

POLICIES & PROCEDURES

Conflict of Interest Policy



Contents Page

1. Introduction	3
2. Definition.....	3
3. Examples.....	4
4. Purpose	4
5. Identification of Potential Conflicts of Interest.....	5
6. Investigation of Potential Conflicts of Interest.....	6
7. Process for Managing Conflicts of Interest.....	7
8. Roles and Responsibilities.....	7
9. Continuous Improvement.....	8
Appendix One – Examples of Conflicts of Interest	9

Conflict of Interest Policy

1. Introduction

As an Ofqual regulated awarding organisation, ABBE must abide by its regulators' Conditions of Recognition. In terms of conflicts of interest, ABBE must meet the following conditions:

A4.1 An awarding organisation must identify and monitor:

- ❖ all Conflicts of Interest which relate to it, and
- ❖ 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.

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.

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.

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.

2. Definition

Conflicts of interest impede free discussion and could result in actions or decisions being taken that are not objective and risks the perception of impropriety.

A conflict of interest may arise where there are competing interests or loyalties which compromise, or is perceived to compromise, the ability to make unbiased decisions. In the case of an individual, the conflict of interest could compromise, or appear to compromise, the ability to make unbiased decisions and/or judgements if not managed.

Conflict of Interest Policy

As defined by Ofqual's General Conditions of Recognition, a conflict of interest exists in relation to an awarding organisation where:

- ❖ 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,
- ❖ 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, or
- ❖ An informed and reasonable observer would conclude that either of these situations was the case.

3. Examples

Conflicts of interest can arise in a variety of circumstances relating to awarding organisation activity, for example:

- ❖ Where an individual works for or carries out work (paid or unpaid) on behalf of another business which either uses products or services, or produces similar products, or is in direct competition with ABBE
- ❖ Where an individual is carrying out quality assurance activities for any Centre where there is a personal interest
- ❖ Where a member of the ABBE Board or member of staff has a professional interest in an approved Centre
- ❖ When assessment and internal quality assurance activity is undertaken at a Centre by the same person
- ❖ Where an individual is internally or externally marking assessments for ABBE and works for a Centre who delivers qualifications belonging to ABBE
- ❖ Where an individual is assessing or internally marking assessments of a learner who is a friend or relative and making decisions about the outcome of their qualification

4. Purpose

ABBE is committed to ensuring that all of its activities are free from bias. The purpose of this policy is to protect the integrity of ABBE qualifications and business practices.

This policy provides guidance to members of staff and those contracted to work on behalf of ABBE on how to handle possible and actual conflicts of interest that may arise.

Conflict of Interest Policy

The policy sets out ABBE's position on conflicts of interest, the procedures that are to be followed should conflicts be identified and outlines the approach to take in identifying, monitoring and evaluating actual and potential conflicts that may affect ABBE now and in the future.

The scope of the policy extends to all ABBE staff, the ABBE Board and any other individuals that interact or potentially interact with ABBE as an awarding organisation. This includes anyone involved with all aspects of the design, development, award, marketing, sales or any other activity connected to ABBE's qualifications and assessments.

5. Identification of Potential Conflicts of Interest

ABBE recognises that individuals may take part in legitimate financial, business, charitable or other activities outside their role. However, there is a requirement for all individuals to disclose any activity that might give rise to a potential or actual conflict of interest. If there is any doubt whether an activity represents a conflict of interest, it must be reported.

All employees and others acting on ABBE's behalf including contractors, associates and the ABBE Board are required to complete a Declaration of Interest Form on commencement of their relationship with ABBE and annually thereafter.

Individual team members, Management and the ABBE Board are expected to proactively inform the Compliance Manager immediately of any actual or potential conflicts of interest that could adversely influence their judgement and objectivity.

If the status of any conflict changes or the controls put in place to mitigate the conflict change, this must also be reported immediately to the Compliance Manager.

As part of the Centre Approval Process, all Centres are required to have in place a Conflict-of-Interest Policy, this is subject to review as part of the External Quality Assurance arrangements for Centres.

All Centres must have systems in place to ensure that an assessment is not undertaken by anyone who has a personal interest in the result of the assessment. Any potential or actual conflicts identified by the Centre or by a member of ABBE's External Quality Assurance team, must be reported to the Compliance Manager for review and internal escalation to the Responsible Officer, where necessary.

Conflict of Interest Policy

ABBE maintains a Conflicts of Interest Register, where all actual and potential conflicts of interest are recorded. See Appendix One for examples of potential conflicts of interest.

6. Investigation of Potential Conflicts of Interest

The Compliance Manager is accountable for ensuring that all issues reported internally or by a third party are investigated, that the individual circumstances of each conflict are considered and the potential for influencing the activities of the awarding organisation are dealt with appropriately and escalated internally to the Responsible Officer, where necessary.

If the conflict relates to the Compliance Manager, the Responsible Officer will investigate and agree the appropriate actions to manage or remove the conflict of interest.

Occasionally, it is not possible to avoid a situation where assessment or verification is undertaken by a person who has an interest in the result. For example, it may be a very specialist area. In these circumstances, a Conflict-of-Interest Declaration Form would need to be completed to ensure that the conflict has been recorded. ABBE would then assist in the facilitation of arrangements whereby the assessment is scrutinised by another person to ensure that all systems have been correctly followed. The arrangements and outcomes of the scrutiny should be recorded on the EQA report, reviewed by the Compliance Manager and retained electronically.

Whilst the overall responsibility for conflicts of interests rests with the Responsible Officer, the register is reviewed by the Compliance Manager twice a year and by the ABBE Board annually as part of its risk management system. The effectiveness of the process is also monitored and reviewed, and where appropriate, changes to the policy and procedures are made.

It is also possible that a real or potential conflict of interest is reported to ABBE by the regulators, a learner, a member of the public or any other stakeholder. This could be via a formal communication, via the ABBE Enquiries inbox abbeenquiries@bcu.ac.uk or directly to a member of staff. Any member of staff who receives such a communication should forward it to the Compliance Manager who will coordinate any response or action required.

The Compliance Manager will report all such communications to the Responsible Officer immediately, as they have the potential to damage ABBEs reputation even if they are only perceived conflicts of interest.

Records of all conflicts, any related investigations and outcomes are retained for 2 years.

Conflict of Interest Policy

7. Process for Managing Conflicts of Interest

Where a declaration of an actual conflict of interest is identified then the process for managing the conflict will follow these steps:

Step One

The Compliance Manager will initially assess the impact of the conflict of interest and any action already taken to ensure that there is no adverse effect. Where possible the conflict will be removed.

Step Two

If the conflict cannot be removed and requires management, the Compliance Manager will consider the necessary actions and controls that need to be put in place to manage and mitigate any impact on ABBE. This is to ensure that learners are not adversely affected. Where necessary, this will be escalated internally to the Responsible Officer.

Step Three

The conflict will be recorded on the Conflict of Interest Register and its management will be reviewed by the Compliance Manager twice a year and by the ABBE Board annually.

8. Roles and Responsibilities

Oversight of the Conflict-of-Interest Policy, dissemination of the policy and management of potential and actual conflicts of interest rests with the Responsible Officer. The Responsible Officer delegates the responsibility of operating the policy to the Compliance Manager.

The Compliance Manager is responsible for ensuring that staff, contractors and other third-party conflicts of interest are identified and monitored and that all necessary mitigating action is taken. In addition to this, the ABBE Board are required to review their procedures annually to ensure that they anticipate and manage potential or actual conflicts of interest.

The Responsible Officer has responsibility for ensuring that the ABBE Board member's conflicts of interest are identified and monitored and that all necessary mitigating action is taken.

The Conflicts of Interest Register should be circulated with the Board papers annually and there should be a standing item on the agenda at each meeting which provides the opportunity for a Board member to draw member's attention to any conflicts of interest that have arisen in relation to an item on the agenda.

All discussions and decisions about the appropriateness of a Board members attendance for an item where a conflict may exist, or is perceived to exist, are

Conflict of Interest Policy

minuted for visibility along with any subsequent actions and the Conflicts of Interests Register will be updated accordingly.

The Responsible Officer has oversight of the Conflict of Interest Policy and is responsible for:

- ❖ Disseminating the policy
- ❖ Ensuring the ABBE Board reviews the register annually
- ❖ Management of potential and actual conflicts of interest at Board level
- ❖ Reviewing conflicts escalated by the Compliance Manager

The Compliance Manager is responsible for:

- ❖ Establishing and maintaining the Conflict-of-Interest Policy and procedures
- ❖ Ensuring the Conflict-of-Interest Register is maintained
- ❖ Reviewing the Conflict of Interest Register twice a year
- ❖ Coordinating a response to any potential conflict of interest raised by others and recommending action if an adverse effect is notified

The Senior Qualifications Development Officer is responsible for:

- ❖ Ensuring that potential conflicts of interest are considered when employing consultants to work on qualifications design or development

The EQA Officer is responsible for:

- ❖ Ensuring that potential conflicts of interest are considered when allocating External Quality Assurers to Centres
- ❖ Monitoring Centres' compliance with this requirement via EQA reports

The Customer Services Officer is responsible for:

- ❖ Ensuring the Centre Agreement and Centre Approval Process covers conflicts of interest in assessment

9. Continuous Improvement

To ensure that this policy remains fit for purpose and that the procedures and its outcomes are achievable, it is subject to a three-year review cycle, or earlier should any feedback or concern be brought to the attention of ABBE. This policy is also reviewed as part of ABBE continuous improvement monitoring through its annual self-assessment arrangements.

Conflict of Interest Policy

Appendix One – Examples of Conflicts of Interest

Role	Potential Conflicts of Interest	Responses
ABBE staff and ABBE Board	The wider commercial activities and the awarding activities specifically undertaken by ABBE are compromised by members of the ABBE Board or Staff.	All ABBE staff and ABBE Board members are required to declare if they have a current or recent financial or professional interest that may adversely affect the Awarding Organisation (AO). Confidentiality clauses are embedded in contracts to ensure that confidentiality of any work related to the development, delivery and award of qualifications is maintained. Legal review of contracts is undertaken where necessary.
ABBE Board members who are BCU employees	The commercial interests of BCU are prioritised ahead of the commercial activities undertaken by ABBE by members of the ABBE Board who are BCU Employees.	ABBE Board members need to sign a conflict-of-interest declaration form on commencement of their relationship with ABBE and annually thereafter. Members of the ABBE Board are expected to proactively inform the Compliance Manager immediately of any actual or potential conflicts of interest that could adversely influence their judgement and objectivity. The Conflicts of Interest Register is circulated with the Board papers annually and there is a standing item on the agenda at each Board meeting which provides the opportunity for a Board member to draw attention to any conflicts of interest that have arisen in relation to an item on the agenda. All discussions and decisions about the appropriateness of a Board members attendance for an item where a conflict may exist, or is perceived to exist, are minuted for visibility along with any subsequent actions and the Conflicts of Interests Register is updated accordingly.
Centre assessor and internal quality assurer (IQA)	Internal assessment or quality assurance carried out at a centre is undertaken by a person who is related to or a close friend of the learner or assessor.	As part of the centre approval process, all centres are required to have in place a conflict-of-interest policy which is subject to review as part of the quality assurance arrangements in place for monitoring of centres. A centre must have systems and checks in place to ensure that an assessment or IQA activity is not undertaken by anyone who has a personal interest in the result of the assessment. Any potential or actual conflicts identified by the centre or by a member of ABBE external quality assurance team, must be reported to the AO.

Conflict of Interest Policy

Role	Potential Conflicts of Interest	Responses
		The extent of the conflict will be evaluated, and action taken which may include reallocating the learners work to another assessor/IQA. If it is not possible to avoid a situation where assessment or IQA is undertaken by a person who has an interest in the result, for example, a very specialist sector/subject the ABBE will assist in the facilitation of arrangements. The assessment would be scrutinised by another person to ensure that all systems have been correctly followed. Should a conflict of interest be discovered which was not declared the contract of employment with the assessor/IQA can be terminated and the decisions undertaken by the assessor/IQA will be reviewed by the AO.
Exam Invigilator	Exam Invigilation at a centre is carried out by a person who is related to or a close friend of the learner.	As part of the centre approval process, all centres are required to have in place a conflict-of-interest policy which is subject to review as part of the quality assurance arrangements in place for monitoring of centres. A centre must have systems and checks in place to ensure that any exam invigilation activity is not undertaken by anyone who has a personal interest in the result of the exam. Any potential or actual conflicts identified by the centre or by a member of ABBE external quality assurance team, must be reported to the AO. Should a conflict of interest be discovered which was not declared, the contract of employment with the invigilator can be terminated.
External Quality Assurer (EQA)	EQA's quality assure the work of a learner with whom they have a personal interest or connection. EQA's work directly with another Awarding Organisation where they could use their knowledge of ABBE activities adversely.	Confidentiality clauses are included in all contracts to ensure that confidentiality of any work related to the development, delivery and award of qualifications is maintained. Legal review of contracts is undertaken where necessary. EQAs are not given work at any centre with whom they have had a working or financial relationship. EQAs are required to declare to if they have a current or recent financial or professional interest in a centre which has been allocated to them for external quality assurance purposes. The extent of the conflict will be evaluated by the ABBE and action taken which includes reallocating a centre to an alternative EQA.

Conflict of Interest Policy

Role	Potential Conflicts of Interest	Responses
		Should a conflict of interest be discovered which was not declared the contract of employment with the EQA can be terminated and the decisions undertaken by the EQA will be reviewed by the AO. All current EQAs have completed the Conflict-of-Interest Declaration form. Any conflicts have been noted and EQAs have not been allocated centres where a conflict of interest exists.
Consultants	Contractors and consultants who are working in any capacity in relation to the functions of ABBE as an AO, work directly with another AO in a qualification development or advisory role where they could use their knowledge of ABBE activities adversely.	Contractors and consultants will receive contract agreements along with quality indicators which are reviewed across the programme of work and on completion. Confidentiality clauses embedded in contracts to ensure that confidentiality of any work related to the development, delivery and award of qualifications is maintained. Legal review of contracts undertaken where necessary. Consultants are required to declare to if they have a current or recent financial or professional interest in another AO. The extent of the conflict will be evaluated by ABBE and any relevant action taken to mitigate or remove the conflict which may include not engaging with the consultant. Should a conflict of interest be discovered which was not declared the contract with the consultant can be terminated.

Conflict of Interest Policy

This document is copyright under the Berne Convention. All rights are reserved. Apart from any fair dealing for the purposes of private study, research, criticism or review, as permitted under the Copyright, Designs and Patents Act 1998, no part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form by any means, electronic, electrical, chemical, mechanical, optical, photocopying, recording or otherwise, without prior written permission of the copy owner.

Requests for permission should be sent to ABBE Enquiries at abbeenquiries@bcu.ac.uk

Copyright © ABBE – Awarding Body for the Built Environment 2024