



Declaration of Interests and Potential Conflicts of Interest Policy Version 2.0

<p>Important: This document can only be considered valid when viewed on the school website. If this document has been printed or saved to another location, you must check that the version number on your copy matches that of the document online.</p> <p>Name and Title of Author:</p>	<p>Lisa Pipes, Director of Human Resources</p>
<p>Name of Responsible Committee/Individual:</p>	<p>Board of Trustees</p>
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<p>Reference Documents:</p>	<p>Charity Commission 'Conflicts of interest: a guide for charity trustees' May 2014 National Governors' Association 'Code of Conduct for School Governing Boards' 2014 The Academies Financial Handbook 2016 A Framework for Governance: A flexible guide to strategic planning' January 2015 The Education Alliance Governance Framework Articles of Association of The Education Alliance The Education Alliance's Expectations and Code of Conduct</p>

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POLICY STATEMENT

Conflicts of interest can lead to decisions that are not in the best interests of the organisation and which are invalid or open to challenge. Even perceived conflicts of interest can damage the Trust's reputation, therefore it is crucial that actual, potential and perceived conflicts of interest are declared at the earliest opportunity, enabling the Trust to assess the level of conflict and to decide on an appropriate course of action. The existence of a conflict of interest does not reflect on the integrity of an individual as long as it is properly addressed. The Trust has robust systems, processes and associated documentation to ensure declarations are encouraged, recorded, assessed and any associated risks are mitigated.

This policy should be read in conjunction with the Expectations and Code of Conduct document for staff and the Governance Handbook for Members, Trustees and Governors. It is written in line with the Companies Act 2006. Any breach by an employee may result in disciplinary action. Any breaches by Governors and Board Members may require Member consideration and serious cases may be referred to the Charity Commission.

1. SCOPE

This policy applies to all those employed by or working with the Education Alliance, therefore declarations may be made by employees, agency workers, self-employed workers, members, trustees, governors, contractors, trainees, secondees and visitors.

2. ROLES AND RESPONSIBILITIES

The **Board of Trustees** is responsible for monitoring the effectiveness of this policy, ensuring that an appropriate framework is in place to enable and encourage staff and others to declare any actual, potential or perceived conflicts of interest at the earliest opportunity. Members, Trustees and Governors must adhere to this policy and a register of all Member, Trustee and Governor interests will be maintained by the Governance Clerk. Whilst the register will be reviewed annually, declarations of interest must be made as and when they arise.

The CEO is responsible for ensuring that staff and others adhere to this policy and that declarations are appropriately assessed and any associated risks are mitigated accordingly.

The **Human Resources Department** is responsible for ensuring that all staff and workers are aware of this policy and procedure. The team will also ensure that this policy is implemented fairly and consistently

Managers and staff with supervisory or leadership responsibilities must ensure they declare any conflicts of interest and encourage their teams and any third parties they are working with to adhere to this policy.

All **staff and workers** have a responsibility to declare any actual, potential and perceived conflicts of interest as they arise. If individuals are unsure they should err on the side of caution and declare the potential conflict. If individuals become aware of another individual's undeclared conflict of interest they must raise the issue with their line manager or the Director of HR in the first instance.

3. EQUALITY AND DIVERSITY

The Education Alliance is committed to:

- Promoting equality and diversity in its policies, procedures and guidelines
- Delivering high quality teaching and services that meet the diverse needs of its student population and its workforce, ensuring that no individual or group is disadvantaged

4. VISION AND VALUES

The Trust's vision is seeking excellence through inspirational leadership, teamwork, innovation and challenge we work to ensure that all of us achieve our best. Our values are:

- Working together for students
- Generating ideas and sharing outstanding practice
- Promoting independence and interdependence
- Encouraging questioning, feedback and challenge

The Trust has four guiding principles:

- Believe in the team
- Focus on learners to drive decisions
- Keep it simple, do it right
- See it, own it, make it happen

5. DEFINITION

A conflict of interest occurs where an individual's ability to exercise judgement or act only in the best interests of the Trust could be impaired or otherwise influenced by their involvement in another role or relationship. The individual does not need to exploit his/her position or obtain actual benefit, financial or otherwise, for a conflict of interest to occur. A potential for competing interests and/or a perception of impaired judgement or undue influence can also be viewed as a conflict of interest. A conflict of interest exists even where there is the possibility that an individual's personal or wider interests could influence the individual's decision making and even the perception that there is a conflict can damage the Trust. Conflicts of interest relate to an individual's personal interests and the interests of those connected to them.

Conflicts can arise from an indirect financial interest (e.g. payment to a spouse) or a non-financial interest (e.g. reputation/status). Conflicts of loyalty are a particular type of conflict of interest in which an individual's loyalty or duty to another person or organisation could prevent them from making a decision only in the best interests of the Trust (e.g. where an individual is a member of another organisation or has an affiliation). Conflicts can arise from personal or professional relationships with others (e.g. where the role or interest of a family member, friend or acquaintance may influence an individual's judgement or actions or could be perceived to do so). Some conflicts of loyalty arise because an individual has a competing legal obligation or duty to another organisation or person. Others result from conflicting loyalties which individual's owe or may feel towards family, friends or other people or organisations who are part of the individual's network.

A connected person could be a family member, relative, business partner, friend, acquaintance, or organisation the individual has an interest in through ownership, influence or affiliation.

The following list is not intended to be viewed as an exhaustive list, but purely provides some examples of potential conflicts of interest:

- Where an employee works for another organisation
- Any directorships, partnerships and employments with businesses
- Voluntary or remunerated positions, such as trusteeship, local authority positions and other public positions
- Membership of professional bodies or mutual support organisations, including political parties
- Trusteeships and governorships at other educational institutions and charities
- Investments in unlisted companies, partnerships and other forms of business, major shareholdings and beneficial interests
- Gifts or hospitality offered by external bodies (declined or accepted in the last 12 months)
- Where a family member or close personal relationship exists with an external body or somewhere where the individual may be in a position to award services or collaborate with

A perception of wrongdoing, impaired judgement or undue influence can be as detrimental as any of them actually occurring. If there is any doubt as to whether or not a conflict of interest exists, the individual should assume it does and declare it. A financial gain is not necessary for a conflict to exist.

The Trust is committed to ensuring the seven principles of public life developed by the Nolan Committee are applied consistently:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

Individuals must not seek or accept any preferential benefits from private companies with which they have had or may have dealings with on behalf of the Trust. Every individual has a duty to ensure they are not put in a position of risk of conflict between private interests and their Trust duties.

All contractual obligations to the Trust must be completed before any other work is undertaken. If the individual believes a conflict may arise due to their engagement in any other work (e.g. tutoring or working for a competitor or supplier) they must contact their line manager and/or the Human Resources Department immediately (preferably prior to the commencement of any other work).

Under the Bribery Act 2010 any money, gift or consideration received by an individual from a person or company seeking a contract or decision that is of benefit to them will have been deemed to have been received under a bribe. The Trust does not require minor gifts such as pens, pencils and calendars to be declared, but any other gifts, offers of gifts and hospitality (other than meals/buffets provided by suppliers) must be declared in writing and submitted to the Governance Clerk. If an individual feels they may have been offered a bribe or incentive to place an order or procure a service from a specific provider they must notify a member of the Executive Board immediately.

6. DECLARING A CONFLICT OF INTEREST

Each individual has a responsibility to identify and declare conflicts of interest. Declarations should be made as they arise and the Trust will explore potential conflicts of interest as a matter of course as follows:

- Applicants for any appointment in the Trust, including Member, Trustee and Governor appointments, will be asked to declare any potential conflicts of interest and acute/extensive conflicts may result in an applicant not being appointed, thus removing the conflict of interest
- The register of interests will be reviewed on an annual basis
- Members, Trustees, Governors and others will be asked to declare any interest they have in any agenda item before it is discussed at decision making meetings (e.g. Board and LGB meetings) and prior to any involvement in procurement processes. Even if an interest has already been declared and is detailed on the Register of Interests, the individual is required to declare their interest and have this declaration recorded in the minutes of the meeting
- Where an individual changes role or responsibility, any change in their interests must be declared
- Wherever an individual's circumstances change in a way that affects the individual's interests (e.g. where an individual takes on a new role outside the Trust or establishes a new business or relationship) a further declaration should be made to reflect the change in circumstances. This could involve a conflict of interest ceasing to exist or a new one materialising

Early identification of conflicts of interest is key to ensuring that individuals act only in the best interests of the Trust, protecting their own and the Trust's integrity.

In declaring an interest individuals provide the Trust with the opportunity to:

- Assess the conflict and associated risks
- Consider whether serious conflicts of interest should be removed or require authority
- Consider whether affected individuals should participate in any decisions where they or a connected party stand to gain, whether directly or indirectly
- Carefully manage any participation by a conflicted individual
- Demonstrate robust management of declaration of interests and conflicts of interest

7. MANAGING A CONFLICT OF INTEREST

Once a declaration has been made the Trust must assess the materiality of the interest (e.g. the potential for the individual and/or the connected party to benefit from any Trust decision) and the extent of the interest. The Trust will ensure that a written record of decisions relating to conflicts of interest detail the following:

- The nature of the conflict
- Which individuals are affected
- Whether any conflicts of interest were declared in advance
- An outline of the discussion and decision
- Whether anyone withdrew from the discussion
- How the Trust took the decision in the best interests of the organisation

In managing the conflict the individual may:

- Be excluded from meetings or parts of meetings where related issues are discussed
- Attend the meeting and be involved in the discussion, having declared an interest, but they may not be able to participate in any decision-making

Where there is a conflict of interest and the affected individual and connected parties do not stand to gain any benefit, the affected individual must declare their interest and the Trust will then decide on their level of participation, if any, in discussions, decisions and procurement processes. In assessing the best course of action the Trust will:

- Make their decision only in the best interests of the Trust
- Always protect the Trust's reputation and be aware of the impression their actions and decisions may have on other stakeholders
- Demonstrate that the decision was made in the best interests of the Trust and independently of any competing interest
- Require the withdrawal of the affected individual from any decisions where the individual's other interest is relevant to a high risk or controversial decision, or could significantly affect or could be seen to significantly affect the individual's decision making
- Allow an individual to participate where the existence of his/her other interest poses a low risk to decision making in the Trust's interests
- Be aware that the presence of a conflicted individual can affect trust between individuals which may inhibit free discussion and might influence decision making in some way

Individuals cannot use information obtained at the Trust for their own benefit or that of another person or organisation.

Where the declaration is viewed to significantly impact on the individual's ability to undertake their role as a Member, Trustee or Governor they may be required to resign or be removed from office.

All decisions relating to the management of a conflict of interest should be recorded in the minutes of the meeting and where the Chair is the individual with a conflict of interest, the Vice-Chair will deputise.

Acute and/or extensive conflicts of interest in relation to Members, Trustees and Governors may result in the Trust seeking authority from the Charity Commission.

8. FAILURE TO DECLARE CONFLICTS OF INTEREST

Any failure to declare a conflict of interest will be viewed as a serious issue and there can be serious consequences for the affected individual (e.g. potential disciplinary action), the Trust and the public trust and confidence. Individuals who fail to identify and declare any conflicts of interest (actual, potential or perceived) will fail to comply with their responsibilities under this policy. An employee failure to declare a conflict of interest will be managed via the Trust's Disciplinary Policy and Procedure. Members, Trustees and Governors that fail to declare any conflicts of interest will also fail to comply with their personal legal responsibility to avoid conflicts and act only in the best interests of the Trust. Where Members, Trustees and Governors act outside the terms of the Trust Governance Handbook and/or the law their decisions may not be valid and could be challenged by the Charity Commission or by an interested party. Procurement decisions can also be viewed as invalid and open to challenge,

bringing into question the integrity of the Trust. Failure to declare conflicts of interest affect the Trust's ability to assess and manage conflicts appropriately.

9. MONITORING COMPLIANCE WITH AND EFFECTIVENESS OF THE POLICY

Effectiveness and compliance of this Policy will be monitored on an annual basis.

10. ASSOCIATED DOCUMENTATION

The Education Alliance Governance Handbook

Disciplinary Policy and Procedure

Whistleblowing Policy

11. REVIEW

This Policy and Procedure will be reviewed within two years of the date of implementation.

Declaration of Interest

I declare that I have the following interests that may be viewed as an actual/potential/perceived conflict of interest:

Name of Company, Partnership, Body, Organisation, or Person	Nature of Interest (e.g. shareholder, director, partner, advisor, employee, investor, friend)	Type of Interest (e.g. direct or indirect; financial)	Date of Appointment	Date of Resignation

I confirm I have read and I understand the Trust's Declaration of Interests and Conflict of Interests Policy and in declaring the above interest(s) I am complying with the policy.

I accept that in submitting this declaration I remain personally responsible for ensuring I do not place myself in a position or situation which may result in a potential or perceived breach of this policy.

Signed:

Name:

Date:

Guide for Assessing Potential Conflicts of Interest

Introduction

- All trustees have a legal duty to act only in the best interests of the Trust and conflicts of interest can lead to decisions that are invalid or open to challenge.
- The existence of a conflict of interest does not reflect on the integrity of the affected trustee as long as it is addressed properly.
- Each trustee has an individual personal responsibility to declare conflicts of interest which affect them and the Board should have strong systems in place to enable the identification of conflicts of interest.
- In most cases, conflicted trustees will declare their interest at an early stage and, in most cases, withdraw from relevant meetings, discussions, decision making and votes.
- Individual trustees who fail to identify and declare conflicts of interest will fail to comply with their personal legal responsibility to avoid conflicts of interest. A conflict of interest exists even where there is the possibility that a trustee’s personal or wider interests could influence the trustee’s decision making. Even the perception that there is a conflict of interest can damage the charity.
- Conflicts of interest relate to a trustee’s personal interests and the interests of those connected to them.
- This process ensures the trustee and the Trust explicitly undertakes their respective duties in declaring and understanding any potential, actual or perceive conflicts of interest.
- Connected parties include family, relatives, business partners of a trustee as well as businesses in which a trustee has an interest through ownership or influence.

Question Areas

How do you know the individual/organisation?
How long have you known him/her?
In what capacity and has this changed over time?
Do you have any actual or potential conflict of interest/loyalty regards the individual or any organisation that links you with them?

Example 1: Have you worked or do you undertake any work for the individual or any organisation s/he is associated with?

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Example 2: Is there an association between your company and the individual or any organisation s/he is associated with?

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Example 3: Are you connected to the individual or any organisation s/he is associated with from a voluntary or remunerated position?

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Example 4: Are you a member of a body or a mutual organisation, including a political party that has associations with the individual or any organisation s/he is associated with?

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Example 5: Have you, your company or any connected parties invested in any organisation the individual is or has been associated with?

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Example 6: Have you, your company or any connected parties received actual or offered gifts or hospitality (declined or accepted) from either the individual or any organisation s/he is associated with?

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Example 7: Do you or any connected parties have any association with the individual or any organisation s/he is or has been associated with that could create an actual or perceived conflict of interest?

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Any additional comments:

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Signed by Trustee:

Date:

Register of Interests

Name	Name of Company	Nature of Interest	Type of Interest	Date of Appointment	Date of Declaration