

SCHEDULE

Regulation 14

Restrictions on persons taking part in proceedings of the governing body or its committees

Pecuniary interests

1. –

(1) Subject to sub-paragraphs (5) and (6), if a relevant person (as defined by regulation 14) has any pecuniary interest, direct or indirect, in a contract, proposed contract or other matter and is present at a meeting of the school at which the contract or other matter is the subject of consideration, he shall at the meeting, and as soon as practicable after its commencement, disclose that fact and withdraw from the meeting during the consideration or discussion of the contract or matter and he shall not vote on any question with respect to the contract or matter.

(2) Subject to this paragraph a relevant person may enter into a contract with the governing body from which he is entitled to profit.

(3) A person shall be treated as having an indirect pecuniary interest in a contract, proposed contract or other matter if—

- (a) he is himself a person with whom the contract was made or has a direct pecuniary interest in the matter under consideration;
- (b) he was nominated or appointed to office by a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the matter under consideration; or
- (c) he is a partner of a person, or he was nominated or appointed to office by a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the matter under consideration;

provided that a person shall not by virtue of this sub-paragraph be treated as having such an interest by reason only of his nomination or appointment by, his membership of, or his employment by, any public body; or by reason of his membership of a corporation or other body if he has no financial interest in any securities of that corporation or other body.

(4) For the purposes of this paragraph, a person shall be treated as having a direct or indirect pecuniary interest in a contract, proposed contract or other matter if a relative (including his spouse or some one living with that person as if he or she were that person's spouse), to his knowledge has, or would be treated as having, such an interest.

(5) For the purposes of this paragraph, a relevant person who is paid to work at the school shall not be treated as having a direct or indirect pecuniary interest in a contract, proposed contract or other matter by reason only of having an interest in the contract or other matter that is no greater than the interest of the generality of those paid to work at the school.

(6) Members of the governing body shall not, by reason of their pecuniary interest in the matter, be prevented from considering and voting upon proposals for the governing body to take out insurance protecting members against liabilities incurred by them arising out of their office and the governing body shall not, by reason of the pecuniary interest of its members, be 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) his own appointment, reappointment, suspension or removal as a member of the governing body;

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

(2) In any case where sub-paragraph (1) applies, the relevant person shall withdraw from the meeting during the consideration or discussion of the matter in question and shall not vote on any question with respect to that matter.

Pay or appraisal of persons working at the school

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 his own pay or performance appraisal.

(3) In any case where sub-paragraph (1) or (2) applies, the person first mentioned in that sub-paragraph shall withdraw during the consideration or discussion of the matter in question and shall not vote on any question with respect to that matter.