



# SoundSkool Music

## Conflict of Interest Policy

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## Statement of Intent

This policy sets out the framework for ensuring that the decisions and decision-making processes at SoundSkool are, and are seen to be, free from personal bias and do not unfairly favour any individual or company connected with SoundSkool.

Members of the governing board and staff have an obligation to act in the best interests of SoundSkool to avoid situations where there may be a potential conflict of interest.

Situations may arise where family interests or loyalties conflict with those of SoundSkool. Such interests may create problems as they can inhibit free discussions, result in decisions or actions that are not in the interests of the SoundSkool, and risk our reputation.

SoundSkool has created this policy to:

- Ensure that every governor and staff member understand what constitutes a conflict of interest, and that they have a responsibility to identify and declare any conflicts that might arise.
- Record the conflict and the actions taken to ensure that the conflict does not affect the decision-making of SoundSkool

## Legal Framework.

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- DfE (2020) 'Governance handbook'

This policy operates in conjunction with the following policies:

- Gifts, Hospitality and Anti-bribery Policy
- Whistleblowing Policy
- Anti-fraud and Corruption Policy
- Declared Conflicts of Interest Register
- Data Protection Policy
- Governing Board Code of Conduct

## Definitions

For the purpose of this policy, a person is defined as having a '**business or pecuniary interest**' if they have a monetary or financially vested interest in a business or service, which could prevent the individual from acting in SoundSkool's best interests.

'**Conflicts of interest**' are any situations where an individual's personal interests or loyalties could, or could be seen to, prevent the individual from making a decision in the best interests of SoundSkool. The most common types of conflict of interest can be separated into '**financial conflicts**' and '**loyalty conflicts**'.



**'Financial conflicts'** are when an individual is connected to a person and/or organisation and could receive money or something else of value from the selection of their decision. Individuals' expenses, e.g. governor expenses, are not included in this definition.

**'Loyalty conflicts'** are unrelated to money or individual benefits; rather, these conflicts are concerned with other reasons relating to an individual's loyalty or duty to another organisation which would impair their decision-making in consideration to their obligation to prioritise SoundSkool's best interest.

A **'connected person'** broadly relates to an individual's family, relatives, or business partner. To determine if an individual is considered connected in case-specific issues, we will seek legal advice if necessary.

An **'interested party'** is defined as a person who has a close relation to a person with a vested interest, e.g. a spouse.

**'At cost'** refers to the cost of a good or service (not including contracts of employment), without profit.

## Responsibilities

The governing board will be responsible for:

- Ensuring that all members of staff, including volunteers, act in accordance with this policy at all times.
- Identifying any conflicts of interest that have not been previously declared.
- Making complete declarations on an **annual** basis, and ensuring they are up-to-date.
- Ensuring there are measures in place to manage and identify any conflicts of interest.
- Operating and making decisions in the best interests of students and SoundSkool.
- Independently and objectively making decisions about pay and benefits, scrutinising each decision so conflicts of interest are avoided.

The chair of governors will be responsible for:

- Ensuring, in liaison with the CEO that all members of the governing board have declared any conflicts of interest, in accordance with the Declared Conflicts of Interest Register.
- Considering the risks associated with an individual who has declared a conflict of interest participating in any decision-making or voting and seeking advice from an HR professional.
- Setting professional standards of governance and accountability for the board.



The CEO will be responsible for:

- Keeping an accurate and up-to-date record of interests for all governors, staff and volunteers, which is reviewed **annually**, and can be accessed by relevant people, e.g. the Head of College
- Keeping accurate meeting minutes.
- compliant.

The Head of College will be responsible for:

- Ensuring, in liaison with the chair of governors, that all members of the governing board have declared any conflicts of interest, in accordance with the Declared Conflicts of Interest Register.
- Ensuring that any staff member who is responsible for proposing a course of action or handling SoundSkool's budget has declared any conflicts of interest.
- Deciding who else is considered an 'interested party', and ensuring they declare any conflicts of interest.

Staff and volunteers will be responsible for:

- Declaring any conflicts of interest.
- Acting in accordance with this policy at all times.
- Identifying any conflicts of interest that have not been previously declared.
- Following SoundSkool's Whistleblowing Policy where there are concerns that a conflict of interest has not been declared, and an individual might have subsequently benefitted.
- Ensuring that all individuals in a discussion do not have a vested interest in the subject.

### Identifying conflict of interests

All staff and volunteers will be able to demonstrate that they do not have a vested interest in any decision-making or budget spending. All staff and volunteers will remain objective and act within the best interests of SoundSkool and its students.

Members of the governing board will declare any conflicts of interest at an early stage and inform the relevant people, e.g. the CEO. Members of the governing board will ensure that any conflicts of interest do not prevent them from making a decision that would be in the best interests of SoundSkool and its students.

Members of the governing board and the relevant members of staff will declare the following interests:

- Holding another public office
- Being an employee, director, adviser or partner of another business or organisation



- Pursuing business opportunities
- Being a member of a club, society or association
- Having a legal or professional obligation to someone else
- Having a beneficial interest in a trust
- Owning or occupying a piece of land
- Owning shares or some other investment or asset
- Having received a gift, hospitality or other benefit from someone/an organisation
- Owing a debt to someone/an organisation
- Holding or expressing strong political or personal views that may indicate prejudice or predetermination for or against a person or issue
- Being a governor, associate member or trustee at any other educational establishment
- Being a spouse, partner, relative or close friend of someone who has one of these interests

All interests and connections that could influence SoundSkool's reputation with the public will be declared.

Staff and volunteers that have a relative whom they know to have a declarable interest will declare this information.

### Identifying conflicts of interests

Members of the governing board and relevant staff will declare any interest that might conflict with their loyalty to:

- Another organisation, such as their employer.
- A member of their family.
- Another connected person or organisation.
- Another governing board or committee of which they are a member.
- The individual that appointed them to the governing board.

Members of the governing board will also be required to declare any conflicts of interest where their religious, political or personal views could interfere with their ability to make decisions in the best interests of SoundSkool.

Each declaration of interest will be recorded on SoundSkool's Declared Conflicts of Interest Register.

This register will allow all governors and relevant employees to identify any business, commercial, financial or personal interests they have.



Details of each interest will be recorded on the register, including the following:

- The nature and name of the business and/or interest
- The date the interest began
- A brief description of duties or responsibilities
- The date of cessation of interest
- The date of entry onto the register
- Relevant material interests which occur through close family relationships between those individuals and employees.

### Register of Interests

SoundSkool will keep a Declared Conflicts of Interest Register that details the nature of interests declared.

The declaration registers will be stored in SoundSkool [office](#), where they can be accessed by the headteacher and chair of governors, as well as inspected by Ofsted or anyone else who has a right to it to carry out their statutory duties.

The DPO will ensure that the registers are protected in accordance with SoundSkool's Data Protection Policy.

The governing board will decide who else has access to the registers, including other staff members and governors

If an individual has no interest to declare, they will indicate this by stating 'nil' on their conflicts of interest form, before signing and dating the declaration.

If an individual is unsure whether they have a conflict of interest, the CEO will advise the individual to declare any possible interests until they can confirm their interests at a later date.

Any conflicting interests or relationships will be described in sufficient detail using appropriate language to clarify under what circumstances an individual's position might be brought into question.

If a new interest becomes applicable during SoundSkool year, it will be the responsibility of the individual concerned to amend the Declared Conflicts of Interest Register.

The Declared Conflicts of Interest Register will be published publicly on SoundSkool website; however, certain interests of staff members may be omitted from the published copy, unless they are also a governor or relevant member of staff.

### Declaring Conflict of interests

Wherever possible, the CEO and chair of governors will make arrangements to avoid a conflict of interest arising.



The stipulations below will apply to all members of the governing board, the headteacher and any others in attendance at meetings, including the SLT.

The governing board will be provided with a standard agenda item at the beginning of each meeting, to declare any actual or potential conflicts of interest. Declarations will be made in writing, unless they are made at a meeting where official minutes are being taken.

All members of the governing board will be required to declare any interest that has been outlined as an item to be discussed, at the earliest possible opportunity and before any discussion of the item itself.

### Removing conflicts of interest

The governing board will consider any conflict of interest declared, ensuring that any potential effect on decision-making is eliminated.

If an individual has declared an interest, they will be required to leave the room when the matter is being discussed.

Where there is a conflict of loyalty and the affected member does not stand to gain any benefit, they will be required to declare the interest.

The rest of the governing board will decide on what level of participation in decision-making, if any, is acceptable on the part of the conflicted member.

- The governing board will decide whether the affected member:
- Can participate in the decision, after having registered and fully declared their interest.
- Can stay in the meetings where the decision is discussed and made, but not participate.
- Must be withdrawn from the decision-making process.

When deciding which course of action to take, the governing board will:

- Always make their decisions in the best interests of SoundSkool and its students.
- Always protect SoundSkool's reputation and be aware of the impression that their actions and decisions may have on others.
- Always be able to demonstrate that they have made decisions in the best interests of SoundSkool and its students, and independently of any competing interest.
- Require the withdrawal of the affected member from any decisions where their other interest is relevant to a high-risk or controversial decision, or could significantly affect the member's decision-making.
- Allow a member to participate where the existence of their other interest poses a low risk to decision-making in SoundSkool's interest, or is likely to have only an insignificant bearing on their approach to an issue.

- Be aware that the presence of a conflicted member can affect trust between other members of the governing board, could inhibit free discussion, and might influence decision-making in some way.

If the governing board is discussing the appointment of a post, or making decisions that may lead to a staff vacancy, regarding a role for which a governor could apply, the member in question will be required to leave the discussion, as this is classed a conflict of interest.

Members of the governing board who have declared an interest will not be able to vote or make decisions regarding that topic, including any financial activity connected to the matter, and will not be present when the vote is taken.

The minute taker will record an entry in the minutes when an individual withdraws from a meeting.

Declarations will be clearly recorded so that there can be no potential for misunderstandings.

In circumstances where participation is unavoidable, the chair of governors will consider the risks associated with the situation and advice will be sought. An entry of the situation, including the outcome, will be recorded in the minutes.

The governing board will follow any legal or governing document requirements on how a conflict of interest must be handled, but may, in serious cases, decide that removing a conflict of interest itself is the most effective way of preventing it from affecting their decision-making.

Serious conflicts of interest will include, but will not be limited to, those which:

- Are so acute and extensive that the member is unable to make their decision in the best interests of SoundSkool and its students.
- Are present in significant high-risk decisions of the trustees.
- Mean that effective decision-making is regularly undermined or cannot be managed in accordance with the required or best practice approach.
- Are associated with an inappropriate governing board benefit.

To remove a conflict of interest, the governing board will undertake appropriate action, including:

- Not pursuing the course of action.
- Proceeding with the issue in a different way so that a conflict of interest does not arise.
- Securing the resignation of the member affected by a conflict of interest.
- Not making member appointments that would knowingly introduce a conflict of interest.
- Not making member appointments that would knowingly introduce a conflict of interest.

## Records of proceedings

Each time a declaration has been made during a meeting or an individual has withdrawn from a discussion, a record will be kept in the meeting minutes.

At a minimum, the following information will be recorded:

- The nature of the conflict
- Which members were affected
- Whether the conflicts of interest were declared in advance
- Whether anyone withdrew from the discussion
- How the governors reached the decision made
- A description of what was disclosed and in what circumstances
- A cross-reference to an entry in the Declared Conflicts of Interest Register
- The chair of governors or CEO will sign and date the recording

## Non-compliance

Any member of the governing board who fails to reveal information to enable the governing board to fulfil its responsibilities may be in breach of the Governing Board Code of Conduct – as such, these incidents will be dealt with on a case-by-case basis accordingly.

The governing board will consider suspending a governor if they fail to declare information that brings the governing board's reputation into question.

Where necessary, any member of staff found to be withholding information about a conflict of interest will be subject to disciplinary action in line with the Disciplinary Policy and Procedure.

Any staff member or member of the governing board who fails to declare an interest and is found to be in conflict with their decision-making will be required to explain the reasons for their omission to the rest of the governing board.

If a member is unsure whether they are conflicted, they will declare the issue and discuss it with the rest of the governing board.

If a member is aware of an undeclared conflict of interest affecting another member, they will be required to notify the rest of the governing board for appropriate action.

If the person making the declaration is only one of a number participating in the governing board's discussion and decision-making process, the declaration will be made to the other participants. If the person making the declaration is the only person making a decision on behalf of the governing board, the declaration will be made to the CEO. If the person making the declaration is the CEO, the declaration will be made to the chair of governors.

Staff will declare conflicts of interest to the headteacher and ensure that this information is up-to-date.



If new conflicts of interest arise for governors or staff, they will inform the chair of governors or the CEO and the registers will be updated.