



Conflicts of Interest Policy

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Conflicts of Interest Policy

1. Statement of Intent

This policy sets out the framework for ensuring that the decisions and decision-making processes at the Aspire Multi Academy Trust and the academies within it are, and are seen to be, free from personal bias and do not unfairly favour any individual or company connected with any of the academies.

Trustees, members of an academy Local Governing Body (*herein after referred to as Governor*), and staff of each academy within the Trust have an obligation to act in the best interests of the Trust and in accordance with its Articles of Association in order to avoid situations where there may be a potential conflict of interest. Situations may arise where family interests or loyalties conflict with those of the Academies. They may create problems as they can inhibit free discussions, result in decisions or actions that are not in the interests of the Trust and risk the impression that the Trust has acted improperly.

Aspire MAT therefore intends to:

- Ensure that every trustee, Governor and staff member understands what constitutes a conflict of interest and that they have a responsibility to identify and declare any conflicts that might arise.
- Record the conflicts and actions taken to ensure that the conflict does not affect the decision-making of the Trust

2. Legal framework

This policy takes its legal framework from the following legislation and statutory guidance:

- Companies Act 2006.
- [Conflicts of Interest: A Guide for Charity Trustees](#) (CC29, October 2022).

3. Definition

The Trust adopts the definition of the Charity Commission, which states that a conflict of interest is any situation where a trustee, Trustee/Governor and staff member's personal interests or loyalties could, or could be seen, to prevent the trustees/Trustees/Governors from making a decision in the best interests of the Trust.

4. Identifying conflicts of interest

The Trust expects an individual Trustee, Governor and staff member to be able to identify any conflicts of interest at an early stage.

If an individual Trustee, Governor and staff member fails to identify and declare any conflicts of interest, they will also fail to comply with their personal legal responsibility to avoid conflicts of interest and act only in the best interest of the Trust and its pupils.

The Trustees and Local Governing Bodies must ensure that any conflicts of interest do not prevent them from making a decision only in the best interests of the Trust and its pupils.

5. Articles of Association

The Trust's Articles of Association (para 97) state:

Any Trustee who has or can have any direct or indirect duty or personal interest (including but not limited to any Personal Financial Interest) which conflicts or may conflict with his duties as a Trustee shall disclose that fact to the Trustees 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 Company and any duty or personal interest (including but not limited to any Personal Financial Interest).

6. Interests which should be declared

Trustees, Governors and staff members will be expected to declare the following interests:

- Holding another public office.
- Being an employee, Trustee, advisor or partner of another business or organisation.
- Pursuing a business opportunity.
- Having a professional or legal obligation to someone else.
- Having a beneficial interest in a trust.
- Having received a gift, hospitality, or other benefit from someone / an organisation.
- Being a spouse, partner, relative or close friend of someone who has one of these interests.

7. Register of interests

Trustees, Governors and staff members should keep an updated record of any conflicts of interest in the Trust's register of interests, which is maintained by the Company Secretary and kept in the Trust office.

8. Declaring interests

The Board of Trustees and Local Governing Bodies should have a standard agenda item at the beginning of each meeting to declare any actual or potential conflicts of interest.

A Trustee or Governor should declare any interest which he / she has, in any item to be discussed, at the earliest possible opportunity and before any discussion of the item itself.

If a Trustee or Governor is uncertain whether or not he / she is conflicted, he / she should declare the issue and discuss it with those present.

If a Trustee or Governor is aware of an undeclared conflict of interest affecting another Trustee or Governor, then he / she should notify the other Trustees/Governors or the Chair.

9. Removing conflicts of interest

Trustees and Governors must consider the conflict of interest so that any potential effect on decision-making is eliminated.

Trustees and Governors must follow any legal or governing document requirements on how a conflict of interest must be handled, but may, in serious cases, decide that removing the conflict of interest itself is the most effective way of preventing it from affecting their decision-making. Serious conflicts of interest include, but are not limited to, those which:

- Are so acute and extensive that the Trustees or Governors are unable to make their decisions in the best interest of the Trust and its pupils, or could be seen to be unable to do so.

- Are present in significant or high-risk decisions of the Trustees or Governors.
- Mean that effective decision-making is regularly undermined or cannot be managed in accordance with the required or best practice approach.
- Are associated with inappropriate Trustee or Governor benefit.

10. Withdrawing from decision-making

Where there is a proposed financial transaction between a Trustee or Governor and the Trust/academy, or any transaction of arrangement involving a Trustee or Governor benefit:

- The benefit must be authorised in advance by the Trusts's Finance & Workforce Committee (FWC). If there is no FWC meeting planned within the time frame of authorisation being required, then the Chair of the FWC and one other Trustee can be contacted to authorise the benefit. If the person affected is the Chair of the FWC then the Chair of the MAT Board, or the Deputy Chair if there is role conflict, plus one other Trustee must authorise the benefit.
- The Trustees expect the affected Trustee or Governor to be absent from any part of any meeting where the issue is discussed or decided.
- The affected individual should not vote or be counted in deciding whether a meeting is quorate.

Where there is a conflict of loyalty and the affected Trustee or Governor does not stand to gain any benefit and there are no specific governing document or legal provisions about how the conflict of loyalty should be handled, the affected Trustee or Governor should declare the interest.

The remainder of the Trustees or Local Governing Board must then decide what level of participation, if any, is acceptable on the part of the conflicted Trustee/Governor. The options might include, but are not limited to, deciding whether the conflicted Trustee/Governor:

- Having registered and fully declared the interest, can otherwise participate in the decision.
- Can stay in the meetings where the decision is discussed and made, but not participate.
- Should withdraw from the decision-making process in the way described above.

In deciding which course of action to take regarding a conflict of interest, Trustees and Governors:

- Must always make their decisions only in the best interest of the Trust and its pupils.
- Should always protect the Trust's reputation and be aware of the impression that their actions and decisions may have on those outside the Trust.
- Should always be able to demonstrate that they have made decisions in the best interests of the Trust and its pupils, and independently of any competing interest.
- Should require the withdrawal of the affected Trustee/Governor from any decisions where the Trustee/Governor's other interest is relevant to a high risk or controversial Trustee/Governor decision or could, or be seen to, significantly affect the Trustee/Governor's decision making at the Trust.
- Can allow a Trustee/Governor to participate where the existence of his / her other interest poses a low risk to decision-making in the Trust's interest, or is likely to have only an insignificant bearing on his/ her approach to an issue. Should be aware that the presence of a conflicted Trustee/Governor can affect trust between Trustees/Governors, could inhibit free discussion, and might influence decision-making in some way.
- Trustee//Governors can, before their discussion, ask a Trustee/Governor who is withdrawing, to provide any information necessary to help make the decision in the best interests of the Trust and its pupils.

11. Records of proceedings

Trustees and Governors should record in the minutes, details of any and all discussions on potential conflicts of interests and the decisions made.

12. Confidentiality

Trustees and Governors cannot use information obtained at the Trust for their own benefit or that of another organisation if it has been obtained in confidence or has special value such as commercial sensitivity.

13. Monitoring and enforcement

The Trust Audit Committee will carry out continuous monitoring of its activities and members to ensure that any conflicts of interest are identified and mitigated as soon as possible.

Trustees and Governors who fail to declare an interest and are found to be in conflict with the best interests of the Trust will be expected to explain to the Trustees, his / her reasons for their omission.

Members may decide to terminate the membership of the relevant Trustee, and Trustees may decide to terminate the membership of the relevant Local Governor, if he/she is found to have knowingly and deliberately failed to declare an interest and has brought the Trust into disrepute.

14. Policy circulation

This policy will be circulated to every Trustee, Governor and member of staff, who shall annually sign a statement (Appendix 1) which affirms that he / she has:

- Received a copy of the policy.
- Has read and understood the policy.
- Has agreed to comply with the policy.
- Completed and returned a Declaration of Business Interests and Family Relationships within the Trust form.

This policy will be included in the Declaration of Interests Section on the Academies' websites and made available to the public.

Appendix 1:

Receipt of and, agreement to comply with the Aspire MAT Policy

In accordance with section 13.1 of the Conflicts of Interest Policy (“the Policy”), I, the undersigned Trustee/Governor/member of staff (delete as applicable) hereby attests and affirms that I have:

1. Received a copy of the Policy.
2. Read and understood the Policy.
3. Agreed to comply with the Policy.

Print name

Signature

Dated ____ / ____ / ____

Appendix 2:**Declaration of business interests and family relationships within the Trust
Part 1: Declaration of pecuniary interests****Name: Role:****Academy:**

I _____, declare as a _____ of
 _____ that I hold the following personal and/or
 pecuniary interest(s):

Pecuniary Interests	Please provide details of the interest
Current employment	
Businesses (of which I am a partner or sole proprietor)	
Company Trusteeships – details of all companies of which I am a Trustee	
Charity trusteeships – details of all companies of which I am a trustee Membership of professional bodies, membership organisations, public bodies or special interest groups of which I am a member and have a position of general control or management	
Gifts or hospitality offered to you by external bodies while acting in your position and whether this was declined or accepted in the last 12 months	
Contracts offered by you for the supply of goods and/or services to the Trust/Academy	
Any other conflict	

Part 2

Declaration of personal interests (including those that live with you as well as those working within the Trust)

Name	Relationship to me	Organisation/Academy they work in	Any service received from the family relationship

Part 3

External educational links and overall declaration

If you are a Governor/Trustee or Trustee of any other schools and/or Academies, please provide details below:

Name of school/academy:

Position held:

Date appointed/elected to post:

Date of termination to post:

To the best of my knowledge the information supplied above is correct and complete. I understand that it is my responsibility to declare any conflict of interest/loyalty, business or personal that relates directly or indirectly to me or any relation in any contract, proposed contract or other matter when present at a meeting at the Academy where such contract or matter comes under consideration.

I understand that I must withdraw from any meeting during the discussion of such contract or matter and must not vote in respect of it.

I agree to review and update this declaration annually and give consent for the information provided to be used and published in accordance with the Trust's conflicts of interest policy.

Signed:

Date: