



## SENDAT

### Pecuniary & Business Interest Policy

This policy is reviewed on a Biennial basis or as prompted by changes in ESFA policy

Ref:	<b>021-2018</b>
Author:	<b>T Darby</b>
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Reviewed by:	<b>Provision Committee</b>
Changes	<b>Rewrite to incorporate requirements of Academies Financial Handbook Nov 17 Nov 18 : review change in review period only update</b>
Approved by:	<b>Provision Committee 14<sup>th</sup> November 2018</b>
<b>Next review:</b>	<b>November 2020</b>
Directors:	This document should be presented to full board for information and completion

## Introduction

The public is entitled to expect the highest standards of conduct from all employees, Directors, members and Local Academy Board (LAB) representatives of SENDAT. They are required to disclose to the CEO/Headteacher the interests set out below. This must be done within 28 days of the interest becoming apparent.

The Board of Directors are aware of the need to demonstrate leadership by being even handed, to make decisions in the public interest, and to submit to accountability through openness and transparency. They make decisions in accordance with the 7 principles of public life

Selflessness  
Integrity  
Objectivity  
Accountability  
Openness  
Honesty  
Leadership

They recognise the higher standard of accountability resting with them and avoid real and perceived conflicts of interest in any connected part relationships.

No Member, Director, representative, employee or related individual or organisation may use their connection to the trust for personal gain, including payment under terms that are preferential to those that would be offered to an individual or organisation with no connection to the trust.

The board of directors complies with the procedures and rules as detailed in the academies financial handbook revised and published annually by the ESFA.

*The latest edition of the DFE Governors' Handbook states, 'In both maintained schools and academies it is legal for governing bodies to pay for goods and services, including those provided by an individual who is also serving as a governor, although the individual must not put themselves in a position where their personal interests conflict with their duty unless they are authorised to do so. If a conflict does exist, the governing body should first assure themselves that this is in its best interests and will better help it achieve its purposes. The governing body must manage, and be seen to manage, any conflicts of interest that may arise, and be open and accountable to those with an interest; there would be no advantage of using the services provided by an individual if the need to manage the conflict of interest outweighed the benefit. The department places very clear expectations on academy trust boards in how they should manage any conflicts of interest. It is essential that all contracts and arrangements for payments of good and /or services follow proper procurement processes. In addition, where a contract is awarded to an academy member, trustee or a party connected to them the service/goods must be provided at cost and no profit is allowed to be made.'*

Further details of this can be found in the Governors' Handbook and Academies Finance Handbook.

## **1. Register of Relationships with Contractors and Suppliers of Goods and Services**

### **(a) Award of orders and contracts**

Directors, Members, LAB representatives and Employees who are responsible for the award of orders and contracts should make known, in writing, to the CEO/Headteacher (Or Chair of Directors if relates to CEO) all relationships of a business or private nature that they have with contractors and other suppliers of goods and services. An explanation as to the exact nature of the relationship should be made and whether or not the company or business has in the past or currently supplies goods or services to the Trust or has a contract with the Trust.

### **(b) Relationships in a private or domestic capacity**

Directors, Members, LAB representatives and employees who, in the course of their job, engage or supervise contractors or have any other official relationship with contractors and/or have had, or currently have, a relationship in a private or domestic capacity with contractors (or their senior staff) should make this known to the CEO/Headteacher, (Or Chair of Directors if relates to CEO).

## **2. Personal Interests**

### **Conflict of interests**

Directors, Members, LAB representatives and employees must declare in writing to the CEO/Headteacher any financial or non-financial interests which could reasonably be considered to conflict with the Trust's interests.

## **3. Procedures**

The Headteacher/CEO as Accounting Officer is responsible for ensuring:

- (a) that employees, directors, members and LAB representatives (including temporary employees) are regularly advised of the need to make such declarations,
- (b) that employees, directors, members and LAB representatives complete the official declaration form (appendix B) at the start of each academic year and personally print and sign their name on the declaration,
- (c) that an opportunity to declare pecuniary interests is a standard agenda item at every committee, LAB and full board meeting. If an interest is declared this will be recorded and minuted and that person asked to leave the meeting whilst the related item is discussed,
- (d) that the Registers are kept up to date and captures business and pecuniary interests of members, directors, LAB representative and employees including:

- Directorships, partnerships and employments with businesses that, provide or could provide, goods and 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;
- Other interests and views that may indicate prejudice or predetermination for or against a person or issue and
- For each interest; the name of the business, the nature of the business, the nature of the interest and the date the interest began.

(e) that the Full Board is advised annually that the register is up to date.

(f) that the Resources Committee carry out an annual review to consider and scrutinise any related party transactions and the declared pecuniary business interests of members of the board, the LABs and employees. This is an agenda item for the Resources committee to coincide with the consideration and approval of the trust annual accounts.

Ongoing disclosures need to be submitted in every return, even if they have been previously disclosed. The Register is a living document and the previous returns form part of the Register. The returns should be kept for seven years.

The 'keeper' of the register should ensure that they obtain either a nil return, or a pro-forma which provides the details of the individual declarations.

The Register is accessible for viewing by the following appropriate officers during office hours: CEO/Headteacher, Chair of Directors; Chief Finance & Operations Officer; External Auditors; and Responsible Officer/Internal Auditors

The Directors of SENDAT will publish, annually on the Trust website, relevant business and pecuniary interests of Directors, Members, LAB Representatives and those of the Senior Leadership Team (SLT).

## Examples of situations where it might be necessary for an officer to declare an interest:

*There is a legal requirement for the Trust to maintain a Register of Officers' Interests. In declaring any interests you have, you are protecting yourself from any false accusation of bias or corruption.*

*In considering whether you have an interest, you should ask yourself whether a member of public, knowing the facts of the situation, could reasonably think that a relationship or interest you have, might conflict with the interests of the Trust. The list below is not exhaustive and **it is also important to note that you may not always need to declare an interest.** For example, the answer to one of the questions below may be "yes", but the relationship or connection does not impinge on the type of work you do, so you may not need to declare an interest. Conversely, there may be other circumstances not listed below where you do need to declare an interest. If in doubt, please see advise from a senior manager in SENDAT.*

*Think about the following questions:*

Are you related to a county or district councillor?

Are you a member of a parish, town or community council? Are you related to a member?

Are you a school/academy governor or related to a school/academy governor?

Are you a partner, company secretary or non-executive chairman of a company which does business with the Trust?

Are you employed by a body which carries out work for the Trust, or were you recently so employed, or are you related to someone who is so employed?

Do you do part-time or occasional work for a company which undertakes work for the Trust or which competes with the Trust for work?

Are you undertaking any business ventures in your own time that could conflict with the Trust's interests?

Are you related to or friends with anyone who tenders for work from the Trust?

## Appendix A

### **SENDAT Annual Conflicts of Interest Acknowledgement Statement**

I, the undersigned confirm that I have:

1. Received a copy of the Policy.
2. Read and understood the Policy.
3. Agreed to comply with the Policy.

\_\_\_\_\_  
Print name

\_\_\_\_\_  
Signature

Dated \_\_\_\_ / \_\_\_\_ / \_\_\_\_

## Appendix B

### SENDAT Register of Business and Pecuniary Interests

Name ..... Director/Staff/Member/LAB Representative\*

Please disclose any employment, office, trade, profession or vocation

.....

**\*Please delete as applicable**

*Please note that the Trust must publish on its website the business and pecuniary interests of **Directors, members, LAB representatives and those of the Senior Leadership Team.***

- \*I do not have interests to register
- \*I wish to register the following interests:

Any Directorships, partnerships and employments with businesses that, do or could, provide goods or services to the trust

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For each interest, please note the name of the business, the nature of the business, the nature of the interest and the date the interest began (please use the reverse of this form if necessary)

.....

Trustees or governorships including at other educational institutions and charities irrespective of whether there is a trading relationship with the trust (please use the reverse of this form if necessary)

.....

Any interest in land in the area of the trust's properties or licences to occupy land

.....

Any relationships with any of the trust staff/directors/members/LAB representative

.....

Holding another public office

.....

Holding or expressing strong political or personal views that may indicate prejudice or predetermination for or against a person or issue and not in accordance with the 7 principles of public life

.....

Please confirm if any close family member or friend has any of these interests and provide details on the reverse of this form. Yes / No\*

Signature ..... Date .....