YOUR LOGO

Access Arrangements, Reasonable Adjustments & Special Consideration Policy

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Author(s)

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Revision History

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# Conflict of Interest Policy

## Definition

* 1. In section J of the Conditions of Recognition, Ofqual identifies that

*“a conflict of interest exists in relation to an awarding organisation where –*

* + 1. *Its interests in any activity undertaken by it, on its behalf, or by a member of its Group have the potential to lead it to act contrary to its interests in the development, delivery and award of qualifications in accordance with its Conditions of Recognition,*
    2. *A person who is connected to the development, delivery or award of qualifications by the awarding organisation has interests in any other activity which have the potential to lead that person to act contrary to his or her interests in that development, delivery or award in accordance with the awarding organisation’s Conditions of Recognition, or*
    3. *An informed and reasonable observer would conclude that either of these situations was the case.”*

## Responsibility

It is the responsibility of the [RESPONSIBLE CENTRE PERSON TITLE]to ensure that this policy is implemented.

## Steps

* 1. [CENTRE/COMPANY NAME] will take all reasonable steps to ensure that no conflict of interest which relates to it has an Adverse Effect by identifying and monitoring:
     1. All conflicts of interest which relate to it, and
     2. Any scenario in which it is reasonably foreseeable that any such conflict of interest will arise in the future.
  2. The [RESPONSIBLE CENTRE PERSON TITLE] shall maintain a Conflict of Interest Register which records all identified conflicts of interest and reasonably foreseeable conflicts that might arise in the future which will include details of steps taken (or to be taken) to mitigate the effect of a conflict of interest or to mitigate the risk of the conflict arising. This Register will be reviewed at the monthly meeting of the executive Committee.
  3. Where such a conflict of interest has had an Adverse Effect, [CENTRE/COMPANY NAME] will take all reasonable steps to mitigate the Adverse Effect as far as possible and correct it.
  4. To mitigate the possibility of an Adverse Effect in the area of Assessment, [CENTRE/COMPANY NAME] will take all reasonable steps to avoid any part of the assessment of a Learner (including by way of quality assurance) being undertaken by any person who has a personal interest in the result of the assessment.
  5. Where, having taken all such reasonable steps, an assessment by such a person cannot be avoided, [CENTRE/COMPANY NAME] will make arrangements for the relevant part(s) of the assessment to be subject to scrutiny by another person, appointed by the Head of Quality Assurance for the purpose.
  6. When requested to do so by Ofqual in writing, [CENTRE/COMPANY NAME] will promptly submit to Ofqual this conflict of interest policy, and must subsequently ensure that the policy complies with any requirements which Ofqual has communicated to it in writing.

## Process

* 1. Everyone involved in advising, assessing, quality assuring or managing qualifications is affected by this policy.
  2. [CENTRE/COMPANY NAME] bases conflict of interest decisions on the following indicative criteria:
     1. demonstrable independence
     2. roles and responsibilities
     3. commercial advantage
     4. Confidentiality and discretion
  3. It is essential that all those involved in [CENTRE/COMPANY NAME] declare any potential for conflict of interest as soon as one is identified or suspected.
  4. [CENTRE/COMPANY NAME] expects the following actions to be taken when an actual or potential conflict of interest is identified:
     1. explicit audit trails covering the conflict of interest, and how independence will be and has been assured
     2. greater sampling and checking of any issues surrounding the conflict of interests by NLPQ EQAs and internally with Centres and their IQAs.
  5. If [CENTRE/COMPANY NAME] makes a decision about a conflict of interest that affects the contractual or employment situation for an individual, the appropriate appeals process may be used if the individual feels they have been unfairly treated.
  6. Conflict of interest is taken seriously by [CENTRE/COMPANY NAME]. Whenever renewing, adding to or changing contracts, jobs, roles or responsibilities, Centres must examine the extent to which an actual or potential conflict of interest exists and resolutions confirmed before the Centre accepts any change.
  7. Failure to do this could result in:
     1. risk of affecting the integrity of qualifications – affecting credibility and professionalism (and potentially affecting learners)
     2. breach of commercial confidentiality – claims of unfairness or even litigation
  8. [CENTRE/COMPANY NAME] EQAs will check the actual or potential conflict of interest whilst undertaking regular monitoring of records at Centres as a part of their routine monitoring.

## [CENTRE/COMPANY NAME] Governance

* 1. Members of the [CENTRE/COMPANY NAME] directors and/or principles are under an ongoing duty to report actual and potential conflicts as they arise
  2. In addition, all Directors (Executive and Non-executive) are required to complete an annual declaration of actual or potential conflicts of interest
  3. Other officers and employees of [CENTRE/COMPANY NAME] may be required to complete declarations of actual or potential conflicts of interest as directed by the [CENTRE/COMPANY NAME] directors and/or principles.
  4. No member of [CENTRE/COMPANY NAME] staff (whether employed or a contractor) will be solely and directly responsible for making any Centre-related decisions.

## Review

This policy is reviewed annually by the [RESPONSIBLE CENTRE PERSON TITLE]