

<b>POLICY:</b> CONFLICTS OF INTEREST	REF: GOV014	VERSION: 5
APPROVAL BODY: ALET Board	DATE: 06.02.25	REVIEW DATE: 06.02.26
LEAD PERSON: Head of Governance and Compliance		
<b>VERSION</b>	<b>REVIEWER/APPROVAL</b>	<b>REVIEW NOTES</b>
1. 11 July 2016	ALET Board	New Policy
2. 11 March 2019	Policy Committee	Reviewed
3. 13.10.2022	ALET Board	Policy Extension Review
4. 25.05.23	Head of G&C/ALET Board	Full Review
5. 06.02.25	Head of G&C/ALET Board	Full Review

## CONFLICTS OF INTEREST POLICY

Our mission is to 'transform lives through learning' by igniting confidence, expanding opportunities, energising the community, and generating prosperity. Through our [learning philosophy](#) and core values of empowerment, enterprise, connectedness and transformation, we will provide our students and staff with a safe and supportive environment in which to thrive and become independent learners.

### Contents

1. Introduction and aims
2. Legislation and guidance
3. Scope
4. Definitions
5. Roles and responsibilities
6. What must be declared
7. Procedures
8. Failure to declare a conflict of interest
9. Links with other policies
10. Review

## 1. Introduction and aims

At ALET, we want to ensure that the decisions taken by the board of Trustees and local governing committees are free from personal bias, and don't unfairly benefit any individual or company connected to the trust.

Trustees and local governors 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 potentially 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.

At Activate Learning Education Trust (ALET), we want to ensure that the decisions taken by members of staff and by the ALET board of Trustees are free from personal bias and don't unfairly benefit any individual or company connected to the Trust.

Trustees and local governors in our trust must act in the best interests of the trust, and in accordance with the trust's articles of association, to avoid situations where there may be a conflict of interest.

This policy aims to ensure that everyone to whom the policy applies (see section 3):

- Understands what a conflict of interest is
- Understands their responsibility to identify and declare any conflicts of interest
- Understands what actions will be taken if a conflict of interest is identified

At ALET we will ensure that:

- Every potential 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 they arise

This policy does not form part of any employees' contract of employment. It may be amended at any time.

## 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 [academy trust governance guide](#)
- [Model articles of association](#) for academy trusts

This policy complies with our funding agreement and articles of association.

### 3. Scope

This policy applies to:

- All members of the school staff
- Volunteers working across the Trust
- Academy trust members
- All members of the board of trustees
- Members of local governing committees (LGC's)
- Senior trust employees – the ALET Executive Team, CEO CedO, CFO and Directors of School Improvement.

For the purposes of this policy, we refer to all of the above as “staff”, except where we make reference to some specific roles.

### 4. Definitions

#### 4.1 Conflict of interest

A conflict of interest is any situation in which a member of staff has a business or personal interest or loyalty which could, or could be perceived to, prevent them from making a decision only in the best interests of the trust. Conflicts of interest can be actual, potential or perceived. They may be financial, professional, personal or indirect.

It's not possible to provide an exhaustive list of what constitutes a conflict of interest, but some examples include where:

- A member of staff is related to a child within the school
- A member of staff has a connection of friendship with families within the school
- A member of staff currently has or has had a sexual or intimate personal relationship with another member of staff.
- A member of staff undertakes paid or voluntary work outside of their position at the Trust that involves students from the Trust.
- A member of staff is involved in invigilating examinations or assessing/submitting coursework for a student who is know to them outside of school.
- A governor works for a company that provides or has the potential to provide services to the Trust or a school within the Trust.
- A governor owns their own business and sometimes does work for the trust or a school within the Trust.
- A governor is in a relationship with a member of staff.
- A governor also sits on the governing board of another school or trust.
- The class teacher of a parent governor's child is subject to a disciplinary hearing.

Employees are expected to conduct themselves in a professional, sensitive and confidential manner.

#### Article 97 of the ALET Articles of Association

Any Trustee/Governor who has or can have ay direct or indirect duty or personal interest (including but not limited to any Personal Financial Interest(employment/remuneration)) which conflicts or may conflict with his duties as a Trustee/Governor shall disclose that fact to the Trustees/Governors as soon as he becomes aware of it. A Trustee must absent himself from any discussions of the Trustees in which it is possible that a conflict will arise between his duty to act solely in the interests of the Academy Trust and andy duty or personal interest (including but not limited to any Personal Financial Interest).

#### 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)
- The Charity Commission
- The court

## **5. Roles and responsibilities**

### **5.1 Chair of the board 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 Head of Governance**

The Head of Governance clerk will:

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

### **5.3 All governors**

All governors will:

- Declare their conflicts of interest before or during meetings and complete the register of interests faithfully.
- Make sure they inform the Chair and Head of governance/Local Governance support immediately of any changes to their circumstances.
- Take appropriate action to remove any conflict of interest or seek advice on how to do so if necessary.

### **5.4 Line Managers**

All line managers will:

- Communicate the conflict-of-interest policy to all individuals within their areas of responsibility.
- Review procedures annually to ensure that they anticipate and manage potential and actual conflicts of interest.
- Ensure that all new staff receive conflict of interest information at induction.

## 5.5 Members of staff

All members of staff will:

- Ensure they are familiar with the conflict-of-interest policy
- Read and understand the conflict-of-interest policy annually
- Disclose any activity or relationship that may give rise to a potential conflict of interest.

## 6. What must be declared

### 6.1 What governors must declare

Governors 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 ALET or one of its schools 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 governors/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.

### 6.2 What school staff should declare

School staff should declare:

- Any friendship or family relationship where there is a potential conflict of interest, for example a relationship between staff members, involvement in recruitment involving friends or family members etc.
- Any current business interest in a company that could stand to gain from their position as a member of the school staff
- Any relevant pecuniary interest in any contract the school holds or proposes to enter into
- Business interests of their spouses, partners and close relatives, where there is a possibility that the school will have dealings with that person
- Governance roles in other educational institutions
- Any friendship or family relationship where there is potential for a conflict of interest. Staff must be aware of potential conflicts of interest when recruiting.

### 6.3 Conflicts of interest related to examinations

ALET and the schools within the Trust will manage any conflicts of interest related to examinations by informing the relevant awarding bodies about any members of staff who are teaching and preparing members of their family (which includes stepfamily, foster family and similar close relationships) or close friends and their immediate family (e.g. son/daughter) for qualifications that include internally assessed elements.

The school will maintain clear records of all instances where staff have members of their family (which includes stepfamily, foster family and similar close relationships) or close friends and their immediate family (e.g. son/daughter) entered for examinations and assessments at the school.

Staff members who need to declare potential conflicts of interest include:

- Teachers involved in the preparation of exam papers – i.e. teachers who see question papers before an exam is taken
- Teachers who mark public exams
- Staff involved in checking examination materials prior to the exam (e.g. exams officers, lab technicians for practical's, etc.)
- Teachers involved in the marking and moderation of internally assessed coursework

The Trust will:

- Contact all members of staff to ascertain any conflict of interest
- Record any confirmed or suspected conflicts and any steps taken to mitigate will also be recorded
- Share with the relevant staff member any steps taken to mitigate conflicts of interest, so they are aware of actions in place and any additional requirements they need to adhere to
- Inform any awarding bodies of any relevant conflicts of interest
- Any member of staff who needs to declare a conflict of interest relating to exams should do so in writing

## Whistleblowing

Anyone concerned about the integrity of any aspect of the public exams process should raise their concerns with the relevant exam board. Concerns about the conduct of exams at the school should be raised with the Headteacher/exams officer.

If a concern relates to the headteacher/exams officer, the Chair of Trustees should be contacted via the whistle blowing officer [clerk@alet.org.uk](mailto:clerk@alet.org.uk) Concerns should be addressed in a reasonable timely fashion; if they are not, the concern should be escalated in accordance with the Trust's whistle-blowing policy.

## 7. Procedures

### 7.1 Register of interests

The trust requires each member of staff, governor and trustee to complete a declaration of interests form at the beginning of each academic year. (Governors/Trustees and Members via Governor Hub).

New members of staff and governors/trustees/Members will also be asked to complete a declaration of interests form if they join after the start of the academic year.

Every member of staff, including the headteacher and CEO, in addition to the members of the board of trustees and local governing committee must identify and declare potential conflicts of interest. Declarations must be made as soon as possible once they are identified.

The trust will explore potential conflicts of interest when:

- Reviewing applications for any position at the Trust, including staff member, trustee and governor appointments.
- Reviewing the register of interests for governors/trustees. This will take place on an annual basis. Everyone who is required to complete an annual declaration must do so each year, even if there are no conflicts of interest to register.
- Reviewing the agenda of all Trustee/governor meetings. Members of the board/committee will be asked to declare any interest they have in any agenda item before it is discussed at the meeting.
- Establishing relationships with external contractors. All relationships of a business or private nature with external contractors, or potential contractors should be made known to the Headteacher/CEO. In the case of the headteacher/CEO, any financial interests or relationships of a business or private nature must be declared to the governing board/board of trustees.
- A member of staff changes role or responsibility

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

The register of interests needs to include the interests of senior trust employees, but trusts aren't required to publish these (apart from for the accounting officer).

Senior trust employees, and governors/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 their line manager of the chair/Head of Governance and Compliance/Local governance support that they need to make amendments or further declarations.

## **7.2 Declaring conflicts of interest and taking action (governors).**

Agendas of meetings will be circulated in advance. Governors must review any agenda sent to them and alert the chair and the Head of Governance/Local Governance support 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 governors 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 governor 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 school and be able to demonstrate this.
- Act to protect the trust's/local school's reputation.
- Consider the impression that their actions and decisions may have on those outside of the trust/local school.
- 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/local school.
- Be aware that the presence of a conflicted governor (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 governor or employee
- Securing a resignation from a conflicted governor

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/local school or could be seen to be unable to do so.
- 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.

## **7.2 Declaring conflicts of interest and taking action (members of staff).**

Recruitment of family and friends:

- Staff will not be involved in recruitment and safer recruitment processes involving family and friends
- If a family member of friend is appointed to a role, it may be appropriate to put in place alternative line management structures to eliminate a conflict of interest.

Confidential information obtained during work:

- Staff should not disclose confidential information to anyone, including family and friends
- If an employee is in doubt about what information can or can't be disclosed, they should speak with their line manager

Staff whose children attend the school:

- Whilst at school, the staff member's relationship with their child should follow the normal expectations that would apply with any other student. This may need to be explained to their child to ensure appropriate boundaries are maintained.
- The staff member will not be involved in any behaviour management matters relating to their child. If the staff member becomes aware of an issue, this should be discussed with their line manager.
- Communication regarding a staff member's child should be carried out in the usual way. A staff member should not make use of the school's internal systems to gain additional information about their child.

Undertaking paid or voluntary work with students outside school hours:

- Where paid work is undertaken, it should be disclosed to the school/trust.
- Staff should ensure that confidentiality and appropriate demarcation are established.

Contractors and suppliers:

- Staff should declare a relationship to any existing or potential contractor or supplier

Misuse of position:

- Staff should not use their position to gain an advantage or disadvantage with any person or organisation
- Staff must declare any personal interest that may affect their impartiality.

## **7. Failure to declare a conflict of interest**

**Governors/Trustees/Members:**

Failure to declare a conflict of interest is a breach of the board's code of conduct.

If the board becomes aware that a governor/trustee/Member 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 governor/trustee/Member.
- Vote to remove the governor/trustee/Member from office.
- Follow any relevant disciplinary procedures.

If a governor/trustee is aware of another governor's/trustee's undeclared interest, they should alert the chair and the Head of Governance immediately. The procurement process should then be started again.

**Members of staff:**

Failure to declare a conflict of interest will be dealt with in line with the staff code of conduct.

## **8. Review**

This policy will be reviewed every two years and approved by the board of Trustees.

Any information declared will only be used for the purposes intended within this policy.

## **9. Links with other policies/documents**

ALET Code of Conduct  
Staff code of conduct  
ALET articles of association  
Exams policy  
Register of business and pecuniary interests  
Whistle-blowing policy  
Gifts and Hospitalities policy

### Appendix: Declaration of interest form

Our trust is committed to acting with integrity and impartiality. To this end, we must keep a register of the relevant business and pecuniary interests of members, trustees, local governors, and senior employees.

We're also required to publish these interests with respect to members, trustees, local governors, and the accounting officer.

Please complete the form below and return it to the Head of Governance and Compliance [clerk@alet.org.uk](mailto:clerk@alet.org.uk).

If you're not sure whether something counts as a conflict of interest, err on the side of caution, and declare it.

You must update us whenever your circumstances change, so we can ensure our register of interest is accurate.

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

#### Directorships, partnerships, or employment

NAME OF BUSINESS/ORGANISATION	NATURE OF INTEREST	DATE INTEREST BEGAN

#### Governor or trustee roles at other educational institutions or charities

NAME OF SCHOOL/ESTABLISHMENT/CHARITY	NATURE OF LINK	DATE INTEREST BEGAN

#### Personal relationships (including spouse/partner and close relatives)

NAME OF TRUSTEE, LOCAL GOVERNOR, MEMBER OR TRUST EMPLOYEE	NATURE OF THE RELATIONSHIP	NATURE OF THE INTEREST ARISING FROM THIS RELATIONSHIP

#### Relevant business or personal interests of spouse/partner and close relatives

NAME	RELATIONSHIP TO YOU	RELEVANT INTEREST

NAME	RELATIONSHIP TO YOU	RELEVANT INTEREST

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