

Conflicts of Interest and Related Party Transactions Policy

This is a Trust-Wide Policy

Date of Policy Approval:	
Owner of Policy:	Audit Committee
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Table of Contents

1.0 Conflicts of Interest and Related Party Transactions Policy	3
1.1 What is the Policy for?	3
1.2 Who is the Policy for?	3
2.0 Policy Standards – General Principles	3
2.1 What constitutes a conflict of interest?	3
2.2 Definition of a Related Party	4
2.3 Declaration of Interests	4
3.0 Related-Party Transactions	5
4.0 Managing a Conflict of Interest	6
4.1 Documentation	6
Appendix 1	7
Appendix 2	13
Appendix 3	14
Appendix 3	18

1.0 CONFLICTS OF INTEREST AND RELATED PARTY TRANSACTIONS POLICY

The vision of Westcountry Schools Trust ('WeST') is to create a world class educational experience that enables every young person to reach their full potential, and in particular, their full academic potential.

WeST is committed to the highest standards of governance in delivering this vision. An important part of this relates to the management of conflicts of interest and related party transactions.

1.1 What is the Policy for?

In order to provide transparent and open governance, it is important to seek, avoid and manage not only conflicts of interest but also the perception of them. The overall approach taken is to avoid conflicts of interest wherever possible and, where it is not possible, to manage and declare them ensuring WeST is even-handed in its relationships with related parties where they exist.

This policy seeks to ensure both staff and the public are aware that WeST fosters an environment where there are policies and processes in place to avoid conflict of interest and, where any issues should arise, there are procedures to ensure they are dealt with fairly and transparently.

1.2 Who is the Policy for?

This policy applies to anyone within WeST who:

- is charged with the responsibility of making a decision with financial implications on behalf of either one of the WeST academies or for WeST as a whole;
- can influence the career progression of another member of WeST staff; or
- can influence the appointment of an external candidate.

As such it applies to members, trustees, governors, executive management, Principals, Heads of Teachers and those managers who may be charged with any kind of procurement or who line manage another member of staff with procurement responsibility either in an academy or as part of the Core WeST team.

2.0 Policy Standards - General Principles

2.1 What Constitutes a Conflict of Interest?

A conflict of interest, or the perception of conflict, arises when:

- 2.1.1 a person has influence over, or decision making authority about, career progression, compensation, benefits or other such matters concerning another person with whom they have a close relationship; or
- 2.1.2 a member of staff has influence or decision rights over purchasing or other transactions where a close relationship is involved, i.e. related party transactions.

2.2 Definition of a Related Party

For the purposes of this policy, a related party is classed as:

- 2.2.1 all WeST members, trustees or any of its academy's local governors;
- 2.2.2 all key management personnel either in the Core Executive Leadership team or an individual academy including Principals, Head Teachers and those senior managers and other members of staff who may be charged with any kind of procurement or who line manage another member of staff with procurement responsibility either in an academy or as part of the Core WeST team;
- 2.2.3 a relative of those referred to in 2.2.1 and 2.2.2 above. A relative is defined as a close member of the family, or member of the same household, who may be expected to influence, or be influenced by, the person. This includes, but is not limited to, a child, parent, spouse or civil partner, brother or sister, grandparents and grandchildren;
- 2.2.4 an individual or organisation carrying on business in partnership with those referred to in clause 2.2.1 to 2.2.3 above;
- 2.2.5 a company in which those referred to in 2.2.1 and 2.2.2 above and/or those in 2.2.3 above (taken separately or together) hold more than 20% of the share capital or is entitled to exercise more than 20% of the voting power at any general meeting of that company;
- 2.2.6 an organisation which is controlled by those referred to in 2.2.1 and 2.2.2 above and/or those in 2.2.3 above (acting separately or together). For these purposes an organisation is controlled by an individual or organisation if that individual or organisation is able to secure that the affairs of the body are conducted in accordance with the individual's or organisation's wishes;
- 2.2.7 any individual or organisation given the right under WeST's articles of association to appoint a member or trustee of the academy trust; or anybody connected to such individual or organisation; and
- 2.2.8 any individual or organisation recognised by the Secretary of State as a sponsor of the academy trust; or anybody connected to such individual or organisation.

2.3 Declarations of Interest

All those who are deemed a related party in accordance with clause 2.1 above must sign and submit to their Academy or Trust Head Office at the start of each academic year but no later than **30 September** each academic year:

- 2.3.1 a WeST Declaration of Interests form (see Appendix 1) in the case of members, trustees, governors and Executive Management team; or
- 2.3.2 a Staff Declaration of Pecuniary Interest form (see Appendix 2) in the case of those senior managers and other members of staff who may be charged with any kind of procurement or who line manage another member of staff with procurement responsibility.
- 2.3.3 Original Declaration of Interest forms for governors, Principals, Senior Leadership and line managers should be kept in the individual Academies as should the

relevant Staff Declaration of Pecuniary Interest forms.

- 2.3.4 A summary (including nil returns) of all declarations from Governing Body members should be sent to the Chief Financial Officer and Clerk to Trustees by each Principal/Head of School (or their Clerk to Governors) by no later than **October half term** each academic year.
- 2.3.5 Original Declaration of Interest forms for members, trustees and Executive Management will be kept at the Trust's Head Office.
- 2.3.6 Declarations of Interest forms for any newly appointed member, trustee, governor, Executive Management, Principal, Head of School, senior manager or anyone who may line manage another member of staff or have responsibility for any procurement, within the academic year should be completed by the individual **within one month** of their being appointed, filed in the appropriate place and copied to the Chief Financial Officer and Clerk to Trustees, if appropriate.
- 2.3.7 All those who are deemed a related party in accordance with clause 2.2 above must notify any changes (additions or cessation) to their declared interests as soon as reasonably practicable to:
 - the Clerk to Trustees (in the case of members, trustees and the Executive Leadership Team);
 - the Clerk to Governors of their respective academy (in the case of governors); or
 - their School Business Accountants (for those senior managers and other members of staff who may be charged with any kind of procurement or who line manage another member of staff with procurement responsibility).
- 2.3.8 The Declarations of Interest for members, trustees, governors and the Executive Leadership Team should be included on the WeST website and updated whenever any changes occur.
- 2.3.9 Individual WeST academies should publish the Declarations of Interest for every member of their Local Governing Body on their website and updated whenever any changes occur.
- 2.3.10 Upon receipt of the annual Declaration of Interest forms, the summary of Governor interests received from each governing body in accordance with clause 3.3 above, and any notifications of changes thereto, the Chief Financial Officer will undertake a management review to determine which if any interests are required for disclosure to the ESFA and/or in the statutory accounts. The Chief Financial Officer will report the outcome of his/her review at each Audit Committee meeting.

3.0 Related-Party Transactions

- 3.1 WeST follows the policy for related-party transactions laid out in the Academies Financial Handbook 2019. This deals with goods or services provided by individuals or organisations connected to WeST and/or its academies. For ease of reference, the relevant sections from the Academies Financial Handbook are copied in

Appendix 3.

- 3.2 WeST's Financial Procedures Manual should be followed and adhered to for any financial transactions by all WeST staff members, both Core and at the individual academies. These state that wherever possible, related-party transactions should be avoided. Accordingly neither Core WeST nor any of its academies should trade with any entity in which a member, trustee, governor or Executive Leadership team of WeST (or any of its academies) has a business interest. Likewise no senior managers nor other members of staff who may be charged with any kind of procurement or who line manage another member of staff with procurement responsibility either in an academy or as part of the Core WeST team shall procure goods or services, nor encourage others to procure goods and services from any entity in which he/she or his/her close family members have a business interest.
- 3.3 Where as a result of the review undertaken by the Chief Financial Officer referred to in clause 2.3.10 above, any related parties are identified (other than those with a staff contract of employment), an account will be created in the Trust's Purchase Ledger at a level 9 security setting such that the supplier cannot be used without administrator approval.
- 3.4 Where for any reason it is felt a related-party transaction is unavoidable, the potential transaction must be reported to the Chief Financial Officer immediately for approval. He/she will consult with the Audit Committee and/or Trust Board to seek their approval or otherwise. No related party transaction should be entered into without the prior written approval of the Chief Financial Officer or Chief Executive Officer. Failure to comply with this pre-approval requirement could lead to disciplinary action against the member/s of staff in breach. .
- 4.0 Managing Conflicts of Interest**
- 4.1 Once a conflict, or potential conflict of interest has been identified, the procedures outlined in Appendix 4 should be followed at all times.

APPENDIX 1

IDENTIFYING RELATED PARTIES: INFORMATION SHEET

Company name	WESTCOUNTRY SCHOOLS TRUST
Year end	31 August 2019

In accordance with our audit obligations under International Standard on Auditing 550, "Related Parties" we are required to obtain from you a list of related parties as defined by Financial Reporting Standard 8, "Related party disclosures" (FRS 8). This information is only for our internal use and will not be disclosed to other parties except to the extent necessary to comply with FRS 8 in the annual accounts.

As a matter of good practice directors should maintain an up to date record of related parties so that transactions with such parties can be properly identified, authorised and disclosed in the annual accounts. By retaining a copy of the attached schedules when they are complete and updating them as necessary you can maintain a record of related parties.

We include the following below:

- a summary of the information that we require regarding related parties and a commentary on the terminology used in FRS 8;
- relevant definitions.

Details of transactions with related parties are contained in a separate document.

Related party relationships – summary and commentary

This information is required irrespective of whether there has been a transaction between the company and the individual or entity concerned during the year.

Individuals

We need details of individuals who are classified as related parties

A person is a related party if that person:

- has control or joint control over the company;
- has significant influence over the company; or
- is a member of the key management personnel of the company or of any of its parent companies.

It does not matter whether a parent company is incorporated in the UK or overseas and so you will need to request information about key management personnel from overseas parent companies.

Close family members

We need details of close family members of any individuals who are related parties as defined above. That includes close family members of directors of parent companies.

Close members of the family are those family members who may be expected to influence, or be influenced by, that person in their dealings with the entity and include:

- that person's children and spouse or domestic partner
- children of that person's spouse or domestic partner; and
- dependants of that person or that person's spouse or domestic partner.

Dependants could include foster children, elderly and infirm parents, former spouses, and brothers and sisters who rely on the person for financial support. However, it does not include parents or siblings where there is no dependency.

Other business interests

We need details of entities in which individuals or their close family members have an interest. These are termed "business interests" for the purposes of this declaration

A business interest of a person or their close family member is a related party if the person or their close family member:

- Controls or has joint control over the entity;
- Controls or has joint control over the company and also has significant influence over the entity;
- Controls or has joint control over the company and is also a member of the key management personnel of the entity (or of a parent of the entity).

Relevant business interests could therefore include companies in which individuals or their close family members have a majority shareholding, companies controlled by majority shareholders of the company and companies in which a majority shareholder of your company is a director.

Other entities

We need details of other entities that are classified as related parties.

An entity is a related party of the company if:

- Both entities are members of the same group;
- One is an associate or joint venture of the other or of another member of the same group;
- Both entities are joint ventures of the same third party or one is a joint venture and the other an associate of the same third party;
- The entity is a retirement benefit scheme (e.g. a pension scheme) of the company or of any of the company's other related party entities.

"Members of the same group" includes parent companies, subsidiaries and fellow subsidiaries. An associate is an entity over which the investor exercises significant influence. A joint venture exists where the investing parties have joint control.

Relevant definitions

Control includes majority shareholders or anyone who can appoint a majority of the directors. It exists where a person can direct the financial and operating policies of an entity in order to obtain benefits.

Joint control exists where there is a contractual agreement which allows collective control by two or more parties.

Significant influence is usually regarded as arising where a person has the ability to participate in the financial and operating decisions of an entity. Examples could include someone who holds a significant proportion of the voting rights in the company (typically 20% or more) or who has the power to appoint and remove directors. If in doubt, please provide details of the rights available.

Key management personnel includes directors (both executive and non-executive) and may also include other individuals who have responsibility for the management and direction of a significant aspect of the business but who are not formally appointed as directors. It covers both the company and its parent companies. This means any parent company in the chain of command above, not just the immediate parent company.

REGISTER OF RELATED PARTIES - INDIVIDUALS

Company Name:

Individual's name:

Connection to company:

(insert description of relationship or interest)

Other business interests held personally	Name	Description of interest

Close family member	Name	Other relevant details (e.g. age of children)
Spouse/ Domestic partner		
Children		
Children of domestic partner		
		Reason why "dependent"
Other dependents		

Business interests of close family	Name of entity in which interest is held	Description of interest (% shares held, position etc)
Holder of interest		
Spouse/ Domestic partner		
Children		
Children of domestic partner		
Other dependents (as identified above)		

Signed	
Name	
Date	

REGISTER OF RELATED PARTIES - ENTITIES

Company Name:

Name of entity	Relationship to company

Signed	
Name	
Date	

APPENDIX 2

Staff Declaration of Pecuniary Interest

Name of academy: [Hele's] School

Name of member of staff: _____

Position held in school: _____

Members of staff are asked to record any pecuniary interests held either personally or through a company or relative or partner.

An 'interest' is a situation where a member of the staff may be affected personally or financially, directly or indirectly, or in some other way by a decision made at a meeting where the member of staff is present.

Please complete this form and return it to [Carolyn Hamblin (Finance)] as quickly as possible, but no later than 30 September.

Declaration	
Are you a Company Director, Partner, Owner of any Business?	YES/NO
If YES, please name business:
Is a close family member, a Company Director, Partner Owner of any Business?	YES/NO
If YES, please name business:
Is there any other interest you wish to declare?	YES/NO
Please add information if YES:

Signed: _____ Date: _____

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 withdraw.

APPENDIX 3

EXTRACTS FROM THE ACADEMIES FINANCIAL HANDBOOK 2019

If there are any doubts about any of the extracts from the Academies Financial Handbook 2019 mentioned below, advice should be sought from the Chief Financial Officer.

- 3.1 Academy trusts **must** be even-handed in their relationships with related parties by ensuring that:
- trustees comply with their statutory duties as company directors to avoid conflicts of interest, not accept benefits from third parties, and declare interest in proposed transactions or arrangements;
 - all members, trustees, local governors of academies within a MAT and senior employees complete the register of interests, in accordance with sections 5.44 to 5.47 of this handbook;
 - no member, trustee, local governor, employee or related individual or organisation uses their connection to the trust for personal gain, including payment under terms that are preferential to those that would be offered to an individual or organisation with no connection to the trust;
 - there are no payments to trustees by the trust unless permitted by the articles, or by authority from the Charity Commission, and comply with any relevant agreement with the Secretary of State. Trusts will need to consider these obligations where payments are made to other business entities who employ the trustee, are owned by the trustee, or in which the trustee holds a controlling interest;
 - the Charity Commission's approval is obtained where the trust believes a significant advantage exists in paying a trustee for acting as a trustee; and
 - payments provided to the persons referred to in section 5.48 satisfy the 'at cost' requirements in this handbook.
- 3.2 The trust should be aware of the Charity Commission's guidance for trustees CC11: Trustee expenses and payments.
- 3.3 The board of trustees **must** ensure requirements for managing related party transactions are applied across the trust. The board chair and the accounting officer **must** ensure their capacity to control and influence does not conflict with these requirements. They **must** manage personal relationships with related parties to avoid both real and perceived conflicts of interest, promoting integrity and openness in accordance with The 7 principles of public life.
- 3.4 Trusts **must** recognise that some relationships with related parties may attract greater public scrutiny, such as:
- transactions with individuals in a position of control and influence, including the board chair and accounting officer;
 - payments to organisations with a profit motive, as opposed to those in the public or voluntary sectors;
 - relationships with external auditors beyond their duty to deliver a statutory audit.

- 3.5 The trust **must** keep sufficient records, and make sufficient disclosures in their annual accounts, to show that transactions with these parties, and all other related parties, have been conducted in accordance with the high standards of accountability and transparency required within the public sector.

Reporting and approval of related party transactions

- 3.6 Trusts **must** report all contracts and other agreements with related parties to ESFA in advance of the contract or agreement commencing, using ESFA's related party on-line form. This requirement applies to all such contracts and agreements made on or after 1 April 2019.
- 3.7 Trusts **must** obtain ESFA's prior approval, using ESFA's related party on-line form, for contracts and other agreements for the supply of goods or services to the trust by a related party agreed on or after 1 April 2019 where any of the following limits arise:
- a contract or other agreement exceeding £20,000
 - a contract or other agreement of any value that would mean the cumulative value of contracts and other agreements with the related party exceeds, or continues to exceed, £20,000 in the same financial year ending 31 August
- 3.8 For the purposes of reporting to, and approval by, ESFA contracts and agreements with related parties do not include salaries and other payments made by the trust to a person under a contract of employment through the trust's payroll.

Register of Interests

- 3.9 The academy trust's register of interests **must** capture relevant business and pecuniary interests of members, trustees, local governors of academies within a MAT and senior employees, including:
- directorships, partnerships and employments with businesses
 - trusteeships and governorships at other educational institutions and charities
 - for each interest: the name and nature of the business, the nature of the interest and the date the interest began
- 3.10 The register **must** identify relevant material interests from close family relationships between the academy trust's members, trustees or local governors. It **must** also identify relevant material interests arising from close family relationships between those individuals and employees. 'Close family relationships' is defined in section 5.48 (third bullet).
- 3.11 Trusts should consider whether other interests should be registered. Boards of trustees should keep their register of interests up-to-date at all times.
- 3.12 Trusts **must** publish on their websites relevant business and pecuniary interests of members, trustees, local governors and accounting officers. Trusts have discretion

over the publication of interests of other individual named on the register. The Charity Commission offers guidance in Manage a conflict of interest in your charity and CC29: Conflicts of interest: a guide for charity trustees.

At cost requirements

3.13 Subject to sections 5.53 to 5.56 a trust **must** pay no more than 'cost' for goods or services provided to it by the following persons ('services' do not include contracts of employment):

- members or trustees of the academy trust
- individuals or organisations related to a member or trustee of the academy trust. For these purposes the following persons are related to a member, or trustee:
 - a relative of the member or trustee. A relative is defined as a close member of the family, or member of the same household, who may be expected to influence, or be influenced by, the person. This includes, but is not limited to, a child, parent, spouse or civil partner
 - an individual or organisation carrying on business in partnership with the member, trustee or a relative of the member or trustee
 - a company in which a member or the relative of a member (taken separately or together), and/or a trustee or the relative of a trustee (taken separately or together), holds more than 20% of the share capital or is entitled to exercise more than 20% of the voting power at any general meeting of that company
 - an organisation controlled by a member or the relative of a member (acting separately or together), and/or a trustee or the relative of a trustee (acting separately or together). For these purposes an organisation is controlled by an individual or organisation if that individual or organisation can secure that the affairs of the body are conducted in accordance with the individual's or organisation's wishes
 - any individual or organisation given the right under the trust's articles of association to appoint a member or trustee of the academy trust; or anybody connected to such individual or organisation
 - any individual or organisation recognised by the Secretary of State as a sponsor of the academy trust; or anybody connected to such individual or organisation

3.14 A body is connected to another individual or organisation if it is controlled by the individual or organisation, or controls the organisation, or is under common control with the individual or organisation. For these purposes, control means:

- holding more than 20% of the share capital (or equivalent interest), or
- having the equivalent right to control management decisions of the body, or
- having the right to appoint or remove a majority of the board or governing body.

- 3.15 The 'at cost' requirement does not apply to the trust's employees unless they are also one of the parties described in section 5.48.
- 3.16 While these provisions do not apply to contracts of employment, the principles of value for money and using public money properly, including managing conflicts of interest, still apply. Salaries should be appropriate to the individual's skills and experience and to wider market rates.
- 3.17 If staff of an individual or organisation in section 5.48 are based in, or work from the premises of, the academy trust, that individual/ organisation and the trust **must** agree an appropriate sum to be paid to the trust for use/occupation of the premises, save to the extent that they are carrying out work for the trust.
- 3.18 The 'at cost' requirement applies to contracts with a related party agreed on or after 7 November 2013.
- 3.19 The 'at cost' requirement applies to contracts with a related party exceeding £2,500, cumulatively, in any one financial year. Where a contract takes the trust's cumulative annual total with the related party beyond £2,500, the element above £2,500 must be at no more than cost.
- 3.20 In relation to organisations supplying legal advice or audit services to the academy trust, the 'at cost' requirement applies where the organisation's partner managing the service is a member or trustee of the trust but not in other cases for those organisations. The published ethical standards for auditors prevent partners or employees of the audit firm from acting as a trustee of their client trust, but not of other trusts.
- 3.21 In relation to dioceses, the contributions made by an academy trust to its diocese for services it receives associated with securing the academy trust's religious character and ethos, which only the diocese can provide, are regarded as meeting the 'at cost' requirement.
- 3.22 Academy trusts must ensure any agreement with an individual or organisation referred to in section 5.48 to supply goods or services to the trust is properly procured through an open and fair process and is:
 - supported by a statement of assurance from that individual or organisation to the trust confirming their charges do not exceed the cost of the goods or services, and
 - on the basis of an open book agreement including a requirement for the supplier to demonstrate clearly, if requested, that their charges do not exceed the cost of supply
- 3.23 For these purposes the cost will be the 'full cost' of all the resources used in supplying the goods or services, and must not include any profit. Full cost includes:
 - all direct costs (costs of materials and labour used directly in producing the goods or services)
 - indirect costs (a proportionate share of fixed and variable overheads)

APPENDIX 4

MANAGING CONFLICTS OF INTEREST

4.1 Conflicts of Interest during Governance Meetings

For the purposes of this policy, governance meetings are deemed to include:

- Members' meetings
 - Board of Trustee meetings
 - Executive Management meetings
 - Local Governing Body meetings
 - Any committee meetings from the above bodies
 - Senior Leadership meetings
 - Recruitment Panels
 - Formal HR Meetings/Panels
 - This is not an exhaustive list and should always include any bodies set up around procurement arrangements.
- It is up to the Chair of the meeting to decide whether it would be in the best interests of any decision making for the person with the declared interest to stay for the discussion of that particular item. This should be clearly noted in the Minutes with the explanation as to why that person was asked to stay.
 - Anyone with a declared conflict of interest will not have any voting rights whatsoever on that item.
 - Should a conflict occur unexpectedly during a meeting, e.g. through Any Other Business, it should be declared immediately to the Chair of the meeting. The Chair can then make the decision whether to ask the person to leave or to make a note of the declaration and withdraw any voting rights from that person.

4.2 Line Management Structure

- Unless approved by the Trust Board, the direct line management structure of any academy or of Core WeST should not include people who are in a close relationship. Where two people in the same line management structure subsequently enter into a close relationship, one or other must be moved to a different line management structure. Advice should be sought from WeST's HR Director before any action is taken.
- Where someone has a close relationship that could affect decisions taken, the Principal/Head of School must be advised. If that person is a Principal/Head of School or is a member of the Executive Management team, it should be declared to the Chief Executive Officer. If that person is to the Chief Executive Officer, it should be declared to the Chair of Trust.
- All reasonable steps should be taken to avoid people being in the direct line-management structure with someone with whom they have a close relationship. This will include considering appointing one of the people with the relationship to an equivalent role in a different line management structure. In cases where this cannot be avoided, a member of staff more senior than both members in the close relationship will make decisions about areas which would otherwise lead to a conflict of interest. Advice should be sought from WeST's HR Director in the first instance.
- If one of the parties is the Principal/Head of School, the Chief Executive Officer and a governor of the academy will be involved in making decisions which otherwise would lead to a conflict of interest.

- Such decisions mentioned above would include (but not be limited to), those relating to salary, promotion, taking on extra responsibilities, opportunities for career progression, continuing professional development opportunities, appraisal, complaints and any formal HR proceedings outcomes e.g. disciplinary, capability, grievance.
- Conflicts of interest must be considered as part of any appointment process and management of the issue must be identified before any appointment is made which could lead to a conflict of interest or the perception of it.
- A close relation cannot be appointed to a role which reports directly to the Principal/Head of School. In the event the Principal/Head of School enters into a relationship with a direct report, unless approved by the Trust Board one or other must leave the school or take a position that reports into some else among the academy staff. Advice should be sought from WeST's HR Director before any action is taken.

4.3 Appraisals

- A staff member's appraisal must not be conducted by a person with whom they are in a close family relationship.
- Where it has been impossible to avoid a line manager directly managing someone with whom they have a close relationship, the appraisal will be done by someone who is senior to the direct line manager, having first discussed the appraisal with them.
- Where this cannot be avoided if the direct line manager is a Principal/Head of School, the appraisal should be conducted by the Chief Executive Officer or Executive Primary Principal after having discussions with the Principal/Head of School.

4.4 Promotional / Additional Paid Responsibilities

- The procedures for staff applying for any post/extra responsibilities will follow the same procedures as above.
- Any staff involved in the recruitment process will be asked to declare any close relationships they may have with any of the candidates and, if so, will not be involved in any stage of the recruitment process e.g. shortlisting, interviewing, etc.
- In cases where a conflict of interest may arise, (other than a Principal/Head of School), a member of staff more senior than both members in the close relationship will replace the person in the close relationship in the recruitment process and on the interview panel.
- Where this concerns a Principal/Head of School, the Chief Executive Officer and/or Executive Primary Principal will replace them in the recruitment process.

4.5 Training / CPD / Time Off Work

- For any decisions around such requests which could cause a conflict of interest, a more senior member of staff than those in the close relationship will make the decision.
- In the case where one of the parties is the Principal/Head of School, the Chief Executive Officer or Executive Primary Principal will make the decision.

4.6 Complaints / Grievances / Disciplinary / Capability / Sickness Cases involving a Member of Staff in a Close Relationship

The relevant Trust policies should be referred to at all times.

Where any proceedings are instigated under staff policies and one of the members is in a close relationship with the member involved, these shall be referred to the Principal and/or WeST's HR Director to determine the appropriate person to be involved. For the avoidance of doubt, such proceedings could include:

- Chairing a grievance hearing;
- Chairing a disciplinary hearing;
- Handling a complaint;
- Being a member of an Appeals Panel;
- Chairing a sickness meeting;
- Conducting a disciplinary / grievance investigation; and
- Chairing a capability hearing.

This is not an exhaustive list and other instances may be relevant.

A staff member shall suffer no adverse repercussions from raising a complaint or grievance against someone who is in a close relationship with another member of staff or governor.

4.7 Confidentiality

- The senior member within the close relationship is expected to maintain the highest professional standards, including not passing on confidential information to the other member within that close relationship. This includes all information which is shared at management levels above those to which the less senior member would normally have access.
- If a staff member suspects that information is being shared inappropriately, it should be reported to, and investigated by, a more senior member of staff.
- Where one of the parties is a Principal/Head of School and the other is suspected of receiving confidential information from, the Chief Executive Officer or Executive Primary Principal should handle the complaint.