



# **Business Interests Policy**

**March 2019**

## Contents

- 1 Introduction
- 2 Duty to Declare
- 3 Register of Business Interests
- 4 Related Party Transactions

Appendix 1 What constitutes a Business Interest

Appendix 2 Declaration of Business Interests Form

### **Trust Mission Statement**

We are a partnership of Catholic schools and our aim is to provide the very best Catholic education for all in our community and so improve life chances through spiritual, academic and social development.

We will achieve this by:

- Placing the life and teachings of Jesus Christ at the centre of all that we do
- Following the example of Our Lady of Lourdes by nurturing everyone so that we can all make the most of our God given talents
- Working together so that we can all achieve our full potential, deepen our faith and know that God loves us
  - Being an example of healing, compassion and support for the most vulnerable in our society

### ***Matthew 6:24 Good News Translation (GNT)***

*You cannot be a slave of two masters; you will hate one and love the other; you will be loyal to one and despise the other. You cannot serve both God and money.*

## **1. Introduction**

- 1.1 No Member, Director, Local Governor, employee or related individual should use their connection to the Trust for personal gain.
- 1.2 The Academies Financial Handbook states that “a trust must pay no more than ‘cost’ for goods or services provided to it by the following persons:
  - Any member or trustee of the academy trust
  - Any individual or organisation related to a member or trustee of the academy trust
  - Any individual or organisation given the right under the trust’s articles of association to appoint a member or trustee of the academy trust”
- 1.3 To ensure the Trust is able to satisfy this ‘at cost’ requirement, it will maintain a register of business and pecuniary interests.

## **2. Duty to Declare**

- 2.1 A Director, Local Governor, Headteacher or employee of the school, who is in a position to influence a decision of the Trust/school, and with a business interest in a personal capacity in any contract with the Trust/school, shall declare that interest in writing to the Trust. Such declaration shall be recorded in the register of business and pecuniary interests.
- 2.2 There is a requirement on any person who is present at a meeting of the Board or one of its committees (including meetings of the Local Governing Body) to declare a business interest direct or indirect. This relates to any contract, proposed contract or other matter that is being considered. The person must disclose the fact as soon as is practical at the meeting and must withdraw from the meeting during consideration or discussion of the contract or matter concerned. In addition, the person cannot vote on any question with respect to the contract or matter.

## **3. Register of Business Interests**

- 3.1 The Trust should establish a register of business and pecuniary interests for the Directors, Local Governors and staff, which should be open to inspection.
- 3.2 It is important for anyone involved in spending public money to demonstrate that they do not benefit personally from decisions that they make. Therefore Directors, Governors and staff should declare any business and pecuniary interests including:
  - Directorships, Partnerships and employments with businesses
  - Trusteeships and Governorships at other educational institutions and charities
  - Any relevant material interests relating to close family members or a member of the same household. This includes but is not limited to, a child, parent, spouse or civil partner.

- 3.3 For each interest, the register will capture:
- The name of the business
  - The nature of the business
  - The nature of the interest
  - The date the interest began
- 3.4 This register will be kept at Trust level and relevant business and pecuniary interests will be published on the Trust website.
- 3.5 The Trust should make arrangements for the register to be reviewed and updated annually.
- 3.6 There is not a comprehensive definition of what constitutes a business interest. In all cases, the natural meaning of the words has to be put in the particular context of the contract or other matter being discussed. Further guidance on what constitutes a business interest is provided in appendix I.

#### **4. Related Party Transactions**

- 4.1 The Trust will maintain records of any related party transactions to show that transactions with these parties have been conducted in accordance with the high standards of accountability and transparency required within the public sector.
- 4.2 The Trust is required to obtain ESFA approval in advance of all transactions with related parties. The Finance Director or Senior Finance Manager must be notified of an intention to purchase goods or services from a related party before a contract or purchase order is issued.
- 4.3 The Finance Director or Senior Finance Manager will complete the ESFA online form to request permission and will notify the relevant member of staff of the outcome.
- 4.4 The Finance Director will prepare a report detailing any transactions with related parties for each meeting of the Audit and Risk Committee.

<b>Date Issued</b>	<b>March 2019</b>
<b>Date of Review</b>	(2 years)
Reviewer	Finance and Estates Committee
Author	Daniel Moore

## **Appendix I – What constitutes a Business Interest**

### **Direct Business Interests**

The following are examples of a direct business interest:-

- actual payments;
- receipts or cash in kind;
- benefits or losses arising from the value of assets (eg land owned by a Director/Governor/member of staff that might be affected by proposals about the Trust/school's land or buildings).

### **Indirect Business Interests**

A number of matters can be treated as an indirect business interest. Some examples are as follows:-

- a Director/Governor/member of staff owns shares in, or is a member of a company, or another body which has a direct business interest;
- a Director/Governor/member of staff is a business partner of a person, or company who has a direct business interest;
- a Director/Governor/member of staff is employed by a person, or company which has a direct business interest;
- a Director/Governor/member of staff has a spouse or is living with another person who has an interest in the contract or matter being discussed;
- the contract or matter relates to an appointment at the Trust/school which could result in another vacancy for which the governor or member of staff could be a candidate.

### **Interests that are not Business**

Some matters are not considered as creating a business interest. Some examples are as follows:-

- being a councillor on a local authority;
- being a rate payer or council tax payer in the area of the Trust/school;
- for employees, having an interest that is no greater than the interest of the generality of staff in a matter;
- having interests that are non-business;
- having an interest that is so remote or insignificant that it cannot reasonably be regarded as likely to influence a Director/Governor/member of staff

**Appendix 2 – Declaration of Business Interests Form**

**Declaration of Business Interests**

**2018/19**

Name: ..... (please enter your name clearly)

Linked to: ..... Academy (Governors/Members of Staff only)

If applicable, please circle your responsibility within the Trust/Academy: Director / Governor / Senior Leader

Name of Business	Nature of Business	Nature of Interest	Date of Appointment or Acquisition	Date of Cessation of Interest	Date of Entry

I certify that I have declared all beneficial interests **which I or any person closely connected with me** have with businesses or other organisations which may have dealings with the school.

Signed ..... Date .....

**(Please Note: Electronic Signatures are NOT acceptable and NIL returns are required - thank you)**