



Policy for Conflict of Interest 2018/19

This policy is reviewed annually to ensure compliance with current regulations

Approved/reviewed by	
Gail Elms – Chair of Governors	
Date of next review	March 2020

CONFLICTS OF INTEREST POLICY

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 to any effective policy are as follows:

- **Define a conflict of interest in relation to your organisation:** Would there have to be some personal financial interest for a board member/employee 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 decision-making body is unproblematic, or would it be so frequent that it might be best to consider alternative membership of the council.
- **Agree the method of declaring an interest:** This may be a written declaration completed annually. Alternatively, it may be a declaration at or before the meeting at which the decision in question will be considered.
- **Agree the method of addressing the conflict:** Again, there are numerous ways of addressing a conflict of interest. The person in question might absent themselves completely from all consideration, or they may participate in the discussion but not the decision.

This policy applies to all stakeholders of Werneth School

Why have a policy?

Board Members have an obligation to act in the best interests of the governing body, and in accordance with the governing body's governing document. Staff and volunteers have similar obligations. Conflicts of interests may arise where an individual's personal or family interests and/or loyalties conflict with those of the governing body.

Such conflicts may create problems; they can:

- Inhibit free discussion;

- Result in decisions or actions that are not in the interests of the governing body; and
- Risk the impression that the governing body has acted improperly.

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

The declaration of interests

Accordingly, we are asking all staff to declare their interests, and any gifts or hospitality received in connection with their role at school. A declaration of interests form is provided for this purpose, listing the types of interest you should declare.

To be effective, the declaration of interests needs to be updated at least annually, and also when any changes 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 business manager for confidential guidance. Interests will be recorded on the governing body's register of interests, which will be maintained by the business manager. The register will be accessible by level of access, noting any statutory requirements applicable.

Data Protection

The information provided will be processed in accordance with data protection principles as set out in the Data Protection Act 1998. Data will be processed only to ensure that the school act in the best interests of the students. The information provided will not be used for any other purpose.

What to do if you face a conflict of interest

If you are a user of services, or the carer of someone who the services, you should not be involved in decisions that directly affect the service that you, or the person you care for, receive(s). You should declare your interest at the earliest opportunity and withdraw from any subsequent discussion. The same applies if you face a conflict for any other reason. You may, however, participate in discussions from which you may indirectly benefit, for example where the benefits are universal to all users, or where your benefit is minimal.

If you fail to declare an interest that is known to the school, the Head teacher will declare that interest.

Decisions taken where a board member or member of staff has an interest

In the event of the board having to decide upon a question in which a Board Member or member of staff has an interest, all decisions will be made by vote, with a 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 board members may not vote on matters affecting their own interests. They may participate in the discussion but not the decision-making process.

All decisions under a conflict of interest will be recorded by [the governing body secretary 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 £100 in value. Random checks against the register of interest will be made on the award of contracts below this value. If the cumulative value of a series of small contracts exceeds £100 the Board Member will operate the policy used for individual contracts over that sum.

The *de minimis* exemption does not apply to contracts of employment with the governing body.

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

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.