

Conflicts of Interest

Introduction

The overriding aims of Occupational Awards are

1. to develop fit-for purpose Units of Assessment, Rules of Combination, Qualifications and end-point assessments (EPA) that meet the needs of employers and
2. to ensure that learners are able to successfully complete these qualifications, units and end-point assessments.

Occupational Awards understands that its key stakeholders may be involved in a variety of activities and have a range of functions within Occupational Awards and in other organisations. Occupational Awards recognises that these key stakeholders, and the individuals who work for them, will be keen to maintain their own integrity as well as that of Occupational Awards and other organisations. The policy aims to reflect this situation whilst providing security and integrity for Occupational Awards and its future operations.

A conflict of interest is a situation in which the interests or aims of an individual/organisation conflict with those of Occupational Awards. This interest can be direct or indirect, internal or external.

It will be made clear to all Occupational Awards employees, stakeholders and third parties that they must identify any conflict of interest, actual or potential, to Occupational Awards before they begin working on qualification or assessment development, or to undertake assessment, quality assurance or certification. Individuals will always be encouraged to disclose an activity if they are in doubt about whether or not it represents a conflict of interest.

All Occupational Awards employees, stakeholders and third parties will be made aware of the importance of conflicts of interest, what they could mean for the organisation and how conflicts of interest should be reported and managed. The operational responsibility for this process lies with:

1. Chair of the Groups or Boards that undertake work within Occupational Awards, who will be responsible for identifying any conflicts of interest within their groups or boards; and
2. Development Managers, who will be expected to identify any conflicts of interest between Occupational Awards and any partner organisations before any potential partnership agreements are reached.
3. Independent assessors, internal quality assurers, external quality assurers and moderators who will be expected to declare annually any new or potential conflicts of interest

The purpose of this policy is to protect Occupational Awards and its functions from any impropriety.

Relevance

This policy is relevant to all key stakeholders engaged in the implementation of the Occupational Awards Business Plan (OA01) and any person who can influence the outcomes of the Business Plan. This includes Employers, Awarding Organisations, Learning Providers, other Contractors and Occupational Awards staff and Governing Body members.

Definition

For the purposes of this policy, a conflict of interest exists where:

- Occupational Awards interests in any activity undertaken by it or on its behalf, or by a member of the National Skills Academy for Food & Drink, has the potential to lead it to act contrary to its interests in the development, delivery and award of qualifications in accordance with the Regulators' Conditions of Recognition
- a person who is connected to the development, delivery or award of qualifications has interests in any other activity which has the potential to lead that person to act contrary to his or her interests in that development, delivery or award in accordance with the Regulators' Conditions of Recognition
- an independent assessor, internal quality assurer, external quality assurer or moderator who is not independent of a learners assessment
- an informed and reasonable observer would conclude that any of these situations was the case.

Identifying Conflicts of Interests

Occupational Awards acknowledges that it is not always possible to pre-empt when a conflict of interest could arise and this policy is not designed to cover every eventuality. Generally, there will be a conflict of interest if an individual's interest and/or loyalties conflict with those of the Occupational Awards strategy for developing fit-for-purpose qualifications that meet the needs of people in, or seeking to enter, the sector.

Conflicts of interest will be identified by Occupational Awards on an ongoing basis by the Operations & Quality – Senior Manager and the Responsible Officer.

Through these processes Occupational Awards will identify:

- all conflicts of interest which relate to its work as an Awarding Organisation and an Apprentice Assessment Organisation, and
- any scenario in which it is reasonably foreseeable that any such conflict of interest will arise in the future.

The Operations & Quality – Senior Manager will monitor any actual or potential conflicts of interest, recording them in the Register of Interests. The records include the nature of the conflict, discussions held and resolution details.

It is a condition of Centre recognition that Approved Centres have their own conflicts of interest policy.

Approved Centres have contractual obligations to identify and monitor:

- all conflicts of interest which relate to its work in delivering our qualifications, and
- any scenario in which it is reasonably foreseeable that any such conflict of interest will arise in the future.

Independent assessors, internal quality assurers, external quality assurers and moderators have contractual obligations to:

- declare annually any new or potential conflicts of interest
- declare at time of allocation any potential conflict of interest.

Conflicts of interest can occur in a number of ways and from a variety of situations. For example, if, for any reason:

- a contractor works for multiple stakeholders and has difficulty being impartial
- a conflict where a contractor's organisation will directly benefit
- a conflict where a connected person to the contractor/staff member will benefit, for example, a family member
- a conflict where the contractor/staff member will personally benefit themselves.

Minimising and Preventing Conflicts

Occupational Awards sees one of its functions as facilitating the process of qualification design by focusing on their responsibilities. This includes, but is not limited to:

- avoiding arrangements that might reduce competition or create exclusive arrangements
- avoiding practices that could be construed as anti-competitive or restrictive practice
- providing the Occupational Awards key stakeholders with objective advice on the viability of qualifications development and availability of qualifications for the needs of the sector
- enabling open and frank dialogue between teams within Occupational Awards.

Although this list is not exhaustive, it is felt that by adhering to the principles of neutrality, openness and fairness, conflicts can be avoided or managed without compromising the integrity of the Occupational Awards Business Plan, the individual or organisation concerned.

Responsibilities

The Responsible Officer is accountable for ensuring the implementation of this policy. The Operations & Quality – Senior Manager is responsible for carrying out the requirements of this policy. Where either party is implicated in the conflict the Chief Executive will be responsible for appointing suitable person(s) to carry out these activities.

It is also the responsibility of all persons, when involved in the development of Assessments, or Qualifications, or in assessment, quality assurance, certification and other associated activities that meet the Business Plan, to:

- conduct their activities so that the aims of the Business Plan are implemented
- ensure that they make their role clear and separate this from their other functions, as far as is possible
- monitor their activities, so as to maintain the integrity of the Business Plan
- devote enough time and intellectual ability to their specific responsibilities
- recognise and report any potential or existing conflict.

The possibility of a conflict or potential conflict may be declared by any key stakeholder as an entity, or any individual. All contracts include a confidentiality clause and also the requirement to complete a declaration of conflicts of interest at least annually but also when any new situation arises.

Code of Conduct for Members of Working Groups

Conflicts of interest, whether actual or potential, should be declared promptly at the earliest possible opportunity to the Chairperson or Development Manager who will notify the Operations & Quality – Senior Manager.

If an organisational representative has any interest in the matter under discussion, which creates a real danger of bias, that is, the interest affects the organisation, or a member of an individual's household, the interest should be declared as soon as possible and the organisational representative should withdraw from the room and the process.

If an organisational representative has any other interest which does not create a real danger of bias, but which might reasonably cause others to think it could influence decisions, the nature of the interest should be declared. At this point, the other organisational representatives will make the decision as to whether the organisation representatives should be involved in discussions around this subject.

If an organisational representative is in any doubt about the application of these rules, they should consult with the Chairperson/Development Manager.

It is recommended that an organisation's interests are reported to the Operations & Quality – Senior Manager who will list them in the Register of Interests. The register should be updated by the Operations & Quality – Senior Manager at least annually and also when any changes occur.

Centres' Responsibilities

Centres' should take all reasonable steps to ensure that their staff involved in the management, assessment and quality assurance of our qualifications, and their learners, are aware of the contents of this policy. All centres must also have a conflict of interest policy and procedure in place to manage any potential conflict of interest arising from the centre.

Centre personnel must declare any relevant and material, personal or business interest which may conflict with their duties and responsibilities. These could include, but are not exclusively, direct or indirect financial interest or the interests of close family members, or of persons related or living in the same household a firm, business or organisation with which a person is connected.

No gifts or hospitality, unless trivial or of low monetary value, should be accepted.

Any potential conflicts identified should be managed and recorded by the centre in line with a written procedure and recorded in documentary form.

Managing Conflicts

Occupational Awards, its contractors or Approved Centres involved in the development, delivery or award of a qualification, will 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 and/or the Approved Centre must take all reasonable steps to mitigate the Adverse Effect as far as possible and correct it.

In most cases, it is envisaged that simple measures will be enough to manage conflicts of interest. It may be that the activity can be managed differently so that conflicts of interest are avoided. In other cases, a simple undertaking by an individual to prioritise the interests of the Occupational Awards business plan will be all that is required. Only in extreme circumstances, where the conflict of interest is fundamental and unmanageable, will an individual be prevented from undertaking specific activities.

Interests in Assessments

Centres must 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.

Individuals should not be involved in the assessment or the quality assurance of assessment decisions at a Centre in which they have a personal interest, or, where this happens, the Centre must make arrangements for the relevant part of the assessment to be subject to scrutiny by another person.

Monitoring the Policy

This policy and associated procedures will be reviewed annually by the Responsible Officer as part of the self-evaluation arrangements. If necessary it will be revised to ensure that it remains fit for purpose, that it reflects the types of conflicts that may arise, and states how those conflicts can be managed. Any feedback from stakeholders or guidance from the regulators will be taken into account.

Conflict of Interest Declaration Form

Name	
Organisation	
Address	
Telephone	
Email	

Information for declaration must include:

- The type of interest
- The nature of the interest
- A description of all parties involved in the interest (financial or non-financial) and any other relevant information.

Declaration: <i>(Please attached additional sheets if required)</i>

I acknowledge that the above interests exist and to the best of my knowledge have informed Occupational Awards with all the information.

Signed:	
Date:	

Completed forms should be returned to the Operations & Quality – Senior Manager by email to: quality@oawards.co.uk