



## **BPET Conflict of Interests Policy**

Signed:	
Chair of Trust Board:	Claire Delaney
Approved:	1 September 2018
Renewal:	Annually
Review Date:	1 September 2019

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## 1.0 Bellevue Place Education Trust – Our commitment

### *Learn. Enjoy. Succeed.*

Three words that mean the world to us.

Three words that have been with us from the day we started Bellevue Place Education Trust.

Three words that govern all that we do.

As a parent you can expect excellence, both in how we teach and nurture your child. We foster a positive attitude to life, encouraging a 'be interested and be interesting' attitude by providing a rich learning environment full of arts, drama, sport, music and academic rigour.

Bellevue Place children are happy, confident, successful 'all rounders' who expect to win and achieve in an inclusive setting where children, parents and school staff work together to provide the best. Our commitment to you and your child is that we will teach them to learn, enjoy and succeed both in their school career and beyond.

## 2.0 Important

There is no right or wrong approach to handling potential conflicts of interest. Ultimately, the issue is about the application of common sense. The key principles for an effective policy are as follows:

- Defining a conflict of interest in relation to the BPET Board, Senior Employee or Local Adviser Board: Would there have to be some personal financial interest for a Trustee, senior employee or Local Adviser for a conflict of interest to be considered, or would historical connection to the beneficiary of a decision be sufficient to trigger the procedures?
- Consider the future likelihood of such conflicts: Is the conflict of interest likely to be exceptional in which case the person's membership of the BPET Board or Local Advisory Board is unproblematic?
- Declaring an interest: A signed annual declaration of interest needs to be completed and updated should circumstances change. Declarations of interest need to be made before each meeting at which an item being discussed may result in a conflict arising.
- Agree the method of addressing the conflict: The BPET Board and Local Advisory Board needs to consider whether the person in question should absent themselves completely from all consideration of the matter, or they may participate in the discussion but not the decision.

This policy applies to members, trustees, local advisers, volunteers and any staff employed by Bellevue Place Education Trust.

## 3.0 Why have a policy?

Trustees, local advisers and staff have an obligation to act in the best interests of the Bellevue Place Education Trust (the Trust), and their Local Advisory Board (where applicable) in accordance with Trust's policies and governing document. Conflicts of interests may arise where an individual's business, personal or family interests and/or loyalties conflict with those of the Trust or school.

Such conflicts may create problems; they can:

- Inhibit free discussion;
- Result in decisions or actions that are not in the interests of the Trust;

- impedes or remove independent challenge in executive functions;
- Risk the impression that the BPET Board or Local Advisory Board has acted improperly; and
- act against the high expectations from pupil's education in terms of the best use of publicly funded resources.

The aim of this policy is to protect both the organisation and the individuals involved from any appearance of impropriety.

#### **4.0 The Declaration of Interests**

Accordingly, all members, trustees and local advisers and senior employees of Bellevue Place Education Trust (BPET) must declare their interests, and any gifts or hospitality received in connection with their role with the Trust. A declaration of interest form is provided for this purpose, listing the types of interest you should declare. All interests must be notified to the Company Secretary of the Trust or Clerk of the Local Advisory Board and published on the Trust or school website.

To be effective, the declaration of interests will be updated and published annually in September, and more frequently should any change occur.

If you are not sure what to declare, or whether/when your declaration needs to be updated, please err on the side of caution. If you would like to discuss this issue, please contact the Company Secretary or Clerk to the Advisers for confidential guidance. All interests will be maintained by Company Secretary for BPET Board and senior employees and the Clerk of each school for their Local Advisory Board. The BPET Board and senior employee will be published on the BPET website and held at the correspondence office address and at the individual schools for a Local Advisory Body and published on each school website.

#### **5.0 Data Protection**

The information provided will be processed in accordance with data protection principles as set out in the Data Protection Act 2018. Data will be processed only to ensure that trustees, local advisers and all staff act in the best interests of Trust. The information provided will not be used for any other purpose.

#### **6.0 What to do if you face a conflict of interest**

If you have a direct or indirect interest in:

- a) a proposed transaction with the Company; or
- b) any transaction or arrangement entered into by the Company which has not previously been disclosed;

you must disclose the nature and extent of that interest, whether or not you receive any actual benefit as a consequence of the interest. You may have an indirect interest in a matter if a family member or friend has an interest in the matter.

As good practice, every trustee, local adviser and senior employee should declare any private interest which he or she has in an item to be discussed at the beginning of every meeting, and certainly before any discussion of the item itself.

You should not be involved in decisions in which it is possible that a conflict will arise. You should declare your interest at the earliest opportunity and withdraw from any subsequent discussion.

If you fail to declare an interest that is known to the Company Secretary and / or the Chair of Trustees or Chair of the Local Advisory Board; the Company Secretary or Chair will declare that interest.

### **7.0 Decisions taken where a board member or senior member of staff has an interest**

In the event of the BPET Board or Local Advisory Board having to decide upon a question in which a trustee, local advisor, or senior employee has an interest, all decisions will be made by vote, with a simple majority required. A quorum must be present for the discussion and decision; interested parties will not be counted when deciding whether the meeting is quorate.

Interested trustees, local advisers and senior employees may not vote on matters affecting their own interests and they must then leave the room and not participate further in the discussion.

All decisions reported as a conflict of interest will be recorded by the clerk of the meeting and reported in the minutes of the meeting. The report will record:

- The nature and extent of the conflict;
- An outline of the discussion;
- The actions taken to manage the conflict.

A de minimis exemption applies to contracts less than £1,000 in value, although the BPET Board and Chief Executive reserves the right to undertake random checks against the register of interest on the award of contracts below this value. If the cumulative value of a series of small contracts exceeds £1,000, the BPET Board or Chief Executive will operate the policy used for individual contracts over that sum.

The de minimis exemption does not apply to contracts of employment with the Trust.

Independent external moderation will be used where conflicts cannot be resolved through an independent arbitration service.

Where a trustee, local adviser or senior employee benefits from the decision, this will be reported in the annual report and accounts in accordance with the current Charities SORP unless otherwise recognised in this Conflicts of Interest policy.

### **8.0 Trading with 'related or connected' parties**

Related or connected parties advice is directed at trustees of the BPET Board, for guidance when declaring an interest.

The EFA Financial Handbook, S.3.2 provides guidance on 'related or connected party transactions'. This part of the handbook deals with goods or services provided by individuals or organisations connected to the Trust and its definitions are quoted below.

Where a company is identified as a 'related or connected party', the Trust must pay no more than 'cost' for goods or services provided to it. In addition, BPET must obtain ESFA's approval for transactions with related parties that are novel, contentious and/or repercussive or where the contract value exceeding £20,000.

The following persons are included in the definition of a 'related or connected party' ('services' do not include services provided under a contract of employment):

- 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 member or trustee. A relative is defined as: a close member of the family. This includes, but is not limited to, a child, parent, spouse or civil partner;
  - an individual or organisation carrying on business in partnership with the member, trustee or a relative of the member or trustee;
  - a company in which a member or the relative of a member (taken separately or together), and / or a trustee or the relative of a trustee (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 member or the relative of a member (acting separately or together), and / or a trustee or the relative of a trustee (acting separately or together).
- 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.

A body is related to another individual or organisation if it: is controlled by the individual or organisation; or controls the organisation; or is under common control with the individual or organisation. For these purposes control means:

- holding more than 20% of the share capital (or equivalent interest); or
- having the equivalent right to control management decisions of the body; or
- having the right to appoint or remove a majority of the BPET Board.

Where a member of the Company's staff is related or connected to a party involved in the supply of a service or product to the Company, this information will also be fully disclosed in the annual report and accounts again unless otherwise recognised in this Conflicts of Interest policy.

Independent external moderation will be used where conflicts cannot be resolved through the usual procedures.

## **9.0 Managing Contracts**

If you have a conflict of interest, you must not be involved in managing or monitoring a contract in which you have an interest. Monitoring arrangements for such contracts will include provisions for an independent challenge of bills and invoices, and termination of the contract if the relationship is unsatisfactory.

## **10.0 Approval by the Bellevue Place Education Trust Board**

This policy has been formally approved and adopted by the BPET Board.

## Declaration of Pecuniary and Personal Interest Form

**Name:** \_\_\_\_\_

**School/Trust:** \_\_\_\_\_

**Position:** \_\_\_\_\_

I declare as a Trustee/Local Adviser/Senior Employee of \_\_\_\_\_ that I hold the following personal and/or pecuniary interest(s):

Pecuniary interests	Please provide details of the interest
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 local adviser/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	
Any other conflict	

Personal interests	Name	Relationship to me	Organisation	Nature of the interest
Immediate family/close connections to local adviser/trustee				
Company directorships or trusteeships of family/close connections to local adviser/trustee				

**If you are an adviser, governor or trustee of any other schools and/or academies, 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 school 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 Bellevue Place Education Trust's Conflicts of Interest Policy.

**Signed:** \_\_\_\_\_

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

## Trustee - Automatic Disqualification Declaration

From 1 August 2018 individuals will be automatically disqualified from acting as a trustee of a charity if:

- one or more of the reasons in Annex A apply; and
- they have not obtained a waiver of that disqualification from the Charity Commission.

### Completing the declaration

Read the automatic disqualification [guidance](#)<sup>1</sup> to decide if you will be disqualified from 1 August 2018

Complete and sign this declaration to confirm that you will not be disqualified.

If one of the disqualification reasons does apply, you may be able to [apply for a waiver from the Charity Commission](#)<sup>2</sup> which will allow you to take up or continue to act as a trustee.

Pass a copy of the completed declaration to the trustees for the charity's records (the declaration should not be sent to the Charity Commission).

### Declaration

I declare that:

- I am not disqualified from acting as a trustee from 1 August 2018; and
- I will inform the trustees promptly if, after the date of this declaration, one or more of the disqualification reasons applies to me.

Full Name:

Signature:

Date:

Charity Name and Number: **Bellevue Place Education Trust - 07956784**

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<sup>1</sup> <https://www.gov.uk/guidance/automatic-disqualification-rules-for-charity-trustees-and-charity-senior-positions>

<sup>2</sup> <https://www.gov.uk/guidance/automatic-disqualification-rules-for-charity-trustees-and-charity-senior-positions#apply-waiver>

## Annex A – Disqualification Reasons

After 1 August 2018, you will be automatically disqualified from acting as a trustee if:

1. You have an **unspent** conviction for any of the following
  - a) an offence involving **deception or dishonesty**
  - b) a **terrorism** offence
    - a. to which Part 4 of the Counter-Terrorism Act 2008 applies
    - b. under sections 13 or 19 of the Terrorism Act 2000
  - c) a **money laundering** offence within the meaning of section 415 of the Proceeds of Crime Act 2002
  - d) a **bribery** offence under sections 1, 2, 6 or 7 of the Bribery Act 2010
  - e) an offence of **contravening a Commission Order or Direction** under section 77 of the Charities Act 2011
  - f) an offence of **misconduct in public office, perjury or perverting the course of justice** yes/no
  - g) In relation to the above offences, an offence of: attempt, conspiracy, or incitement to commit the offence; aiding, or abetting, counselling or procuring the commission of the offence; or, under Part 2 of the Serious Crime Act 2007(encouraging or assisting) in relation to the offence
2. You are **on the sex offenders register** (i.e. subject to notification requirements of Part 2 of the Sexual Offences Act 2003)
3. You have an unspent sanction for **contempt of court** for making, or causing to be made, a false statement or for making, or causing to be made, a false statement in a document verified by a statement of truth
4. You have been found guilty of **disobedience to an order or direction of the Commission** under section 336(1) of the Charities Act 2011.
5. You are a **designated person** for the purposes of Part 1 of the Terrorist Asset-Freezing etc. Act 2010, or the Al Qaida (Asset Freezing) Regulations 2011.
6. You have **previously been removed as an officer, agent or employee of a charity** by the Charity Commission, the Scottish charity regulator, or the High Court due to misconduct or mismanagement
7. You have **previously been removed as a trustee** of a charity by the Charity Commission, the Scottish charity regulator, or the High Court due to misconduct or mismanagement
8. You have been **removed from management or control of anybody** under section s34(5)(e) of the Charities and Trustee Investment (**Scotland**) Act 2005 (or earlier legislation)
9. You are **disqualified from being a company director**, or have given a disqualification undertaking, and leave has not been granted (as described in section 180 of the Charities Act) for you to act as director of the charity
10. You are **currently declared bankrupt** (or subject to bankruptcy restrictions or an interim order)
11. You **have an individual voluntary arrangement (IVA)** to pay off debts with creditors
12. You are **subject to** a moratorium period under a **debt relief order**, or a debt relief restrictions order, or an interim order
13. You are subject to an order made under s.429(2) of the Insolvency Act 1986. (**Failure to pay under a County Court Administration Order.**)