



# Conflict of Interest Policy

## Conflict of Interest Policy

A conflict of interest exists when the decision making or conduct of an individual or organisation could be affected by practices/interests external to their responsibilities to Qualsafe Awards (QA) and the delivery/assessment and quality assurance of its qualifications.

This policy contains guidance about how to identify and manage existing or potential conflicts of interest.

This policy applies to:

- Centre staff
- Trainers, Assessors and Internal Quality Assurers (IQAs)
- Third parties, including companies that provide services or goods to QA or approved Centres.

## QA responsibilities

QA is an awarding organisation recognised and regulated by Ofqual, Qualifications Wales and the Council for the Curriculum, Examinations and Assessment (CCEA), QA is required to comply with the *General Conditions of Recognition* (The [Standard Conditions of Recognition](#) in Wales. Please refer to this document for minor variations in content) and the associated guidance which contains the following definition of conflict of interest (as defined in Condition J1):

A Conflict of Interest exists in relation to an awarding organisation where –

(a) 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 a way that complies with its Conditions of Recognition,

(b) 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 a way that complies with the awarding organisation's Conditions of Recognition, or

(c) an informed and reasonable observer would conclude that either of these situations was the case.

Conditions A4 also details what is required to effectively identify and manage conflicts of interest:

### Condition A4 Conflicts of Interest

#### Identifying Conflicts of Interest

A4.1 An awarding organisation must identify and monitor –

- (a) all Conflicts of Interest which relate to it, and
- (b) any scenario in which it is reasonably foreseeable that any such Conflict of Interest will arise in the future.

A4.2 An awarding organisation must establish and maintain an up to date record of all Conflicts of Interest which relate to it.

## Managing Conflicts of Interest

A4.3 An awarding organisation must take all reasonable steps to ensure that no Conflict of Interest which relates to it has an Adverse Effect.

A4.4 Where such a Conflict of Interest has had an Adverse Effect, the awarding organisation must take all reasonable steps to mitigate the Adverse Effect as far as possible and correct it.

## Interests in Assessment

A4.5 An awarding organisation must take all reasonable steps to avoid any part of the assessment of a Learner (including by way of Centre Assessment Standards Scrutiny) being undertaken by any person who has a personal interest in the result of the assessment.

A4.6 Where, having taken all such reasonable steps, an assessment by such a person cannot be avoided, the awarding organisation must make arrangements for the relevant part of the assessment to be subject to scrutiny by another person.

## The written conflict of interest policy

A4.7 An awarding organisation must establish, maintain, and at all times comply with an up to date written conflict of interest policy, which must include procedures on how the awarding organisation intends to comply with the requirements of this condition.

A4.8 When requested to do so by Ofqual in writing, an awarding organisation must promptly submit to Ofqual its conflict of interest policy, and must subsequently ensure that the policy complies with any requirements which Ofqual has communicated to it in writing.

Therefore, **QA must:**

- Ensure staff are trained to recognise existing or potential conflicts of interest at awarding organisation and Centre level and are aware how to appropriately mitigate the associated risks
- Ensure conflicts of interest declared by awarding organisation staff are recorded, clearly stating how these conflicts have been appropriately mitigated
- Continuously monitor existing and potential conflicts of interest at awarding organisation level
- Ensure approved Centres understand what constitutes a potential and/or actual conflict of interest and has appropriate mechanisms in place to identify such
- Ensure approved Centres are fully aware of their responsibility to declare and appropriately mitigate conflicts of interest that may arise
- Ensure conflicts of interest declared by approved Centres are recorded, clearly stating how these conflicts have been appropriately mitigated
- Maintain current internal and external conflict of interest registers, updating details and removing items as appropriate
- Provide advice and guidance to Centres on how to mitigate conflicts of interest
- Monitor approved Centre management of conflicts of interest through external quality assurance activities (e.g. moderation, external quality assurance visits)
- Take the necessary action to ensure the integrity of the assessment process is maintained when conflicts of interest cannot be avoided.

## Identifying conflict of interest

All QA staff must be aware how to identify existing or potential conflicts of interest at awarding organisation and approved Centre level. Conflicts of interest that are not identified and/or mitigated appropriately could lead to the occurrence of an Adverse Effect with respect to the delivery of QA qualifications and Learner assessment.

An Adverse Effect is defined (by Ofqual) as:

*An act, omission, event, incident, or circumstances has an Adverse Effect if it*

- (a) gives rise to prejudice to Learners or potential Learners, or*
- (b) adversely affects –*
  - I. the ability of the awarding organisation to undertake the development, delivery or award of qualifications in accordance with its Conditions of Recognition*
  - II. the standards of qualifications which the organisation makes available or proposes to make available, or*
  - III. public confidence in qualifications*

Therefore, in order to maintain regulatory compliance, QA staff responsible for

- processing Centre Approval Applications (Centre Support Team)
- managing QA approved Centres (Operations and Compliance Team)
- carrying out external quality assurance activity (Quality Assurance Team)

must have the required knowledge and be able to provide advice and guidance to Centres on how to identify conflicts of interest and how to mitigate identified conflicts appropriately. QA has provided staff members with appropriate information and guidance on how to identify and manage conflicts of interest based on the information received from Centres, Trainers, Assessors and Internal Quality Assurers.

Examples of conflicts of interest that could compromise the integrity of QA qualifications and assessments include:

- Business or commercial interests that may influence professional judgement (e.g. approved Centres who train their own staff with a view to making commercial/financial gains from their activity)
- Personal relationships with family or friends that could influence decision making (e.g. when a Trainer/ Assessor is delivering a course and assessing Learners, including his/her son or daughter. When a married couple both act as Trainer/Assessors and IQAs and they quality assure each other's work)
- Gaining benefits such as gifts, employment or hospitality if a decision is made in favour of a particular individual or organisation (NB: gifts given with the "intent to induce improper conduct" can be considered a bribe as referenced in the UK Bribery Act 2010)
- Mutually beneficial arrangements, which compromise an individual's ability to make reliable and professional judgements (e.g. a Trainer/Assessor and IQA who work together at the same Centre and who frequently quality assure each other's work)

## Responsibility to declare a conflict of interest

All QA staff have a responsibility to declare any existing and/or potential conflicts of interest that may have an effect on how they carry out their role. Staff are required to submit a statement containing full details of all identified conflicts and any actions taken as appropriate mitigation. If the circumstances relating to any declared conflict of interest change at any stage, staff are required to provide updated details to ensure records held by QA are current and accurate.

## Monitoring conflicts of interest

As a recognised awarding organisation, QA is required to monitor all conflicts of interest that relate to it both internally and externally in order to maintain compliance with the applicable regulatory requirements. QA monitors external conflicts of interest through various activities, including

- **Processing Centre and Trainer/Assessor/IQA approval applications** – all applicants are asked to provide details of any existing or potential conflicts of interest that may affect their role with QA should approval be obtained and how these will be managed/mitigated. QA Centre Support staff will check the information provided to ensure that any conflicts declared are appropriately managed/mitigated and if this is not the case, the applicant will be contacted to discuss the scenario to ensure they have a clear understanding of what constitutes appropriate management/mitigation.
- **Moderation activity** – QA Customer Relationship Executives (CREs) and External Quality Assurers (EQAs) are responsible for carrying out moderation activity on the course and Learner assessment paperwork completed and submitted by Centres delivering QA qualifications. Through this activity, checks are made to ensure that any existing conflicts of interest previously declared by the Centre or any conflicts of interest declared relating specifically to the course delivered (e.g. a Trainer/Assessor is related to a Learner) have been managed/mitigated appropriately. If it is identified through these checks that any conflict of interest has not been managed/mitigated appropriately, then the Centre will be contacted to discuss the scenario to ensure they have a clear understanding of the requirements in this respect and to inform them how such conflicts should be managed through course delivery to ensure compliance.
- **Monitoring Conflicts of Interest Disclosure Forms received** – CREs are responsible for checking and recording the details of *Conflict of Interest Disclosure Forms* received from approved Centres. The CREs will log the details of these and check that the mitigation of the conflict provided on the form is appropriate. If this is not the case, the Centre will be contacted to discuss the scenario and ensure there is a clear understanding of the requirements with respect to conflicts of interest and that such conflicts will be managed/mitigated appropriately in future.
- **External quality assurance visits** – EQAs are responsible for carrying out external quality assurance visits at approved Centres with a view to ensuring they continue to meet all QA and regulatory requirements. Through the course of these visits, EQAs will discuss existing and potential conflicts of interest with Centre staff and Trainers/Assessors and IQAs to ensure there is a clear understanding of the requirements relating to these and how these should be managed/mitigated.
- **Internal quality assurance monitoring** – QA CREs are responsible for monitoring the frequency and quality of the internal quality assurance activity carried out by Centres and recorded on QA systems. If it is identified through this activity that any previously declared conflict of interest (e.g. between the IQA and a Trainer/Assessor) or any conflict of interest pertinent to a specific course has not been managed/mitigated appropriately, then the CRE will contact the Centre to discuss the scenario and ensure IQAs at the Centre are aware of how to identify and manage/mitigate conflicts of interest. EQAs will also discuss any issues relating to internal quality assurance and the identification of conflicts of interest through the course of external quality assurance visits.

## Taking action to manage conflicts of interest

Through the course of any monitoring activity, if QA staff identify that any conflict of interest has not been disclosed or managed/mitigated appropriately by a Centre then action will be taken to ensure that compliance is maintained. Such action includes

- assigning an action point to a Centre in relation to conflicts of interest (with a view to restoring compliance)
- requesting that internal quality assurance activity be carried out by the Centre (to ensure some independent scrutiny of a course delivered for which was affected by a conflict of interest)
- insisting that course and Learner assessment paperwork be submitted to QA for independent scrutiny by a CRE or an EQA
- arranging an EQA visit to discuss conflict of interest identification, management and mitigation

In cases where approved Centres repeatedly fail to manage conflicts of interest in line with QA and regulatory requirements, QA may impose sanctions on the Centre (please refer to the *QA Sanctions Policy* for further details).

## Centre responsibilities

With respect to conflicts of interest, QA approved Centres must do the following to ensure ongoing compliance with QA and regulatory requirements:

- **Ensure Centre staff understand what constitutes a potential and/or actual conflict of interest and are aware how to identify and mitigate conflicts of interest**

The Responsible Person for each Centre must ensure that all Centre staff or third parties such as Trainers/Assessors/IQAs involved in the delivery or administration of QA qualifications must be able to identify any existing or potential conflicts of interest as and when they arise. Prior to obtaining approval, prospective Centres are required to confirm all staff involved in the delivery of QA qualifications have read and understood the content of this Conflicts of Interest Policy.

- **Take steps to avoid or mitigate any existing or potential conflicts of interest**

Centres must manage working arrangements to avoid identified conflicts of interest as much as possible. For example, if a Centre staff member is undertaking assessment at your Centre and two out of three Trainer/Assessors are related to the staff member, then the examination should be assessed by the unrelated Trainer/Assessor.

Where the identified conflict of interest is unavoidable, particularly in relation to Learner assessment, it is important to ensure that independent scrutiny occurs to mitigate the conflict (e.g. an IQA could be present during the assessment process). Centres that are unsure of the requirements in this respect should contact QA to discuss the matter prior to any course being delivered.

- **Declare all identified (potential and/or actual) conflicts of interest**

Once approved, QA Centres are required to declare all identified conflicts of interest which will have an impact on Centre operation and the delivery of QA qualifications. In order to do this, a *Conflict of Interest Disclosure Form* must be completed and submitted to QA. Centres must ensure that submitted forms contain all details of the conflict of interest that has arisen and the actions that have been taken to either avoid or mitigate the conflict.



The details on any forms submitted will be reviewed by QA staff to ensure that the declared conflict has been managed appropriately. If this is not considered to be the case, QA staff will contact your Centre to discuss the scenario and ensure that the appropriate actions are taken to avoid or mitigate the conflict.

- **Maintain an accurate record of conflicts of interest**

Centres must maintain an accurate record of all existing and potential conflicts of interest affecting Centre operation and QA qualification delivery, including details of all mitigating actions taken.

- **Update records if there is a change in circumstances and notify QA**

Centres must inform QA if there are any changes in circumstances relating to previously declared conflicts of interest. Centres are also required to submit the details of any new existing or potential conflicts of interest identified as time progresses.

Centres must also ensure that their own conflict of interest records are updated when changes in circumstances occur or new conflicts are identified.

- **Ensure independent scrutiny takes place if a conflict of interest cannot be avoided when delivering QA qualifications**

There may be instances when conflicts of interest cannot be avoided by approved Centres delivering QA qualifications. In such cases, the Centre must ensure that some form of independent scrutiny takes place with respect to course delivery/Learner Assessment. For example, the Centre could arrange for another QA approved IQA from another Centre to carry out quality assurance activity on courses delivered where conflicts cannot be avoided.

Conflicts of Interest that cannot be avoided through QA qualification delivery can also be mitigated through external scrutiny by QA staff. For example, the Centre can request that a QA External Quality Assurer be present during course delivery and Learner assessment (there may be a cost involved in this).

In terms of appropriately mitigating conflicts of interest, it is important that approved Centres are aware that conflict mitigation requires to take place at the time of course delivery and Learner assessment, rather than after the event. This ensures the level of independent scrutiny required to provide assurance that course delivery and Learner assessment has been carried out fairly, without bias and in line with all QA requirements.

- **Ensure that actions assigned by QA relating to conflicts of interest are carried out**

If any Centre has been assigned an action by QA through the course of any monitoring activity with respect to conflict of interest management, this action must be carried out with a view to maintaining ongoing compliance. Any Centre which does not carry out actions assigned or which fails to disclose or manage conflicts of interest appropriately on a repeat basis may have sanctions imposed on it by QA (please refer to the QA Sanctions Policy for further details).

## Using technology

Centres may also use technology in order to mitigate conflicts of interest. For example, Trainer observations carried out by an IQA at approved Centres may be filmed/recorded as opposed to this activity being carried out solely by an IQA that has a clear conflict of interest with the Trainer in question. This recorded evidence can then subsequently be externally quality assured by QA to ensure any conflict has been appropriately mitigated (Centres filming/recording for this purpose must ensure that all those involved are fully informed they are being recorded and have given permission for this to occur).

If you are unsure in any given situation whether or not a conflict of interest exists or there is the potential for one to arise, please contact QA for advice and guidance.

## Policy review arrangements

QA reviews this policy on an ongoing basis as part of our continuous improvement activities and it is revised as and when required in response to changes in legislation, our practices, actions from any allegations and customer or Learner feedback.

Detail of this document may be updated to ensure our arrangements for managing conflicts of interest remain effective.

## Contact us

If you have any queries about the contents of the policy, contact our customer service team:

Tel: 0330 660 0899\* / 01274 381414

*Calls may be recorded for training and quality purposes.*

*\*Costs to call this number will vary depending on your phone company's access charge.*

Email: [info@qualsafeawards.org](mailto:info@qualsafeawards.org)

Anita Goodfellow



Chief Executive

19<sup>th</sup> November 2021

Owner: CEO

Regulatory references: Ofqual General Conditions of Recognition A1, A4, A6, A8, C1

QA documents referenced: Conflict of Interest Disclosure Form, QA Sanctions Policy