

## SCHEDULE

Regulation 9

### Pecuniary interests and other specified conflicts of interest

#### **Pecuniary interests**

**1.—**(1) For the purposes of regulation 9, a pecuniary interest in a contract, proposed contract or other matter includes a case where—

- (a) a relevant person was nominated or appointed to office as a member of a collaborating governing body by a person with whom the contract was made or is proposed to be made;
- (b) a relevant person is a partner of a person, or is in the employment of a person, with whom the contract was made or is proposed to be made; or
- (c) a relative of a relevant person (including his or her spouse, civil partner within the meaning of the Civil Partnership Act 2004<sup>(1)</sup> or someone living with that person as if he or she were that person's spouse or civil partner), to the knowledge of that person has, or would be treated as having, such an interest.

(2) For the purposes of regulation 9, a relevant person is not to be treated as having a pecuniary interest in any matter—

- (a) provided his or her interest in the matter is no greater than the interest of the generality of those paid to work at the school;
- (b) by reason only of the fact that he or she was nominated or appointed to office, is a member of, or is employed by any public body; or
- (c) by reason only of the fact that he or she is a member of a corporation or other body, if he or she has no financial interest in any securities of that corporation or other body.

(3) Members of the joint committee are not, by reason of their pecuniary interest in the matter, prevented from considering and voting upon proposals for one or more of the collaborating governing bodies to take out insurance protecting its members against liabilities incurred by them arising out of their office and a collaborating governing body will not, by reason of the pecuniary interest of its members, be prevented from obtaining such insurance and paying the premiums.

(4) Members of the joint committee are not prevented from considering or voting upon any proposal regarding allowances to be paid in accordance with the Governor Allowances (Wales) Regulations 2005<sup>(2)</sup> by reason that they have an interest in the payment of such allowances to members of the joint committee generally but a member of a joint committee must withdraw from a meeting during a consideration or discussion of, and must not vote on, whether he or she should receive a particular allowance, the amount of any payment or any question about an allowance that has been paid to him or her.

#### **Appointment as member of the joint committee, chair or clerk**

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

- (a) his or her own appointment, reappointment, suspension or removal as a member of the joint committee;
- (b) his or her own appointment or removal from office as clerk to, or chair or vice chair of, the joint committee;

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(1) 2004 c. 33.

(2) S.I.2005/2915 (W.212).

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(c) if he or she is a sponsor governor, any determination under paragraph 2 of Schedule 4 to the Government of Maintained Schools 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's interests shall be treated for the purpose of regulation 9(2) as being in conflict with the collaborating governing bodies' interests.

#### **Pay or appraisal of persons working at one of the collaborating schools**

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 joint committee 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 is present at a meeting of the joint committee at which a subject of consideration is his or her own pay or performance appraisal.

(3) In any case where sub-paragraph (1) or (2) applies, the relevant person's interests shall be treated for the purpose of regulation 9(2) as being in conflict with the collaborating governing bodies' interests.

#### **Appointment of staff**

4. Where a relevant person who is employed to work at a school is present at a meeting of the joint committee at which a subject of consideration is the appointment of a successor to that person, he or she must withdraw from the meeting during the consideration or discussion of the matter in question and must not vote on any question with respect to that matter.

#### **Persons who are members of more than one collaborating governing body**

5. The fact that a person is a member of a joint committee of a collaborating governing body at more than one school is not under any circumstances to be considered a conflict of interest for the purpose of these Regulations.