

# Conflicts of Interest Policy

OCTOBER 2023

## **Introduction**

Qualifi recognises that actual and perceived conflicts of interest can occur from time to time and that such circumstances have the potential to impinge negatively on the performance and integrity of the awarding organisation and individuals associated with it, and possibly undermine confidence in our qualifications and units.

Accordingly, as part of our governance arrangements, we will seek to address actual and perceived conflicts of interest. This document sets out where conflicts of interest may occur and explains how we will identify, monitor and manage such circumstances to promote free discussion, objective decision making and protect both the awarding organisation and the individuals involved from any possible appearance of impropriety.

In summary, the Conflicts of Interest Policy provides for a three-fold approach:

- Disclose always;
- Manage the conflict in most cases;
- Prohibit the activity when necessary to protect the public interest or the interests of Qualifi.

## **Scope**

This document is aimed at individuals associated with the awarding organisation, whether members of the Governance Panel, Qualifications Advisory Board other committees, senior officers or third parties who are involved in the development, delivery and award of qualifications and units both regulated and unregulated. It includes individuals engaged by us to develop our offer; Quality Reviewers, Chief Examiner, external moderators and centre staff involved in the assessment and verification of assessment processes.

## **Definition of Conflicts of Interest – General Condition of Recognition (A4)**

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 accordance 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 accordance with the awarding organisation's Conditions of Recognition;
- c) an informed and reasonable observer would conclude that either of these situations was the case.

An awarding organisation must identify and monitor:

- a) all conflicts of interest which relate to it;
- b) any scenario in which it is reasonably foreseeable that any such conflict of interest will arise in the future.

An awarding organisation must take all reasonable steps to ensure that no conflict of interest which relates to it has an Adverse Effect.

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.

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

3.6 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.

### **Adverse Effects as defined by the Qualifications Regulator**

An act, omission, event, incident, or circumstance has an Adverse Effect if

- it: a) gives rise to prejudice to learners or potential learners;
- b) adversely effects:
  - (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 its qualifications which the awarding organisation makes available or proposes to make available;
  - (iii) public confidence in qualifications and units.

If Qualifi's compliance Panel identifies that any conflicts of interest may have, or have had an Adverse Effect it will manage the potential incident/incident through the Management of Incidents and Events Policy to mitigate the Adverse Effect as far as possible, correct it and take action to prevent re-occurrence. The findings will be reported to, and added to the Agenda for the Governance Panel to review.

### **Declaration of Interests**

As part of Qualifi's Conditions of Recognition the Governance Panel requires that all current and newly appointed persons declare any potential conflicts of interest by submitting a Declaration of Interest on the appropriate Returns Register (See Appendix 1):

- Qualifications Advisory Board; other committees; senior officers or third parties;
- Quality Reviewers;
- Chief Examiner;
- External Moderators;
- Centre staff involved in the assessment and verification of assessment processes.

Declarations of interest will be made prior to any appointment and reviewed annually or in the event of any changes to personal circumstances of the individuals or when any such changes are anticipated. Declarations of interest may result in a decision to not appoint or to terminate an appointment if there is a risk of an Adverse Effect which cannot be avoided. A senior officer of Qualifi will provide guidance to individuals if they have any doubt about the relevance of their interests. Conflicts of Interest concerning senior officers are dealt with by the Governance Panel.

The information provided will be processed in accordance with current General Data Protection Regulation (GDPR) Law. Data will be processed only to ensure that individuals act in the best interests of the awarding organisation. The information provided will not be used for any other purpose. The register will be accessible by appointment through the Chair of the Governance Panel.

In addition, members of the Governance Panel and the Qualifications Advisory Board will be required to declare any conflicts of interest in agenda items at the start of meetings and abstain from the decision making process.

Centre staff involved in assessment, including the assessors and facilitators, moderators/verifiers and quality review personnel, will be required to declare personal interests in the results of assessment, as a part of Centre Approval arrangements and promptly report the conflict of interest to us. This may include, for example, assessing a family member or friend or where remuneration is directly related to the outcome of assessment. The Centre will be required to take all reasonable steps to remove the individuals from the assessment and verification process but in any case the assessment decisions must be verified by an individual who has no personal interest to ensure that objective judgements are made and be seen to be made. This may require direct and detailed scrutiny of the assessment decisions by a Quality Reviewer. Failure to report a conflict of interest will result in action taken against the Centre through the Malpractice and Maladministration Policy and Procedure.

### **Evaluating Disclosures**

Those evaluating disclosures at each level of review need a framework for determining the permissibility of activities and for assessing the degree to which disclosed activities may pose risk to Qualifi, the learner or the approved centre, and other entities that may be affected. Appendix 2 of this document lists sample questions for use in evaluating potential conflicts of interest or commitment. The list is not exhaustive and other questions related to special circumstances should be added as appropriate.

When presented with the facts of a given situation, the Committee must first determine if there is legitimate cause for concern related to the inappropriateness of behaviour or evidence of bias by the professional activities of an individual or third party. The list of questions in Appendix 2 is suggested for this initial determination.

If it appears that there is genuine cause for concern, the Committee must ascertain whether appropriate controls are in place to deal with possible conflicts. Questions the Committee should ask, as relevant, are listed in Appendix 2 to this document.

### **Business Activities**

Qualifi's Governance Panel will also assess the potential for actual or perceived conflicts of interest to occur as a result of changes or planned changes to our business activities whether or not those activities are to be undertaken by ourselves or on our behalf. The Governance Panel will consider any measures that would need to be taken to prevent Adverse Effects and the feasibility of implementing those measures.

## Appendix 1

### Conflicts of Interest Returns Register

I confirm that I have been issued with the current version of Qualifi's Conflict of Interest Policy, and that I will comply to make a full declaration of any Conflicts of Interest to; Qualifi's Governance Panel or its representatives. I will review my declarations annually or whenever there have been relevant changes to my circumstances which may have an adverse effect on the awarding organisation.

This Return should be submitted annually during October. A reminder will be issued to all current staff, approved Centre owners and other individuals relevant to Qualifi's business.

The Register of Interests

Individuals that may have a cause for concern regarding the Conflicts of Interest should complete this Return which accompanies the most recent version of the Conflicts Interest Policy.

All Returns will be recorded on Qualifi's Register of Interests and the information provided will be processed in accordance with the current General Data Protection Regulation (GDPR) Law. Data will be processed only to ensure that individuals act in the best interests of Qualifi. The information provided will not be used for any other purpose or passed to a third party.

Categories of Interest (for completion)

<b>Category of Interest</b>	<b>Details of Conflict/Potential Conflict (please state if not-applicable in any of the categories)</b>	<b>Does the Interest apply to: You; Family member; Friend</b>
<b>Paid Employment</b> Give name(s) of employer		
<b>Self-Employment</b> Give name(s) of significant clients		
<b>Directorships</b> Give name(s) of companies		
<b>Memberships</b> Give names of bodies, eg professional organisations; and special interest groups		
<b>Public Appointments</b>		

Give names of bodies		
<b>Significant Investments</b> Give name(s) of companies		
<b>Gifts or Hospitality</b> Offered to you by third parties		
<b>Change of Circumstance</b> Personal or professional circumstances that may have an adverse effect on Quali		
<b>Any other conflicts not covered by the above?</b>		

## Declaration

To the best of my knowledge, the above information is complete and correct. I give consent for it to be used for the purposes described in the Conflicts of Interest Policy and for no other purpose.	
Name of Person submitting the Return	
Position held or relationship with Quali: Staff; Consultant; Appointed Person; Centre staff; Other. Please state.	
Centres - please state Centre Name and Approval Number	
Signed	
Date	

If you wish to return this document electronically, please submit through an email address that is already known to Quali and this will be accepted as your Declaration signature. Information submitted will be held in the strictest confidence and not passed to any third party.

## Appendix 2

### Compliance Panel – Review of Returns

The Committee are required to review all Returns. As part of their review some questions are considered as part of the process. The list is not exhaustive and other questions may need to be asked or clarified.

1. Has all relevant information concerning the individual's activities been acquired (ie has there been full disclosure)?
2. Do the individual's relevant financial interests suggest the potential for conflicts or the appearance of conflicts or bias?
3. Is there any indication that the individual in his or her professional role has improperly favoured any outside entity or appears to have incentive to do so?
4. Has the individual or Centre inappropriately represented Qualifi to outside entities?
5. Does the staff member appear to be subject to incentives that might lead to conflicts or bias?
6. Is there any indication that obligations to Qualifi are not being met?
7. Is the individual or Centre involved in a situation that might raise questions of bias, inappropriate use of Qualifi's qualifications, resources, or other impropriety?
8. Could the individual's or Centre's circumstances represent any possible violation of applicable legal requirements?
9. Do the current engagements of the staff member represent potential conflicts between outside interests (eg working on projects simultaneously for competing business entities)?
10. Could the proposed activity withstand public scrutiny?