

Pickwick Academy Trust



Conflict of Interests Policy

Reviewed: January 2018

Policy Ratified by the Board: February 2018

Next Review Date: March 2021

PICKWICK ACADEMY TRUST

CONFLICT OF INTEREST POLICY

Introduction

Pickwick Academy Trust recognise that Trustees, Governors, staff, and volunteers have an obligation to act in the best interests of the organisation. It is necessary for all actions and decisions to be demonstrably impartial and fair. As part of this a Declaration of Interest Register, which will cover any interests that are actual or likely to be perceived as leading to a conflict of interest is maintained and updated regularly. Should any interest be failed to be declared then the Trust will review the impact and act appropriately. This may have implications for individuals. If you are in any doubt about whether to make a declaration it is better to share information than to withhold it.

Conflicts of interest may arise where an individual's personal or family interests and loyalties conflict with those of the Trust. Such conflicts may create problems. They can:

1. inhibit free discussion
2. result in decisions or actions that are not in the best interests of the Trust or are discriminatory or anti-competitive
3. risk the impression that Pickwick Academy Trust, its leadership or an individual has acted improperly
4. adversely effect the reputation of the Trust

The aim of this policy is to protect Pickwick Academy Trust and the individuals involved from acting improperly or giving the appearance of impropriety.

- A conflict of interest exists where a Trustee/Governor/staff member of Pickwick Academy Trust has a financial interest in or stands to gain or lose financially from any contract, transaction or other agreement entered into by the organisation
- The terms "financial interest" and "gain" apply to anything with a monetary value. A potential gain may arise directly (for example, goods and services purchased from the Trustee) or indirectly (for example, if purchased from a partnership or company in which the Trustee/staff member has shares)
- A conflict of interest also exists if someone connected with a Trustee/staff member (spouse, child, or stepchild under 18, business partner or business partner of spouse/child) stands to gain
- It is recognised that conflicts can also arise between a Trustee's duty to Pickwick Academy Trust and some other public obligation or Trusteeship of another organisation. This is defined as duality of interest: that is, the Trustee may have divided loyalties, but does not stand to gain financially. Where such duality exists, the Trustee should declare it, and is expected to act in the best interests of the Trust.

General Duties of Trustees/ Governors/Staff:

- Pickwick Academy Trust's Trustees/Governors/staff have a general duty to act in the best interests of the organisation as a whole and follow agreed codes of conduct.
- They should not do so to gain financial or other material benefit for themselves, their family, their friends, their business connections, or any other organisation they belong to or represent
- They should not place themselves under any financial or other obligation to external individuals or organisations which might seek to influence them in the performance of their role
- If the Trustee/Governor is appointed by, represents, or is a member of another body, s/he must remember that her/his duty to Pickwick Academy Trust still overrides all other obligations; if irreconcilable conflict arises in relation to duality of interest, s/he

may have to avoid taking any part in decisions of the Board of Trustees/Governors, or may have to resign from one or other position

Management Responsibilities

The CEO is responsible for the broadcast of this policy for use across the Trust and for ensuring that declarations are made by all central staff and direct reports of the CEO.

The Head Teachers are responsible for ensuring this policy is used in their schools and for ensuring that declarations are made by staff. They will also support Chairs of Governing Bodies with its use.

The Chair of the Board will ensure that Trustees and members declare interests and that Local Governing Body Chairs obtain and maintain declarations from all members of LGBs with support from Headteachers.

Declarations of interest in Conflict Register:

1. Pickwick Academy Trust's Trustees/Governor/staff have a duty to declare any interests relating to their Trustee/Governor role and to take steps to resolve any conflicts which may arise and maintain their declaration in a transparent manner.
2. Where private interests of a Trustee/Governor conflict with their Trustee/Governor duties, they must resolve the conflict in favour of the Trustee/Governor role
3. On seeking to become a Trustee/Governor, and on being elected, Trustees/Governors must make relevant declarations of interest in the different circumstances and roles they play both within and outside the organisation
4. Should any potential conflicts arise during the Trustee/Governor's time in office, this should again be declared as soon as it arises.
5. A Declaration of Interests Form is provided to all Trustees/Governors on joining the Board for the purpose of Trustees/Governors declaring their interests and potential conflicts. To be effective this form needs to be updated at least annually and also when any changes occur

Handling conflicts of interest in meetings: discussions / decisions:

1. Pickwick Academy Trust's Trustees/Governors should not have any interests in conflict with those of the organisation, either in person or through family or business connections, nor any financial interest in a matter under discussion
2. Where such interests exist or may exist, the person is required to declare a conflict of interest by specifically notifying any such interest at the start of any meeting where Trustees are required to make a decision which affects or may affect their personal interest and by absenting themselves entirely from such decision-making/voting in relation to the issue – usually by leaving the room, but always by taking no part in the discussion and/or vote
3. If the conflict is sufficiently serious or is likely to be prolonged, the Trustee concerned may have to avoid attending Trustee/Governing Board meetings while the issue is resolved, or even resign her/his Trusteeship or Governorship
4. All declarations of dual interest or conflict of interest – real or potential – must be recorded in the minutes of Trustee/Governor Board meetings

Situations where interest may be unclear:

If a Trustee/Governor has an interest which does not, in the opinion of a clear majority of the rest of the Trustees present at a meeting, create a real danger of bias but which might cause others to think that it could influence their decision, the Trustee/Governor should still declare the nature of the interest, but may remain in the room and take part in the discussion and vote if s/he and other Trustees feel this to be appropriate

It is recognised that there may be occasions on which correct procedure is harder to identify and then Trustees/Governors must remember their overriding duty to avoid conflict of interest

and to act not in their own interests, but in the interests of the Trust as a whole and all its present and future beneficiaries. If there is any doubt about any aspect of this Policy, Trustees should consult the Chair at the earliest opportunity. If the Chair is unclear advice should be taken from the Charity Commission or Pickwick Academy Trust's solicitors/legal advisers

Managing contracts

Staff or Trustee/Governor members must not be involved in managing or monitoring a contract in which they have an interest. Monitoring arrangements for such contracts will include provision for an independent challenge of bills and invoices and termination of the contract if the relationship is unsatisfactory.

Equal Opportunities

When writing and reviewing this policy staff have completed an Equality and Diversity Impact Assessment to ensure it complies with equality obligations outlined in anti-discrimination legislation. We believe the policy positively reflects the aims and ambitions of Pickwick Academy Trust.

ANNEX A:

DECLARATION OF INTERESTS

As a Staff member/Trustee/Governor* (*delete as appropriate) of Pickwick Academy Trust, I set out below my interests in accordance with the organisation's conflicts of interest policy.

Please give details of your personal interests on the first form, and the interests of any member of your immediate family (spouse/partner, children, parents), connected persons or some other close personal connection on subsequent forms. Continue onto separate pages if necessary.

Declaration of Personal Interests:

Current employment and any previous employment in which you continue to have a financial interest.	
Appointments (voluntary or otherwise), e.g. Trusteeships, directorships, local authority membership, tribunals etc. These appointments should be in a position of authority/influence, not routine membership	
Membership of any professional bodies, special interest groups or mutual support organisations.	
Investments in unlisted companies, partnerships and other forms of business, major shareholdings (more 5% of issued capital) and beneficial interests. This does not include minor shareholdings.	
Gifts or hospitality offered to you by external bodies and whether this was declined or accepted in the last twelve months.	
Do you use, or care for a user of the organisation's services?	
Any contractual relationship with Pickwick Academy Trust or Pickwick Learning	
Any other conflicts that are not covered above	

To the best of my knowledge, the above information is complete and correct. I undertake to update as necessary the information provided, and to review the accuracy of the information on an annual basis.

As a Staff Member/Trustee/Governor* (*delete as appropriate) of Pickwick Academy Trust I set out below my interests in accordance with the organisation's conflicts of interest policy.

Declaration of interests of a member of my immediate family (spouse/partner, children, parents), connected persons or some other close personal connection

Name of Contact.....

Current employment and any previous employment in which you continue to have a financial interest.	
Appointments (voluntary or otherwise), e.g. Trusteeships, directorships, local authority membership, tribunals etc. These appointments should be in a position of authority/influence, not routine membership	
Membership of any professional bodies, special interest groups or mutual support organisations.	
Investments in unlisted companies, partnerships and other forms of business, major shareholdings (more 5% of issued capital) and beneficial interests. This does not include minor shareholdings.	
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Do you use, or care for a user of the organisation's services?	
Any contractual relationship with Pickwick Academy Trust or Pickwick Learning	
Any other conflicts that are not covered above.	

To the best of my knowledge, the above information is complete and correct.

I undertake to update as necessary the information provided, and to review the accuracy of the information on an annual basis.

I give my consent for it to be used for the purposes described in the conflicts of interest policy and for no other purpose.