

SCHEDULE 1

Regulation 16

Pecuniary Interests and Other Specified Conflicts of Interest

Pecuniary interests

1.—(1) For the purposes of regulation 16(b), a pecuniary interest includes an interest in a contract or a proposed contract where—

- (a) a relevant person was nominated or appointed to office by a person with whom the contract was made or is proposed to be made;
- (b) a relevant person is a business partner of a person with whom the contract was made; or
- (c) a relative of a relevant person (including the relevant person's spouse, civil partner or someone living with the relevant person as if the other person were the relevant person's spouse or civil partner), to the knowledge of the relevant person had, or would be treated as having, such an interest.

(2) For the purposes of regulation 16(b), a relevant person will not be treated as having a pecuniary interest in any matter—

- (a) provided that the value of the relevant person's pecuniary interest is no greater than that of the pecuniary interest commonly held by those paid to work at the school;
- (b) by reason only of the fact that the relevant person was nominated or appointed to office by, is a member of, or is employed by, any public authority; or
- (c) by reason only of the fact that the relevant person is a member of a corporation or other body if the relevant person has no financial interests in any securities of that corporation or other body.

(3) For the purposes of this paragraph "public authority" includes any person who performs functions which are of a public nature.

(4) Governors are not, by reason of their pecuniary interest in the matter, prevented from considering and voting upon proposals for the governing body to take out insurance protecting their members against liabilities incurred by them arising out of their office and the governing body is not, by reason of the pecuniary interest of their members, prevented from obtaining such insurance and paying the premiums.

Office of governor, chair, vice-chair or clerk

2.—(1) This sub-paragraph applies where a relevant person is present at a meeting of the governing body at which a subject of consideration is—

- (a) the relevant person's own appointment, reappointment, suspension or removal as a member of the governing body;
- (b) the relevant person's own appointment or removal from office as clerk to, or chair or vice-chair of, the governing body; or
- (c) if the relevant person is a sponsor governor, any determination under paragraph 2 of Schedule 5 to the Constitution Regulations 2007 as to the provision in the instrument of government for sponsor governors.

(2) In any case where sub-paragraph (1) applies the relevant person's interests will be treated for the purpose of regulation 16(b) as being in conflict with the governing body's interests.

Status: This is the original version (as it was originally made).

Pecuniary interests

3.—(1) This sub-paragraph applies where a relevant person who is paid to work at a school other than as head teacher is present at a meeting of the school at which a subject of consideration is the pay or performance appraisal of any particular person employed to work at the school.

(2) This sub-paragraph applies where a head teacher of a school is present at a meeting of the school at which a subject of consideration is the head teacher's own pay or performance appraisal.

(3) In any case where sub-paragraph (1) or (2) applies, the relevant person's interest will be treated for the purpose of regulation 16(b) as being in conflict with the governing body's interests.