



# **Business and Pecuniary Interests Policy**

**December 2016**

**Date of Review: December 2015 (reviewed following statutory changes on 28 September 2016)**

**Reviewed by: Trust Company Secretary**

**Date of Board Approval: 15 December 2015**

**Frequency of Review: 3 yearly**

**Review Date: December 2018**



This document consists of:

- Trust Policy on registering pecuniary interests
- The Seven Principles of Public Life (Annex 2)
- Template for registering individual's business interests, for completion for each relevant individual (Annex 1)

## 1. Background

- 1.1 In line with the mandatory guidance in the EFA Academies Financial Handbook 2016, it is the Trust's policy to establish and maintain a register of pecuniary interests for all members<sup>1</sup>, trustees, governors, staff in the core Trust (including committee clerks) and senior staff in each academy (defined for these purposes as the principal and their direct line management reports) indicating any business interests, including:
- directorships, partnerships and employments with businesses;
  - trusteeships and governorships at other educational institutions and charities;
  - for each interest: the name of the business; the nature of the business; the nature of the interest; and the date the interest began.
- 1.2 The register must also identify any 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.. Close family relationships is defined in 1.6 below.
- 1.3 The trust should consider carefully whether any other interests should be registered. Boards of Trustees should keep their register of interests up-to-date through regular review.
- 1.4 The trust **must** publish on its websites relevant business and pecuniary interests of members, trustees, local governors and accounting officers. Trusts have discretion over the publication of the interests of any other individual named on the register.
- 1.5 To avoid repetition within this document, the phrase 'Relevant Individuals' is used to include all members, trustees, governors, staff in the core Trust (including committee clerks) and senior staff in each academy (defined for these purposes as the Principal and their direct line management reports).

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<sup>1</sup> Note: members of an academy trust are the subscribers to its memorandum of association, and any other individuals permitted under its articles of association.



- 1.6 The register will enable Relevant Individuals to demonstrate that in spending public money they do not benefit personally from the decisions that they make.
- 1.7 The maintenance of the register does not remove the requirement upon any individual to disclose orally any interest at any specific meeting and, if appropriate, to leave the meeting for that agenda item.
- 1.8 Pecuniary interest includes, if appropriate, the company by whom they are employed, directorships, significant shareholdings or other appointments of influence within a business or other organisation which may have dealings with the Trust or its academies (see 1.1 above). They should include their own interest and those from close family relationships between the academy trust's members or trustees, and relationships between members or trustees and employees. Close family relationships is defined as:
- any member or trustee of the academy trust;
  - any individual or organisation connected to a member or trustee of the academy trust. For these purposes the following persons are connected to a member, or trustee:
    - a relative of the Relevant Individual. A relative is defined as: a close member of the family, or member of the same household, who may be expected to influence, or be influenced by, the person. This includes, but may not be limited to, a child, parent, spouse or civil partner;
    - an individual or organisation carrying on business in partnership with the Relevant Individual or a relative of the Relevant Individual;
    - a company in which a Relevant Individual or the relative of a Relevant Individual (taken separately or together), holds more than 20% of the share capital or is entitled to exercise more than 20% of the voting power at any general meeting of that company;
    - an organisation which is controlled by a Relevant Individual or the relative of a Relevant Individual (acting separately or together). For these purposes an organisation is controlled by an individual or organisation if that individual or organisation is able to secure that the affairs of the body are conducted in accordance with the individual's or organisation's wishes;
  - any individual or organisation that is given the right under the trust's articles of association to appoint a member or trustee of the academy trust; or any body related to such individual or organisation;
  - any individual or organisation recognised by the Secretary of State as a



sponsor of the academy trust; or any body related to such individual or organisation.

- 1.9 The seven principles of public life apply to anyone who works as a public office-holder. This includes people who are elected or appointed to public office, nationally and locally, including all people appointed to work in education. They were first set out by Lord Nolan in 1995 and they are included in the [Ministerial code](#). All Relevant Individuals are expected to be aware of and accept the seven principles of public life (see **Annex 1**).

## **2. Maintaining the Register**

- 2.1 The format of the register is set out in **Annex 2** to this policy. Separate pages will be maintained for each Relevant Individual (including multiple sheets for individuals where necessary) and signed by them to confirm the accuracy of the information.
- 2.2 The register will be held in the Trust's Finance Director's office, committee clerks and/or academy Business Managers will take lead responsibility for ensuring all Relevant Individuals are identified and the interests registered.
- 2.3 It is the individual's responsibility to notify the Finance Director and clerk of any relevant changes in their circumstances. Additionally all individuals will be required to confirm the accuracy of the register entry annually.

## **3. Declaration of Interests at Meetings**

- 3.1 Relevant Individuals who are present at a meeting and have an interest, direct or indirect, in any matter under discussion shall make a declaration of interest as soon as possible after the start of the meeting. She/he must then withdraw from the meeting (ie leave the room) whilst the item in question is discussed, and shall not vote on the issue.
- 3.2 A person is considered to have an interest if her/his relative ('relative' is a close member of the family, or member of the same household, who may be expected to influence, or be influenced by, the person. This includes, but is not limited to, a child, parent, spouse or civil partner) or personal associate would have an interest in a matter under discussion.
- 3.3 There may be a conflict of interest even where no pecuniary interest or advantage exists or accrues. This covers areas where relationships might be seen to influence judgments and convey the impression of personal motive.
- 3.4 A person paid to work at the school is not considered to have a pecuniary interest



if her/his interest in a matter under discussion is no greater than the general interest of other persons paid to work at the school.

- 3.5 The onus is on the individual to declare an interest. If there is any doubt on this issue, the individual should be advised to declare the possibility of a conflict of interest and to withdraw when the item comes up. If there is doubt over whether a governor should withdraw or not, the final decision rests with the governing body.
- 3.6 Although the occasions when it is necessary to declare an interest may be infrequent, it is nevertheless prudent to be constantly aware at meetings of the possibility of pecuniary interest.



## **ANNEX 1: The Seven 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.



**ANNEX 2: The Futures Trust – Declaration of Business and Pecuniary Interests for Members, Trustees, Governors and senior staff. To include Governorships (or equivalent) at other Educational Institutions and relationships with Trust employees.**

Name \_\_\_\_\_ Role \_\_\_\_\_

Date of Appointment \_\_\_\_\_ Date of Resignation/Retirement \_\_\_\_\_

**Individuals are reminded that completion of this form does not remove the requirement upon them to disclose orally any interest at any specific meeting and to leave the meeting for that agenda item.**

Name of organisation / individual	Nature of business	Nature of interest	Date interest began	Signature	Date of signature	Date interest ceased	Signature	Date of signature	Notes

Signature \_\_\_\_\_

Date \_\_\_\_\_

**Notes:**



**(1) Use the notes column to indicate relationships.**

**(2) One page for each Governor or more if required.**

**(3) Make all entries in ink.** Record of Reviews (Director of Finance, or delegate, to distribute amendment and signature annually).

Date									
Initials									