Declaration of Interest for Staff and Governors

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This guidance has been produced to enable us to have a clear policy on the declaration of interests for XP Trust and applies equally to staff and governors.

A. General Principles

Governors and relevant (that is, those with an influence on expenditure decisions) staff must conduct themselves in a manner appropriate to their position as the senior decision- makers within the school.

Judgements must be made on an individual basis, taking account of the situation.

It is important to XP Trust to:
• ensure that no member of staff or governing body is involved in taking a decision or participates in a discussion on any matter where they have a conflict of interest.
• avoid any impression that any member of staff or the governing body has used their position to their personal advantage.

Each member of staff or of the governing body should ensure that, before they become involved in taking a decision, or participate in a discussion on any matter, there are no conflicts of interests that, in the opinion of a fair-minded and informed observer, would suggest a real possibility of bias.

Where members of staff or the governing body come into possession of confidential information in the course of their role, they must not use or disclose that information in order to benefit themselves or to benefit any other person.

Individual members of staff and governors are responsible for their own compliance with these guidelines and with the law.

In the interests of transparency and accountability, members of schools staff and the governing body are required to register in advance interests that are capable of causing conflicts. In addition, in relation to specific decisions, disclosure should be made of any interests that might conflict with their duties.

B. Register of Interests

All relevant staff and governing body members shall register appropriate information by making a written declaration in the Register of Interests as shown here

Staff and Governors should update their entry in the register at least once a year, but update the register as soon as any change is reasonably known. The form should be signed even if there is nothing to declare.

The register is available to the public on request but will not be generally available.

C. Disclosing Interests

From time to time staff and Governors may have or become aware of interests which do not have to be registered but which might, nonetheless, conflict with their duties. As well as keeping their entry on the register up to date, disclosure must be made as soon as he or she becomes aware that they may cause a conflict.

Such interests must be disclosed whether or not they are entered on the register and there should always be the opportunity for such disclosures to be made at the start of meetings of the full governing body or committees.

Further guidance on when to disclose interests is given in Section E.

D. Procedures for Handling Interests

Where a member of staff has a declared interest the head teacher should assess the impact of that interest on the individual's autonomy and ability to fulfil their role. The Principal should ensure that the member of staff is not compromised, by being involved in any matter where they have a conflict of interest.

Similarly, where the Principal has a declared interest, the governing body should consider the impact of that interest and ensure that the Principal is not compromised, by being involved in any matter where they have a conflict of interest.

In the event that a member of staff or governing body receives a written paper or agenda on a matter on which they have a conflict of interest, they must immediately inform the clerk to governors and disclose their interest at the start of the meeting.

If a member of staff or governor becomes aware of a conflict during the course of any discussion, their interest should be disclosed immediately.

In most cases where a relevant interest has been disclosed or registered, the individual must withdraw from all involvement in discussions or decisions relating to that matter.

However, in some circumstances the individual may, if agreed by the full governing body or relevant committee, participate in decisions and/or discussions. This is likely to be where the individual's relationship is so slight or historic that it would be unreasonable to suppose any significant interest, or where the decision and discussion will have no foreseeable implications for the individual's interest.

E. Which Interests Should Be Disclosed?

In considering whether to disclose an interest, those affected by this policy should ask whether, in the opinion of a fair-minded and informed observer, the interest would suggest a real possibility of bias.

The following questions may be useful:

- Do you have, or have you recently (within the past two years) had, any material business or other financial relationships with a relevant party?
- Do you have, or have you recently had, any other (non financial) relationships with a relevant party, the existence of which might suggest a real possibility of bias on your part?
- In considering whether to disclose an interest, you should also ask whether, in the opinion of a fair- minded and informed observer, the interests of close family members or friends would suggest a real possibility of bias.

Staff and governors must regard themselves as having a personal interest in any matter if that matter directly relates to, or impacts on, their interests or any decision they are asked to take that would affect the well-being or financial position of themselves, a relative* or friend.

In relation to:
• any employment or business carried on by such persons
• any organisation in which such persons have a beneficial interest
• any organisation in which such persons hold a position of general management.

The following list illustrates specific situations where interests should be recorded:

- paid employment, office or profession
- paid employment, office or profession of relatives, other regular significant sources of payment from an organisation or investment which might be considered relevant
- directorships, whether paid or not, of any organisation
- membership of other public bodies (e.g. governing bodies of universities, colleges and schools, and local authorities), trusteeships (e.g. of museums, galleries and similar bodies), and acting as an office holder or trustee for pressure groups, trade unions and voluntary or not-for-profit organisations.
- relevant securities which are not placed in a Blind Trust.

In this section:

- Relative* means spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of the above.
- 'Blind Trust' means an arrangement by which an individual gives a stockbroker or other professional investment manager absolute discretion to manage investments in Relevant Securities and under which the Board Member is not consulted before any dealing takes place, does not instruct the investment manager with regard to any specific securities,

and is not informed of changes in specific investments or the state of the portfolio other than in an aggregated form or as required for tax returns.

- 'Relevant Securities' means shares, debt securities, including debentures, bonds and gilts, options, rights or future rights to shares or other securities but does not include units in a Unit Trust or equivalent managed fund.

F. Confidential information

The Criminal Justice Act (CJA) 1993 makes it a criminal offence for an individual who has information as an insider to deal in securities (including shares, debentures, warrants and options) on a regulated market. Individuals who gain access to price-sensitive information through their employment or by virtue of an office they hold will be considered an, 'insider', under CJA 1993. Individuals in these circumstances who have unpublished price-sensitive information on any company, and either deals in the securities themselves, arranges for someone to deal in the securities on his/her behalf or passes the information on to someone or encourages someone else to deal will be committing an offence. The insider dealing offence under CJA 1993 is punishable by up to seven years' imprisonment and/or an unlimited fine.

Particular care should be taken to avoid disclosing to any person (or otherwise acting on) any discussions relating to decisions that have not yet been made public: for example, the award of significant new contracts that have yet to be publicly announced.

'Relative' means spouse, partner, parent, step-parent, parent-in-law, son, daughter, step-son, step- daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons. In relation to:

- any employment or business carried on by such persons
- any organisation in which such persons have a beneficial interest
- any organisation in which such persons hold a position of general management

The following list illustrates specific situations where interests should be recorded: relevant securities which are not placed in a Blind Trust

- paid employment, office or profession
- paid employment, office or profession of relatives, other regular significant sources of payment from an organisation or an investment which might be considered relevant
- directorships, whether paid or not, of any organisation
- membership of other public bodies (e.g. governing bodies of universities, colleges and schools,and local authorities), trusteeships (e.g. of museums, galleries and similar bodies), and acting as an office holder or trustee for pressure groups, trade unions and voluntary or not-for-profit organisation.