



GREENWOOD ACADEMIES TRUST

Avoidance of Gain Policy

Version: 7.0 Approval Status: Approved

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Classification:	Internal
Review Date:	14/06/2024
Effective from:	14/06/2022

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1. Policy Statement

The Trust is committed to undertaking, and being seen to undertake, all of its activities to the highest possible standards of propriety and integrity expected of a public body. The Trust, its staff, Members, Trustees and Academy Advisory Council members will act fairly, honestly and with integrity in all aspects of what they do. The Trust's staff, Members, Trustees and Academy Advisory Council members must uphold the highest standards of public conduct and, at all times, act in the interests of the Trust.

Staff should not seek to gain financially or otherwise from their employment by the Trust over and above what they are entitled to through their contract of employment or their agreed contract when working for the Trust, its Academies or subsidiary companies on an agency or self-employed basis.

Members, Trustees and Academy Advisory Council members should not seek to gain financially or otherwise from their position within the Trust. The Trust's Trustees' Travel and Subsistence Policy sets out the entitlement to expenses properly incurred during the conduct of Trust business. Other than entitlement to expenses in line with this policy, Members, Trustees or Academy Advisory Council Members are expressly not entitled to any form of remuneration or other financial reward or benefit for undertaking their role.

This policy sets out the overarching aims for the avoidance of any gain by staff, Members, Trustees and Academy Advisory Council members and references the relevant policies and procedures that must be followed to ensure that the overall aim of avoidance of gain is met.

Much of this policy and associated policies and procedures are in response to various legal requirements placed upon the Trust. Whilst this policy must meet the necessary legislative requirements, the overriding principle of the Avoidance of Gain Policy is to support the Trust's absolute determination to not only uphold the highest standards of integrity and propriety but also to be seen to be upholding the highest standards.

2. Application of the Policy

This policy applies to all GAT staff, Members, Trustees and Academy Advisory Council members and sets out the **minimum requirements that must be met**. By following this policy and the related policies and procedures listed below, staff, Members, Trustees and Academy Advisory Council members will be able to discharge their responsibilities to avoid personal gain, or the perception of personal gain.

However, there may be occasions where staff, and/or Members, Trustees and/or Academy Advisory Council members are concerned that a particular circumstance or event, whilst complying with the policy, may still be in conflict with the overriding principle of avoiding personal gain. In such circumstances staff should consult with their manager to seek further advice and Members, Trustees and Academy Advisory Council members should consult with the Corporate Affairs Director.

3. Legislation

The principal legislation and guidance that creates the legal framework which the policy operates within is as follows:

- Companies Act 2006;
- Conflicts of Interest: A Guide for Charity Trustees 2014 (CC29);
- The current Department for Education Academies Financial Handbook and Accounts Direction;
- Accounting Standards – FRS102 Related Party Disclosures;

- Public Contracts and EU Procurement legislation; and
- Bribery Act 2010.

4. Policies and Procedures which support the Avoidance of Gain

The Trust has a number of policies and procedures which together ensure that this overriding policy of Avoidance of Gain is effectively implemented. The relevant policies and procedures are as follows:

- Staff Code of Conduct
- Trustees' Code of Conduct
- Staff Conflict of Interests Policy
- Members, Trustees and Academy Advisory Council members' Conflicts of Interest Policy
- Anti-Bribery and Corruption Policy
- Staff Travel and Subsistence Policy
- Anti-Fraud Policy
- Whistleblowing Procedure

GAT's Financial Regulations, Policies and Scheme of Delegation are also relevant as they set the overall financial and governance framework for the Trust and its Academies.

5. Failure to Follow this Policy

It is a disciplinary offence for staff to engage in conduct or behaviour that does not comply with this policy or for anyone in a managerial or supervisory capacity to fail to take action in respect of any such conduct or behaviour. This will be dealt with under the disciplinary procedure and could lead to dismissal without notice.

Members, Trustees and Academy Advisory Council members who do not follow this policy may be in breach of their duties and may be subject to internal action within the Trust, including being removed from their position. In certain circumstances Members, Trustees and Academy Advisory Council members may also be subject to external sanction, including being barred from undertaking the role of a company director or Trustee.

The Education and Skills Funding Agency may also issue a Financial Notice to Improve (FNtI) to the Trust when there is deemed to be irregular use of public funds or inadequate financial governance and management (including breaches of the duties, principles and requirements governing connected party relationships and transactions).

Failure to comply with an FNtI can, in exceptional circumstances, also result in the termination of our funding agreement(s).

Significant breaches in the application of this policy could also potentially lead to criminal prosecution.

If staff, Members, Trustees and Academy Advisory Council members have concerns that other staff, Members, Trustees and Academy Advisory Council Members are undertaking activity that leads to personal gain they should report their concerns to their Line Manager or the appropriate point of contact as set out in the Trust's Whistle Blowing Procedure.