

Pickwick Academy Trust



Conflict of Interest Policy

Policy Group:	Staffing & HR
Policy Ref:	SHR/18
Responsible Reviewing Officer and Job Title:	James Passmore CEO
Date Written:	February 2022
Date Approved by the Board:	March 2025
Date of Next Review:	March 2028

1. Introduction

- a. Pickwick Academy Trust recognises that Members, Trustees, Governors and senior staff have an obligation to act in the best interests of the Trust and its schools. It is necessary for all actions and decisions to be demonstrably impartial and fair.
- b. A Register of Interests, 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 (Appendix A)
- c. Should any interest be failed to be declared, the Trust will review the impact and act appropriately. This may have implications for individuals. If there is any doubt whether a declaration should be made, the individual should share information rather than withhold it.
- d. Conflicts of interest can create problems as they may inhibit open and free discussions, and result in decisions or actions which are not in the best interests of the Trust or are discriminatory or anti-competitive. They may also adversely affect the reputation of the Trust.

2. Purpose and Scope

- a. This policy aims to protect Pickwick Academy Trust and individuals from acting improperly or from giving the appearance of impropriety.
- b. This policy applies to all Members, Trustees, Governors and staff whenever they interact or potentially interact with any of the Trust's operations or activities.

3. Definitions / explanations of terms used

- a. Conflict of interest: any situation in which an individual's personal interests or loyalties could, or could be seen to, prevent the individual from making a decision which is in the best interests of the Trust. The most common types of conflict of interest are 'financial conflicts' or 'loyalty conflicts'.
- b. A conflict of interest exists where a Member, Trustee, Governor or 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.
- c. 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 Member, Trustee, Governor or staff member) or indirectly (for example, if purchased from a partnership or company in which the Member, Trustee, Governor or staff member has shares).
- d. A conflict of interest also exists if someone connected with a Member, Trustee, Governor or staff member (defined in the DFE Academy Trust Handbook as a close family member, or a member of the same household such as a spouse, civil

partner, child, or stepchild, business partner or business partner of spouse/child) stands to gain.

- e. 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. Whilst there is no financial gain, the individual should declare this conflict and he/she would be expected to act in the best interests of the Trust.

4. Responsibilities and Accountabilities

- a. The CEO is responsible for:

- the broadcast of this policy for use across the Trust;
- ensuring that declarations are made by all staff in the Pickwick Academy Trust's central and executive team, and all Headteachers;
- ensuring that measures are in place to manage and identify any conflicts of interest;
- ensuring the annual Business and Pecuniary Interests Register is published on the Trust's website and the website for each school.
- ensuring that administrative arrangements are in place to ensure that where there is a known conflict, documents are not distributed to individuals

- b. Headteachers are responsible for:

- ensuring this policy is used in their schools and that declarations are made by all staff;
- supporting Chairs of the Local Governance Committees in its use;
- ensuring the annual Business and Pecuniary Interests Register is published on the school's website.

- c. The Chair of each Local Governance Committee is responsible for:

- ensuring that all Governors act in accordance with this policy at all times;
- ensuring that all Governors have declared any conflicts of interest, with support from the Headteacher;
- ensuring that a report is submitted to the Board of Trustees on an annual basis.

- d. The Chair of the Board of Trustees is responsible for ensuring that Trustees and Members declare interests and that conflicts are managed. Where a conflict associated with the Chair is identified, this will be managed by Members.

- e. The Clerk to the Board of Trustees and the Clerk to each Local Governance Committee is responsible for keeping an accurate and up-to-date record of interests of individuals which is reviewed on an annual basis.

- f. The CEO in their capacity as the Trust's Accounting Officer is responsible for

- the trust's financial resources and having oversight of financial transactions;
- completing and signing a statement on regularity, propriety and compliance on an annual basis which is submitted to the DfE with the audited accounts;

- ensuring that the Trust is compliant with the Articles of Association, funding agreement and the Academy Trust Handbook and advising the Board in writing if the action that it is considering is incompatible with these documents. The ESFA must be notified immediately in writing if the Trust is not compliant.
- g. It is the responsibility of each individual to recognise situations in which they have a conflict of interest or might reasonably be perceived by others as having a conflict, to disclose that conflict.

5. General Duties of Members, Trustees, Governors and staff

- a. Pickwick Academy Trust's Members, Trustees, Governors and staff have a general duty to act in the best interests of the organisation as a whole and follow agreed codes of conduct.
- b. They should always act to recognise and celebrate each school's uniqueness, and the enduring Christian distinctiveness of our church schools.
- c. 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.
- d. 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.
- e. If the Member, Trustee, Governor and/or staff member is appointed by, represents, or is a member of another body, he/she must remember that their duty to Pickwick Academy Trust still overrides all other obligations. If irreconcilable conflict arises in relation to duality of interest, they may have to avoid taking any part in decisions of the Board of Trustees or Local Governance Committee, or may have to resign from one or other position.

6. The Register of Interests

- a. Pickwick Academy Trust's Members, Trustees, Governors and staff have a duty to declare any interests relating to their role and to take steps to resolve any conflicts which may arise and maintain their declaration in a transparent manner.
- b. Where private interests conflict with their governance or leadership duties, they must resolve the conflict in favour of the Pickwick Academy Trust role.
- c. On seeking to become a Member, Trustee or Governor, and on being elected, Members, Trustees and Governors must make relevant declarations of interest in the different circumstances and roles they play both within and outside the organisation.
- d. Should any potential conflicts arise during the Member, Trustee or Governor's time in office, this should again be declared as soon as it arises.
- e. A Pecuniary and Business Interests Form is provided to all Members, Trustees and Governors on joining the Board or Local Governance Committee for the purpose

of them declaring their interests and potential conflicts. To be effective this form needs to be updated at least annually and also when any changes occur.

- f. Each declaration of interest will be recorded on the Trust's, or school's, Register of Interests. This Register allows all Members, Trustees, Governors and employees to identify any business, commercial, financial or personal interests they have.
- g. Only the interests of Members, Trustees, Governors and Senior Members of Staff working at Trust level and at each school will be published publicly.
- h. Details of each interest will be recorded on the Register, including:
 - 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 the interest ceased
 - The date of entry onto the Register
 - Relevant material interests which occur through close family relationships between the individual and an employee/ another member, trustee or local governor.

7. Handling Conflicts of Interest in Meetings

- a. Pickwick Academy Trust's Members, Trustees, Governors and staff 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.
- b. Where such interests exist or may potentially exist, the individual is required to declare a conflict of interest by specifically notifying any such interest at the start of any meeting where Members, Trustees, Governors and staff are required to make a decision which affects or may affect their personal interest and by absenting themselves entirely from such decision-making and voting in relation to the issue – usually by leaving the room, but always by taking no part in the discussion and/or vote.
- c. If the conflict is sufficiently serious or is likely to be prolonged, the Member, Trustee, Governor or member of staff concerned may have to avoid attending Board or Local Governance Committee meetings while the issue is resolved, or even resign from their role.
- d. All declarations of dual interest or conflict of interest – real or potential – must be recorded in the minutes of Trustee Board meetings or Local Governance Committee meeting.

8. Situations where Interest may be unclear

- a. If a Member, Trustee, Governor or member of staff has an interest which does not, in the opinion of a clear majority of the rest of the Trustees or Governors present

at a meeting, create a real danger of bias but which might cause others to think that it could influence their decision, they should still declare the nature of the interest, but may remain in the room and take part in the discussion and vote if the individual and the other Trustees or Governors in attendance feel this to be appropriate.

- b. It is recognised that there may be occasions on which correct procedure is harder to identify and then Members, Trustees, Governors and staff 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.
- c. If there is any doubt about any aspect of this Policy Members, Trustees, Governors and/or staff should consult the Chair (of the Board/LGC) at the earliest opportunity. If the Chair is unclear, advice should be taken from the Charity Commission or Pickwick Academy Trust's external auditors/legal advisers.

9. Awarding and Managing Contracts

- a. Any agreement with a Trustee/ Member or related organisation to supply goods and services must be procured through an open and fair process in line with DfE Academy Trust Handbook, including the 'at cost' requirements.
- b. Members, Trustees, Governors or staff 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.

10. Equal Opportunities

An Equality and Diversity Impact Assessment has been completed in order to ensure it complies with equality obligations outlined in discrimination legislation. The policy positively reflects the aims and ambitions of Pickwick Academy Trust.

11. References, acknowledgements and associated documents

This policy will be implemented in conjunction with other Pickwick Academy Trust policies in the same group of policies.

- Anti-fraud, Bribery and Corruption Policy
- Data Protection Policy
- Gifts and Hospitality Policy
- Professional Behaviours, Expectations and Standards Policy
- Volunteers and Interns Policy
- Whistleblowing Policy
- DfE Academy Trust Handbook
- Pickwick Academy Trust Financial Procedures Manual

c. Appendices

- a. Appendix A: Declaration of Interests



APPENDIX A: Declaration of Interests

<p>NAME:</p> <p>POSITION IN TRUST:</p>	<p>PLEASE INDICATE IF CENTRAL TEAM OR NAME OF SCHOOL:</p>
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Governors / Trustees / Members / Staff are reminded that completion of this form does not remove the requirement upon them to disclose any potential financial interest/conflict of interest in any matter discussed at meetings including the Board, its committees or Local Governance Committees. Where an interest is declared, Governors / Trustees / Members / Staff must leave the meeting for that agenda item. Where there is a known conflict, papers must not be distributed to individuals with the declared conflict.

<p>BUSINESS/ PECUNIARY INTERESTS</p> <p>It is a requirement of the DFE and Pickwick Academy Trust Handbook that an Academy Trust must maintain a register of business interests to capture relevant business and pecuniary interests of members, trustees, local governors of academies within a multi-academy trust and senior employees, and those of any immediate relatives, including:</p> <ul style="list-style-type: none"> • directorships, partnerships and employments with businesses that may provide goods or services to the trust; • trusteeships and Governorships including at other educational institutions and charities irrespective of whether there is a trading relationship with the trust; • any material interests arising from close family relationships and/or relationships between members, trustees, local Governors of academies, and with employees. <p>Note: Further guidance on declarations of interests is attached and should be referred to prior to completion of the declaration. If a Governor/trustee or member of staff is in any doubt about registering specific interests, the prudent approach would be to include the item on the register.</p>	<p>In accordance with the guidance provided do you have any business interests to declare? (please circle as appropriate)</p> <p>YES NO</p> <p>If yes, please provide details overleaf.</p> <p>.</p>
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YOUR BUSINESS INTERESTS

Name of the related party	Nature of interest (i.e % shareholder, director, trustee)	Nature of the business	Date interest began	Summary of transactions during the period or confirm if none

BUSINESS INTERESTS OF IMMEDIATE RELATIVES (e.g. spouses, partners, children parents, siblings)

Name of relative and relationship to you	Name of the related party	Nature of the interest	Nature of the business	Date interest began



Signed _____ Dated _____

Please refer to guidance when completing. Any Governor/Trustee/Member/Member of Staff with no business interests to declare should still return a signed declaration to this effect.

GUIDANCE ON DECLARATION OF INTERESTS

It is important for anyone involved in spending public money to demonstrate that they, or close relatives, do not benefit personally from the decisions they make. For the purpose of transparency the Academy Trust is required to maintain a Register of Interests and to keep the register up-to-date through regular review.

The Academy Trust Handbook requires that an Academy Trust's register of interests must capture relevant business and pecuniary interests of members, trustees, local Governors of academies within a multi-academy trust and employees, including:

- directorships, partnerships and employments with businesses
- trusteeships and Governorships at other educational institutions and charities
- any relevant material interests arising from close family relationships between the Academy Trust's members, trustees or local Governors and relationships between those individuals and employees. Close family relationships is defined as: a close member of the family, or member of the same household, who may be expected to influence, or be influenced by, the person. This includes, but is not limited to, a child, parent, spouse or civil partner.

For each interest the name of the business; the nature of the business; the nature of the interest; and the date the interest began must be declared.

All business interests should be declared; such as directorships, share holdings or other appointments of influence within a business or organisation which may have dealings with the Academy Trust and/or academies. Where a Governor/Trustee/Member or Member of staff or related person has a pecuniary interest in a business, and that interest exceeds limits specified in the academy's memorandum or articles of association (1% or more of the issued share capital of a company listed on a recognised stock exchange), the academy must not enter into any contract or arrangement (such as the purchase of goods and service) with that business.

Interests are not limited to the above and trusts should carefully consider whether other interests should be registered, such as the interests of other employees of the trust and close family members of individuals already on the register. If in doubt the presumption should be towards including an interest in the register.

Academy Trust must publish on their websites relevant business and pecuniary interests of members, trustees and local Governors. However, they do have discretion over the publication of interests of other individuals including child, parent, spouse and civil partner.

The existence of a register of business interests does not, of course, detract from the duties of Governors/Trustees/Members and staff to declare interests whenever they are relevant to matters being discussed by the governing body or a committee. Where an interest has been declared, Governors/Trustees/Members and staff should not attend that part of any committee or other meeting.