

## **BDAT Conflict of Interest Policy**

### **1. Introduction**

The Directors have a legal obligation to act at all times in the best interests of Birmingham Diocese Academies Trust (BDAT), and in accordance BDAT'S governing instruments. The CEO, Headteachers and Finance Director have similar obligations. Conflicts of interests may arise where an individual's personal, professional or family interests and/or loyalties could potentially conflict with those of BDAT.

Such conflicts may create problems as they can:

- Inhibit free discussion;
- Result in decisions or actions that are not solely in the interests of BDAT
- and the governing body; and
- Risk the impression that BDAT and/or local Academy Board has acted improperly

The aim of this policy is to protect both BDAT and individuals from any appearance of impropriety.

### **2. The Declaration of Interests**

Accordingly, we ask Directors, Governors, CEO, Headteachers and the Finance Director to declare their interests, and any gifts or hospitality received in connection with their role within the Trust. A declaration of interests form is provided for this purpose, listing the types of interest you should declare.

To be effective, the declaration of interests is updated annually, and also when any changes occur.

If you are not sure what to declare, or whether/when your declaration needs to be updated, please err on the side of caution. If you would like to discuss this issue, please contact the Finance Director for confidential guidance. Interests will be recorded on the Trust board's register of interests, which will be maintained by the Finance Director. The register will be accessible by the Chair of Directors, Chair of Local Academy boards and ESFA colleagues and be made available to the wider public through the BDAT website.

### **3. Data Protection**

The information provided will be processed in accordance with data protection principles as set out in the Data Protection Act 1998. Data will be processed only to ensure that Directors, Governors, CEO, Headteachers and Finance Director act in the best interests of BDAT. The information provided will not be used for any other purpose.

#### **4. What to do if you face a Conflict of Interest**

If you are a Director, Governor, CEO, Headteacher or Finance Director at BDAT, and also the parent or guardian of a pupil, or other “user” of BDAT’s services, you should not be involved in decisions that directly affect the service that you, or the person you care for, receives. You should declare your interest at the earliest opportunity and withdraw from any subsequent discussion. The same applies if you face a conflict for any other reason. You may, however, participate in discussions from which you may indirectly benefit, for example where the benefits are universal to all users, or where your benefit is minimal. A Governor who is also a parent of a pupil at BDAT should not be prevented from being involved in any meeting to consider any matter relating to the general conduct or administration of, or fees charged by the Charity, where the Governor’s only interest is by virtue of being such a parent, or from voting on and being counted in the quorum for any such matter. Nevertheless, you should declare your interest before such discussion commences. If you fail to declare an interest that is known to Chair of Governors and/or the Finance Director, one of them will declare that interest on your behalf.

**Governors who are also a parent of a pupil at a BDAT School are asked to declare their interest as a parent at the start of each Governor’s meeting.**

#### **5. Decisions taken where a Governor or member of Staff has an interest**

In the event of the Directors or Governors having to decide upon a question in which a Director, Governor, Headteacher or Finance Director has an interest; all decisions will be made by vote, with a simple majority required. A quorum must be present for the discussion and decision; interested parties will not be counted when deciding whether the meeting is quorate.

Interested board members may not vote on matters affecting their own interests. They may participate in the discussion (unless requested to withdraw by the other Directors or Governors) but not the decision-making process.

All decisions under a conflict of interest will be recorded by the Finance Director and reported in the Minutes of the meeting at board level and recorded by the Chair of Governors and reported in the minutes at academy level. The report will record:

- The nature and extent of the conflict;
- An outline of the discussion;
- The actions taken to manage the conflict.
- Where a Director or Governor benefits from the decision, this fact will be reported in the Directors’ Annual Report.

Independent external moderation will be used where conflicts cannot be resolved through the usual procedures.

## **6. Managing Contracts**

If you have a conflict of interest, you must not be involved in managing or monitoring a contract in which you have an interest. Monitoring arrangements for such contracts will include provisions for an independent challenge of bills and invoices, and termination of the contract if the relationship is unsatisfactory.

### DECLARATION OF INTERESTS FORM

I ..... **(name)** as a Director /Governor/ Headteacher/ Member of staff / Finance Director **(delete as a appropriate)** of Birmingham Diocese Academy Trust (BDAT) have set out below my interests in accordance with the Trust's conflict of interests policy.

CATEGORY	<i>Please give details of the interest and whether it applies to you, yourself or where appropriate, a close relative or close personal connection</i>
Current employment and any previous employment in which you continue to have a financial interest.	
Appointments (voluntary or otherwise) e.g. trusteeships, directorships, local authority membership, tribunals, etc.	
Membership of any professional bodies,  special interest groups or mutual support organisations.	
Investments in unlisted companies, partnerships and other forms of business,  major shareholdings and beneficial interests.	
Gifts or hospitality offered to you by external bodies and whether this was declined or accepted in the last twelve	

months.	
Do you use the school's services (e.g. as the parent or guardian of a pupil)?  Any contractual relationship with the charity or any subsidiary?	
Any contractual relationship with the charity or any subsidiary?	
Any other conflicts that are not covered  by the above?	

I declare that to the best of my knowledge the above information is complete and correct. I undertake to update as necessary the information provided, and to review the accuracy of the information on an annual basis. I give my consent for it to be used for the purposes described in the conflict of interest policy and for no other purpose. I understand that the details I have given will be recorded on the Trust's website.

SIGNED	NAME	DATE

***Please return the completed form to the Finance Director at BDAT.***