

# Pope Francis Multi Academy Trust

## CONFLICTS OF INTEREST POLICY

<b>Presented &amp; Approved by Trust Board</b>	<b>Thursday 11<sup>th</sup> March 2021</b>
<b>Signed by Chair of Trust Board</b>	
<b>Name of Chair of Trust Board</b>	<b>Fr Michael Fitzsimons</b>
<b>Date</b>	<b>Thursday 11<sup>th</sup> March 2021</b>
<b>Version</b>	<b>1</b>
<b>Date of Review</b>	<b>March 2023</b>

## **Why the Trust has a policy**

Trustees of a charity have a legal obligation to act in the best interests of the charity.

For the purposes of charity law, the trustees are those people who are responsible for the general control and management of the administration of the charity.

The Pope Francis Academy Trust (the “Trust”) is an “exempt” charity, the Principal Regulator being the Secretary of State for Education.

The trustees of the Trust are the directors and the charity's governing document, the Articles of Association, explains what the trustees must do to avoid situations where there may be a potential conflict of interest.

Conflicts of interests may arise where an individual's personal or family interests and/or loyalties conflict with those of the Trust.

Such conflicts may create problems; they can:

- inhibit free discussion;
- result in decisions or actions that are not in the interests of the Trust; and
- risk the impression that the Trust has acted improperly.

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

This policy operates without prejudice to any of the provisions in the Trust's Articles of Association relating to conflicts of interest.

## **The Declaration of Interests**

Trustees, governors of any local governing body of any academy and all staff are asked to declare their interests, and any gifts or hospitality received in connection with their role in the Trust.

A declaration of interests form is provided for this purpose, listing the types of interest that should be declared.

All interests, including gifts of a value over £50, must be notified to the Company Secretary and a Register of Interests will be maintained by the Trust.

To be effective, the declaration of interests needs to be updated at least annually and also when any changes occur.

If an individual is not sure what to declare, or whether/when a declaration needs to be updated, it is important to err on the side of caution.

If any person would like to discuss this issue, they should contact the Company Secretary for confidential guidance.

## **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, governors and all staff act in the best interests of the Trust. The information provided will not be used for any other purpose.

### **What to do if there is a Conflict of Interest**

If a person has a direct or indirect interest in:

1. a proposed transaction with the Trust; or
2. any transaction or arrangement entered into by the Trust which has not previously been disclosed;

they must disclose the nature and extent of that interest, whether or not they receive any actual benefit as a consequence of the interest.

An individual 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 and governor 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.

They then should not be involved in decisions in which it is possible that a conflict will arise.

They should declare the interest at the earliest opportunity and withdraw from any subsequent discussion.

If there is a failure to declare an interest that is known to the Company Secretary, the Clerk, the Chair of the Trust or the Chair of the LGB, the Company Secretary, Clerk, or Chair will declare that interest.

### **Decisions taken where a trustee / governor or staff member has an Interest**

In the event of the trustees having to decide upon a question in which a trustee, governor or member of staff has an interest because of a duty or loyalty (however indirect) that they owe to another organisation, they will do so by vote, with a simple majority required.

The conflicted individual should not attend any part of a meeting where applicable.

An individual will generally not have a conflict of interest or loyalty simply by virtue of the fact that he or she has been appointed or nominated to the board of trustees or to the local governing body by a third party and the Trust has dealings with that third party, but if any undue influence is exerted by that third party or the individual has an interest in the matter for a reason other than mere appointment or nomination, then the circumstances will need to be reconsidered.

All decisions made where there has been a declared conflict of interest will be recorded by the Clerk 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.

Where a trustee benefits from the decision, this will be reported in the annual report and accounts in accordance with the current Charities Statement Of Recommended Practice, making reference also to any potential conflict situation recognised in this Conflicts of Interest policy.

All payments or benefits in kind to trustees will be reported in the Trust's accounts and annual report, with amounts for each trustee listed for the year in question.

Where a member of the Trust's staff is connected to a party involved in the supply of a service or product to the Trust, this information will also be fully disclosed in the annual report and accounts again making reference also to any potential conflict situation recognised in this Conflicts of Interest policy.

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

### **Managing Contracts**

If an individual has a conflict of interest, they must not be involved in managing or monitoring a contract or transaction in which they 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.

### **Notified Conflicts of Interest**

Without prejudice to any of the obligations on individuals as expressed in this policy, the trustees have identified the following as matters where relevant individuals will have an interest in the matter and such interest has not been expressly authorised in the Articles of Association but is considered to be a matter which is in the best interest of the Trust and is authorised provided the principles of this policy are observed (particularly in relation to discussions, decisions and management of the matter where there is a genuine conflict):

- The mutual commitment and support provided to and received from the Schools' Commission of Liverpool Archdiocese, including but in no way limited to, the use of land and buildings owned by the Liverpool Archdiocese, by the Trust.
- The mutual commitment and support provided to and received from the Salesians of Don Bosco, including but in no way limited to, the use of land and buildings owned by the Salesians of Don Bosco, by the Trust.