

# Conflicts of interest policy

Spaldwick School



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### 1. Introduction and aims

At Spaldwick School, we want to ensure that the decisions taken by the governing body are free from personal bias, and don't unfairly benefit any individual or company connected to the school.

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 potentially relevant conflict of interest, or perceived conflict of interest, is identified, recorded and prevented
- Decision-making isn't 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:

- Statutory guidance from the Department for Education on the [constitution of governing bodies of maintained schools](#)
- [The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#) (as amended)
- [The Governance Handbook](#)
- Statutory guidance from the Department for Education and Education & Skills Funding Agency on [schemes for financing local authority maintained schools](#)

### 3. Scope

This policy applies to:

- All members of the governing board

- The headteacher
- Associate members of the governing board

For the purposes of this policy we refer to all of the above as “governors”, except where we make reference to some specific roles.

## 4. Definitions

### 4.1 Conflict of interest

A conflict of interest is any situation in which a 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 school.

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

- Governors work for companies that provide, or have the potential to provide, services to the school
- A governor owns their own business, and sometimes does work for the school
- A governor is in a relationship with a member of staff
- A 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

## 5. Roles and responsibilities

### 5.1 Chair of governors

The chair of governors will:

- Ensure that the register of interests is completed each year
- Make sure declarations of interest are made before each meeting
- Arbitrate decisions about how to deal with conflicts of interest, where appropriate
- Monitor this policy, and seek advice on any necessary changes

### 5.2 Clerk to governors

The clerk will:

- Maintain the register of interests, and update it when governors inform them of changes to their circumstances
- Advise the board on how to deal with conflicts of interest

### 5.3 All governors

All 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 clerk 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 governors must declare

Governors must declare:

- Any current business interest in a company that could stand to gain from their position on the governing board
- Any relevant pecuniary interest in any contract the school holds or proposes to enter in to
- Governance roles in other educational institutions
- Material interests arising from relationships with other governors (including spouses, partners and close relatives)
- Material interests arising from relationships with members of school staff (including spouses, partners and close relatives)
- Business interests of their spouses, partners and close relatives, where there's a possibility that the school will have dealings with that person
- Memberships of professional bodies

If a governor isn't sure whether something constitutes a conflict of interest, or needs to be declared, they should err on the side of caution and declare it.

The headteacher and any 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.

Apart from the headteacher, any governors who are staff members must also declare an interest in relation to matters of the pay and appraisal of any other staff member, and must not participate in discussions or decisions about these.

## 7. Procedures

### 7.1 Register of interests

The school requires each governor to complete a declaration of interests form at the beginning of each academic year (see appendix).

New governors will also be asked to complete a declaration of interests form if they join after the start of the academic year.

The school will publish governors' interests on its website.

The headteacher and any governors who are staff members aren't required to record their employment with the school 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 the clerk that they need to make amendments or further declarations.

### 7.2 Declaring conflicts of interest and taking action

Agendas of meetings will be circulated in advance. Governors must review any agenda sent to them, and alert the chair and the clerk 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 governors didn't 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 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 school, and be able to demonstrate this
- Act to protect the school's reputation
- Consider the impression that their actions and decisions may have on those outside of the school
- 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 school
- Be aware that the presence of a conflicted 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 governor or employee
- Securing a resignation from a conflicted governor

A serious conflict of interest includes situations where the conflict:

- Is so acute or extensive that the individual isn't able to make their decisions in the best interests of the school 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

Details of any conflicts declared, and relevant actions taken, will 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 governor hasn't 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 governor
- Vote to remove the governor from office
- Follow any relevant disciplinary procedures

If a governor is aware of another governor's undeclared interest, they should alert the chair and the clerk immediately.

## 9. Review

This policy will be reviewed every year, and approved by the governing board.

## Appendix: Declaration of interests form

Our governing board is committed to acting with integrity and impartiality. To this end, we must publish a register of our governors' relevant business and pecuniary interests.

Please complete the form below and return it to the chair of governors or the clerk.

If you're 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.

Name: \_\_\_\_\_

### Relevant business and pecuniary interests

NAME OF BUSINESS/ORGANISATION	NATURE OF INTEREST

### Links to other educational institutions

NAME OF SCHOOL/ESTABLISHMENT	NATURE OF LINK

### Personal relationships (including spouse/partner and close relatives)

NAME OF STAFF MEMBER OR GOVERNOR	NATURE OF THE RELATIONSHIP	NATURE OF THE INTEREST ARISING FROM THIS RELATIONSHIP

### Relevant business interests of spouse/partner and close relatives

NAME	RELATIONSHIP TO YOU	RELEVANT INTEREST

Signature: \_\_\_\_\_

Date: \_\_\_\_\_