



# REGISTER OF INTERESTS

## GUIDANCE FOR GOVERNORS AND COLLEGE MANAGERS

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Audience:	Governors., Staff, Auditors, Members of the general public

The Post-16 Audit Code of Practice (March 2018)<sup>1</sup> requires the College Clerk to maintain a register of personal interests in accordance with the instrument of government, which must be available to any person wishing to inspect it, and which covers

- all governors
- all key staff with significant financial and decision-making responsibilities?
- all key management personnel?
- anyone else with a capacity to influence and/or control

Based on the 2018 Audit Code of Practice, the following categories of College staff are requested to complete a register of interest form: -

1. All members of the Senior Management Team
2. The Clerk to the Corporation
3. All College Directors

**Each governor and College manager is requested to register all business interests, financial or otherwise which he or she (insofar as he or she is aware) his or her spouse or partner, children or other close relatives may have. Members should inform the Clerk to the Corporation whenever their circumstances change and interests are acquired or cease.**

Further guidance is given below about the disclosures which relate to conflicts of interests. More detailed guidance is available in the College's code of conduct and in the Charity Commission document 'Conflicts of interest: a guide for charity trustees' (Feb 2017)<sup>2</sup>.

## **Guidance Notes**

1. Any interest, financial or otherwise, which is likely or would, if publically known, be perceived as being likely to interfere with the exercise of a Member's independent judgment should be disclosed to the Corporation. The interest will be recorded in a register which will be maintained by the Clerk. The Register enables members to disclose relevant business interests in a manner which is open and transparent

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<sup>1</sup> Post-16 Audit Code of Practice 2017 to 2018 Assurance and accountability requirements for post-16 providers, including sixth-form and further education colleges – see <https://www.gov.uk/government/publications/post-16-audit-code-of-practice>

<sup>2</sup> Charity Commission for England and Wales 'Conflicts of interest: a guide for charity trustees' CC29 (Feb 2017) – see [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/591550/CC29.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/591550/CC29.pdf)

and demonstrates to the public that such interests have not influenced the Corporation's decision-taking process. Members are reminded that the Register is open to public inspection.

2. Members are in the best position to decide what business interests are relevant and should be disclosed. However, they may find it helpful to consider whether any particular guidance should be disclosed by reference to the following headings, which are set-out as general guidelines.
3. Members are invited to provide the same information, if known to him or her, in respect of his or her spouse or partners, children or other close relative (e.g. living in the same household or a dependant). This is a 'connected person' as defined in the Charities Act 2006 – see overleaf. A member should ask him/herself whether members of the public, knowing such information, would reasonably, conclude that the relevant interest might influence her or her judgment.

<b>Category of Interest</b>	<b>Information to be Disclosed</b>
Paid employment	Name of employers
Self employment	Names of significant customers/clients accounting for more than 10% of income of an individual or a firm
Directorship of commercial companies	Name of companies
Significant shareholdings	Name of companies in which the corporation members owns, say 5% or more of the issued share capital
Elected office	Name of authority
Trusteeships or participation in the management of charities or other voluntary bodies	Name of body
Public appointments (paid or unpaid)	Name of body
Membership of professional bodies and trade or other associations	Name of body

**Definition of "connected person" as set out in Schedule 5 of the Charities Act 1993 as amended by the Charities Act 2006**

1. "connected person", in relation to a charity, means

- (a) a charity trustee or trustee for the charity;
- (b) a person who is the donor of any land to the charity (whether the gift was made on or after the establishment of the charity);
- (c) a child, parent, grandchild, grandparent, brother or sister of any such trustee or donor;
- (d) an officer, agent or employee of the charity;
- (e) the spouse or civil partner of any person falling within any of the sub-paragraphs (a) to (d) above;
- (ea) a person carrying on business in partnership with any person falling within any of the sub-paragraphs (a) to (e) above;
- (f) an institution which is controlled-
  - (i) by any person falling within any of the sub-paragraphs (a) to (ea) above, or
  - (ii) by two or more such persons taken together; or
- (g) a body corporate in which-
  - (i) any connected person falling within any of sub-paragraphs (a) to (f) above has a substantial interest, or
  - (ii) two or more such persons, taken together, have a substantial interest.

2.1 In paragraph 1c above "child" includes a stepchild and an illegitimate child.

2.2 For the purposes of paragraph 1e above a person living with another as that person's husband or wife shall be treated as that person's spouse.

2.3 Where two persons of the same sex are not civil partners but live together as if they were, each of them shall be treated for those purposes as the civil partner of the other.

3 For the purposes of paragraph 1f above a person controls an institution if he is able to secure that the affairs of the institution are conducted in accordance with his wishes.

4 For the purposes of paragraph 1g above any such connected person as is there mentioned has a substantial interest in a body corporate if the person or institution in question-

- (a) is interested in shares comprised in the equity share capital of that body of a nominal value of more than one-fifth of that share capital, or

- (b) is entitled to exercise, or control the exercise of, more than one-fifth of the voting power at any general meeting of that body.