

**South Gloucestershire and Stroud Academy Trust (SGS Academy Trust)**

## **Declaration of Interests Policy & Procedure**

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**Please contact the South Gloucestershire and Stroud Quality Department**

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<b>Job Title/Role:</b>	Chief Financial Officer
<b>Ref. No.:</b>  <b>QPG 117</b>	<p><b>Date of this version:</b> March 2020</p> <p><b>Review date:</b> March 2022 (subject to any legislative change)</p> <p><b>Upload to SharePoint?</b> No</p> <p><b>Upload to SGS Academy Trust website?</b> No</p>
<b>Approved by:</b>	AT Board of Trustees
<b>Date of Approval:</b>	31 March 2020

## Mandatory Initial Equality and Diversity Impact Screening

Main aim and purpose of the policy:	To give employees a guide to the rights and requirements associated with adoption leave and pay				
Is this policy (or its constituent parts) relevant to a general equality duty? (please tick)	This policy development will assist in the elimination of unlawful discrimination and/or harassment of identified Groups?	Implementation of this policy will promote equal opportunities for identified Groups?	Implementation of this policy will promote positive attitudes and participation between Groups?	Implementation of this policy will promote good relations between Groups?	
<b>Age</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Disability</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Gender Reassignment</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Race or Ethnicity</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Religion or Belief</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Marriage</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Pregnancy/ Adoption</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Sex</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Sexual Orientation</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Carers/ Care givers</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Persons in care</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Specify any Groups for which there is evidence or reason to believe that some Groups or individuals could be affected differently:					
None					
How much evidence is there:	None	A little	Some	A lot	
<b>Is there any concern that the policy may operate in a discriminatory way?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	None	A little	Some	A lot	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Assessed relevance to equality (tick one row only)	High	Med	Low	None	Brief reason for this assessment
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Gender Reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Race or Ethnicity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Religion or Belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Marriage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Pregnancy/ Adoption	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Carers/ Care givers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
What is the next step? (tick one only)	What priority level is this policy?			Has the Policy been sent for Full EQIA, or do you believe the policy should have a Full EQIA?	
	High <input type="checkbox"/>	Medium <input checked="" type="checkbox"/>	Low <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<b>I am satisfied that an initial screening has been carried out on this policy/procedure and a full Impact Assessment is not required</b>					
<b>Completed by:</b> Jude Saunderson		<b>Position:</b> Chief Financial officer		<b>Date:</b> June 2017	

# Declaration of Interests Policy & Procedure

## 1. Introduction

- 1.1. South Gloucestershire and Stroud Academy Trust (“SGS Academy Trust”) has adopted a policy to address conflicts of interest to ensure that its activities, and those of its staff, are, and are seen to be, conducted to the highest standards of ethics and integrity.
- 1.2. During the course of their duties, members of staff may be involved in making transactions or entering into commitments or contracts on behalf of the SGS Academy Trust or they may simply be spending SGS Academy Trust money. It is very important therefore that if a member of staff has a private interest, financial or otherwise, which could overlap with their duties as an employee of the SGS Academy Trust then this interest must be disclosed and managed appropriately.
- 1.3. The existence of an explicit Declaration of Interests Policy is not in any way intended to question the integrity of Academy Trust staff; the SGS Academy Trust encourages staff to engage in appropriate external activities but it is necessary to have mechanisms to protect staff and the SGS Academy Trust from reputational damage or other liabilities. By engaging in such external activities, employees may place themselves in a difficult position in which an outside interest may conflict, or appear to conflict, with their SGS Academy Trust duties. The employee may then be open to suspicion that decisions they take as a SGS Academy Trust employee are influenced by personal financial interest even when the employee is acting with neutrality and complete professional integrity.
- 1.4. It should be noted that reference to SGS Academy Trust includes all academies within the trust.

## 2. Statement

- 2.1. Section 7 of the Bribery Act 2010 creates a criminal offence of a failure to prevent bribery on the part of commercial organisations and reflects a general recognition that there is an important role to be played by business itself in ensuring that commerce is undertaken in an open and transparent manner.
- 2.2. This Policy sets out the requirements by which staff must comply in respect of the declaration of interests they may have that could conflict with those of the SGS Academy Trust.
- 2.3. All employees have a duty to make a declaration of interests in accordance with this Policy and to notify the Director of Finance.
- 2.4. All employees have a responsibility to further the interests of the Academy Trust; this is implied as part of the employer/employee relationship.

- 2.5. This Policy sets out to extend and clarify employment terms and conditions (where laid down) and the current Financial Regulations.
- 2.6. All data collected as part of the Declaration of Interests Policy will be held in strict confidence by the PA to the Chief Financial Officer.

2.7. Definition

2.7.1. Conflict of interest is defined as follows:

2.7.1.1. Actions or situations which could lead to an individual's obligations to the SGS Academy Trust being influenced by that individual's considerations of personal gain to the individual's members or friends, whether financially or otherwise. These include, but are not necessarily limited to:

- a. gifts and hospitality;
- b. services for personal use from people or companies who do business with the Academy Trust;
- c. executive and non-executive directorships;
- d. licensing of intellectual property;
- e. outside activities;
- f. consultancy;
- g. research projects;
- h. Academy Trust management decisions; and
- i. assessment of students.

2.7.2. A person is considered as having a financial interest in a company or organisation if he/she is the beneficial owner of more than 5% of the issued capital, is an employee, partner, director, governor or owner.

### 3. Objectives

3.1. Determining Conflict of Interest

3.1.1. A conflict of interest arises where the commitments and obligations owed by an individual member of staff to SGS Academy Trust or to other bodies, for example a funding body, are likely to be compromised, or may appear to be compromised, by:

- That person's personal gain, or gain to immediate family (or a person with whom the person has a close personal relationship), whether financial or otherwise; or

- The commitments and obligations that person owes to another person or body.
- 3.1.2. For the purpose of this Policy, 'immediate family' is defined as follows: spouse or civil partner, son, daughter. However, the 'close personal relationship' giving rise to an interest could extend to the following (this is not intended to be an exhaustive list): unmarried partner, parent, brother, sister, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, the (unrelated) child of an unmarried partner, as well as adopted, half and step members of family.
  - 3.1.3. There can be situations in which the appearance of conflict of interest is present even when no conflict actually exists. It is the responsibility of each individual to recognise situations and activities in which he or she has a conflict of interest, or might reasonably be seen by others to have a conflict, to disclose that conflict to the Director of Finance , submitting a request seeking permission to undertake such activities.
  - 3.1.4. Conflicts of interest may be financial or non-financial or both:
    - 3.1.4.1. Financial interest refers to anything of non-trivial monetary value, including, but not limited to, pay, commission, consultancy fees, equity interests, forgiveness of debt, property, royalties and intellectual property rights.
    - 3.1.4.2. What is considered non-trivial will depend on the circumstances. However, it should be noted the Academies Financial Handbook requires that when giving gifts, the Trust ensures that; the value of the gift is reasonable, is within the Trust's Scheme of Delegation, the decision is fully documented and has due regard to propriety and regularity in the use of funds.
    - 3.1.4.3. Non-financial interest refers to any non-financial benefit or advantage, including, but not limited to, enhancement of an individual's career, education or professional reputation; access to privileged information or facilities.
  - 3.1.5. There is a duty of faithfulness owed by the employee to the employer by virtue of the employment relationship which requires the employee not to act against the interests of the employer.
  - 3.1.6. Individuals are expected to fully commit all of their working time, as specified in their contract of employment to the SGS Academy

Trust. Any potential conflict of interest must not interfere with a member of staff's contractual obligations to the Academy Trust.

### 3.2. Purchase or supply of goods and services

3.2.1. Employees may, on occasions, be in a position where a conflict of interest arises, such as:

- The supplier is a personal friend;
- The supplier is related to the employee;
- The employee has a financial interest in the organisation, and;
- The employee may be perceived as having been offered present or future benefit.

3.2.2. If the employee believes that a conflict of interest is possible he/she must declare that interest. If in doubt the employee should seek guidance from the Director of Finance.

### 3.3. Relationships

3.3.1. The SGS Academy Trust recognises the importance of preserving the integrity of professional relationships between staff and students and between members of staff.

3.3.2. Where a personal relationship exists between members of staff who also have direct or indirect line management or a supervisory relationship, the existence of the close personal relationship must be disclosed to the academy Head Teacher.

3.3.3. Staff who have such personal relationships must not be involved in the recruitment, selection, appraisal, promotion or other process whereby unfair advantage may be gained over another member of staff or where conflict of interest might exist.

3.3.4. Professional relationships between staff and students will include teaching, assessing or supervising. Where a member of staff has both a professional and personal relationship with a student, it is the responsibility of the member of staff to inform his or her line manager immediately.

## 4. **Implementation**

4.1. All staff have the responsibility for maintaining high standards of ethical behaviour, financial probity and honesty.

4.2. The Senior Managers and Board of Trustees have overall responsibility for the Policy.

- 4.3. The Chief Financial Officer has responsibility for implementing the Policy, monitoring compliance and ensuring the Policy is regularly reviewed and updated.

## **5. Responsibilities**

- 5.1. In order for SGS Academy Trust and its employees to maintain the highest standards of integrity and reputation, it is essential that all employees declare any interest that they, or members of their family, may have that could give the appearance of a conflict, even where no actual conflict exists.
- 5.2. If an individual is uncertain about how this Policy might affect his or her activities or has any questions about its application, he/she should contact the Director of Finance.

## **6. Related Policies, Procedures, Regulations and Legislation**

- Anti-Fraud Policy and Procedure
- Anti-Money Laundering Policy and Procedure
- Anti-Bribery Policy
- Bribery Act 2010
- Data Protection Act 1998
- Freedom of Information Act 2000

## **7. Procedure**

### **7.1. Declaration of Interest**

- 7.1.1. All employees have a duty to make a declaration of interests in accordance with this Policy and to notify the Director of Finance of their interests.
- 7.1.2. If an employee's actions or decisions made during the course of their employment are considered to be motivated by personal gain, the SGS Academy Trust is entitled to take disciplinary action against the employee.

### **7.2. How to make declarations of interest**

- 7.2.1. Disclosure should be made at the time the conflict first arises, or it is recognised that a conflict might be perceived, to the Director of Finance . When in doubt, staff should always disclose an interest in advance. If the Director of Finance has an interest in

the matter to be discussed, the disclosure shall be made to the Chief Financial Officer.

- 7.2.2. Staff should declare any interests by completing the Declaration of Interests Form at **Appendix 1** and submit this to the Director of Finance . The Director of Finance will make a decision on whether the declaration is deemed to be one which requires existing internal processes to be enhanced to ensure transparency in the processes undertaken to avoid a conflict presenting itself.
- 7.2.3. Many situations will require nothing more than a declaration of the interest and/or activity and subsequent authorisation by the Director of Finance which will be held centrally on the Register of Interests by the PA to the Chief Financial Officer . Some instances will, however, need to be dealt with by agreeing how the conflict can be managed. The approach adopted should be documented and copies provided to the relevant parties with a copy lodged on the member of staff's central HR file. It is the responsibility of those affected to comply with the approach that has been agreed.
- 7.2.4. In the event of an undeclared conflict of interest being discovered, the matter will be subject to an internal investigation and, if found to have substance, could lead to dismissal.
- 7.2.5. All declarations will be held by the PA to the Chief Financial Officer on a Register of Interests and will remain confidential subject to the provisions of the Data Protection Act 1998 and the Freedom of Information Act 2000. The Data Controller will be the SGS Vice Principal – Performance, Standards & Effectiveness..
- 7.2.6. The PA to the Chief Financial Officer will make entries from the data held on the Register of Interests available to the Director of Finance and the SGS College Procurement Officer as appropriate.
- 7.2.7. The Register will be used solely to ensure that the interests of the SGS Academy Trust and the person making the declaration are fully protected.
- 7.2.8. The data will be kept securely in electronic format.
- 7.2.9. In the event of any potential conflict of interest, the Chief Financial Officer will convene a panel, which will consist of:
  - Head of Department;
  - Director of Finance;

- Group Chief Services Officer.

7.2.10. At this meeting, the member of staff will have the opportunity to put forward their case regarding any potential conflict of interest. The panel may question the individual to ascertain factual information regarding the potential conflict to help them to reach a decision. The member of staff may be accompanied by a work colleague or trade union representative at this meeting.

7.2.11. Following the meeting, the Chief Financial Officer will confirm the decision of the panel to the individual, in writing, within 10 working days.

7.2.12. Any unresolved matter shall be referred to the Group CEO & Executive Principal. In cases of particular difficulty, resolution may be sought through the Staff Grievance Procedure.

**General Notification of Interest Form**

**GENERAL NOTIFICATION OF AN INTEREST**

I give general notification in relation to the following: <b>Name of Company, Partnership, Local Authority or other body or organisation</b>	<b>Nature of Interest</b> (Shareholder, director, partner, adviser, employee, etc.)	<b>Type of Interest</b> (Please indicate whether the interest is Direct or indirect <u>and</u> whether it is pecuniary or non-pecuniary)	<b>Date of appointment</b> (eg. dd/mm/yy)	<b>Date of resignation</b> (eg. dd/mm/yy)

I confirm that I have understood the Declaration of Interests Policy and in making this declaration to South Gloucestershire & Stroud Academy Trust, I confirm compliance with the Policy. I accept that in submitting this declaration, it does not remove my personal responsibility of ensuring I am not in a position or situation which may result in a potential breach of this Policy.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

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

Title: \_\_\_\_\_

Explanatory note:

1. If your interest is indirect, please include through whom the interest is acquired or held, eg. business partner, close family member. Indirect pecuniary interests arise from connections with bodies that have a direct pecuniary interest or from being a business partner of, or being employed by, a person with such an interest.
2. Close family members include personal partners, parents, children (adult and minor), and any parent, brothers, sisters, and the personal partners of any of these.
3. A pecuniary interest is a direct financial interest received in person or by association. Non-pecuniary interests are all other interests held, not specifically relating to money, but which may be perceived (by a reasonable member of the public) to influence their judgement in the exercise of their public duties.
4. Non-pecuniary interests include those arising from memberships of clubs and other organisations.
5. Interests which should be regarded as relevant are:
  - a. Directorships, including Non-Executive Directorships held in private companies or PLCs (with the exception of those of dormant companies);
  - b. ownership or part-ownership of private companies, businesses or consultancies likely or possibly seeking to do business with the Academy Trust;
  - c. majority or controlling share holdings in organisations likely or possibly seeking to do business with the Academy Trust;
  - d. a position of trust in a public, charity or voluntary organisation in the field of Education;
  - e. any connection with a voluntary or other organisation contracting for Education services;
  - f. any other commercial interest in the decision before the meeting; and
  - g. areas of potential conflict.

Please note that this list is not exhaustive and members of staff should declare an interest if they are in any doubt as to whether it should be recorded.