

## **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 governing body and school staff have a responsibility to avoid any conflict between their business and personal interests and affairs and those of the school. There is a legal duty on all governors and school staff to declare an interest likely to lead to questions of bias when considering any item of business at a meeting and for the governor and member of school staff concerned to withdraw, if necessary, whilst the matter is considered.

To help put this duty into practice, a governing body is required to establish and maintain a register of pecuniary interests indicating, for all governors headteacher and school staff, any business interests including relationships. 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 school. 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 or member of staff. The register will enable governors to demonstrate that in spending public money they or members of staff do not benefit personally from decisions that they make. The register must contain, as a minimum, the elements shown on the attached sheet.

Governing Bodies should ensure the register is up to date, complete and includes all governors and school staff. 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 chairman of governors.

Schools must keep the register up to date with notification of changes and through annual review of entries, and must make the register available for inspection by governors, staff, parents and the Council and to publish the register, for example on a publicly accessible website.

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 and staff 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 and staff on how to fill in the form.

It is specifically the clerk's responsibility to maintain the register of business interests, however it is the responsibility of each individual governor or member of staff to declare their interest. The register is not a substitute for declaring an interest at meetings.

## **SUGGESTED ACCOMPANYING LETTER TO GOVERNORS AND MEMBERS OF STAFF**

Dear

### **Register of Business Interests**

Please find attached the Register of School 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 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 governing body and school staff have a responsibility to avoid any conflict between their business and personal interests and affairs and those of the school. There is a legal duty on all governors and school staff to declare an interest likely to lead to questions of bias when considering any item of business at a meeting and for the governor or member of staff concerned to withdraw, if necessary, whilst the matter is considered.

To help put this duty into practice, a governing body is required to establish and maintain a register of pecuniary interests indicating, for all governors and school staff, 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 school. 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 or member of staff. The register will enable governors to demonstrate that in spending public money they do not benefit personally from decisions that they make.

The register is reviewed annually, but governors and members of staff 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 Governing Body

# FORM - Register of Business Interests

Name of Governor or member of staff \_\_\_\_\_

Date of Appointment \_\_\_\_\_ Date of Resignation/Retirement \_\_\_\_\_

Name of Organisation	Nature of Interest	Date from which involved	Signature	Date of signature	Date interest ceased	Signature	Date of signature	Notes

**Notes:** 1. Use the notes column to indicate relationships. 2. One page for each Governor or member of staff or more if required. 3. Make all entries in ink.

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

Date											
Initials											

Governors and members of staff 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, A SUMMARY OF THE RELEVANT PART OF THE REGULATIONS ABOUT WITHDRAWAL FROM MEETINGS AND DISCLOSURE OF INTEREST ARE SET OUT BELOW.**

**WITHDRAWAL FROM MEETINGS - HAVING AN INTEREST**

**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 governing body.**

- The regulations apply to all members of the governing body and the 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 governing body.
- The clerk to the governing body shall only be required to withdraw when the governing body 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 governing body or a committee is under consideration.
- Any governor who is employed to work at the school (other than the headteacher), must withdraw from a meeting where the pay or performance appraisal of any particular person employed to work at the school is under discussion.
- The headteacher must withdraw from any meeting where his/her own pay or performance appraisal 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 the consideration or discussion of the meeting;
  - (b) not vote on any question with respect to that matter.
- A person has an indirect pecuniary interest if:
  - (a) 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;
  - (b) 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 a spouse) living with her/him, has a direct or indirect pecuniary interest.
- The headteacher (whether a governor or not), 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 school.
- 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 school, a transfer or promotion or retirement or shall be a candidate for the resulting vacancy, s/he shall be deemed to have an interest.