



Conflict of Interest Policy & Procedure

Document Specification:	
Purpose:	To set out the policy and procedure to be followed by the staff, management, directors, contractors and other third parties engaged by Gatehouse Awards to ensure that, wherever possible, Conflicts of Interests are avoided or, where they cannot be avoided, are identified and managed effectively
Accountability:	Gatehouse Awards Governing Body
Responsibility:	Compliance Manager
Version:	9
Effective from:	April 2020
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Links to Ofqual GCR	A4, A8, G4, I1
Other relevant documents:	Gatehouse Awards Compliance Policy Gatehouse Awards Centre Handbook Gatehouse Awards Centre Assessment Standards Scrutiny (CASS) Gatehouse Awards Standards of Business Conduct Policy Gatehouse Awards Whistleblowing Policy

Gatehouse Awards Limited

64 Daisy Hill
Dewsbury
WF13 1LJ
UNITED KINGDOM

Tel: +44 (0)1924 609250

www.gatehouseawards.org

info@gatehouseawards.org



1. Purpose & Scope

Gatehouse Awards Limited (GA) is an Awarding Organisation recognised by Ofqual. Everyone* involved in the development, delivery, or award of GA qualifications has an obligation to behave in such a way that does not give rise to a conflict of interest. The purpose of this policy is to outline the process which must be undertaken in order for GA to identify, monitor and manage Conflicts of Interest and any adverse effects arising from Conflicts of Interest, and meet its obligations as stipulated by the General Conditions of Recognition published by Ofqual and amended from time to time.

****this applies to all staff directly employed by GA, freelance staff, representatives and partners whether overseas or UK, all Approved Centres whether UK or overseas.***

The aim of this policy is to ensure that GA is able to:

- ensure that all reasonable steps are taken to avoid conflicts of interest by providing a system that protects itself and others from criticism and compromise
- identify cases of conflict of interest and if necessary, take action in order to minimise or eliminate the potential damage of any adverse effects that could be caused
- comply with the relevant regulatory and industry requirements

This policy applies to all activities undertaken by GA and any organisation or individual acting on its behalf in respect of the development, delivery and award of qualifications. For the avoidance of doubt, this includes persons employed directly or indirectly by GA or its Approved Centre's, and Representatives, including contractors and consultants, etc.

2. Data Protection

All information provided will be processed in accordance with all current data protection legislation including, but not limited to, the Data Protection Act 2018 and the General Data Protection Regulations. Data will be processed only to ensure that all persons to whom this policy relates act in the best interests of the learners, the centres delivering the qualifications and GA. The information provided will not be used for any other purpose.

3. Definition

In general terms, a conflict of interest exists when an organisation or an individual has competing interests or loyalties, which might impair its or their ability to make objective, unbiased decisions. These kinds of conflict could result in damage to the integrity and reputation of GA or its approved centres and potentially have an adverse effect on learners.

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.

Part (a) above covers Conflicts of Interest that relate to GA directly. That is, situations where activities carried out by GA (or on its behalf) might impair GA's ability to make objective, unbiased decisions about how best to develop, deliver or award GA qualifications.

Similarly, part (b) covers Conflicts of Interest that relate to the individuals **connected to** any part of the development, delivery or award of GA qualifications. That is, situations where a particular individual's interests might impair their ability to make the objective, unbiased decisions that are necessary to ensure that GA can develop, deliver and award its qualifications in line with the Conditions of Recognition.

Part (c) extends the definition of Conflict of Interest to also include situations where an observer would perceive that GA, or individual connected to GA, has such a competing interest.

The following are examples of situations that may constitute a conflict of interest:

- direct or indirect financial gain
- direct or indirect benefits such as employment, sponsorship, gifts, hospitality, services, or goods
- reciprocal arrangements that compromise the ability to make reliable and professional judgements
- personal interests in, connections to, or family relationships with learners who are being assessed or moderated
- situations where commitment, loyalty or integrity is compromised

4. Conflict of Interest Scenarios

The following are examples of potential conflicts of interest. This list is intended to illustrate the types of situation that would represent a conflict of interest, but is not exhaustive:

- The Governing Body appoints a consultant to undertake research or other activities on its behalf. One of the Governing Body members knows the consultant personally and/or has a business connection with them
- A member of the Governing Body has a financial interest in a centre approved by GA
- A director, partner or staff member of GA or ones of its Approved Centres participates in a private professional activity, consultancy or secondary employment that conflicts or may conflict with the carrying out of his or her official duties for GA or the centre
- Members of the Governing Body (or Quality Panel members, where applicable) are attending an appeal hearing. One of the members becomes aware that they have had an involvement in the case at an earlier stage in the proceedings

- An assessor marks the papers of a learner who is a relative or friend of that assessor
- An assessor marking papers is paid according to the results (e.g. either pass or fail)
- A marker or assessor employed by GA is marking the papers of a centre in which a close family member has a financial interest
- An External Quality Assurer or Examinations Observer has a personal relationship (family, friend, business partner, etc.) with any Director, manager or staff member of a centre where they are sent to carry out quality assurance duties on behalf of GA
- Where an individual participates in, or has the ability to influence, decisions affecting another person with whom the individual has a family or personal relationship
- A centre incentivises staff by offering Assessors and/or Internal Quality Assurers a bonus for the number of learners achieving a 'pass'
- A centre offers learners a 'Guaranteed Pass' scheme, or a money-back guarantee scheme, which could compromise the integrity of the assessment and awarding process (where assessment decisions are made by centre staff)
- During normal moderation procedures, the moderator checks the assessment decisions of an examiner with whom they have a personal relationship
- Where an individual performs multiple roles: the additional role performed by an individual may come into conflict with the fulfilment of the responsibilities of their other role
- Where an individual participates in, or can influence, decisions affecting another person with whom the individual has a family or personal relationship
- Where an individual employed by GA for the purpose of writing, trialling or reviewing confidential assessment material, or for the preparation of a resource designed to support the preparation of learners for assessments of a qualification is also employed by an Approved Centre delivering the assessment. Please note that this does not apply to the preparation of teaching resources or materials by a teacher exclusively for learners that he or she teaches; however, GA may review such resources in respect of maintaining the confidentiality of assessment materials.
- Centre staff carry out assessments on behalf of GA where the centre's main source of income is payment based on the number of candidates who pass the qualification. The pay and reward of centre staff is directly linked to the centre's overall income. A conflict of interest arises here because an individual assessor has a financial incentive to ensure as many candidates as possible pass the qualification, as this will maximise both the Centre's and their own income.

5. Policy Statement

GA will identify, monitor and manage Conflicts of Interest with a view to preventing any Adverse Effect that might arise from them, and to minimise any Adverse Effect should one nonetheless occur. GA may continue to operate where conflicts of interest exist, with appropriate avoidance of mitigation strategies in place, however, this is with the exception of the following:

- It is prohibited for anyone with a personal interest in the outcome of an investigation into potential malpractice from carrying out investigations of suspected or alleged malpractice
- It is prohibited for anyone with a personal interest in the outcome of the investigation into potential breaches of confidentiality from carrying out investigations of suspected or alleged breaches of confidentiality.
- It is prohibited for anyone with a personal interest in the decision being appealed from taking decisions on that appeal.

In addition, GA will take all reasonable steps to avoid learners being assessed by anyone with a personal interest in the outcome of the assessment, and – where it is unavoidable – to ensure any part of the assessment they do conduct is scrutinised by someone else who does not have such an interest (via Centre Assessment Standards Scrutiny or through wider centre controls, where applicable).

Note: where GA refers to ‘centre staff’ this includes not only teaching staff in schools and colleges but also covers assessors, internal quality assurers, moderators, private tutors, coaches and mentors, plus employers providing training to learners in relation to qualifications offered by GA.

This does not apply to the preparation of teaching resources or materials by a teacher exclusively for learners that he or she teaches, although GA reserves the right to consider from the perspective of maintaining the confidentiality of assessment materials.

6. Responsibility and Authority

The Governing Body has overall responsibility for ensuring that this policy is implemented fully and correctly. The responsibility for overseeing this on a day to day basis is delegated to the Compliance Manager. All relevant staff and other individuals have a responsibility to be aware of the potential of conflict of interest. Elements of the procedure will be implemented and actioned by other members of staff as delegated by the Governing Body and/or Responsible Officer and may include, but not be limited to the senior management, including the Director, Compliance Manager or Assessment Manager.

Each GA Approved Centre appoints a ‘Head of Centre’ to act as the single point of accountability for adhering to all policies, procedures and regulations as required by the Centre Statement of Commitment signed as part of the Centre Application process. The Head of Centre is responsible for ensuring that all centre staff, whether directly or indirectly employed by the Centre (including all consultants and contractors) are aware of this policy and the responsibilities covered therein.

The Governing Body, Quality Panel and Senior Management Responsibility

- a) Senior managers are responsible for communicating the Conflict of Interest Policy to all relevant members of staff on an annual basis
- b) Senior managers are responsible for ensuring that conflict of interest training of all staff takes place and ensuring that contractual arrangements with staff and third parties who

have access to confidential assessment information clearly set out any obligations on those staff and third parties to manage conflicts of interest arising from other activities that they undertake

- c) The Compliance Manager is responsible for deciding when and how matters relating to potential or actual conflict of interest are dealt with within the business, including when they are reported to the Governing Body and the Quality Panel.
- d) The Quality Panel and Governing Body will liaise with the Responsible Officer and Compliance Manager in relation to reporting any issues to the Regulator.
- e) The Governing Body or Quality Panel will begin an investigation of any issues identified within 24 hours where management of a Conflict of Interest or an adverse effect has been identified as one requiring Governing Body or Quality Panel level intervention. A preliminary report will be made available to the senior manager concerned within 5 working days.
- f) The Compliance Manager reviews the procedures at least every two years to ensure that the procedures contain mechanisms that allow for the identification, monitoring and management of potential and actual conflicts of interest and their effects.

Individual Responsibility

- a) Every individual has responsibility for ensuring that they are familiar with the Conflict of Interest Policy and any guidelines.
- b) Where there is a perceived, potential or actual conflict of interest, or identification of an Adverse Effect, individual staff members are required to inform the Compliance Manager, who will document and resolve the issue, or escalate it to the Responsible Officer or Governing Body, as appropriate.
- c) Any individual considering taking on additional paid work or voluntary work outside GA or its partner or representatives must seek the Director's written agreement beforehand. An individual must not take on any such activities that could be deemed to compete or conflict with GA's activities.
- d) All individual staff members have responsibility to inform GA should they be, or have previously been a teacher for the relevant qualification, or is employed by a centre at which that qualification is taught or delivered (even if that person does not themselves teach or deliver the qualification); and all personal conflicts, such as where a child, sibling, or other close family member is due to take an assessment in relation to which the person has access to confidential assessment information, and where a partner or other close family member is teaching, or is due to teach, the relevant qualification.

7. Declaring a Conflict of Interest

The most important feature of the procedure is the requirement that an individual disclose any activity if there is any doubt whether or not it represents a conflict of interest: if in doubt, report it.

All GA staff, partners and representatives, and centre staff are required to declare any situations giving rise to actual, potential, or perceived conflicts of interest during their induction training, and immediately when any changes occur.

Anyone involved in a situation where there is, may be, or be perceived to be, a conflict of interest shall disclose the situation giving rise to the conflict of interest concern immediately and in writing to their line manager or GA's Compliance Manager.

A Declaration of Interests Form (Appendix 1) is provided for this purpose, listing examples of the types of interest you should declare.

Any declared interests, whether perceived, potential or actual will be recorded on GA's Register of Interests, which will be maintained by GA's Compliance Manager. The register will be accessible to all members of the senior management team.

Please Note: Even if a centre resolves a potential Conflict of Interest, it MUST be declared to GA with details of how the situation was resolved.

8. Monitoring and Management of Identified Conflicts of Interest

Once a conflict of interest has been identified it is entered onto the Register of Interests by a senior member of GA staff. The conflict of interest is graded as perceived, potential, or actual, and a senior member of staff is allocated to be responsible for resolving it.

Any action taken in order to resolve it is recorded on the Register of Interests.

If the Compliance Manager is unable to resolve the identified conflict of interest, it is referred to the Responsible Officer who will review it again and identify any adverse effects and the action(s) required to negate or mitigate them, which will be recorded on the Register of Interest and monitored by the Compliance Manager for the duration of the conflict.

The Responsible Officer is responsible for deciding when and how unresolved conflicts of interest are dealt with within the business, including when they are reported to the Governing Body and to the Regulator.

If the Responsible Officer decides that a conflict of interest should be referred to the Governing Body, the Governing Body will begin an investigation of any issues identified by the Compliance Manager within 24 hours where management of a Conflict of Interest or an Adverse Effect has been identified as one requiring Governing Body-level intervention. A preliminary report will be made available to the Compliance Manager and the senior manager concerned within 5 working days.

9. Failure to Disclose a Conflict of Interest

If a Conflict of Interest is discovered by GA or its representatives which has not been disclosed, GA may view this as maladministration or, in some cases, malpractice, and apply the appropriate sanctions and course of action, as per the *Malpractice and Maladministration Policy and Procedure*.

Appendix 1 – Declaration of Interests Form

Name:		Position:	
<p>I hereby set out below my interests in accordance with the GA Conflict of Interest Policy. <i>In your position with GA, you are required to act in the best interests of GA. However, inevitably, people have a wide range of interests in private, public and professional life and these interests might, on occasions, conflict. We are obliged to review any possible conflicts for potential adverse effects so ask you to supply the relevant information in response to the following questions:</i></p>			
<ul style="list-style-type: none"> Has anyone given or offered you gifts (material or financial) in your capacity as a GA employee/examiner/moderator/director? If so, provide details below: 			Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> Have you, or anyone connected with you, through family, business or charity, an interest in a contract or transaction with a client/centre? If so, provide details below: 			Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> Have you, or any person connected with you, had access to confidential assessment information for a qualification you, or the connected person, also teach or have prepared resources designed to support the preparation of learners, such as a textbook? If so, provide details below: 			Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> Are you employed in any capacity by any other awarding organisation or training organisation, whether paid or voluntary, which may, however unlikely, be viewed as a conflict of interest to an outside observer? If so, provide details below: 			Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> Are you aware of any other interest that you should declare? If yes, please provide details. 			Yes <input type="checkbox"/> No <input type="checkbox"/>
<p>To the best of my knowledge, the above information is complete and correct. I undertake to update, as necessary, the information provided, and to review the accuracy of the information as soon as any interests or detail supplied above change. Notification of any changes should be provided to GA's Compliance Manager for further consideration within 5 days of the changes occurring. I give my consent for the information I supply to be used for the purposes described in the conflicts of interest policy and for no other purpose.</p>			
Signed:			Date: DD / MM / YYYY