

2023-24 Guidance on completing the Register of Business interests/gifts & hospitality form

THE DECLARATION IS A STATUTORY DOCUMENT AND MUST BE COMPLETED

Why the declaration is required

It is important that the trustees (members, directors, governors), and staff not only act impartially, but are also seen to act impartially. In May 1996, the Nolan Committee published a report on standards in public life as applicable to local public spending bodies. The report identified seven principles, which should be applied in public life. These are: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. One important means by which a school demonstrates that it is applying these principles is by maintaining a Register of Business Interests. The trust has a legal obligation to compile a register of interests which includes all trustees, members, governors and staff regardless of whether a conflict exists or not.

The trustees and school staff have a responsibility to avoid any conflict between their business and personal interests and affairs and the interests of the school. A conflict should be declared whether it is an actual, potential or perceived conflict. The disclosures should include business interests of relatives and other individuals who may exert influence, this is sometimes referred to as a close family member. A register of business interests must be maintained for both trustees and staff, which must be freely available for inspection by trustees, staff and parents. This is not meant to preclude involvement of related organisations with the school on a commercial basis, but links to the need for proper specification and open processes of competition to choose suppliers.

Trustees who are, or intend to be, main contractors (or are, or intend to be, sub-contractors to main contractors) on work being procured by the school (or the local Authority on the school's premises), must inform the Headteacher or Principal immediately and the Governing Body at their next meeting. Staff who intend to order works, goods or services from a company with which they have a business interest, (whether following quotes, tenders or otherwise), must declare this in writing to the Headteacher or Principal. The Headteacher or Principal must declare any business interest in similar circumstances to their Chair of Governors.

Staff members must not personally endorse or advertise any products or services, educational or otherwise, in the name of the Trust, as a representative of the Trust or by association, including on any media or social media platform. This is the case whether or not a financial incentive (including free products/service) has been offered.

If you are a trustee, member, director, governor or classed as key management personnel further instructions are included at the end of guidance which do not apply to other staff members.

Business Interests which must be declared

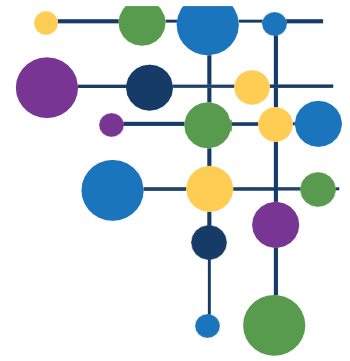
The register must include all business interests. Below is a list of interests we would expect to be declared. This list is provided to give an indication of interests and is not exhaustive. If you are in any doubt if an interest should be declared we would recommend that you include the interest on the form, or alternatively contact an authorised individual for confirmation.

- Directorships
- Shareholdings of a Limited company
- Trustee or Governor at another school/academy trust
- Ownership, management or operation of local businesses
- Other appointments of influence within a business or other organisation (senior staff member etc)
- Shareholdings in PLC's (including minor shareholdings) *
- Local authority employment
- Employment with another school/academy trust

* In this instance, minor is defined as less than 0.1% of the issued capital of any company, or holding less than 2,500 shares in a PLC, this would not normally preclude a trustee from involvement in decision making.



2023-24 Guidance on completing the Register of Business interests/gifts & hospitality form



Relatives and other individuals who may exert influence (close family members)

Disclosures should also include business interests (as listed above) of relatives and other individuals who may exert influence. It is accepted that trustees and staff may not be aware of all of the business affairs of their relatives. Declarations should relate to those of which trustees and staff are overtly aware. Below is a list of individuals which may require declaring on the form. The list is provided as a guide and is not exhaustive. If you are in any doubt if an interest should be declared, or if an individual should be considered as a relative or other individual who may exert influence, we would recommend that you include the interest on the form, or alternatively contact an authorised individual for confirmation.

- Spouse/partner
- Parent
- Sibling
- Child

Gifts and hospitality

You should register any gift, reward or benefit (above the value of £30) from a pupil or any member of the public or any organisation with whom you are brought into contact by reason of your duties. We recommend that such gifts are passed onto the academy/trust who would use the gift for fundraising (for the academy or another charity), or for the direct benefit of all pupils and/or all staff. In these circumstances, no business interests form is required.

Authorised individual

If you are in any doubt if an interest should be declared or need further guidance, we ask that you contact your academy admin manager, or if you are part of the central team, a member, trustee, or governor the trust governance professional.

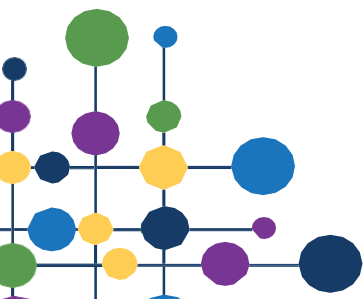
key management personnel

key management personnel are considered as being related parties. The trust considers the following individuals as key management personnel.

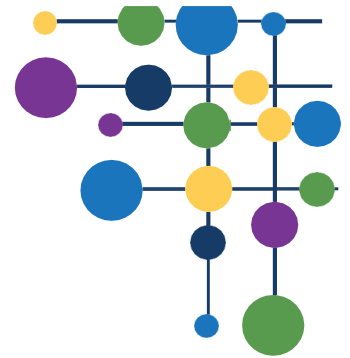
- Chief Executive Officer
- Chief Financial Officer
- Executive Principals
- Director of Primary Education
- Director of Operations
- Director of Teaching School Hub

Additional guidance for trustee, member, director, governor and key management personnel

The guidance below is for trustees, members, directors, governors and those classed as key management personnel only.



2023-24 Guidance on completing the Register of Business interests/gifts & hospitality form



Additional guidance for trustee, member, director, governor and key management personnel

Related parties

As a member, trustee or a member of key management personnel you are classed, under the companies act and ESFA guidance, as a related party and in addition to the requirements above to ensure the trust avoids any conflict between their business and personal interests and affairs and the interests of the school additional information is required in order that the trust can ensure it is fully compliant.

As a governor of an academy within the trust there are requirements in the ESFA guidance which means we require the same additional information. Governors are however not classed as related parties under the companies act and relevant accounting standards. No disclosure of any transactions will be included in the financial statements but governors are subject to reporting requirements to the ESFA.

To ensure we comply fully with the strict regulation of related party and governor transactions we need to understand who are the related parties, whether there are any transactions with them, and if so, the nature of such transactions.

Who is classified as a related party?

Broadly, a related party of the trust is a person or organisation which either (directly or indirectly) controls, has joint control of, or significantly influences the Academy/Trust or vice versa. Therefore, related parties include the following:

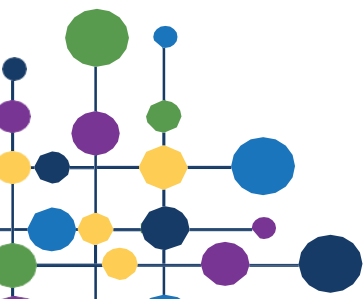
Included	Excluded
Members	Providers of finance in the course of their business (e.g. banks)
Trustees (Directors)	Utility companies
Other key management	Government departments
Close family of the above	Customers, suppliers, franchisers, distributors or general agents with whom the entity transacts a significant volume of business
Other business interests of the above	
Retirement benefit schemes	Trade unions

Providing details of all close family members

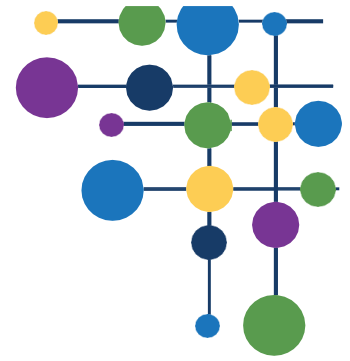
Close family of an individual, for the purpose of related parties, are those family members, or members of the same household, who may be expected to influence, or be influenced by, that person in their dealings with the reporting entity. Typically, this will include: the individual's domestic partner and children, children of the individual's domestic partner and dependants of the individual or the individual's domestic partner.

Please note that the definition of close family members for related parties is not the same as the wider definition of relatives and other individuals who may exert influence noted above. For ease and to ensure transparency we would request that declaration is made in line with the wider definition in the Relatives and other individuals who may exert influence section above.

It should be noted that unless a parent or sibling lived in the same household no disclosure of transactions, if any, would be disclosed in the financial statements.



2023-24 Guidance on completing the Register of Business interests/gifts & hospitality form



Additional guidance for trustee, member, director, governor and key management personnel

Providing details of all close family members (continued)

In order that we can ensure we are able to check for transactions with close family members we ask that all trustees, members, directors, governors and key management personnel provide a list of their close family members.

Although we understand that this is personal information that people may not wish to give, we are required to obtain and document all related parties of the academy and the definition of related parties specifically includes 'close family'. This information will be noted and will be subject to our usual requirements for confidentiality. Details of transactions with related parties will only be disclosed where there are disclosable transactions with such parties during the year.

The list of close family members will **not** be included on our website when we disclose declarations of interest. However, any business interests of close family members along with the nature of the relationship explaining why it is classed as a business interest shall be included on the trust website.

If Governors have significant concerns over providing the names of close family, they may replace the names of close family with the following statement:

"I confirm that there are no members of my close family that have influenced me in my dealings with SHARE Multi Academy Trust, or that have entered into any transaction with SHARE Multi Academy Trust during the period ended 31 August 2023."

Please note that we expect all individuals classed as a Related Party as defined above to provide the full list of family members.

It should also be noted by governors issuing the statement rather than listing family members that, while this approach is becoming widely adopted in the audit profession it still remains unclear whether this meets the requirements of clarified International Standard on Auditing (ISA) 550 'Related Parties' and as a result our auditors may insist on the provision of this information during there year end audit work.

Academy Trust Handbook

For further guidance on why we are collating this information please see The Academy Trust Handbook sections 5.35 – 5.59 inclusive. Click [here](#) for a link to the handbook.

