

Shireland Collegiate Academy Trust Policy

# Declaration of Pecuniary Interest

2021

<b>Committee and Date Approved</b>	Trust Board – December 2021
<b>Category</b>	Statutory - DfE
<b>Next Review Date</b>	Annually unless change in legislation – <b>Autumn 2022</b>
<b>Policy Availability</b>	Trust Website
<b>Officer Responsible</b>	Company Secretary

**The Trust, all Academies within the Trust and Shireland Learning Limited must  
comply with this policy.**

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## Introduction

The Shireland Collegiate Academy Trust must as part of its financial and management responsibilities establish a register of interest. This will be kept up to date through regular review. This register must capture relevant business and pecuniary interests of Members, Trustees, members of the Standards and Performance Committee, senior staff and staff with financial responsibility or influence as a minimum. Staff across the Trust are also required to declare any interests.

These interests **must** include:

- directorships, partnerships and employments with businesses;
- Trusteeships and Governorships including at other educational institutions and charities irrespective of whether there is a trading relationship with the trust;
- any relevant material interests arising from close family relationships between the academy trust's members, trustees or local governors. It **must** also identify relevant material interests arising from close family relationships between those individuals and employees;
- for each interest: the name of the business; the nature of the business; the nature of the interest; the date the interest began.

Shireland Collegiate Academy Trust and its academies also have a responsibility to consider carefully whether to include the interests of other individuals in its register of interests.

Interests should not be limited to financial and business but should include any interest which may be perceived as a conflict

**If in doubt the presumption must be towards including an interest in the register.**

A declaration of interests form will be issued annually to Members, Trustees, members of the Standards and Performance Committee and staff with financial responsibilities or the ability to influence decision making. The aim is to ensure that any current or potential conflicts of interest are openly declared and recorded in accordance with company and charity law.

## Application of the Policy

This policy applies to all Members, Trustees, members of the Standards and Performance Committee and members of staff with financial responsibility or who have the ability to influence decision making.

Procedures apply to relationships with students and their families as well as from potential suppliers and employees.

## The Process

The Trust will maintain a register of relevant pecuniary interests for Members, Trustees, members of the Standards and Performance Committee and staff, who are involved in financial management or in a decision making position within the Trust.

This register will be open to inspection and easily accessible at all times. The register will be made available on the Trust and each Academy's website by December of each academic year within the Trust Transparency document.

It is important for anyone involved in spending public money or in public life to demonstrate that they do not benefit personally from decisions that they make. The aim of this register is to clearly show that any decisions made, are arrived at in a true and fair way.

Members, Trustees, members of the Standards and Performance Committee and staff should declare any links they have with firms or individuals, from which the Trust and or each individual Academy, may wish to procure goods or services, where it could be perceived there is a material interest and or it could be judged that the individual has a personal interest in the decision taken.

There are 5 key types of interest: direct, indirect, other educational and or charitable organisations, material and employment.

1. Examples of **direct** interests are:

- a. You own, totally or in part, a company or organisation which may be used by the Academy Trust to supply goods or services
- b. You have a substantial financial interest in a company or organisation which may be used by the Academy Trust to supply goods or services
- c. A substantial financial interest is defined as a shareholding of more than a nominal Value of £25,000 or more than 1% of the issued shares.
- d. You are named officer on the books of the company/organisation

2. Examples of **indirect** interests are:

- a. You have a relative/friend who will directly or indirectly (they have an interest as defined above in sections (a) to (d)) work with the Trust and its academies

3. Examples of interest with an **educational and or charitable organisation**:

- a. Any school or charity where you hold a Member, Trustee or Governor position
- b. Any school or charity where you work and or volunteer
- c. Any school or charity where you have provided formal or informal advice other than as an employee of the Trust.

4. Examples of **Material Interests** are:

- a. Where you have any type of relationship to anyone working in or for the Trust or any partner school working with the Trust
- b. Where the Trust appoints a relative of yours as a Member, Trustee or member of the Standards and Performance Committee.
- c. Where the Trust contracts/employs a relative of yours
- d. Where you have a relationship with a contractor or employee where it may be perceived that their impartiality is tested, i.e. long-term friendship

5. Examples of **Employment** are:

- a. Any Directorships, Partnerships and Employment

Where an interest is declared, you will take no part in any discussion of a matter involving the interest/nor vote on any question with respect to the matter.

Budget Holders when ascertaining quotes for work, must not place work with any individual or organisation where they have an interest.

## Completion of the Form

The form for completion is provided online via the portal.

The online declaration form must be completed on an annual basis each September, but it is the individual's responsibility to ensure the form is updated and amended in year, if circumstances change.

On completing the form all Members, Trustees, members of the Standards and Performance Committee and Staff will be asked to sign to say they have read and understand this policy and in discharging their duties will comply with the 7 principles of public life (**Appendix 2**).

Any amendments or in year updates must be notified to the Finance Team as soon as possible, who will maintain the overall register for the Trust.

If the form cannot be completed online for any reason, the paper form must be completed and returned to the Trust Finance team (**Appendix 1**).

Further guidance is provided by the Charity Commission in: CC29: Conflicts of interest: a guide for charity trustees if you require more information.

## Other Issues in Relation to a declaration of Interest

Where it can be established from the completion of the declaration form, that there is or could be a **connected party relationship**, then as a Trust we must have a very clear process for engaging with the service provider or individual.

We must be even-handed in all our relationships with connected parties by ensuring that:

- Members and Trustees understand and comply with their statutory duties as company directors to avoid conflicts of interest, not to accept benefits from third parties, and to declare interest in proposed transactions or arrangements;
- All Members, Trustees, members of the Standards and Performance Committee, and staff have completed the register of interests retained by the trust, and there are measures in place to manage any conflicts of interest;
- No Member, Trustee, members of the Standards and Performance Committee, member of staff or related individual or organisation uses 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;
- There are no payments to any Member, Trustee or member of the Standards and Performance Committee by the Trust unless such payments are permitted by the articles, or by express authority from the Charity Commission (which will be given only in exceptional circumstances) and comply with the terms of any relevant agreement entered into with the Secretary of State.

In doing the above we will, in particular, consider the obligations where payments are made to other business entities who employ the Trustee, are owned by the Trustee, or in which the Trustee holds a controlling interest;

- The Charity Commission's prior approval must be obtained where the Trust believes a significant advantage exists in paying a Trustee for acting as a Trustee; and
- Any payment provided to the persons, satisfies the '**at cost**' requirements i.e. the provider is not seen to be making a profit from providing the service over and above the direct costs of delivering the service.

Trustees are responsible for ensuring that the requirements for managing connected party transactions are applied across the Trust.

- The Chair of the Board of Trustees and the Accounting Officer **must** ensure that their capacity to control and influence does not conflict with these requirements.
- They **must** manage personal relationships with connected parties to avoid both real and perceived conflicts of interest, promoting integrity and openness in accordance with the seven principles of public life – See attached **Appendix 2**

It is important that as a Trust we recognise that some relationships with connected parties may attract greater public scrutiny, such as:

- transactions with individuals in a position of control and influence, including the Chair of the Board of Trustees and Accounting Officer;
- payments to commercial organisations which have a profit motive, as opposed to those in the voluntary sector; and
- Relationships with external auditors that go beyond their duty to deliver a statutory audit.

The Finance section will **maintain** records, to ensure any disclosures are dealt with in accordance with financial regulations and guidance and will make sufficient disclosures in the annual accounts, to evidence that transactions with these parties, and all other connected parties, have been conducted in accordance with the high standards of accountability and transparency required within the public sector.

Where necessary we will seek the ESFA's prior approval for transactions with connected parties that are novel and/or contentious.

We will carefully consider the impact of this requirement and its relevance to transactions involving the Chair of the Board of Trustees and the Accounting Officer and ensure all information is made available for public inspection.

## Appendix 1

### **Annual Declaration of Pecuniary Interest for Shireland Collegiate Academy Trust 2021-2022**

I \_\_\_\_\_, declare, as an Employee/ Governor of the Standards and Performance Committee /Trustee/Member of the Shireland Collegiate Academy Trust\*, that I hold the following pecuniary interest(s) for the period covering September 2021 to August 2022.

**Please remember** it is the responsibility of any Member, Trustee, Governor of the Standards and Performance Committee or employee to declare any interest where it could be perceived that you may be influenced in your decision by the relationship with an individual (including other employees) or a potential supplier.

You should not only consider your position and interest in relation to your family but for any friendships or personal relationships, where you feel it may be perceived by others that your impartiality might be tested. In essence, please declare under “material interest” any interest to ensure you avoid putting yourself in a situation where your loyalties might be divided or could be viewed as such.

The Trust asks that employment, which includes directorships, partnerships, and employment also be declared even if it does not fall within the criterion of ‘relevant’ employment. The Trust is required to declare publicly all relevant material interests in its transparency statement. However, declarations relating to employment, partnerships and directorships that are not materially relevant interests will **not** be published.



If you are in doubt, please make a declaration on this form.

*\*Delete as appropriate.*

**DIRECT INTEREST (If NONE please state NONE)**

PLEASE STATE CLEARLY NAME OF COMPANY/ORGANISATION AND POSITION HELD

Name of Organisation (interest held with)	Position Held by you within Organisation	State the nature of the business	Business relationship with the Trust	Date Interest Started

**INDIRECT INTERESTS (If NONE please state NONE)**

PLEASE STATE CLEARLY NAME OF COMPANY/ORGANISATION AND RELATIONSHIP

Name of Organisation/ Individual interest held with	Relationship with Organisation/ individual	State the nature of the business	Business relationship with the Trust	Date Interest Started

**Relationships/interest with an educational and or charitable Organisation (If NONE please state NONE)**

PLEASE STATE CLEARLY NAME OF COMPANY/ORGANISATION AND RELATIONSHIP

<b>Name of Organisation interest held with</b>	<b>Relationship to Organisation</b>	<b>State the nature of the business</b>	<b>Business relationship with the Trust</b>	<b>Date Interest started</b>

**Material Interests – Family/Personal relationships (If NONE please state NONE)**

Any Relationship arising from close family or friendships between Academy Trust Members, Trustees and or Governors and employees (Definition of family – member of your direct family or someone living within your household or personal relationships)

<b>Name of Relative</b>	<b>Type of Relationship</b>	<b>Position of Relative/Friend within the Trust</b>	<b>Date Interest started</b>

**EMPLOYMENT INTERESTS (If NONE please state NONE)**

PLEASE STATE CLEARLY NAME OF COMPANY/ORGANISATION AND RELATIONSHIP

Name of Organisation/ Individual interest held with	Relationship with Organisation/ individual	State the nature of the business	Business relationship with the Trust (If any)	Date Interest Started

In declaring the above I have read and understand the declaration of interest policy for Shireland Collegiate Academy Trust. In discharging my duties, I will be compliant with the seven principles of public life and understand the importance of these duties.

Signed:

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Location & Position held within Trust:

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Date signed:

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***To be completed/reviewed each September or upon any alterations to circumstances***

## **GUIDANCE NOTES FOR COMPLETION**

The Shireland Collegiate Academy Trust must establish a register of pecuniary interests for all Members, Trustees, members of the Standards and Performance Committee and staff. This register should be open to inspection and easily accessible at all times.

This register must be published on the Trust's website for all members, Trustees and members of the Standards and Performance Committee.

This register must clearly show that any decisions made are arrived at in a true and fair way. It is important for anyone involved in spending public money and or decision-making can demonstrate that they do not benefit personally from decisions.

Trustees, Governors and staff should declare any links they have with organisations, and individuals, which could be seen to connected in any way back to them.

### **Examples of direct interests are:**

- a. You own, totally or in part, a company of organisation which may be used by the Trust to supply goods or services
- b. You have a substantial financial interest in a company or organisation which may be used by the Trust to supply goods or services
- c. A substantial financial interest is defined as a shareholding of more than a nominal Value of £25,000 or more than 1% of the issued shares
- d. You are named officer on the books of the company/organisation

### **Examples of indirect interest are:**

- e. You have a relative/friend who will directly or indirectly (he has an interest has defined above in sections (a) to (d)) works with the Trust and its academies

### **Examples of interest with an educational and or charitable organisation**

- f. Any school or charity where you hold a Member, Trustee or Governor position
- g. Any school or charity where you work and or volunteer
- h. Any school or charity where you have provided formal or informal advice other than as an employee of the Trust

### **Examples of Material Interest are:**

- i. Where you have any type of relationship to anyone working in or for the Collegiate Trust or any partner school working with the Trust
- j. Where the Trust appoints a relative of yours as a Member, Trustee or member of the Standards and Performance Committee
- k. Where the Trust contracts/employs a relative of yours
- l. Where you have a relationship with a contractor or employee where it may be perceived that their impartiality is tested, i.e. long term friendship

**Examples of Employment Interests** Any Directorship, Partnership and Employment

Where a relevant interest is declared, you will take no part in any discussion of a matter involving the interest/nor vote on any question with respect to the matter.

Budget Holders when ascertaining quotes for work, must not place work with any individual or organisation where they have an interest.

This form will to be reviewed on an annual basis each September, but must be updated and amended in year, if an individual's circumstances change. It is your responsibility to ensure any changes to your circumstances in year are notified to the Finance team as soon as possible, who will maintain the overall register for the Trust.

## Appendix 2

### The 7 principles of Public Life

#### **1. Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **2. Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

#### **3. Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **4. Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **5. Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **6. Honesty**

Holders of public office should be truthful.

#### **7. Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.