





# Larwood Academy Trust

**Chair of Trustees: Daniel Login | BA (Hons) |**

LARWOOD DRIVE, STEVENAGE, HERTFORDSHIRE, SG1 5BZ

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**Larwood School**

**Headteacher: Mr Pierre van der Merwe | BA, NPQH |**

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**Brandles School**

**Headteacher: Mr Paul Smith | BA (Hons), PGCE,**

**Dan Login**  
Chair of Trustees

**Pierre van der Merwe**  
Executive Headteacher

# CONFLICT OF INTEREST POLICY

Policy Number: 76  
Review Committee: Finance and Resources  
Type of Policy: Statutory  
Review Period: Annually  
Approved: June 2024  
Next Review: June 2025

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## 1. INTRODUCTION AND AIMS

At Larwood Academy Trust, we want to ensure that the decisions taken by the board of trustees are free from personal bias, and don't unfairly benefit any individual or company connected to the trust.

Trustees 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 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:

- [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 our funding agreement and articles of association.

## 3. SCOPE

This policy applies to:

- Academy trust members
- All members of the board of trustees
- Members of local governing bodies where relevant
- Senior trust employees

## 4. DEFINITIONS

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### 4.1 Conflict of interest

A conflict of interest is any situation in which a trustee has a business or personal interest (including but not limited to any Personal Financial 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's not possible to provide an exhaustive list of what constitutes a conflict of interest, but some examples include where:

- Trustees work for companies that provide, or have the potential to provide, services to the trust.
- A trustee owns their own business, and sometimes does work for the trust.
- A trustee is in a relationship with a member of staff
- A trustee also sits on the governing board of another school or trust
- The class teacher of a parent trustee's child is subject to a disciplinary hearing

### 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 doesn't 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

Explicit authority will come from either:

- Our 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)

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- The Charity Commission
- The court

## **5. ROLES AND RESPONSIBILITIES**

### **5.1 Chair of trustees**

The chair of trustees 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 trustees**

The clerk will:

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

### **5.3 Trustees**

Trustees must declare:

- Directorships, partnerships and employments with businesses
- Trusteeships at other educational institutions or charities
- Membership of professional bodies, membership organisations, public bodies or special interest groups of which they are a member and have a position of general control or management
- Contracts offered for the supply of goods and or/ services to the Trust/school
- Gifts or hospitality offered by external bodies while acting in position as a trustee and whether this was declined or accepted in the last 12 months
- Any other conflict
- Material interests arising from relationships with other members, trustees (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

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If an individual 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. Senior trust employees, and trustees 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.

### 6. WHAT TRUSTEES MUST DELCARE

Trustees 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

If an individual 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.

Senior trust employees, and trustees 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 trustee to complete a declaration of interests form at the beginning of each academic year (see appendix).

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

The trust will publish information about the interests of members, trustees, senior staff members and the accounting officer (where the accounting officer isn't already included due to being a trustee).

Senior trust employees, and trustees who are staff members, aren't 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 the clerk that they need to make amendments or further declarations.

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## **7.2 Declaring conflicts of interest and taking action**

Agendas of meetings will be circulated in advance. Trustees 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 trustees 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 trustee 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 trust 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 (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 or employee
- Securing a resignation from a conflicted trustee

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 trust or could be seen to be unable to do so

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- 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, 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 trustee 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 trustee
- Vote to remove the trustee from office
- Follow any relevant disciplinary procedures

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

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**APPENDIX 1 – DECLARATION OF INTEREST FORMS (MEMBERS)**

**Declaration of pecuniary and personal interest**

**This is a statutory document and must be completed**

**Name:** .....

**Academy:** .....

**Position:** .....

I ....., declare as a:

Academy Trust Member

Academy Director/Trustee

Academy Governor

Member of staff at .....

(please cross out the above statement that is not relevant)

That I hold the following personal and/or pecuniary interest(s):

<b>Pecuniary Interests</b>	<b>Please provide details of the interest (the name of the business, the nature of the business and the nature of the interest)</b>	<b>Date interest started</b>	<b>Date interest ceased</b>
Current employment			
Businesses (of which I am a partner or sole proprietor)			
Company directorships – details of all companies of which I am a director			
Charity trusteeships – details of all companies of which I am a trustee			
Membership of professional bodies, membership organisations, public bodies or special interest groups of which I am a member and have a position of general control or management			
Gifts or hospitality offered to you by external bodies while acting in your position as a governor/trustee and whether this was declined or accepted in the last 12 months			
Contracts offered by you for the supply of goods and/or services to the trust/school			

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## LARWOOD ACADEMY TRUST –CONFLICT OF INTEREST POLICY

Any other conflict			

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

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

Personal interests	Name	Relationship to me	Organisation	Nature of the interest
Immediate family/close connections to other staff member/governor/trustee				
Company directorships or trusteeships of family/close connections to governor/trustee				
Disclosure of all close family members, even if there is no business interest			N/A	N/A

*Close family members still need to be declared here, even if there is not business interest*

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

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

**If you are a governor or trustee of any schools, academies, or other educational institutions, please provide details below:**

**Name of school/academy:** .....

**Position held:** .....

**Date appointed / elected to post:** .....

**Date of termination to post:** .....

To the best of my knowledge the information supplied above is correct and complete. I understand that it is my responsibility to declare any conflict of interest/loyalty, business or personal that relates directly or indirectly, to myself or any relation in any contract, proposed contract or other matter when present at a meeting at the academy where such contract or matter comes under consideration. I understand that I must withdraw from any meeting during the discussion of such contract or matter and must not vote in respect of it.

I agree to review and update this declaration annually and give consent for the information provided to be used in accordance with the trust/school's conflicts of interest policy.

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

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

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**APPENDIX 2 – DECLARATION OF INTEREST FORMS (TRUSTEES)**

**Declaration of pecuniary and personal interest**

**This is a statutory document and must be completed**

**Name:** .....

**Academy:** .....

**Position:** .....

I ....., declare as a:

Academy Trust Member

Academy Director/Trustee

Academy Governor

Member of staff at .....

(please cross out the above statement that is not relevant)

That I hold the following personal and/or pecuniary interest(s):

<b>Pecuniary Interests</b>	<b>Please provide details of the interest (the name of the business, the nature of the business and the nature of the interest)</b>	<b>Date interest started</b>	<b>Date interest ceased</b>
Current employment			
Businesses (of which I am a partner or sole proprietor)			
Company directorships – details of all companies of which I am a director			
Charity trusteeships – details of all companies of which I am a trustee			
Membership of professional bodies, membership organisations, public bodies or special interest groups of which I am a member and have a position of general control or management			
Gifts or hospitality offered to you by external bodies while acting in your position as a governor/trustee and whether this was declined or accepted in the last 12 months			
Contracts offered by you for the supply of goods and/or services to the trust/school			

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## LARWOOD ACADEMY TRUST –CONFLICT OF INTEREST POLICY

Any other conflict			

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

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

Personal interests	Name	Relationship to me	Organisation	Nature of the interest
Immediate family/close connections to other staff member/governor/trustee				
Company directorships or trusteeships of family/close connections to governor/trustee				
Disclosure of all close family members, even if there is no business interest			N/A	N/A

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I agree to review and update this declaration annually and give consent for the information provided to be used in accordance with the trust/school's conflicts of interest policy.

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

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

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**APPENDIX 3 – DECLARATION OF INTEREST FORMS (SLT)**

**Declaration of pecuniary and personal interest**

**This is a statutory document and must be completed**

**Name:** .....

**Academy:** .....

**Position:** .....

I ....., declare as a:

Academy Trust Member

Academy Director/Trustee

Academy Governor

Member of staff at .....

(please cross out the above statement that is not relevant)

That I hold the following personal and/or pecuniary interest(s):

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Any other conflict			

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

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