

CONFLICT OF INTEREST POLICY
Agreed by staff and Governors- Spring term 2020
Review date – Spring term 2023

A. Policy Statement

Grand Avenue Primary and Nursery School (the “School”) is committed to ensuring that its decisions and decision making processes are, and are seen to be in the best interest of the School at all times, and do not unfairly benefit any individual connected to the School. This policy sets out the guidelines and procedures for identifying, monitoring and managing actual and potential or perceived conflicts of interest and has been adopted to ensure that:

- its activities and those of its governors, staff and volunteers are, and are seen to be conducted to the highest standards of ethics and integrity, and
- the individuals to whom this policy applies, are able to recognise activities that might give rise to conflicts of interest or the perception of conflicts of interests, declare any conflict that may arise, and manage all arising conflicts, so that such conflicts do not affect the decision making of the School.

B. Scope

This policy applies to all governors, staff and volunteers of the School (collectively referred to as “Individuals” in this policy and separately an “Individual”) and sets out guidelines and procedures for identifying, monitoring and managing actual and potential or perceived conflicts of interest.

It is the responsibility of each Individual within the scope of this policy to comply with its requirements. If any Individual is uncertain about how this policy may affect his or her activities or has any questions about its application, he or she should contact the Clerk to the Governing Body.

C. Recognising Conflict of Interest

A conflict of interest arises where the commitments or obligations that an Individual owes to the School are likely to be compromised, or may appear to be compromised by that Individual’s personal gain, or gain to an immediate family member¹ or person with whom the Individual has a close personal relationship², whether financial or otherwise.

¹ In this policy, an immediate family member means a spouse or civil partner, son, or daughter.

² In this policy, a close personal relationship includes the following relationships:

- (a) close personal friendships; (b) romantic/sexual relationships; (c) business/commercial/financial relationships, and (d) family relationships with an

There may be situations where a conflict of interest does not actually exist but appears to exist. In evaluating a potential conflict, Individuals should therefore consider how it might be perceived by others.

A conflict of interest may be ongoing or it may be a one-off. An example of the former is where an Individual serves in the same capacity at the School as he/she does at another competing local organisation. An example of the latter is where a one-off contract is awarded to someone or an entity/organisation with whom/which an Individual has a close personal or other relationship. Some ongoing conflicts may affect an Individual's ability to participate in decisions so often or to such an extent that it is impractical for the Individual to continue in post or to accept the post from the outset.

Conflicts of Interest may be financial, non-financial or both.

Financial Conflicts of Interest

A financial conflict of interest for the purposes of this policy, is one where there is or appears to be the opportunity for personal financial gain, financial gain to an immediate family member or person with whom the Individual has a close personal relationship, or where it might be reasonable for someone to take the view that financial benefits may affect an Individual's actions. Financial interest means anything of monetary value and includes without limitation, payment for services or intellectual property rights (e.g. copyrights and royalties from such rights).

All financial interests however small should be disclosed, as what may be immaterial or insignificant for one person may not be for another. A conflict will arise if the interest might provide, or be reasonably seen by others to provide an incentive to the Individual that may affect his/her actions, and where he or she has the opportunity to affect a School decision or other activity (for example, where the Individual is involved in decision making).

Non-financial Conflicts of Interest

A non-financial conflict of interest for the purposes of this policy includes any non-financial benefit or advantage to an Individual or to an Individual's immediate family member or person with whom an Individual has a close personal relationship. Such benefit or advantage may include without limitation, access to services or direct or indirect career or education enhancement.

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 half and step members of family (this list is not intended to be exhaustive).

The requirement in this policy that Individuals should not unfairly benefit from their connection to the School does not mean that:

(i) an Individual cannot be reimbursed for expenses. Any costs that are necessary to allow a governor to carry out the duties attached to his/her duties are legitimate expenses for which he/she can be reimbursed against receipts or met directly by the School. Such expenses can include, travel costs or the cost of providing care for a dependent whilst attending a meeting of the Governing Body or when undertaking School business, or training costs; or

(ii) an Individual, his/her family members or others with whom an Individual has a close personal relationship cannot receive services from the School. Such benefits can be received provided they are received by the beneficiaries on exactly the same basis as anyone else.

Examples of different types of conflicts of interest are provided in Annex A below.

D. Procedure

It is the duty of every Individual to disclose any conflict or any circumstances that might reasonably give rise to the perception of a conflict. All interests, and any gifts or hospitality received in connection with an Individual's role in the School must also be disclosed on an annual basis or when any changes occur.

As a general rule, with the exception of committee business, disclosure should be made at the time the conflict first arises, or it is recognised that a conflict might be perceived, in writing to the Clerk to the Governing Body. If the Clerk to the Governing Body has an interest in the matter, the disclosure should be made to the Chair of the Governing Body.

It will be appropriate to deal with some situations by way of a declaration by the Individual in the School's register of pecuniary and personal interests (hereinafter "the Register"). As regards governors, the completion of the Register is a mandatory requirement.

The Register will be maintained by the Clerk to the Governing Body in line with best practice guidance and will be published on the School's website and updated on a termly basis.

The Clerk to the Governing Body will either in person, or through the Chair of the Governing Body, declare any known interests on behalf of any Individual who fails to declare an interest.

Some situations will need to be dealt with by agreeing how the conflict can be actively managed. The approach adopted should be documented and copies provided to the relevant Individuals. One or more of the following measures may be appropriate to manage the conflict:

- not taking part in discussion of certain matters;

- not taking part in the decision making of certain matters;
- referring decision making to others;
- not taking part in a particular project or activity.

It is the responsibility of Individuals affected to comply with the agreed conflict management approach.

Committee and Governing Body Meetings

At the first meeting of the academic year, each Committee within the School will have a standing item on its agenda about conflict of interest. This item will explain what a conflict of interest is and how they should be declared and managed as appropriate.

It is the responsibility of members of committees and member of the Governing Body to declare any interest that could give rise to a conflict in relation to any item on the agenda at the beginning of the item. Any interest disclosed will be recorded in the minutes, including:

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

If the chair of the meeting deems it appropriate, the Individual shall absent himself or herself from all or part of the committee's discussion of the matter. To facilitate frank and open discussion, Individuals affected by a conflict must leave the room while related discussion or decision-making is taking place unless there is a good reason for them to stay.

Individuals shall not vote on matters directly affecting their own interests. A quorum must be present for the discussion and decision. Interested parties will not be counted in the determination on whether the meeting is quorate.

Contract Management

The School will ensure the probity of all financial transactions. The purchase of goods or services by the School will be carried out in accordance with the School's Financial Regulations.

As a general rule, Individuals to whom this policy applies should not be involved in the supply or purchase of goods or services decisions in relation to any external entity in which they or any member of their family or any person with whom they have a close relationship have a financial interest in, or in any way have the capacity for personal gain. In exceptional circumstances that require such involvement, the following process should be followed:

- the Individual should disclose the nature of the transaction and potential conflict in writing to the Clerk to the Governing Body;

- a plan/approach must be agreed to manage the conflict and protect the integrity of the School and the individual, and ensure compliance with the law and good practice.

Any contract awarded where a potential conflict of interest has been identified will be monitored by the Governing Body to ensure that the plan/approach adopted to manage the conflict is being followed.

Individuals shall not be involved in managing or monitoring of any contract in which they have an interest.

Policy Review

This policy is non-statutory and was adopted in Spring 2020. It will be reviewed by the School every three years or more frequently where appropriate. The next scheduled period for its review is the Spring Term 2023.

The Resources and Finance Committee of the Governing Body will also review the policy when it is being reviewed by the School, and may propose changes as appropriate, for the School's consideration.

All information provided under this policy will be processed in accordance with data protection principles set out in the Data Protection Act 1998.

Annex A

Examples of Conflict of Interest

Examples of situations that may give rise to conflicts of interest involving Governors

- A Governor participates in the appointment of a person with whom he/she has a close personal relationship.
- A Governor is also a governor or trustee of another school and is involved in considering a proposed collaboration between the two schools.
- A Governor is also a governor, in or holds a decision making role in a local organisation and both the School and the organisation are planning to apply for the same funding opportunity which is competitive and only one organisation can be successful.
- A Governor's son owns a construction company who has tendered for the supply of construction services to the School.

Examples of situations that may give rise to conflicts of interest involving Staff

- An academic member of staff is on the editorial board of a journal and is also on a School committee that recommends journal subscriptions.
- A staff member takes part in the negotiation of a commercial contract between the School and a company in which his/her family member is a director.

Examples of situations that may give rise to conflicts of interest involving Volunteers

- A volunteer who comes in to help on the reading programme recommends the purchase of books published by a company in which he/she has an interest.
- A parent volunteer who is involved in the decision about his/her child's award of a prize or other award.