other individuals named on the register.
- 6.15 Trustees will consider any other interests they deem relevant and, if there is any doubt, register them regardless.
- 6.16 The Trust Board will be responsible for keeping their register of interests up-to-date through regular review.

## 7 | Member, Trust Board and Local Governing Body Benefits

- 7.1 Members, Trustees and Local Governing Body governors will only be permitted to benefit from ATT where there is an explicit authority in place in the Trust's governing document.
- 7.2 Trust Board and Local Governing Body benefits include any payments or benefits to members, or a connected person, apart from their reasonable out-of-pocket expenses.
- 7.3 Benefits also include situations where a member of the Trust Board or Local Governing Body could receive property, loans, goods or services from ATT.
- 7.4 Where there is a proposed sale or lease of land to a Member, Trustee, Local Governing Body Member, 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.
- 7.5 The payment of reasonable expenses to a Member, Trustee or Local Governing Body Member is not a benefit and therefore does not create a conflict of interest or require authorisation.

## 8 | Declaring Interests

- 8.1 Wherever possible, the CEO and Chair of Trustees will make arrangements to avoid a conflict of interest arising.
- 8.2 The stipulations below apply to all Members, Trustees, Local Governing Body governors the CEO, Directors and Principals and any others in attendance at meetings, including the SLT staff.
- 8.3 The Members, Trustees and Local Governing Body governors 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 using the required form unless they are made at a meeting where official minutes are being taken.
- 8.5 All Members, Trustees, Local Governing Body governors and staff 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, Trustee, Local Governing Body governor or member of staff is unsure whether they are conflicted, they will declare the issue and discuss it with the rest of the Members, Trust Board or Local Governing Body.
- 8.7 If a Member, Trustee, Local Governing Body governor or member of staff is aware of an undeclared conflict of interest affecting another member, they will be required to notify the Members, Trust Board or Local Governing Body for appropriate action.

## 9 | Removing Conflicts of Interest

- 9.1 The Members, Trust Board, Local Governing Bodies and staff 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, Trustee, Local Governing Body Member or member of staff does not stand to gain any benefit, they will be required to declare the interest.
- 9.4 The rest of the Members, Trust Board or Local 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 Members, 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.
- 9.6 When deciding which course of action to take, the Members, Trust Board and Local Governing Bodies will:
- Always make their decisions in the best interests of ATT and its pupils.
  - Always protect ATT'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 ATT and its pupils, and independently of any competing interest.
  - Require the withdrawal of the affected individual(s) from any decisions where their other interest is relevant to a high-risk or controversial decision, or could significantly affect the decision-making.
  - Allow an individual to participate where the existence of their other interest poses a low risk to decision-making in ATT'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, Trustees or Local Governing Body governors, could inhibit free discussion, and might influence decision-making in some way.
- 9.7 If the Members, Trust Board, Local Governing Body or staff member 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 Local Governing Body Member could apply, the member in question will be required to leave the discussion, as this is classed a conflict of interest.
- 9.8 Members, Trustees, Local Governing Body governors and staff 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 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 Trustees or Local Governing Body Chair will consider the risks associated with the situation and advice will be sought from the Trust Executive Leadership Team. An entry of the situation, including the outcome, will be recorded in the minutes.
- 9.12 The Members, Trust Board and Local Governing Bodies 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 interest include, but are not limited to, those which:
- Are so acute and extensive that the Member, Trustee, Local Governing Body governor or member of staff is unable to make their decision in the best interests of ATT and its pupils.
  - Are present in significant high-risk decisions.
  - 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 Member, Trust Board, Local Governing Body or staff benefit.
- 9.14 To remove a conflict of interest, the Members, Trust Board and Local Governing Bodies 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, Trustee or Local Governing Body Member affected by a conflict of interest.
  - Not making 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 Members, Trustees or Local Governing Body governors reached the decision made.
  - A description of what was disclosed and in what circumstances.
  - The Chair of Trustees or Local Governing Body Chair or CEO, relevant ELT member or Principal will sign and date the recording.

## 11 | Non-Compliance

- 11.1 Any Member, Trustee, Local Governing Body governor or member of staff who fails to reveal information to enable the Members, Trust Board or Committee to fulfil its responsibilities might be in breach of the relevant policies (e.g. Staff Code of Conduct) and, as such, these incidents will be dealt with on a case-by-case basis accordingly.
- 11.2 The Members, Trust Board or Local Governing Body will consider suspending a member if they fail to declare information that brings ATT and/or its academies 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 Trust's Disciplinary Policy.
- 11.4 Any staff member or member of the Members, Trust Board or Local 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.

## 12 | Related Party Transactions (RPT)

- 12.1 ATT must be even-handed in its relationship with related parties by ensuring:
- Trustees comply with their statutory duties to avoid conflicts of interest, not accept benefits from third parties, and declare interest in proposed transactions or arrangements.
  - All Members, Trustees, Local Governing Body governors and specified employees complete the register of interests.
  - A register of interests has been completed by the Head of Governance as the Clerk to the Trust Board.
  - No member of ATT uses their connections to ATT 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 ATT.
  - Any payment provided to a person satisfies the 'at cost' requirement.
- 12.2 All related party transactions must be reported to the ESFA in advance of transactions taking place, using the ESFA's online form.
- 12.3 The ESFA's prior approval will be obtained, using the online form, for contracts and other agreements for the supply of goods or services to ATT by a related party agreed on or after 1 September where a contract or other agreement exceeds £40,000 in the same financial year ending 31 August.
- 12.4 For the purposes of reporting to the ESFA, transactions with related parties will not include salaries and other payments made by ATT to a person under a contract of employment through ATT's payroll.
- 12.5 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.
- 12.6 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 ATT.
  - Confirmation that the supplier is listed on ATT's register of interests.
  - Confirmation that ATT has a statement of assurance from the supplier.
  - Confirmation that ATT has an open-book agreement with the supplier.
- 12.7 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.

12.8 When seeking approval for a related party transaction, evidence including the following is required:

- How ATT agreed to the related party transaction.
- That ATT followed the Tendering and Procurement Policy.
- That ATT tested the market before making a decision.
- How ATT managed any conflicts of interest.
- A copy of the agreement and proposed contract.

12.9 The Trust Board and the 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.

12.10 The Chair of Trustees and the Accounting Officer will ensure their capacity to control and influence does not conflict with requirements.

12.11 ATT 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.

12.12 ATT must keep sufficient 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.

12.13 The Trust will maintain a Related Party Transactions (RTP) Register, which will be stored in accordance with the Trust's Data Protection Policy.

## 13 | Monitoring and Review

13.1 This policy will be reviewed every four years, or when new legislation or guidance regarding the subject is published and requires the approval of the Trust Board as it cannot be delegated to a committee.

- 13.2 The Trust Board will carry out continuous monitoring of its and Members' activities to ensure that any conflicts of interest are identified and mitigated as soon as possible.
- 13.3 The Trust Board and/or the Audit and Risk Committee will review the Declarations of Interest Register on an annual basis, or when circumstances have changed.