

DECLARATIONS OF INTEREST POLICY

DOCUMENT INFORMATION – FRONT SHEET

PURPLE: Trust Policy

This cannot be changed and will be put on the Trust website with link published on the School Website.

Please note - physically printed copies of this policy may be out of date. For the most up to date policy please go to the Trust website [here](#)

POLICY OWNER/AUTHOR	NEW POLICY	CURRENT POLICY - REDRAFT/AMENDMENTS	
Sian Griffiths	No	Yes - no changes	
VERSION HISTORY			
VERSION NO & DETAILS	No. 2, this was a new policy approved 10.10.2022. First review date 31.12.2023. Approved by the Board 06.11.2023 for a further period of 2 years.	PREVIOUS REVIEW DATE	6 th November, 2023
DATE APPROVED/REVIEWED	10 th October, 2022	APPROVED BY	Trust Board
REVIEW CYCLE	Biannually unless guidance changes	NEXT REVIEW	31 st December, 2025
UNION CONSULTATION REQUIRED	No	IF YES, PLEASE STATE DATE OF CONSULTATION	

*delete where applicable

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1. INTRODUCTION AND AIMS

At LIFE Multi Academy Trust (hereinafter referred to as the 'Trust'), we want to ensure that the decisions taken by the Board of Trustees and Local Governing Boards are free from personal bias, and do not unfairly benefit any individual or company connected to the Trust and/or its Schools.

The Schools within the LIFE Multi Academy Trust are – Ashby School, Bosworth Academy, Braunstone Frith Primary Academy, Countesthorpe Academy, Desford Community Primary School, Dove Bank Primary School, Ibstock Community College, Ivanhoe School, Kingsway Primary School and The Winstanley School.

Trustees and Local Governors in our Trust must act in the best interests of the Trust, and in accordance with the Trust's Articles of Association, in order to avoid situations where there may be a conflict of interest.

This policy aims to ensure that:

- Everyone to whom the policy applies understands what a conflict of interest is
- Everyone to whom the policy applies understands their responsibility to identify and declare any conflicts of interest
- Every potential relevant conflict of interest, or perceived conflict of interest, is identified, recorded and prevented
- Decision making is not affected by conflicts of interest
- There are clear procedures for managing conflicts of interest where these arise

2. LEGISLATION AND GUIDANCE

This policy is based on:

- Companies Act 2006
- Guidance from the Charity Commission which explains statutory requirements and good practice regarding conflicts of interest for Charity Trustees
- The Academy Trust Handbook
- The Governance Handbook

This policy complies with the Trusts funding agreement and Articles of Association.

3. SCOPE

This policy applies to:

- Academy Trust Members
- All Members of the Board of Trustees
- Members of the Local Governing Boards
- Senior Trust employees

4. DEFINITIONS

4.1 Conflict of interest

A conflict of interest is any situation in which a Trustee or Governor has a business or personal interest or loyalty which could, or could be perceived to, prevent them from making a decision only in the best interests of the Trust.

It is not possible to provide an exhaustive list of what constitutes a conflict of interest, but some examples include where:

- Trustees or Governors work for companies that provide, or have the potential to provide, services to the Trust
- A Trustee or Governor who owns their own business, and sometimes undertakes work for the Trust
- A Trustee or Governor is in a relationship with a member of Staff
- A Trustee or Governor also sits on the Governing Board of another School or Trust
- The Class Teacher of a Parent Governor's Child is subject to a Disciplinary Hearing

The Trusts Articles of Association, Articles 97 and 98 state –

97. Any Trustee who has or can have any direct or indirect duty or personal interest (including but not limited to any Personal Financial Interest) which conflicts or may conflict with their duties as a Trustee shall disclose that fact to the Trustees as soon as they becomes aware of it. A Trustee must absent themselves from any discussions of the Trustees in which it is possible that a conflict will arise between their duty to act solely in the interests of the Academy Trust and any duty or personal interest (including but not limited to any Personal Financial Interest).

98. For the purpose of Article 97, a Trustee has a Personal Financial Interest in the employment or remuneration of, or the provision of any other benefit to, that Trustee as permitted by and as defined by Articles 6.5-6.8A.

4.2 Trustee Benefit

A Trustee benefit is any instance where money, or other property, goods or services which have monetary value, are received by a Trustee from the Academy Trust. This does not include where Trustees are compensated for proper out-of-pocket expenses.

Trustees can only benefit from the Trust in such a way, either directly or indirectly, where there is an **explicit authority** in place before any decisions are made.

Examples of Trustee benefits include where Trustees decide to:

- Sell, loan or lease Trust assets to a Trustee
- Acquire, borrow or lease assets from a Trustee for the Trust
- Pay a Trustee for carrying out a separate paid post within the Trust, even if that Trustee has recently resigned as a Trustee
- Pay a Trustee for carrying out a separate paid post as a Director or Employee of the Trust's subsidiary trading company
- Pay a Trustee, or person or company closely connected to a Trustee, for providing a service to the Trust
- Employ a Trustee's spouse, partner or other close relative at the Trust or its subsidiary trading company
- Make a grant to a service user Trustee, or a service user who is a close relative of a Trustee
- Allow a service user Trustee to influence Trust activities to their exclusive advantage

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Explicit authority will come from either:

- The Trust's Articles of Association
- A statutory provision (such as the power in the Charities Act which allows charities to pay Trustees for additional services in some circumstances)
- The Charity Commission
- The Court

5. ROLES AND RESPONSIBILITIES

5.1 Chair of the Board of Trustees and Chair of the Local Governing Board

The Chair will:

- Ensure that the register of interests is completed each year
- Make sure declarations of interest are made before or at the start of each meeting
- Arbitrate decisions about how to deal with conflicts of interest, where appropriate

5.2 Governance Professional

The Governance Professional will:

- Maintain the register of interests, and ensure that Trustees and/or Governors update their interests when there is a change to their circumstances
- Advise the Board on how to deal with conflicts of interest
- Monitor this policy, and seek advice on any necessary changes

5.3 All Trustees and Governors

All Trustees and Governors will:

- Declare their conflicts of interest before or during meetings, and complete the register of interests faithfully
- Make sure they inform the Chair and Governance Professional immediately of any changes to their circumstances
- Take appropriate action to remove any conflict of interest, or seek advice on how to do so if necessary

6. WHAT TRUSTEES AND GOVERNORS MUST DECLARE

Trustees and Governors must declare:

- Directorships, partnerships and employments with businesses
- Trusteeships and Governorships at other educational institutions or charities
- Material interests arising from relationships with other Members, Trustees or Local Governors (including spouses, partners and close relatives)
- Material interests arising from relationships with Trust employees (including spouses, partners and close relatives)
- Business or personal interests of their spouses, partners and close relatives, where there's a possibility that the Trust will have dealings with that person
- Membership of Professional Bodies and/or contracts which they hold that involve the Trust.

If an individual is not sure whether something constitutes a conflict of interest, or needs to be declared, they should err on the side of caution and declare it.

Senior Trust employees, Trustees and Governors who are Staff members, must declare an interest in relation to matters of their own pay and appraisal, and must not participate in discussions or decisions about these.

7. PROCEDURES

7.1 Register of Interests

The Trust requires each Trustees and Governor to complete a declaration of interests form at the beginning of each academic year (see Appendix 1). New Trustees and Governors will also be asked to complete the declaration of interests.

The Trust will publish information about the interests of Members, Trustees, Local Governors, and the Accounting Officer (where the Accounting Officer isn't already included due to being a Trustee).

The register of interests needs to include the interests of Senior Employees within the Trust, but Trusts are not required to publish these (apart from for the Accounting Officer).

Senior Employees of the Trust, Trustees and Governors who are Staff Members, are not required to record their employment with the Trust on the register of interests.

If an individual's circumstances change after the register of interests is completed, they must immediately alert the Chair and Governance Professional and make the necessary amendments or further declarations.

7.2 Declaring Conflicts of Interest and taking action

Agendas of meetings will be circulated in advance. Trustees and Governors must review any agenda sent to them and alert the Chair and Governance Professional as soon as possible if they have a conflict of interest related to any item on the agenda.

Each meeting will also include a standing agenda item to allow declarations to be made.

If a conflict becomes apparent during a meeting, and Trustees or Governors did not declare these prior to or at the beginning of the meeting, they must declare these immediately.

Depending on the nature of the meeting or discussion, and the interest in question, the Board will decide whether the individual needs to:

- Withdraw from the meeting
- Refrain from contributing to the discussion
- Refrain from voting on a decision

The Board may also decide that, having declared the interest, the Trustee or Governor is free to participate in the discussion or decision as normal.

When deciding which course of action to take, the board must:

- Always make their decision in the best interests of the Trust, and be able to demonstrate this
- Act to protect the Trusts reputation
- Consider the impression that their actions and decisions may have on those outside of the Trust
- Consider the level of risk related to the decision in question, and the risk that the conflict will affect the individual's ability to be impartial, or to act only in the best interests of the Trust
- Be aware that the presence of a conflicted Trustee or Governor (even if they cannot participate in the decision or discussion) may inhibit free and open dialogue, and may affect the decision in some way In cases of **serious conflict of interest**, the Board may also choose to avoid the conflict by:
 - Not pursuing a particular course of action
 - Proceeding with the issue in a different way
 - Not appointing a particular Trustee, Governor or Employee

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- Securing a resignation from a conflicted Trustee or Governor

A serious conflict of interest includes situations where the conflict:

- Is so acute or extensive that the individual is not able to make their decisions in the best interests of the Trust or could be seen to be unable to do so
- Is present in significant or high-risk decisions
- Means that effective decision-making is regularly undermined or cannot be managed in accordance with the required or best practice approach
- Is associated with inappropriate Trustee benefit

Details of any conflicts declared, and relevant actions taken, must be recorded in the minutes.

8. FAILURE TO DECLARE A CONFLICT OF INTEREST

Failure to declare a conflict of interest is a breach of the Board's Code of Conduct.

If the Board becomes aware that a Trustee or Governor has not declared a relevant conflict of interest, it will immediately update the register of interests to ensure the record is complete and accurate.

Depending on the nature of the omission, the Board may also:

- Vote to suspend the Trustee or Governor
- Vote to remove the Trustee or Governor from office
- Follow any relevant disciplinary procedures

If a Trustee or Governor is aware of another Trustee or Governor's undeclared interest, they should alert the Chair and Governance Professional immediately.

9. REVIEW

This policy will be reviewed by the 31st December, 2023 and thereafter biannually or where there is a change of guidance, legislation or regulation.

As part of the application of this policy, the Trust may collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and the Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time. Records will be kept on the employee's personal file in accordance with our School Workforce Privacy Notice, our Records Management and Retention Policy and in line with the requirements of Data Protection Legislation.

APPENDIX 1

Declaration of Interests

The Trust is committed to acting with integrity and impartiality. To this end, we must keep a register of the relevant business and pecuniary interests of Members, Trustees, Local Governors and Senior Employees.

The Trust is also required to publish these interests with respect to Members, Trustees, Local Governors and the Accounting Officer (where the Accounting Officer is not already included due to being a Trustee).

If you are not sure whether something counts as a conflict of interest, err on the side of caution and declare it. You must update us whenever your circumstances change, so we can ensure our register of interests is accurate.

All Members, Trustees and Governors complete their declarations electronically via Governor Hub. The Governance professional monitors completion and this remains an agenda item until such time as all declarations have been completed. Once all the declarations have been completed the report is uploaded onto the Trust and School Websites.