
Champion Education Trust

Conflict of Interests Policy

This policy is in line with the Ethos and Values of
Champion Education Trust

Document Control

This policy has been approved for operation within Champion Education Trust

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|---------------------|-------------------------------|
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| Policy status | Non-Statutory |
| Approved By | Trust Board |
| Owner | NCH |

Champion Education Trust is a charitable, private company, limited by guarantee and registered in England and Wales – company number 11630363.

Registered office address: Champion Education Trust, c/o BCHS with Crosshill, Haslingden Road, Blackburn BB2 3HJ

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Statement of intent

This policy sets out the framework for ensuring that the decisions and decision-making processes at **Champion Education Trust** are, and are seen to be, free from personal bias and do not unfairly favour any individual or company connected with the school.

Members of the board, trust and governing bodies have an obligation to act in the best interests of the school community and in accordance with its Articles of Association, in order to avoid situations where there may be a potential conflict of interest.

Situations may arise where family interests or loyalties conflict with those of the school. Such interests may create problems as they can inhibit free discussions, result in decisions or actions that are not in the interests of the school, and risk the impression that the school has acted improperly.

Champion Education Trust has created this policy in order to:

- Ensure that every member/trustee/governor understands what constitutes a conflict of interest, and that they have a responsibility to identify and declare any conflicts that might arise.
- Record the conflict and the actions taken to ensure that the conflict does not affect the decision-making of the school.

For the purposes of this document:

- a. Members, trustees and governors are referred to as trustees.
- b. Champion Education Trust is referred to as the trust

1. Legal framework

1.1. This policy has due regard to statutory legislation, including but not limited to, the following:

- Companies Act 2006

1.2. This policy also has due regard to guidance, including but not limited to, the following:

- Charity Commission 'Conflicts of Interest: a guide for charity trustees' 2014
- DfE 'Governance handbook' 2017

2. What are conflicts of interest?

2.1. For the purpose of this policy, "conflicts of interest" are any situation where a member of the trust's personal interests or loyalties could, or could be seen to, prevent the individual from making a decision in the best interests of the schools.

3. Identifying conflicts of interest

3.1. It is expected that members of the trust are able to identify any conflicts of interest at an early stage.

3.2. Individual trustees who fail to identify and declare any conflicts of interest, will also fail to comply with their personal legal responsibility to avoid conflicts of interest and act only in the best interest of the schools and its pupils.

3.3. The trust will ensure that any conflicts of interest do not prevent them from making a decision that would be only in the best interests of the school and its pupils.

4. Interests that will be declared

4.1. Trustees will declare the following interests:

- Holding another public office
- Being an employee, director, advisor or partner of another business or organisation
- Pursuing a business opportunity
- Being a member of a club, society or association
- Having a professional or legal obligation to someone else
- Having a beneficial interest in a trust
- Owning or occupying a piece of land
- Owning shares or some other investment or asset
- Having received a gift, hospitality, or other benefit from someone/an organisation
- Owing a debt to someone/an organisation
- Holding or expressing strong political or personal views that may indicate prejudice or predetermination for or against a person or issue
- Being a spouse, partner, relative or close friend of someone who has one of these interests

5. Articles of association

5.1. Any trustee who has, or can have, a direct or indirect personal interest which could conflict with their duties, will declare that interest to the rest of the trust as soon as he/she becomes aware of it.

6. Benefits

- 6.1. Conflicts of interest can arise where there is a potential or measurable financial benefit to a trustee, or to a person connected to a trustee.
- 6.2. Trustees can only benefit from the schools where there is an explicit authority in place in the governing document.
- 6.3. Benefits include any payments or benefits to trustees, or a connected person, apart from their reasonable out-of-pocket expenses.
- 6.4. Benefits also include situations where a trustees could receive property, loans, good or services from the school.
- 6.5. Where there is a proposed sale or lease of land to a trustee, or to a person or company closely connected with a trustee, this will require authorisation from the DfE before it is granted, even if the disposal is at full market value.
- 6.6. The payment of reasonable expenses to a trustee is not a benefit, and therefore, does not create a conflict of interest or require authorisation.

7. Conflicts of loyalty

- 7.1. Conflicts of interest can also arise, even if the individual does not gain any financial benefit, when their decision-making as trustee could be influenced by their other interests.
- 7.2. Trustees will be required to declare any interest which may conflict with their loyalty to:
 - Another organisation, such as their employer.
 - A member of their family.
 - Another connected person or organisation.
 - Another governing body or committee of which they are a member.
 - The individual that appointed them to the governing body/trust.
- 7.3. Trustees will also be required to declare any conflicts of interest where their religious, political or personal views could interfere with their ability to make decisions in the best interest of the school.

8. Declaring interests

- 8.1. The trust will be provided with a standard agenda item at the beginning of each meeting, in order to declare any actual or potential conflicts of interest.
- 8.2. All trustees will be required to declare any interest which has been outlined as an item to be discussed, at the earliest possible opportunity and before any discussion of the item itself.
- 8.3. If a trustee is unsure whether or not they are conflicted, they are required to declare the issue and discuss it with the rest of the trust.
- 8.4. If a trustee is aware of an undeclared conflict of interest affecting another member, they are required to notify the rest of the trust for appropriate action.

- 8.5. All trustees are required to declare any conflicts of interests they have using the [Declaration of Interests Form](#).

9. Removing conflicts of interest

- 9.1. The trust will consider any conflict of interest declared, ensuring that any potential effect on decision-making is eliminated.
- 9.2. The trust will follow any legal or governing document requirements on how a conflict of interest must be handled, but may, in serious cases, decide that removing a conflict of interest itself is the most effective way of preventing it from affecting their decision-making.
- 9.3. Serious conflicts of interest include, but are not limited to, those which:
- Are so acute and extensive that the member is unable to make their decision in the best interest of the school and its pupils.
 - Are present in significant high-risk decisions of the trustees.
 - Mean that effective decision-making is regularly undermined or cannot be managed in accordance with the required or best practice approach.
 - Are associated with an inappropriate governing body/trust benefit.
- 9.4. In order to remove a conflict of interest, the trust will undertake appropriate action, including:
- Not pursuing the course of action.
 - Proceeding with the issue in a different way so that a conflict of interest does not arise.
 - Securing the resignation of the member affected by a conflict of interest.
 - Not making member appointments which would knowingly introduce a conflict of interest.

10. Withdrawing from decision-making

- 10.1. Where there is a proposed financial transaction between a trustee and the school, or any transaction or arrangement involving a trustee's benefit:
- The benefit will be authorised in advance.
 - The trust will ensure that the member is absent from any part of any meeting where the issue is discussed or decided upon.
 - The affected trustee will not be able to vote or be counted in deciding whether a meeting is quorate.
- 10.2. Where there is a conflict of loyalty and the affected trustee does not stand to gain any benefit, the trustee will be required to declare the interest.
- 10.3. The rest of the trust will then decide on what level of participation, if any, is acceptable on the part of the conflicted member.
- 10.4. The trust will decide whether the affected member:

- Can participate in the decision, after having registered and fully declared their interest.
- Can stay in the meetings where the decision is discussed and made, but not participate.
- Must be withdrawn from the decision-making process.

10.5. When deciding which course of action to take, the trust will:

- Always make their decisions only in the best interest of the school and its pupils.
- Always protect the school's reputation and be aware of the impression that their actions and decisions may have on others.
- Always be able to demonstrate that they have made decisions in the best interests of the schools and its pupils, and independently of any competing interest.
- Require the withdrawal of the affected trustee from any decisions where their other interest is relevant to a high-risk or controversial decision, or could significantly affect the trustee's decision-making.
- Allow a trustee to participate where the existence of their other interest poses a low risk to decision-making in the school's interest, or is likely to have only an insignificant bearing on their approach to an issue.
- Be aware that the presence of a conflicted trustee can affect trust between other trustees, could inhibit free discussion, and might influence decision-making in some way.

10.6. The trust may request any information necessary from the affected trustee, in order to help make the decision in the best interests of the schools and its pupils.

11. Records of proceedings

11.1. Following a decision, the trust will keep a written record of the following:

- The nature of the conflict
- Which trustee were affected
- Whether any conflicts of interest were declared in advance
- An outline of the discussion
- Whether anyone withdrew from the discussion
- How the trustees reacted to the decision made

11.2. The trust will also keep a written record of any payments or benefits that have been made, including under what authority these were made and the reasoning for them.

11.3. The trust will not use information obtained at the school for their individual benefit, or that of another organisation, if it has been obtained in confidence or has special value, such as commercial sensitivity.

12. Monitoring conflicts of interest

- 12.1. The trust will carry out continuous monitoring of its activities and members to ensure that any conflicts of interests are identified and mitigated as soon as possible.
- 12.2. Any trustee who fails to declare an interest and is found to be in conflict with their decision-making will be required to explain the reasons for their omission to the rest of the trust.
- 12.3. The trust may decide to terminate the membership of an affected trustee, if they are found to have knowingly and deliberately failed to declare an interest and have brought the schools into disrepute.

13. Policy monitoring and review

- 13.1. Champion Education Trust will review this policy on an annual basis, taking into account any conflicts that have arisen and how they have been responded to, and will communicate all changes to the rest of the trust.
- 13.2. All trustees are required to read and make themselves familiar with this policy upon their appointment.

Appendix A

**Declaration of interests form for
Champion Education Trust
(the Academy Trust)
Company number: 11630363**

Name:

Role:

Important Notes

- *You should read the Academy Trust's conflicts of interests policy before completing this form.*
- *You have a personal responsibility to declare any interest that might reasonably be regarded as potentially giving rise to a conflict.*
- *It is for you to decide which matters to declare but, if in doubt, you should make a declaration. If you would like to discuss the issue, you can contact the Chair or Clerk for confidential guidance.*
- *Please note that the Academy Trust like all academy trusts is required by the Department for Education pursuant to the Academies Financial Handbook to publish on its website relevant business and pecuniary interests of members, trustees, local governors and accounting officers.*

Your personal or business interests

Please disclose any personal or business interests that might potentially give rise to a conflict of interest. This will include:

- any company directorships;
- businesses involved in as a sole trader or a partner;
- businesses involved in as a consultant;
- your employer;
- any public offices that you hold;
- businesses in which (i) you hold more than 50% of shares, or (ii) control more than 50% of the voting rights attached to the shares or (iii) have the right to appoint one or more directors to the board
- any shareholding unless the company is listed on a recognised stock exchange and you hold less than 1% of the issued capital.

| Name of company or firm | Nature of business within the organisation | Relationship or position within organisation | Dates interest started/ended |
|-------------------------|--|--|------------------------------|
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Your interests at other educational institutions or charities

Please disclose any interests that you have at any other educational institutions or charities. This could include being employed by or any involvement in the governance of another charity or educational institution.

| Name of organisation | Nature of the organisation | Relationship with organisation | Dates interest started/ended |
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Interests of persons connected to you

Please disclose the interests of any person connected to you* that might potentially give rise to a conflict of interest. This could include a connected person being employed or having a business relationship with the Academy Trust, or where a connected person could stand to benefit from a decision that you make in within the capacity of your role at the Academy Trust. It could also include a connected person having a personal or business interest that could give rise to a conflict.

A person is connected to you if they are your spouse, partner, child, step child, parent, sibling, grandparent, grandchild, member of the same household or other close family members.

| Name of person connected to you | Nature of their business | Nature of their interest | Dates interest started/ended |
|---------------------------------|--------------------------|--------------------------|------------------------------|
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Gifts or hospitality received or offered in within the capacity of your role at the Academy Trust

| Nature of gift or hospitality | Value | Provider of gift or hospitality | Date received |
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I declare that:

- I have read and understood the Trust’s Conflicts of Interest policy.
- I have declared all interests (both direct and indirect) that might reasonably be regarded as potentially giving rise to a conflict of interest.
- I am not aware of any conflict, other than those already disclosed, between my role and my interests.
- I understand my duty to update this declaration as soon as I am aware of any declarable interests that arise. In any event I agree to update this form at least annually.

Signed:.....

Dated:.....