



**St Ralph
Sherwin**
Catholic Multi Academy Trust



Business Interests Policy

Version 1
October 2023



One of three Catholic
Multi Academy Trusts in
the Diocese of Nottingham



Document Provenance

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'Let the wise hear and increase in learning, and the one who understands obtain guidance.' Proverbs 1:5

1. Introduction

- 1.1 No Member, Foundation Director, Local Governor, employee or related individual should use their connection to St Ralph Sherwin Catholic Multi Academy Trust or any of its schools for personal gain.
- 1.2 The Academies Trust Handbook requires 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 Foundation 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.
- 2.3 Annual declarations **MUST** be returned by Foundation Directors, Local Governors, Headteachers or senior employees of the school by the deadline of 30th September ahead of the Auditors Annual Review (however, the Trust should be informed of any changes to business interests as and when they occur throughout the year).



Declarations will be retained by the Head of Governance for inspection and audit purposes.

3. Register of Business Interests

- 3.1 The Trust should establish a register of business and pecuniary interests for Foundation Directors, Local Governors and senior 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 Foundation Directors, Governors and staff should declare **ALL** business and pecuniary interests (regardless of whether there are/are not links to the School/Trust) 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 (however, the Trust should be informed of any changes to business interests as and when they occur throughout the year).
- 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 1. Advice should always be sought from the Head of Governance if there is doubt over whether a matter should be reported or not.



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 Chief Operating Officer or Head of Finance 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 Chief Executive Officer or Chief Finance Officer will complete the ESFA online form to request permission and will notify the relevant member of staff of the outcome.
- 4.4 The Chief Executive Officer or Chief Finance Officer will prepare a report detailing any transactions with related parties for the Audit, Risk and Risk Committee and Trust Board at least annually.

5. Data Protection

- 5.1 In publishing the register of business interests' due consideration will be given to data protection requirements. This will balance the need to make public details of those in a position of influence and their interests versus maintaining personal data requirements.



Appendix 1 What constitutes a Business Interest

Direct Business Interests

The following are examples of a direct business interest:-

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

Indirect Business Interests

Advice should be sought from the Trust's Company Secretary. Examples of indirect business interests include:-

- a Foundation Director/Governor/member of staff owning shares in, or is a member of a company, or another body which has a direct business interest;
- a Foundation Director/Governor/member of staff being a business partner of a person, or company who has a direct business interest;
- a Foundation Director/Governor/member of staff being employed by a person, or company which has a direct business interest;
- a Foundation 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 relating 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 Foundation Director/Governor/member of staff



Appendix 2 Declaration of Business Interests Form

Declaration of Interests: **Trust Board**

Name:

Given our core Catholic values and our collective responsibilities for the effective use of public funds it is important that we are open and transparent in any interests that may influence the decisions we make as Foundation Directors or employees of the CMAT.

To that end you are annually asked to complete a Declarations of Interest form and declare any relevant business or personal interests. This can be done by completing this form or updating your profile on Trust Governor.

Please enter 'nil' in the first box of each section if you have no interest to declare.

There are notes at the end of the form as guidance to completing it.

Directorships, partnerships or employment

| name of business/ organisation | nature of interest |
|--------------------------------|--------------------|
| | |
| | |
| | |

Governor or trustee roles at other educational institutions or charities

| name of school/establishment/charity | nature of link |
|--------------------------------------|----------------|
| | |
| | |
| | |



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 |
|-------------|----------------------------|--------------------------|
| | | |
| | | |

Notes:

The Academy Trust Handbook requires Foundation Directors and staff to declare:

- Directorships, partnerships and employments with businesses
- Trusteeships and governorships at other educational institutions or charities
- Interests arising from relationships with other members, trustees or local governors
- Interests arising from relationships with trust employees

You are also asked to declare matters that could be deemed by a member of the public as having the potential to affect your ability to make a decision impartially, without advantage to yourself or those close to you. This may include:

- Membership of any professional bodies
- Any gifts or hospitality offered to trustees or local governors
- Contracts held by trustees or local governors that involve an individual school

The general rule is to err on the side of over reporting as a belt and braces approach.

If you want to discuss any potential declaration before making it then please speak to the Head of Governance or Chair of the Trust Board.



As Trust Board members a summary of Trust Board declarations will be published annually as a table on the Trust's website.

Director Signature:

Date:

Name (in capitals):



Declaration of Interests: Staff

Name:

Given our core Catholic values and our collective responsibilities for the effective use of public funds it is important that we are open and transparent in any interests that may influence the decisions we make as Foundation Directors or employees of the CMAT.

To that end you are annually asked to complete a Declarations of Interest form and declare any relevant business or personal interests. This can be done by completing this form and returning it to the Head of Governance.

Please enter 'nil' in the first box of each section if you have no interest to declare.

There are notes at the end of the form as guidance to completing it.

Directorships, partnerships or employment

| name of business/ organisation | nature of interest |
|--------------------------------|--------------------|
| | |
| | |
| | |

Governor or trustee roles at other educational institutions or charities

| name of school/establishment/charity | nature of link |
|--------------------------------------|----------------|
| | |
| | |
| | |



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 |
|-------------|----------------------------|--------------------------|
| | | |
| | | |

Notes:

The Academy Trust Handbook requires staff to declare:

- Directorships, partnerships and employments with businesses
- Trusteeships and governorships at other educational institutions or charities
- Interests arising from relationships with other members, trustees or local governors
- Interests arising from relationships with trust employees

You are also asked to declare matters that could have the potential to affect your ability to make a decision impartially, without advantage to yourself or those close to you. This may include:

- Membership of any professional bodies
- Any gifts or hospitality offered to trustees or local governors
- Contracts held by trustees or local governors that involve an individual school

The general guidance is to err on the side of over reporting as a belt and braces approach.

If you want to discuss any potential declaration before making it, then please speak to the Head of Governance.



**St Ralph
Sherwin**
Catholic Multi Academy Trust

Signature:

Date:

Name (in capitals):