

## **Register of Business Interests Guidance and Model form**

It is important that governors and staff not only act impartially, but are also seen to act impartially. The Advisory Board and academy staff have a responsibility to avoid any conflict between their business and personal interests and affairs and those of the academy. There is a legal duty on all governors to declare an interest likely to lead to questions of bias when considering any item of business at a meeting and for the governor concerned to withdraw, if necessary, whilst the matter is considered.

To help put this duty into practice, an Advisory Board is required to establish and maintain a register of pecuniary interests indicating, for all governors and the Principal/Headteacher, any business interests. This should include, if appropriate, the company by whom they are employed, directorships, significant shareholdings or other appointments of influence within a business or other organisation which may have dealings with the academy. They should include their own interest and those of any member of their immediate family (including partners) or other individuals known to them who may exert influence. The register sheet should be signed by the governor. The register will enable governors to demonstrate that in spending public money they do not benefit personally from decisions that they make. The register must contain, as a minimum, the elements shown on the attached sheet.

Advisory Bodies should ensure the register is up to date, complete and includes all governors. Dated nil returns are also required. There should be notification of changes from governors, as appropriate, and through an annual review of entries. To ensure evidence of completeness it should be signed off annually by the Chair of governors.

The completed register should be retained by the clerk and made available on request to members of the Advisory Board, the Principal/Headteacher, staff, parents and The Education Fellowship (the fellowship).

There is often some confusion around what information needs to be declared on the business interests form and whether spouses/partners possible interest is relevant. It may be helpful to clarify the situation to governors with a covering letter when sending out the form and a suggested letter is attached. This letter also gives a bit more guidance for governors on how to fill in the form.

It is specifically the clerk's responsibility to maintain the register of business interests and update the fellowship of changes; however it is the responsibility of each individual governor to declare their interest. The register is not a substitute for declaring an interest at meetings.

## **Suggested accompanying letter to Governors**

Date

Dear Governor

### **Register of Academy Governor Business Interests**

Please find attached the Register of Academy Governor Business Interests form which I should be grateful if you would complete and return to me at your earliest convenience.

This is a statutory document for the Advisory Board and you should give careful consideration to it when completing it. It is important that governors and staff not only act impartially, but are also seen to act impartially. The Advisory Board and academy staff have a responsibility to avoid any conflict between their business and personal interests and affairs and those of the academy. There is a legal duty on all governors to declare an interest likely to lead to questions of bias when considering any item of business at a meeting and for the governor concerned to withdraw, if necessary, whilst the matter is considered.

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The register is reviewed annually, but governors are reminded that they should declare any changes as and when they occur.

If you require any assistance with this, please do not hesitate to contact me.

Yours sincerely

**Clerk to Advisory Board**

**FORM** - Register of Business Interests for Academy Governors

| Name of Governor*              |                    |                          |                      |           |      |
|--------------------------------|--------------------|--------------------------|----------------------|-----------|------|
| Date of Appointment            |                    |                          |                      |           |      |
| Date of Resignation/Retirement |                    |                          |                      |           |      |
| Name of Organisation           | Nature of Interest | Date from which involved | Date interest ceased | Signature | Date |
|                                |                    |                          |                      |           |      |
|                                |                    |                          |                      |           |      |
|                                |                    |                          |                      |           |      |
|                                |                    |                          |                      |           |      |
|                                |                    |                          |                      |           |      |

\*one page for each Governor or more if required

**Record of Reviews** (Clerk of Governors to distribute amendment and signature annually)

|          |  |  |  |  |  |
|----------|--|--|--|--|--|
| Date     |  |  |  |  |  |
| Initials |  |  |  |  |  |

Governors are reminded that completion of this form does not remove the requirement upon them to disclose orally any interest at any specific meeting and to leave the meeting for that agenda item.

## For the guidance of Governors

### Summary of the relevant part of the regulations about withdrawal from meetings and disclosure of interest are set out below

Withdrawal from meetings where 'having an interest' applies:

-  The general principle is that no-one should be involved in a decision where his or her personal interests may conflict with those of the Advisory Board.
-  The regulations apply to all members of the Advisory Board and the Principal/Headteacher and any others in attendance at the meeting, though if a matter is to be voted upon, then only to the members of the Advisory Board.
-  The clerk to the Advisory Board shall only be required to withdraw when the Advisory Board is discussing the clerk's pay/contract or disciplinary action against the clerk.
-  Governors have to withdraw when their own appointment, reappointment or removal as a member of the Advisory Board or a group is under consideration.
-  Any governor who is employed to work at the academy (other than the Principal/Headteacher), must withdraw from a meeting where the pay or performance appraisal of any particular person employed to work at the academy is under discussion.
-  If a person has any pecuniary interest, direct or indirect in any contract, proposed contract or any other matter under discussion at a meeting s/he shall at the meeting disclose the fact and:
  - (a) withdraw from a meeting during consideration/discussion of the meeting;
  - (b) not vote on any question with respect to that matter.
  - (c) The Principal/Headteacher must withdraw from any meeting where his/her own pay or performance appraisal is under discussion.

A person has an indirect pecuniary interest if:

-  s/he, or any nominee of hers/his, is a member of a company or other body with which a contract is under consideration or has been made;
-  s/he is a partner in business or in the employment, of a person with whom the contract is made or under consideration.
-  A person has a direct or indirect pecuniary interest in a matter if a relative (including spouse) living with her/him, has a direct/indirect pecuniary interest.
-  The Principal/Headteacher, a governor who is a teacher or member of the non-teaching staff, or any teacher who is in attendance in an advisory capacity should not have an interest that is greater than the interest of the generality of teachers at the academy.
-  A person present at a meeting of a selection panel at which the subject for consideration is that person's appointment (or that of his/her relative or spouse) to a post as a teacher or otherwise at the academy, a transfer or promotion or retirement or shall be a candidate for the resulting vacancy, s/he shall be deemed to have an interest.