



DECLARATION OF INTERESTS POLICY

JANUARY 2022

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1. Introduction & General Principles

1.1. Aspire Schools Trust (AST) is a charitable company limited by guarantee and governed by its Articles of Association (AoA). The Trustees of AST are both Company Directors and Charity Trustees.

1.2. Trustees have a legal obligation to act in the best interests of AST, to act in accordance with its governing document, and to avoid situations where there may be a potential conflict of interest. Staff have similar obligations

1.3 It is important to the Trust that steps are taken to:

- ensure that no Member, Trustee, Governor or member of staff are involved in taking a decision or participating in a discussion on any matter where they have a conflict of interest.
- avoid any impression that any Trust personnel has used their position to their personal advantage.

1.4 Each Member, Trustee, Governor or member of staff should ensure that, before they become involved in taking a decision, or participating in a discussion on any matter, there are no conflicts of interests that, in the opinion of a fair-minded and informed observer, would suggest a real possibility of bias.

1.5 In addition to this, where a Member, Trustee, Governor or member of staff comes into possession of confidential information in the course of their role, they must not use or disclose that information in order to benefit themselves or to benefit any other person.

2. Scope

2.1. This policy has been produced to provide a clear policy on the declaration of interests and applies to AST Members, Trustees, Governors and members of staff. These individuals are responsible for their own compliance with these guidelines and with the law - to register in advance interests that are capable of causing conflicts, or which might conflict with their duties.

3. Legal Framework

3.1. This Policy takes its legal framework from the following legislation and statutory guidance:

- Companies Act 2006;
- Conflicts of Interest: A Guide for Charity Trustees;
- The EISA Academies Financial Handbook;
- The Articles of Association of Aspire Schools Trust.

4. What is a Conflict of Interest?

4.1. A conflict of interest is a situation in which your personal interests' conflict with the interests of AST.

4.2. A conflict of duty is where a conflict arises as a result of you owing duties to other organisations under company and/or charity law (for example, being a Trustee at more than one organisation or working in AST whilst sitting on a Board of another multi academy trust).

4.3. A conflict of interest may arise as a result of circumstances affecting a person connected with you. 'Connected persons' can include individuals who are family members and other bodies in which you or your family members have certain interests.

4.4. Trustees, as directors of the company, are subject to a number of statutory duties which are set out in the Companies Act 2006. One of these statutory duties is to avoid actual and potential conflicts of interest. The

duty to avoid conflicts also arises under Charity Law. Members, Governors and staff members have similar duties.

4.5. Importantly, as the duty extends to avoiding potential conflicts, conflicts should be declared in advance; you should not wait until a situation of conflict has actually arisen.

4.6. As a result, Members, Trustees, Governors and staff need to be conscious of conflicts at all times. These individuals should consider whether there is anything, or any connection, which could potentially divert their focus from promoting the success of AST.

4.7. AST will manage potential conflicts of interests by ensuring that:

- There is systematic capturing of Declarations of Interests;
- Conflicted individuals/organisations are removed from the decision-making process. This will include, but is not limited to: the original decision to enter into a contract with the related party; periodic contract performance reviews; and/or contract renegotiation/renewal;
- Competitive procurement procedures are followed in line with AST's procurement policy;
- Decision making is based on a value for money assessment.

5. Declaration and Register of Interests

5.1. Members, Trustees, Governors and members of the schools' Senior Leadership Teams (SLTs), together with Budget Holders in each school, are required to declare their interests in connection with their role in AST.

5.2. A Declaration of Interests Form is distributed annually, listing the types of interest that should be declared (see guidance in Appendix A). This form is aligned with the ESFA Academies Financial Handbook, which requires academy trusts to maintain a Register of Interests which 'must capture relevant business and pecuniary interests of members and trustees of academies within a multi-academy trust and senior employees.'

5.3. The Register of Interests will be published on the AST website and updated at least annually with any new declarations.

5.4. The Register of Interests will be presented annually to Trustees for review.

5.5. The Declaration of Interests form (in Appendix B) should be completed:

- By all new Members, Trustees, Governors and members of the schools' Senior Leadership Teams (SLTs), together with Budget Holders in each school, and taken into consideration prior to appointment;
- By all new employees prior to starting work;
- Annually by all existing Members, Trustees, Governors, members of SLT and Budget Holders in each school;
- When any existing Member, Trustee, Governor, member of SLT or Budget Holder becomes aware of a new interest;
- When any staff member is promoted to a new role.

The form should be signed and returned to the Chief Financial Officer, even if there is nothing to declare

5.6. These details will be held on the individual personnel files and the Central Business Management team will be informed of any business interests.

5.7. When the individual is a Member, Trustee, Governor or a member of SLT, the declaration of interest will also be recorded by the governance team.

5.8. Trustees shall be made aware of any possible conflicts of interest involving prospective Trustees or senior staff members. As a charitable company, only the Trustees may authorise conflicts. When authorising conflicts, Trustees must always consider their own statutory duties by, for example, considering whether authorising the conflict is in the best interests of the Trust.

5.9. Each agenda for Trust Board, Committee and Local Governing Body (LGB) meetings will include an item for declaration of any conflicts of interest or potential conflicts of interest. Any new interests declared in this way will be entered in the Register of Interests.

5.10. If there is any uncertainty about whether an interest gives rise to a conflict, the other members of the Board / Committee or Governing Body have the right to determine by a majority decision (without the interested Trustee, Governor or staff member being present) whether a conflict exists in the circumstances. Any determination regarding the existence of a conflict will be made by a vote of un-conflicted members based on an objective evaluation. In the event of a split vote, independent external moderation will be used where conflicts cannot be resolved.

5.11. Once it has been established that a conflict exists in relation to a particular agenda item, that situation must be managed by:

- The member absenting themselves from any discussions in relation to the matter;
- The member not taking part in any vote on the matter; and not being counted in the quorum in relation to that decision.
- Minutes of the meetings where conflicts are an issue will record: the nature of the conflict and any determination regarding the conflict; the relevant person's non-participation with respect to consideration of the matter; notes of any limitation on the person's ability to act with respect to such matter; details of any alternatives that were discussed; include the names of persons present for discussion and the votes taken regarding the conflict.

6. Related Party Transactions

6.1. The ESFA's Academies Accounts Direction sets out that, for academy trusts, related parties include:

- Parties with control over, or controlled by, the entity (for example parent and subsidiary companies);
- Parties having significant influence over the entity;
- Key management personnel of the entity, including any director, whether executive or otherwise;
- Close family members of any of the above;
- Others subject to control or significant influence by any individual referred to above.

6.2. Such transactions are permitted under Company Law, Charity Law and under the ESFA Academies Financial Handbook, provided that open and transparent procurement procedures have been followed, and any potential conflicts of interest are adequately and appropriately managed.

6.3. All contracts and other agreements with related parties, must be reported to the ESFA in advance of the contract or agreement commencing, using their online form. For contracts or agreements exceeding £20,000 (including cumulative values), the Trust must obtain prior approval from the ESFA. The Central Business team will keep an up-to-date list of business interests to aid this disclosure and all related party transactions must be agreed with the Chief Financial or Accounting Officer before being committed to.

6.4. Any related party transactions and potential conflicts between the interests of AST and the interests of an individual must be:

- Identified;
- Declared;
- Managed in accordance with the Articles;
- Minuted.

7. Disclosure Requirements regarding Related Party Transactions

7.1. Accounting standards require related party transactions to be disclosed in the Trust's financial statements so that users can gain a full understanding of the transactions which have taken place, and any factors that might have influenced them.

7.2. Where related party transactions have occurred, the Academies Accounts Direction stipulates that disclosure must be made and should include:

- the names of the related parties;
- a description of the relationship between the parties
- a description of the transactions
- the amounts involved
- the amounts due to or from related parties at the balance sheet date, and any provisions for doubtful debts or amounts written off.

7.3. The Department for Education (DfE) also requires related party transactions, as defined in the ESFA Academies Financial Handbook, to be 'at cost' only, with no profit allowed.

7.4. Any connected party supplying goods or services to AST **must** complete a Statement of Assurance to confirm that the goods and services are being supplied 'at cost' only.

8. Responsibilities regarding Related Party Transactions

8.1. All Members, Trustees, Governors and employees are responsible for ensuring they complete their Annual Declaration of Interest forms, to capture details of Related Party Transactions.

8.2. For new starters, the Central Business team will be responsible for ensuring the form is completed and any business interests declared to Trustees and/or the governance team as appropriate.

8.3. For Members and Trustees, the Company Secretary is responsible for ensuring annual submission of declarations, as well as updating any new interests declared throughout the year.

8.4. The Central Business team is responsible for ensuring compliance with the related party transaction requirements.

9. Monitoring and Compliance

9.1. The Governance Team shall keep a Register of Interests and shall ensure that the register is updated at least annually.

9.2. The Governance Team will annually issue (online) the Declaration of Interest forms to all Members, Trustees, Governors, Senior Leaders and Budget Holders and will collate a central register of interests. These persons must notify the governance team of any in-year changes which need to be made to their entry in the register of interests when those **changes** occur.

9.3. The Finance Audit & Risk Committee will review the Register of Interests annually. The register will also be placed on AST's website for full transparency.

9.4. Full registers will be kept, both of any conflicts declared and any conflicts actively managed within meetings, and/or benefits which the Trust Board has authorised, including the date such authority expires (if relevant) and any restrictions or limitations on the authority. This will include such benefits as payment for contract of services.

9.5. All transactions with Trustees and persons connected with them shall be reported to the auditors and noted in AST's Annual Accounts as Related Party Transactions in accordance with the Statement of Recommended Practice on charity accounting.

10. Training

10.1. All AST Members, Trustees, Governors, Senior Leaders and Budget Holders must read and understand fully their obligations in uploading the requirements set out in this policy. Familiarisation with this policy should occur as part of induction at AST.

10.2. Where necessary, additional support and training can be provided through the governance team.

11. Policy Review

11.1. This policy will be reviewed by the Finance Audit & Risk Committee every two years.

Appendix A – Guidance on which Interests should be disclosed

In considering whether to disclose an interest, those affected by this policy should ask whether, in the opinion of a fair-minded and informed observer, the interest would suggest a real possibility of bias.

The following questions may be useful:

- Do you have, or have you recently (within the past two years) had, any material business or other financial relationships with a relevant party?
- Do you have, or have you recently had, any other (non-financial) relationships with a relevant party, the existence of which might suggest a real possibility of bias on your part?

In considering whether to disclose an interest, you should also ask whether, in the opinion of a fair-minded and informed observer, the interests of close family members or friends would suggest a real possibility of bias.

Members, Trustees, Governors and staff must regard themselves as having a personal interest in any matter if that matter directly relates to, or impacts on, their interests or any decision they are asked to take that would affect the well-being or financial position of themselves, a relative* or friend.

In relation to:

- any employment or business carried on by such persons
- any organisation in which such persons have a beneficial interest
- any organisation in which such persons hold a position of general management.
- The following list illustrates specific situations where interests should be recorded:
- paid employment, office or profession
- paid employment, office or profession of relatives, other regular significant sources of payment from an organisation or investment which might be considered relevant
- directorships, whether paid or not, of any organisation
- membership of other public bodies (e.g. governing bodies of universities, colleges and schools, and local authorities), trusteeships (e.g. of museums, galleries and similar bodies), and acting as an office holder or trustee for pressure groups, trade unions and voluntary or not-for-profit organisations.
- relevant securities which are not placed in a Blind Trust

In this section

- Relative* means spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of the above
- 'Blind Trust' means an arrangement by which an individual gives a stockbroker or other professional investment manager absolute discretion to manage investments in Relevant Securities and under which the Board Member is not consulted before any dealing takes place, does not instruct the investment manager with regard to any specific securities, and is not informed of changes in specific investments or the state of the portfolio other than in an aggregated form or as required for tax returns.
- 'Relevant Securities' means shares, debt securities, including debentures, bonds and gilts, options, rights or future rights to shares or other securities but does not include units in a Unit Trust or equivalent managed fund.

APPENDIX B – DECLARATION OF INTERESTS FORM

Name of Member/Trustee/Governor/member of staff.....(Please print)

PART ONE – BUSINESS AND PECUNIARY INTERESTS

Aspire Schools Trust’s Register of Interests **must** capture relevant business and pecuniary interests of Members, Trustees, Governors and designated members of staff, including:

- directorships, partnerships and employments with businesses that provide goods or services to the school/trust;
- trusteeships and governorships including at other educational institutions and charities irrespective of whether there is a trading relationship with the school/trust; 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

PLEASE COMPLETE TABLE BELOW.

IF YOU HAVE NO INTERESTS TO DECLARE, PLEASE STRIKE THROUGH THE TABLE AND MOVE TO THE DECLARATIONS ON PAGE 2

PLEASE ENSURE YOU TICK ONE OF THE BOXES AT THE FOOT OF PAGE 2

Name of Business/ Educational Institution/Charity	Nature of Organisation (e.g. school, charity, supplier)	Your Interest	Date Interest Began	Cessation of Interest Date

PART TWO – RELATIONSHIPS BETWEEN SCHOOL STAFF AND MEMBERS OF THE GOVERNING BODY / TRUST BOARD/ MEMBERS BOARD

The register **must** also set out any relevant material interests from ‘close family relationships’ between school staff and the academy trust’s Members, Trustees or Local Governors.

Name of Member/Trustee/Local Governor/member of staff	Your Relationship

PART THREE – ANY OTHER OPTIONAL DECLARATIONS

Recognising that individual circumstances of Members, Trustees, Local Governors and senior employees will differ, Trustees have agreed that there will be the option to record the business and pecuniary interests of relations if you deem this to be of particular relevance or of a sensitive nature. Individuals should also consider any other potential personal actual or perceived interests in accordance with the seven principles of public life and the code of conduct. This should afford protection to individuals and the schools/Trust.

Name of Person with Interest (e.g. self of other persons name)	Relationship to Person (if appropriate)	Interest to be declared	Date Interest Began	Cessation of Interest Date

I certify that I have declared all relevant interests as required above **OR**
 I have no relevant interests to declare

I confirm that I will notify the Chief Financial Officer / Accounting Officer of any changes to the registered interests and I understand that failure to supply the required information will be considered as a breach of the code of conduct for Members, Trustees and governors and reasonable expectations of senior employees of the School/Trust.

Signed

Date