



Conflicts of Interest Policy

Conflicts of Interest Policy

1. Purpose

The purpose of this policy is to ensure, so far as is practicable, that no conflict of interest will threaten the integrity of our qualifications and assessments or the reputation and good standing of Open Awards.

The policy is designed to:

- provide guidance on the types of conflicts that need to be declared
- outline the action to be taken to avoid conflict of interests
- illustrate situations where conflicts of interest may arise
- identify the principles we follow in to order to manage conflicts of interest
- outline the actions to be taken by an individual that encounters a conflict of interest
- outline how we will manage conflicts of interest that have been identified.

Where there is any conflict between this policy and procedures and relevant legislation or regulations, the legislation or regulations shall have precedence.

A consequence of a non-declared conflict of interest can be an *adverse effect*, as defined by the Qualifications Regulators, and as such must be taken very seriously.

This document replaces all previous Conflicts of Interest Policies from the operative date.

2. Scope

This document is applicable for the following Open Awards products:

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| Ofqual regulated qualifications and units | <input checked="" type="checkbox"/> |
| Access to HE Diplomas | <input checked="" type="checkbox"/> |
| Quality Endorsed Courses | <input checked="" type="checkbox"/> |
| Badge of Excellence | <input checked="" type="checkbox"/> |

3. Regulatory Authorities

The relevant regulatory authorities are Ofqual and the Quality Assurance Agency for HE (QAA). Every attempt has been made to ensure that the provisions of this document are consistent with the requirements of the regulatory authorities. Where the requirements of a regulatory authority change, or where inadvertently these procedures conflict with those of the regulatory authority, the latter shall apply. Where the requirements of the regulatory authority are amended and require changes to this document, such changes will be made as soon as practicable and Open Awards will inform centres accordingly.

4. Audience

This document is for use by the following:

- Open Awards staff
- Open Awards Trustees
- External Quality Assurers
- Moderators
- Examiners
- Open Awards approved centres

5. Definition[s]

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| Conflict of interest | <p>A conflict of interest is a situation in which an individual, or organisation, has competing interests or loyalties. In the case of an individual, the conflict of interest could compromise or appear to compromise their decisions if it is not properly managed.</p> <p>Ofqual's General Conditions of Recognition state that a conflict of interest exists in relation to an awarding organisation where –</p> <ol style="list-style-type: none"> a) the awarding organisation's interests in any activity undertaken by it, or on its behalf, 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 Conditions of Recognition, or c) An informed and reasonable observer would conclude that any of these situations was the case. <p>For Open Awards as a QAA Access Validating Agency, a conflict of interest exists where:</p> <ol style="list-style-type: none"> a) The external interests of an individual connected with Open Awards as an AVA are such as to interfere with the independent exercise of the person's judgment and making, or participating in the making of decisions on behalf of Open Awards, or fulfilling their obligations to Open Awards, or might be perceived as having such an effect. Obligations by the individual to Open Awards for these purposes include, but are not confined to, involvement in the development, delivery or award of Access qualifications, including assessment, moderation or verification and invigilation. b) An informed and reasonable observer would conclude that any of these situations was the case. |
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| Adverse effect | <p>An act, omission, event, incident, or circumstance (which)</p> <ol style="list-style-type: none"> a) gives rise to prejudice to Learners or potential Learners, or b) adversely affects <ol style="list-style-type: none"> i. the ability of Open Awards to undertake the development, delivery or award of qualifications in accordance with its Ofqual Conditions of Recognition or its QAA Conditions of Licence; ii. the standards of qualifications which Open Awards makes available or proposes to make available, or iii. public confidence in qualifications iv. the reputation of the Access to HE qualification <p>Note: this definition is based on the definition published by Ofqual, adapted by Open Awards as appropriate to encompass Open Awards as an AVA</p> |
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6. Policy Statement

Open Awards recognises its responsibility to identify and manage all actual and potential conflicts of interest. The following are required of Trustees, Committee members and employees:

- A commitment to identifying and managing all actual and potential conflicts of interest that may affect the effectiveness, level of regulatory compliance or reputation of Open Awards; and in cases of doubt to contacting their line manager (or the chair of the committee in the case of trustees and committee members);
- A recognition that managing conflicts of interest is about preventing issues from occurring that may impact on Open Awards' operational effectiveness or regulatory compliance;
- A recognition that conflicts of interest should be addressed as soon as they are identified.

Managing conflicts of interest

All conflicts are documented in a conflicts of interest register which is maintained and monitored on a quarterly basis by the senior management team. The register includes all internal conflicts as well as conflicts identified at approved centres, records the nature of the conflict, the mitigating actions to be taken and the timescales for these actions.

Corporate conflict of interest

Corporate conflict of interest requires the Board of Trustees and the senior management team to balance the need to maintain financial stability and meet the company's mission, alongside a responsibility to ensure we are compliant with our regulators. The Board of Trustees and the Senior Management Team balance these

conflicts by recognising and recording where and when they occur and making transparent decisions about the resolution of such conflicts.

Staff

Open Awards ensures that all staff are aware of what is meant by conflict of interest. All staff at Open Awards are responsible for ensuring that they are familiar with this Conflict of Interest Policy and the requirement to disclose any activity that could represent a conflict of interest.

All staff must disclose any activity that might create a potential conflict of interest in a timely manner for their line manager to review, record and consider whether or not to approve it. If there is any doubt whether or not it represents a conflict of interest it should be reported. The individual and line manager are both responsible for documenting the issue carefully.

An individual may want to raise concerns relating to conflict of interest directly with the senior manager for the relevant department. This can be done in confidence and they are entitled to receive a response to their concerns. Should an individual have conflict of interest concerns about the relevant senior manager, they can raise it with another senior manager.

Any staff member considering paid or unpaid work outside Open Awards should inform their line manager to review, record and consider whether or not there is any potential for a conflict of interest. If the staff member is unsure as to whether or not there is potential for a conflict of interest it should be reported and discussed with their line manager. A record should be kept of the discussion. A staff member must not take on any such activities that could be deemed to compete or conflict with Open Awards activities.

The Director of Corporate Service is responsible for ensuring that all new staff, Trustees and committee members complete conflict of interest declarations.

All disclosures and decisions are recorded on each individual's personnel file. The interest is notified to the Director of Corporate Services to be added to the staff/Trustees Register of Interest. It is the responsibility of all individuals to ensure that their entry on this register is current and properly reflects their personal circumstances.

Senior managers are responsible for managing and mitigating all actual or potential conflicts of interest in their areas of responsibility.

All relevant documentation including contracts, policies and procedures are reviewed on an ongoing basis to ensure that conflicts of interest are managed and resolved.

The senior management team are responsible for making sure that anyone with access to confidential assessment material for a qualification is not involved in delivering any training events regarding that qualification.

Individuals acting on behalf of Open Awards

Any individuals acting on behalf of Open Awards must be free from conflicts of interest that could adversely influence their judgment, objectivity or loyalty to the organisation in conducting Open Awards' activities and assignments.

This relates specifically to External Quality Assurers and Access Moderators working under contract to Open Awards, but applies equally to any other individual who may be engaged by Open Awards from time to time.

Any individuals acting on behalf of Open Awards must always disclose an activity if they are in doubt about whether it represents a conflict of interest. Any potential or actual Conflict of Interest that may arise from whilst performing their tasks must be notified to the relevant Senior Manager immediately.

In order for Open Awards to mitigate against any foreseeable instances of Conflict of Interest occurring acting on our behalf must complete a Conflict of Interest Declaration Form on an annual basis.

Completed forms are retained on file for regulatory scrutiny, as requested. Should a potential or actual conflict of interest be identified at any time, Open Awards will reallocate centres to ensure that no conflict occurs. It is Open Awards intention to not allocate a Moderator or External Quality Assurer to any named centre for more than four years.

Potential Conflicts of Interest in an Awarding Organisation

Conflicts of interest in an awarding organisation can arise in a variety of circumstances. The following list of examples is not exhaustive and is intended for guidance only:

- Where there may be a conflict between income and regulatory responsibilities
- Where an awarding organisation/AVA follows a procedure that conflicts with its regulatory responsibilities
- Trustees or committee members may have a personal interest in an item on the agenda of a meeting
- A member of staff or contractor working on behalf of Open Awards or a person connected with them may have an interest in a centre, for example:
 - has worked for the centre during the past three years
 - has been a recent learner at the centre
 - has worked for a competitor centre during the past three years,
 - is undertaking external quality assurance work for or on behalf of another awarding organisation or AVA at the same centre
 - has a financial stake or shares in the centre
 - is a governor, trustee or equivalent of the centre
 - an Access to HE Moderator has an admissions role in a receiving HEI
- A person involved in the design of, or proposing a qualification has an interest in

the approval of that qualification

Monitoring Conflicts of Interest at Approved Centres

Open Awards is responsible for ensuring that Approved Centres have processes to identify, monitor and manage any conflicts of interest in assessment outcomes.

We encourage Centres to take all reasonable steps to avoid any part of the assessment and verification of a learner's work being undertaken by any person who has a personal interest in the result of the assessment. This includes internal marking, assessment and quality assurance activities.

Centre's conflict of interest policies, procedures and registers are reviewed by our Lead Quality Reviewers at annual compliance visits.

Approved Centres are required to declare any conflicts of interest that do occur as soon as they become aware of the conflict. They should advise Open Awards how they plan to mitigate the conflict. Open Awards reserve the right to take additional actions to preserve the integrity of its qualifications. This may result in sanctions being placed on the centre.

7. Responsibility of centres

Managing conflicts of interest

It is a condition of centre approval that an approved centre must have a process to identify, monitor and manage any conflicts of interest in assessment outcomes. Centres must take all reasonable steps to avoid any part of the assessment and verification of a learner's work being undertaken by any person who has a personal interest in the result of the assessment. This includes internal marking, assessment and quality assurance activities.

The assessor role and the internal verifier role must be carried out separately. The assessor cannot quality assure their own assessments as this presents a conflict of interest.

Where individuals have a personal interest in assessment decisions for a particular learner, they must not be involved in the assessment or the quality assurance for that learner. In cases where this does happen, the centre must ensure that the assessment process is subject to scrutiny by those without personal interest.

Centres need to have procedures in place for avoiding conflicts of interest and where a conflict of interest cannot be avoided, have procedures in place for managing that conflict of interest.

Where the centre works in partnership with another organisation, or sub-contracts part of the delivery of Open Awards qualifications, they must

manage all potential conflicts of interests arising from third parties, partners and sub-contractors.

All conflicts should be documented in a conflicts of interest register which is maintained and monitored on an ongoing basis. The centre's conflict of interest register should record the nature of the conflict, the mitigating actions to be taken and the timescales for these actions. The centre's management team should regularly review potential conflicts to ensure that that appropriate mitigation factors are in place.

All centre staff must be familiar with both this Open Awards document and the centre's own conflict of interest policy, and the requirement to disclose any activity that has the potential to represent a conflict of interest.

All centre staff must be familiar with the implications of conflicts of interest when delivering, assessing and internally quality assuring Open Awards qualifications.

Centre staff must report any actual or potential conflicts of interest to the Centre Contact in a timely manner. The centre's conflicts of interest register will be reviewed by their allocated Lead Quality Reviewer/ External Quality Assurer as part of their ongoing compliance monitoring of the centre.

Identifying and Declaring Conflicts of Interest

As soon as a potential or actual conflict of interest has been identified, the individual(s) involved must inform us immediately by completing the **Conflict of Interest Declaration Form – Open Awards centres (Appendix 2)** and emailing to quality@openawards.org.uk

If you are aware of a connection between any of your learners and your allocated Lead Quality Reviewer (LQR)/ External Quality Assurer (EQA) you should inform us through the Conflict of Interest Declaration Form (Appendix 2). If our LQR/EQA identifies such a conflict of interest once they are externally verifying your learners work, we will arrange for another member of the team to verify that learner's work.

Conflicts of interest in delivering examinations

You must take all reasonable steps to avoid any part of the assessment process being undertaken by any person who has a personal interest in the result of the assessment. This includes both invigilators and speaking/speaking and listening test assessors.

Where a potential conflict of interest has been identified, the invigilator/speaking/ speaking and listening test assessor must complete and submit a conflict of interest declaration form (Appendix 1) declaring the potential conflicts of interest prior to gaining approval to invigilate an examination or assess a speaking/speaking and listening test.

If a conflict of interest between a learner and assessor/invigilator is identified at the beginning of, or during, an examination you should replace the member of staff in the room immediately. If this is not possible, you should find other ways to remove the conflict. For example, adding an additional member of staff to invigilate/ assess the learners or moving the learner to another examination room. Immediately after the examination, you must contact Open Awards to declare the conflict and submit the conflict of interest form within 24 hours.

Examples of conflicts of interests in a centre

Conflicts of interest in a centre can arise in a variety of circumstances – for example: (this list is not exhaustive and is intended for guidance only)

- Where an Open Awards centre follows a procedure that conflicts with its centre agreement
- A person undertaking assessment has an interest in the outcomes of the assessment, for example:
 - an internal assessor verifies their own assessments;
 - an assessor assesses the work of a person connected to them;
 - an assessor's pay is determined by the outcomes of assessments undertaken by them.
- Where there may be a conflict between income and regulatory responsibilities

8. Record keeping and monitoring

A conflict of interest register records the following information for all Trustees and committee members, Open Awards staff and contracted external quality assurers and moderators:

- Name
- Position
- Nature of Interest (including whether an interest of the person or a person connected with them)
- Date first registered
- Conflict controls in place, for example how is any the potential conflict is to be managed, mitigated or prevented (where relevant)

In addition, an external conflict of interest register records the same information for Approved Centres. Although kept separately, these two registers are cross-referenced to ensure that all potential conflicts of interest are identified and managed in a coherent manner.

9. Appeals

For more information, please refer to the Open Awards Enquiries, Complaints and Appeals Policy and Procedures available on our website.

10. Monitoring and review

Open Awards will review this policy bi-annually as part of its self-evaluation arrangements and revise it as and when necessary in response to customer and learner feedback, changes in its practices, advice from the regulatory authorities or external agencies, changes in legislation, or trends identified from previous instances of malpractice or maladministration.

In addition, this policy may be updated in light of operational feedback to ensure our arrangements for dealing with suspected cases of malpractice and maladministration remain effective.

11. Related documents

This document is linked to the following Open Awards documents:

- Centre Agreement
- Centre Handbook
- Access to HE Provider Handbook
- Malpractice and Maladministration Policy
- Sanctions Policy

12. Regulatory Requirements

The Conflict of Interest Policy is designed to fulfil the requirements of our regulators. In particular:

Ofqual General Conditions of Recognition

- A4 Conflicts of Interest
- C1 Arrangements with Third Parties
- C2 Arrangements with Centres
- G4 Maintaining confidentiality of assessment materials, including the conduct of specified training events
- H2 Moderation where an assessment is marked by a Centre
- I1 Appeals process

QAA AVA Licensing Criteria

- Diploma Validation
68
- Moderator recruitment
105
- Moderator allocation
107

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| <i>Originator:</i> | <i>Head of Quality and Standards</i> |
| <i>Date of latest review:</i> | <i>October 2018</i> |
| <i>Date of last approval:</i> | <i>October 2018</i> |
| <i>Approved by:</i> | <i>Open Awards Management Team</i> |
| <i>Review interval:</i> | <i>Bi-annual</i> |
| <i>Next review due by:</i> | <i>October 2020</i> |

Appendix 1

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| Conflict of Interest Declaration Form <i>Individuals acting on behalf of Open Awards</i> |
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It is Open Awards policy that those acting on our behalf must be free from conflicts of interest that could adversely influence their judgment, objectivity or loyalty in conducting Open Awards' activities and assignments. You must always disclose activities if you are unsure whether it represents, or has the potential to represent, a conflict of interest. For further information, please review our Conflicts of Interest Policy.

You must notify us immediately of any actual or potential conflicts of interest that may arise through any activity you undertake on behalf of Open Awards. Please complete the following details. Please include details of any involvement/ affiliation with any HE, FE or other education organisation – including any association with HE admissions decisions for learners progressing from Access to HE Diplomas. *This form must be completed annually.*

Should any of your declarations represent a potential or current conflict of interest to Open Awards, we will not allocate you any activities at/for the relevant organisation.

| | | | |
|-------|-------|------------|-------|
| Name: | Role: | Signature: | Date: |
|-------|-------|------------|-------|

| Summary of the conflict of interest | Actual or potential? | Organisation | In what capacity were/ are you involved with the Organisation? | Dates | How will this conflict be mitigated? |
|-------------------------------------|----------------------|--------------|--|-------|--------------------------------------|
| | | | | | |
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| Approved / Declined (delete as appropriate) by: | Role: | Signature: | Date: |
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Appendix 2

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| <h3>Conflict of Interest Declaration Form</h3> <p><i>Open Awards Centres</i></p> |
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We expect every Open Awards approved centre to take all reasonable steps to avoid any conflict of interest. Where, having taken all such reasonable steps, a conflict cannot be avoided the centre must record, appropriately disclose, monitor and properly manage the conflict.

Where a conflict of interest may affect Open Awards' ability to comply with any Regulatory Conditions you must advise Open Awards as soon as practicable using this form. You must always disclose activities if you are unsure whether it represents, or has the potential to represent, a conflict of interest. For further information, please review our Conflicts of Interest Policy.

| Summary of the conflict of interest | Actual or potential? | Organisation | Name(s) and job role(s) of all parties involved in the interest (financial or non- financial) | How will this conflict be mitigated? |
|-------------------------------------|----------------------|--------------|---|--------------------------------------|
| | | | | |

I declare that I will not assess, invigilate or internally verify any learner or their assessments until I have received approval against the above conflict of interest by Open Awards.

| | | | |
|---|-------|------------|-------|
| Name: | Role: | Signature: | Date: |
| Approved / Declined (delete as appropriate) by: | Role: | Signature: | Date: |

Appendix 3

Conflict of Interest Declaration Form

Open Awards **[ADDITIONAL ACTIVITY]**

Open Awards will take all reasonable steps to avoid any conflict of interest when performing **[INSERT ACTIVITY]**. Where, having taken all such reasonable steps, a conflict cannot be avoided Open Awards will report this to the **[INSERT PROJECT SPONSOR/REGULATOR/ FUNDER DETAILS]** for approval to proceed.

| Summary of the conflict of interest | Actual or potential? | Organisation | Name(s) and job role(s) of all parties involved in the interest (financial or non-financial) | How will this conflict be mitigated? |
|-------------------------------------|----------------------|--------------|--|--------------------------------------|
| | | | | |

Open Awards will not carry out external quality assurance activities until we have received approval against the above conflict of interest by **[INSERT PROJECT SPONSOR/REGULATOR/ FUNDER DETAILS]**.

| | | | |
|--|-------|------------|-------|
| Name: | Role: | Signature: | Date: |
| Approved / Declined (delete as appropriate) by Name: | Role: | Signature: | Date: |