



**BERLESDUNA**  
ACADEMY TRUST

**Berlesduna Academy Trust**  
**Pecuniary Interests Policy**

## BERLESDUNA ACADEMY TRUST STATEMENT

Conflicts of interests will arise from time to time amongst members of the Directors Board Local Governing Bodies. The Board and Governing Bodies have a collective responsibility for the effective delivery of funded projects. This collective responsibility should override individual interests.

Berlesduna Academy Trust (BAT) is committed to raising awareness amongst Governors and staff of their responsibility to avoid conflict of interests by acting in good faith and for the benefit of the Academy.

As part of the Academy's commitment to openness and transparency, an annually updated Register of Interests is to be maintained and made available for public inspection. The register is designed to protect both the Academy and individual Board and Governing Body members from damaging allegations of corruption and possible punitive actions.

## DEFINITION AND SCOPE

A pecuniary interest can be clarified as a financial benefit. Within the context of an Academy, the financial benefit concerns public funds. Interests to be declared by Board and Governing Body members can be financial and non- financial and can include:

- employment (including name and address of employer)
- company directorships, business partnerships, self-employment, and significant shareholdings (defined as over 2% of shares in a quoted company or 10% in a private company)
- positions of public responsibility
- membership of external organizations, (including other schools), which might have a bearing on the Academy's work
- any financial interest which might relate to the Academy's work
- any other financial or non-financial interests (such as by kinship, friendship or membership of an organisation) which could be perceived as potentially affecting judgement or give the impression that a Governing Body member could be acting for personal motives

A conflict of interest will arise in any circumstance where doubt can be cast on a Board or Governing Body member's ability to act with complete objectivity with regard to the Academy's activities.

## DECLARING AN INTEREST

On appointment and annually thereafter, Board and Governing Body members will be provided with a Declaration of Interests form, which must be completed, signed and returned within one month. Whenever an interest changes or a new one occurs, the member is responsible for completing a revised declaration within one month.

All forms showing declared interests will be reviewed by the Chair who will either countersign the form to indicate their satisfaction that there is no action required, or will set out in writing to the member of staff/Governor their advice on how any potential conflict is to be managed. Any such advice will also be placed on the register.

The register will be reviewed on an annual basis by the Board and Governing Body or more frequently where significant changes have been reported.

## **AVOIDING PERSONAL BENEFIT AND CONFLICTS OF INTEREST**

Governors and Board members should ensure that private or personal financial interests never influence their Governing Body and Board decisions. They should ensure that they never use their position as members for personal gain of any sort.

Governors and Board members can make a valuable contribution to the work of the Academy, even though (or because) they have responsibilities to others that might sometimes bring them into conflict with the Academy.

All Governors and Board members, (including parent and staff Governors), have an overriding duty to act in the interests of the Academy and cannot act as representatives of other bodies when undertaking their Board and Governing Body role. Where an issue arises, which conflicts with their responsibilities to another school or organisation, then they should declare their interest and withdraw from the meeting, unless invited to remain by the Governing Body and Board.

Parent and staff Governors are also expected to ensure that the Governing Body and Board is aware of parental and staff views on issues, however they should not raise issues that relate mainly to their employment or child's placement at Governing Body and Board meetings. Where an issue arises that affects them personally or as one of a small number of parents or staff then they should declare an interest and withdraw from the meeting unless invited to stay by the Governing Body and Board.

Examples of when a Governor/Board Member should withdraw from the meeting involve a member who had

- a financial interest in the matter under discussion
- any interest in the matter under discussion which creates a real danger of bias i.e. the interest affects them, or a member of their household, more than the generality affected by the decision
- any interest which does not create a real danger of bias, but which reasonably cause others to think it could influence their decision

The law generally prohibits any Board/Governing Body member or close relative from receiving any benefit from the Academy, which includes all payments except for reasonable governor expenses or the agreed fee where the Academy has adopted a policy of paying some or all Governors. The only exception to this rule concerns Governors who are employed members of staff, however it should be noted that they should not receive any benefit in their capacity as a governor beyond what is allowed in law.

Governors and Board members should never accept gifts, (other than those of a trivial nature) and should avoid giving or receiving any extravagant hospitality to anyone connected with the work of the Academy. All hospitality received should be notified to the clerk so that it can be entered in the hospitality register.

## **HANDLING A CONFLICT OF INTEREST**

It is the responsibility of individual Governors and Board members who have any interest, however slight, in any matter about to be discussed or decided by the Governing Body/Board to disclose this interest, (including all relevant facts), and ensure the declaration is recorded in writing in the Academy's records.

If the conflict is clear and substantial, the Governing Body/Board should offer to withdraw and, if invited to remain, must refrain from voting on the matter. The Governing Body/Board member must

not attempt to influence any other member's view or vote, nor the actions of staff, on the matter by any form of communication prior to, during or after the relevant meeting(s).

Where such a conflict is likely to reoccur on a frequent basis, the Governor/Board member should offer to resign.

Parent and staff Governors are fully entitled to participate in discussions of, and where applicable vote on, all policy matters affecting all or a substantial group of parents or staff, however they must abide by the preceding paragraphs on matters affecting themselves, their relatives or close friends individually. This includes discussions of policy on issues such as arrears where the Academy is considering or taking action against the relevant person; or complaints etc. where the individual is taking action against the Academy.

Any Governing Body/Board member involved in a significant dispute with the Academy will automatically be suspended until the dispute is resolved and will remain suspended until final decisions, including consideration of any ombudsman's findings, have been taken by the Academy. This excludes parent or staff Governors using the normal complaints procedure, who must abide fully by the preceding paragraphs in relation to consideration of their complaint by the association, however suspension will be automatic when the complaint reaches stage three (i.e. consideration by the Governing Body).

If a Governing Body/Board or staff member considers that a governor has a conflict of interest which has not been declared or, if declared, not dealt with appropriately as set out above, they have a duty to raise the matter immediately with the Governing Body/Board via the chair.

No contract or other award should be made to a Governing Body/Board member, staff member, company etc. in respect of which an interest has been declared without the prior approval of the Governing Body/Board.

Whenever members are unsure of the seriousness of a potential conflict of interest, they should consider the potential risks before acting. If in doubt about the application of these rules the Chair should be consulted and independent advice should be sought, where necessary.

## REVIEW

This policy will be reviewed annually by the Trust Directors Board

(Signed) \_\_\_\_\_ Dated \_\_\_\_\_  
(Chief Executive Officer/Accounting Officer)

(Signed) \_\_\_\_\_ Dated \_\_\_\_\_  
(Chair of Trust)

