

# Declaration of Business Interests & Gifts Policy

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## History of policy changes and review

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Date	Change	Details
August 2021	Previous documents collated and updated	Alignment of Register and Declaration of Interest forms with 2021 statutory guidance, Codes of Conducts and best practice
March 2023	Review	

Next review date: March 2025

# Section 1

## Introduction

Staff and Governors are expected to act with integrity, honesty and objectivity, acting and making decisions in the best interests of students and the School.

This means that that the School needs to be open and transparent in the decisions it makes and actions taken, particularly regarding financial processes and where there may be conflicts of interest.

Conflicts of interest typically arise where staff or Governors' personal relationships, business or financial activities, or involvement in other educational organisations, affect the ability to make impartial, objective decisions that are in best interests of Briarwood.

## Aims

This Declaration of Business Interests and Gifts policy aims to provide guidance to staff and governors regarding responsibilities for, and the processes around, declaring relevant business interests and gifts.

This policy guidance complies with:

- Principles of honesty, integrity and transparency and acting in the best interests of students and the School
- Briarwood's Codes of Conduct for staff and governors
- Bristol City Council's Financial Regulations for Schools with Delegated Budgets, 2022
- Department for Education's Constitution of governing bodies of maintained schools, 2017
- Department for Education's Schemes for financing local authority maintained schools, 2012

This policy forms part of Briarwood's governance arrangements preventing conflicts of interest.

## Purpose

This Declaration of Business Interests and Gifts policy outlines the responsibilities of staff and governors in relation to declaring business interests and gifts, describes the practical processes that support this transparency and gives details of documentation that must be completed.

In Section 2 this policy covers:

- How to declare business interests
- Definition and examples of business interests
- Formal recording of business interests

Please note: business interests may also be referred to, or described as, pecuniary or financial interests.

Section 3 of this policy covers:

- Descriptions of acceptable and unacceptable gifts and hospitality
- Use and maintenance of the Register of Hospitality and Gifts

# Section 2

## Roles and responsibilities - declaring business interests

### Staff and governors

As part of their commitment to the Briarwood Code of Conduct, all staff are required to declare any business interests that could potentially affect decisions they make for the School.

Those on the board of governors must update the Clerk to Governors whenever their business interests change, in addition to confirming their business interests annually.

For staff who are on the board of governors, or have any involvement in decisions made around the School's expenditure, this is also a regulatory and legal requirement, as it is for all governors.

### Briarwood School

The School is obliged to publish a summary Register of Interests on the School's website, updated annually or whenever there are significant changes. This must appear directly on a web page and not require the downloading of additional documents.

### Clerk to Governors

The Clerk to Governors undertakes the annual update of declarations of business interests, sending out the Governors & Staff Declaration of Interests form to all governors and staff who are involved in financial decision making for the School as detailed in the Scheme of Delegation within the School Finance Policy.

The Clerk to Governors also maintains the Register of Interests and is responsible for uploading summary information for the School's website every academic year and whenever there are significant changes.

## Process - declaring business interests

To meet all legal and regulatory requirements, governors, and relevant staff, must declare their business interests:

- As part of their commitment to the Briarwood Code of Conduct
- Annually, through completion of the Governors & Staff Declaration of Interests form, submitted to the Clerk of Governors and summarised on the School website
- As and when business interests change, by contacting the Clerk of Governors who will update the Register of Interests
- At the beginning of a meeting where an agenda item relates to a business interest
- During meetings where it becomes clear that discussions and decisions are relevant to a business interest

If, during a meeting, a governor, or member of staff, has declared a business interest that could lead to questions of bias, that person must withdraw from the meeting during the relevant discussion, and any voting, unless the Governing Body allows otherwise.

The general principle is that no-one should be involved in a decision where personal interests may conflict with those of the School's Governing Body.

Where a governor or relevant staff member has declared a business interest that involves a financial decision, supplier or procurement process, the Governing Body can proceed with discussions around that business interest. The School is not forced to proceed with an inferior, alternative option if a conflict of interest is raised.

If the board proceeds with paying for goods or services associated with a declared business interest it must ensure and demonstrate that this:

- Is in the best interests of students and the School
- Will better meet Briarwood's goals, requirements and purposes than other options
- Conflict of interest can be managed openly, clearly, sufficiently and is documented accordingly

### Expectations - business interests that must be declared

As a general principle, you should declare for the register anything a member of the public might reasonably think puts you at risk of being biased, putting private considerations above the interests of the School and or seeking preferential treatment for yourself or those you are connected to.

This includes the following:

#### Personal business interests

Under the statutory guidance, business, pecuniary or financial interests that must be declared by staff and governors include:

- A business interest in a company that could stand to gain from your position on the governing board (a supplier used by the school, for example)
- Governance roles in other educational institutions
- Interests arising from relationships with other governors (including spouses, partners and close relatives)
- Interests arising from relationships with members of school staff (including spouses, partners and close relatives)
- If you are a member of a group or organisation using the school facilities
- If you are on an interim executive board
- Voting rights on any committees (if you are an associate member)



### Immediate family members' business interests

Staff and governors must also make a declaration if any 'immediate family' member has a relevant business interest. Immediate family is defined as the following:

- a spouse
- a partner
- a parent
- parent-in-law
- son
- daughter
- step-son
- step-daughter
- child of a partner
- brother
- sister
- grandparent
- grandchild
- uncle
- aunt
- nephew
- niece
- or spouse or partner of any of the above

### Other interests to be declared

Please also declare any other interests that might affect your ability to act impartially and influence your decisions. If you're not sure if an interest is relevant, please declare it or discuss with the Clerk to Governors.

### Interests that don't need declaring

You don't need to declare:

- Business interests that are no longer current
- Staff governors' employment at the school, as this is obvious by virtue of their position

## Documents - declarations of business interests

The two key documents for completing in relation to complying with this policy area are:

### 1. Governors & Staff Declaration of Interests form

This form needs to be completed annually by all governors and staff who are involved in procurement and financial decisions, such as:

- Executive Headteacher
- Head of Operations
- Finance & Business Development Manager
- Compliance & Contracts Officer
- Finance & Business Development Assistant
- Head of School
- Head of Education & Skills
- Head of Provision & Inclusion
- Assistant Head – Curriculum Lead
- Assistant Head – Pastoral Lead
- Pastoral Co-Ordinator

The Clerk to Governors will initiate the annual completion of these forms and collate the data in to a Register of Interests, including nil returns.

This form enables the Clerk to gather detailed information about each interest, ensuring they can monitor conflicts of interest during meetings. The Clerk and the Chair of Governors should hold this information securely.

### 2. Register of Governors & Staff Interests

The Clerk to Governors will use the information gathered from the annual completion of the Governors & Staff Declaration of Interests form to update the Register of Governors & Staff Interests.

A summary register must:

- Be published on the School website
- Include governors', Executive Headteacher's and associate members' interests, including nil returns
- State if your associate members have voting rights on any committees
- State if anyone is active on an interim executive board
- Be updated whenever there is a significant change and at least annually
- Be in a readily accessible format that does not require downloading or opening separate documents

The summary register for the School website does not need to include:

- The business interests of immediate family members
- Detailed information, it just needs to make clear to the public if there's an interest or relationship

Clerks are exempt from inclusion on the register.

### Stakeholder access to documentation

Both of these key documents must be held securely and made available for inspection by a range of stakeholders including:

- The local authority
- Governors
- Staff
- Parents
- Auditors

Templates for the Governors & Staff Declaration of Interests form and Register of Governors & Staff Interests are included as Appendices 1 and 2 to this policy and include guidance around requirements for completing the forms.

# Section 3

## Roles and responsibilities - gifts and hospitality

It is against the law for public servants to take bribes. Staff and governors need to take care that they do not accept any gift that might be construed by others to be a bribe, or lead the giver to expect preferential treatment.

Governors and staff must ensure that all offers of gifts and hospitality received in connection with their links to Briarwood, are recorded, whether or not the offers are accepted. This is a commitment for all staff and governors under the Briarwood Code of Conduct and is also a Bristol City Council regulatory requirement.

## Expectations - acceptable and unacceptable gifts

### Acceptable gifts

Gifts can only be accepted when they are low cost and functional items suitable for 'business' or school use. For example, these might include: diaries, calendars, pens.

There are specific occasions when students or parents/carers wish to pass on small tokens of appreciation to staff, e.g. at Christmas or as a thank you at the end of the school year. These are acceptable gifts if the value of the gift is £25 or less.

Any promotional offers received by staff or governors must remain the property of the school and must be used for the benefit of students

### Unacceptable gifts

It is unacceptable to receive gifts on a regular basis or to receive cash, even in small amounts.

Significant personal gifts and personal payments of any value should be refused and returned with a formal letter.

Gifts from outside contractors or organisations, or gifts of high value, should be returned with a suitable formal letter, regardless of whether this is a gift for the School or for an individual.

If it is not possible to return gifts, the employee who deals with that supplier must declare the gift to the Governing Body who will keep a record of it and decide how the gift should be used. Such gifts remain the property of the School and should be included in the Register of Gifts and Hospitality.

Personal gifts must not be given to students or their families/carers.

### Visits and hospitality

Visits to exhibitions, demonstrations, conferences, business meals and social functions in connection with School duties will be paid for by the School or City Council.

Offers of hospitality to specific events, such as a dinner or sporting event, should only be accepted after authorisation from the Governing Body. These would normally only be approved where there is a clear and demonstrable benefit to the School and the hospitality would not expose Briarwood to criticism that the business contact was exerting undue influence.

Where hospitality in the form of meals and drinks is offered by a business contact, this is acceptable if it forms part of a normal business meeting (for example, refreshments at training events or meals at evening meetings).

### **Additional employment**

Employees should not accept a financial payment from any person, body or organisation with which the School is involved. Employees should not accept secondary employment from a body or organisation which is the School is involved in without permission from the Executive Headteacher (see Code of Conduct).

## **Process and documentation - declaration of gifts and hospitality**

All offers and acceptance of gifts or hospitality (including all of those described above) must be logged in the Register of Gifts and Hospitality, with the exception of the items below:

- Low cost, functional items suitable for business use (rather than personal use) and displaying the supplier's logo e.g. diaries, calendars and pens
- Gifts offered by parents or students to school staff to express their thanks, valued at no more than £25, e.g. boxes of chocolate

The Register of Gifts and Hospitality is maintained by the Clerk to Governors and staff and governors should contact the Clerk directly in the event that any offer of a gift or hospitality is made to them that needs recording.

A template for the Register of Gifts and Hospitality is included in Appendix 3 of this policy.

# References, appendices and links

## Links with other policies

- Briarwood School Code of Conduct

## References

Department for Education: The constitution of governing bodies of maintained schools, 2017  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/640562/The\\_constitution\\_of\\_governing\\_bodies\\_of\\_maintained\\_schools\\_2017.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/640562/The_constitution_of_governing_bodies_of_maintained_schools_2017.pdf)

Bristol City Council – Financial Regulations for Schools with Delegated Budgets (April 2022)  
<https://www.bristol.gov.uk/documents/20182/847775/Financial+regulations+for+schools+with+delegated+budgets/f703610c-c135-4671-add1-3df802240f5f>

Bristol City Council – Scheme for Financing Schools (April 2022)  
<https://www.bristol.gov.uk/documents/20182/289934/Scheme+for+financing+schools+April+2022.pdf/604dc3e7-6c97-32dc-414f-10854d786259?t=1649689403904>

The Key for School Governors > Register of interests (maintained schools)  
<https://schoolgovernors.thekeysupport.com/the-governing-body/conflicts-interest/registers-of-business-interests-templates-and-examples/>

The Key for School Governors > Conflicts of interest  
<https://schoolgovernors.thekeysupport.com/the-governing-body/conflicts-interest/conflicts-interest/>

The Key for School Governors > Conflicts of interest: example scenarios  
<https://schoolgovernors.thekeysupport.com/the-governing-body/conflicts-interest/conflicts-of-interest-example-scenarios/?marker=content-body>

## Appendices

- Appendix 1 - Governors & Staff Declaration of Interests form
- Appendix 2 - Register of Governors & Staff Interests summary template
- Appendix 3 - Register of Gifts and Hospitality template

## Appendix 1 - Governors & Staff Declaration of Interests form



## Appendix 2 - Register of Governors & Staff Interests summary template

## Appendix 3 - Register of Gifts and Hospitality template