

## Conflicts of Interest

### TLM Conflict of Interest Policy [Regulatory Condition A4](#) [1]

#### 1. What is a conflict of interest and what issues does it raise?

The over-arching goal of The Learning Machine is to provide qualifications that fairly reflect the competencies of learners at the lowest possible cost to secure reliable outcomes. All TLM employees, partners and non-executive directors, hereafter referred to as TLM personnel, should put this goal first. A conflict of interest may arise where personal interests and loyalties of TLM personnel to support the over-arching goal do not coincide or appear to clash.

It is a condition of employment and recognition as an assessor that individuals acting in this role declare any potential conflicts at the earliest possible time regarding any aspect of the assessment process including provision of evidence and its moderation. All employees, direct and indirect, acknowledge in writing that they have read and understood the conflict of interest policy, and this is signed declaration will be renewed annually in their appraisal.. No member of TLM staff will be solely and directly responsible for making any award. All assessors and moderators will disclose any potential personal interest in the assessment of any candidates that they have a part in certificating. This will ensure compliance with regulatory [conditions A4.5 and A4.6](#) [2]. Direct employees of TLM and third parties acting on behalf of TLM will have their work monitored through random checks and samples such that there are always at least two different individuals involved in the assessment and awarding of certificates. Any complaints about potential or perceived conflicts of interest will be investigated and judged with reference to the details provided in [Conditions A4.1 - A4.3](#) [3].

Even the appearance of a conflict of interest can be damaging, so potential conflicts will be managed carefully but with transparency. The aim of this policy is to protect both the organisation and the individuals involved from any appearance of impropriety, to prevent conflicts of interest having an Adverse Effect, to apply any [sanctions required](#) [4], and and to limit any damage as a result of a conflict of interest having material effect.

There are appeals procedures for individual candidates as well as centres and academies that route back to the Governing Body and independent external expertise. **No moderators or verifiers will act in the assessor role and no assessors will take part in moderation or verification ensuring that decisions are never solely made by anyone with an individual personal interest in the outcome.**

#### 2. Regulatory conditions and conflict of interest.

The Ofqual regulatory conditions define a conflict of interest where an Awarding Organisation's -

(a) 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, or

(c) an informed and reasonable observer would conclude that either of these situations was the case.

#### 3. Identifying conflicts of interest

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The issue of conflicts of interest will form part of the required staff induction and assessor training procedures for all TLM personnel. Typical circumstances where a conflict of interest arises are:

When the assessor or moderator is related to a candidate.

Where there could be a career or financial benefit to an assessor or moderator as a result of a candidate or candidates achieving a qualification.

In all cases for qualifications at entry level 2 and above, at least one moderator will sample work assessed by a locally based assessor and in most cases, the work of locally based assessors will be additionally overseen by a Principal Assessor. All assessors must agree to statements declaring that they will uphold standards before gaining access to the online assessment recording system. This means that no awards can be achieved without those participating in making the awards agreeing to uphold standards including this conflict of interest policy.

### 3 (i) Conflicts related to specific roles

Any senior examiners either proposed or in post, must declare any potential or real conflict of interest they have from any other work with their TLM work. This applies to anyone directly on the TLM payroll and anyone acting as subcontractors or value added resellers of TLM products. All assessors are in a position of potential conflict of interest in high stakes assessment and all must sign the agreement to uphold standards to use the on-line Markbook. Anyone that has reason to believe a conflict of interest exists or is likely to exist should contact TLM to discuss the position.

This does not apply to the preparation of teaching resources or materials by a senior examiner exclusively for Learners that he or she teaches; monitors assessments set by senior examiners who are, or have been, involved in the preparation of a resource designed to support the preparation of Learners and persons likely to become Learners for assessments for a qualification in respect of which they are contracted by the awarding organisation as a senior examiner to ensure that the fitness for purpose of those assessments has not been compromised by that resource. This does not apply to generic open resources contributed to for the purpose of supporting learning but is free for re-use, re-mix and customising to individual needs.

TLM's responsible officer will monitor the potential conflicts related to roles and report any concerns to the governing body. The governing body will decide on any actions to take based on evidence and recommendations prepared by the responsible officer.

### 4. When a conflict of interest is identified.

When a conflict of interest is identified, the first priority will be to replace the assessor or moderator that has a conflict of interest with someone who has no such conflict. If this is not possible sufficient samples of the work of the person involved will be taken by an independent qualified person subject to the approval of the Chief Assessor or the Principal Moderator. The over-riding principle will be to achieve fair assessment for the learner. Where conflict of interest leads to identified malpractice, the policy and procedures for malpractice will be invoked. Where an Adverse Effect is identified as a result of a conflict of interest, the regulators will be informed and any certificate that has been awarded in error will be revoked until the candidate can provide independently verifiable evidence that they can meet the assessment criteria. TLM will then cooperate with Ofqual/Qualifications Wales to mitigate against any further adverse effects arising.

This policy is available to Ofqual/Qualifications Wales at any time, direct from the TLM Learning Site using the username and password provided. TLM will modify this policy at any time in accordance with any requirements communicated to it in writing by Ofqual/Qualifications Wales.

### 5. The declaration of interests

A declaration of interests notice must be made to the Chief Regulatory Officer by any TLM personnel that has a personal interest that a reasonable person might deem to have the potential to lead to an adverse effect. Failure to declare an interest could justify disciplinary action. Typically the action for

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failure to declare an interest where there is no evidence of adverse effect, will be a verbal warning. Failure to declare an interest accompanied by evidence of an Adverse Effect may lead to suspension from the authorised duties and in serious cases, legal action, dismissal or both.

TLM personnel are recommended to err on the side of caution and declare anything that they think might be an issue. Contact the Chief Assessor by e-mail or telephone for further advice.

Where the potential conflict is through pressure from the school league table points system, it is unnecessary to declare the interest since this will be obvious to all concerned. This potential conflict of interest is negated by the standard [Quality Assurance Procedure](#) [5] put in place by TLM. This quality control measure ensures that all centres, irrespective of the qualification offered, have continuous and ongoing moderation via external sampling, with certification for learners only available once this quality assurance process has been completed. This specific case is addressed by external sampling, the agreements signed by the Principal Assessor and Assessors, site visits and the priority given to Level 2 qualification in the moderation sampling.

All decisions for action beyond verbal warnings under conflict of interest will be made at board level and recorded by the Chief Regulatory Officer on the secure TLM MIS system risk register and reported in the minutes of the meeting. At all board meeting the issue of potential risk, which includes conflict of interest, is discussed and minuted.

The report will record:

- the nature and extent of the conflict;
- an outline of the discussion;
- the actions taken to manage the conflict and mitigate any Adverse Effects.

Any Director who has a financial interest in a matter under discussion, should declare the nature of their interest and withdraw from the room, unless they have a dispensation to speak.

### 6. Regulatory Condition G4

This condition is about the potential conflict of interest of involvement of people involved in designing the assessment and providing training. While this is another issue that is more difficult for a small AO compared to a large one with more specifically defined roles, TLM will separate personnel involved in the development of exams from those delivering assessor training.

## Conflict of Interest Policy - Centres

### Policy Statement

The purpose of this policy is to set out for Centres:

- Potential situations where conflicts of interest may arise
- Actions that should be taken by Centres to identify, record and manage conflicts of interest
- How TLM will manage conflicts of interest

At the end of each section are references to the documents you will need, the documents we will use and Ofqual's General Conditions of Recognition that apply ([Ofqual conditions of recognition handbook](#) [6], [Arrangements with Third Parties](#) [7], [General Conditions for Regulated Qualification](#) [8]s). All related documents are available on our website.

### Potential situations where conflicts of interest may arise

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.

There are a few situations where conflicts of interest can arise. Examples include, but are not limited to:

- Where both training delivery and assessment roles sit within one organisation
- An individual may have a role within a Centre which conflicts with their interests in another organisation
- An individual may have competing personal and professional interests
- An individual may have financial interests which potentially conflict with regulatory requirements

The existence of such interests as those outlined above does not necessarily imply conflict but is likely to give an appearance of conflict and as such all should be declared.

## Actions that should be taken by centres

### 1. Identification of conflicts of interest

TLM will deliver training to Centres about conflicts of interest and guidance material is available. Centres must attend such training and use support material provided by TLM.

Centres must then in turn, maintain a programme of training and staff awareness activities to facilitate appropriate levels of awareness and associated risks. This will enable Centres to assess and appropriately manage both perceived and real, conflicts of interest.

Centres need to actively and routinely, review staff and governance roles to assess the likelihood of each individual either having or giving the appearance of having, a conflict of interest. Roles might include but may not be limited to:

- Teachers
- Trainers
- Exam officers
- Assessors
- Quality assurance staff
- Invigilators
- Staff with access to confidential assessment materials
- Senior staff in Centres including Governors, Managers, Directors - who can use their authority in a Centre to influence the behaviour of staff involved in assessment processes

The general principle is that individuals should disclose any interest, financial or otherwise, which is likely or would, if publicly known, be perceived as being likely to influence the exercise of independent judgement.

All Centre staff must be issued with a conflict of interest form to complete on commencement with the organisation and it must be a requirement of their contract that this is completed and updated on an annual basis. The form is to be completed even when the individual has no conflict of interest to declare.

If the individual concerned has any changes to their declared circumstances concerning conflicts of interest, they must inform their line manager immediately in writing.

## 2. Recording conflicts of interest

Centres should transfer all the information held on the conflict of interest forms to a register of interests' document which is maintained by a designated person at the TLM approved centre or TLM recognised provider. This should be available for review by TLM upon request.

When changes to declared circumstances arise, the register of interests' document must be updated by the Centre so that the conflict of interest can be evaluated.

## 3. Management of conflicts of interest

The information submitted must then be evaluated by the Centre, to identify if any further action is required and a written record of the outcome of the evaluation must be kept.

Most situations will require no further action other than the completion of the conflict of interest form. In some instances, however, the information declared on the form will require some follow up action, for the conflict of interest to be managed appropriately.

The approach taken to manage the conflict of interest, will be documented by the Centre and held with the conflict of interest forms.

Examples of actions that could be taken:

- Individual not taking part in discussions or decisions of certain matters
- Referring certain matters for decision to others with no vested interest
- Individual agreeing not to be involved in an activity or removal of access to certain materials
- Individual declaring an interest at times when it is appropriate to do so
- Referring the matter to TLM for advice and guidance.

Centres must keep all records relating to the identification, recording and management of conflicts of interest for a minimum of one year after results have been issued for the relevant assessment activity or examination series or until all certificates have been awarded. Centres need to be able to make such records available to TLM upon request.

## How TLM will manage conflicts of interest

### 1. Our obligations

TLM is an Ofqual recognised awarding organisation and as such, is subject to Conditions of Recognition. These describe obligations to manage conflicts of interest:

### Definition of conflict of interest

1. *A4.1 For the purposes of this condition, a conflict of interest exists in relation to an awarding organisation where –*
  - A. *(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. *(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*

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*development, delivery or award in accordance with the awarding organisation's Conditions of Recognition, or*

*C. (c) an informed and reasonable observer would conclude that either of these situations was the case.*

### Identifying conflicts of interest

1. A4.2 An awarding organisation must identify and monitor –

A. (a) all conflicts of interest which relate to it, and

B. (b) any scenario in which it is reasonably foreseeable that any such conflict of interest will arise in the future.

A4.3 An awarding organisation must establish and maintain an up to date record of all conflicts of interest which relate to it.

### Managing conflicts of interest

A4.4 An awarding organisation must take all reasonable steps to ensure that no conflict of interest which relates to it has an Adverse Effect.

A4.5 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.

### Interests in assessment

A4.6 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.

A4.7 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.

### The written conflict of interest policy

A4.8 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.

A4.9 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. Our approach

TLM's Centre agreements set out clearly all obligations on Centres to manage conflicts of interest. TLM will highlight the need for Centre staff to fully understand their responsibilities to identify, record, monitor and manage all conflicts of interest during Centre visits, Workshops and training sessions. All these sessions are audio recorded. It is a condition of Centre approval that all staff who have an account on the TLM Markbook attend at least one training session or Workshop or receive a Centre visit every academic year.

We require each Centre to make available to us its register of interests' document upon request.

The Annexes below include documentation that TLM advise Centres to use. Centres can tailor the documents or add additional elements, but the core content must be included – this is one of TLM's

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Centre agreement requirements.

### Appendix 1: Conflict of Interest Declaration

Actual, potential or perceived conflicts of interest could arise from any of the following (the list is not exhaustive – please indicate any possible interest that you may have):

- Previous or current employment at a TLM centre as a tutor or programme manager
- Appointment to a board, committee, tribunal panel, etc. of TLM or a TLM centre
- Membership of a professional body with an interest in the development, delivery or award of qualifications
- Contractual relationship with TLM, e.g. consultants
- Personal or professional relationship with a candidate who is undertaking a TLM qualification

<b>Full Name</b>	
<b>Job Role</b>	
<b>Centre Name</b>	
<b>Centre Number</b>	
<b>Address</b>	
<b>Telephone number</b>	
<b>Email Address</b>	

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, e.g. name of candidate.

<b>Declaration</b>

I declare that I will not assess, invigilate or internally verify any candidate or their assessments if approval against the above conflict of interest is withheld by TLM.

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### Appendix 3: Register of Interests

TLM require that this document is maintained routinely and available to it upon request.

Centre Name	
Centre Number	
Address	
Telephone number	
Email Address	
Date document provided to TLM	

Full Name	Job Role	Interest declared (yes/no)	Nature of Interest (brief description)	Reviewed by	Action taken

## Conflict of Interest Policy - Subcontractors

### Policy Statement

The purpose of this policy is to set out for Subcontractors i.e., moderators, markers and exam question writers

- Potential situations where conflicts of interest may arise
- Actions that should be taken by Subcontractors to identify, record and manage conflicts of interest
- How TLM will manage conflicts of interest

At the end of each section are references to the documents you will need, the documents we will use and Ofqual's General Conditions of Recognition that apply ([Ofqual conditions of recognition handbook](#) [6], [Arrangements with Third Parties](#) [7], [General Conditions for Regulated Qualification](#) [8]s). All related documents are available on our website.

### Potential situations where conflicts of interest may arise

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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.

There are a few situations where conflicts of interest can arise. Examples include, but are not limited to:

- Where both training delivery and assessment roles sit within one organisation
- An individual may have a role as a Subcontractor which conflicts with their interests in another organisation
- An individual may have competing personal and professional interests
- An individual may have financial interests which potentially conflict with regulatory requirements

The existence of such interests as those outlined above does not necessarily imply conflict but is likely to give an appearance of conflict and as such all should be declared.

## Actions that should be taken by Subcontractors

### 1. Identification of conflicts of interest

The issue of conflicts of interest will form part of the required staff induction and assessor training procedures for all TLM personnel. TLM will deliver specific training to Subcontractors about conflicts of interest and guidance material is available. Subcontractors must attend such training and use support material provided by TLM.

Subcontractors must then in turn, maintain a programme of training and professional development activities to facilitate appropriate levels of awareness and associated risks. This will enable Subcontractors to assess and appropriately manage both perceived and real, conflicts of interest.

Subcontractors need to actively and routinely, review their work and declare any conflicts of interest – real or potentially perceived.

The general principle is that individuals should disclose any interest, financial or otherwise, which is likely or would, if publicly known, be perceived as being likely to influence the exercise of independent judgement.

This information is captured in several ways:

- All Subcontractor staff must be issued with a conflict of interest form to complete on commencement with the organisation and it must be a requirement of their contract that this is completed and updated on an annual basis. The form is to be completed even when the individual has no conflict of interest to declare.
- Any senior examiners either proposed or in post, must declare any potential or real conflict of interest they have from any other work with their TLM work. This applies to anyone directly on the TLM payroll and anyone acting as subcontractors or value-added resellers of TLM products.
- It is a condition of employment and recognition as an assessor, that individuals acting in this role declare any potential conflicts at the earliest possible time regarding any aspect of the assessment process including provision of evidence and its moderation. All assessors are in a position of potential conflict of interest in high stakes assessment and all must sign the agreement to uphold standards to use the on-line Markbook.
- All employees, direct and indirect, acknowledge in writing that they have read and understood the conflict of interest policy, and this is signed declaration will be renewed

annually in their appraisal.

- If the individual concerned has any changes to their declared circumstances concerning conflicts of interest, they must inform their line manager or TLM contact, immediately in writing.

## 2. Recording conflicts of interest

TLM will maintain a list of all identified Subcontractors' conflicts of interest using a register of interests' document.

This document will be routinely updated and reviewed at appropriate TLM management meetings.

## 3. Management of conflicts of interest

The management of conflicts of interest for Subcontractors is delivered in several ways

### 1. Routine controls

There are several routine controls:

- No member of TLM staff will be solely and directly responsible for making any award. Direct employees of TLM and third parties acting on behalf of TLM will have their work monitored through random checks and samples such that there are always at least two different individuals involved in the assessment and awarding of certificates

In all cases for qualifications at entry level 2 and above, at least one moderator will sample work assessed by a locally based assessor and in most cases, the work of locally based assessors will be additionally overseen by a Principal Assessor.

- No moderators or verifiers will act in the assessor role and no assessors will take part in moderation or verification - ensuring that decisions are never solely made by anyone with an individual personal interest in the outcome.
- TLM's responsible officer will monitor the potential conflicts related to roles advised through routine management reviews; and report any concerns to the governing body. The governing body will decide on any actions to take based on evidence and recommendations prepared by the responsible officer.

### • Specific controls

- When a conflict of interest is identified, the priority will be to replace the assessor or moderator that has a conflict of interest with someone who has no such conflict.
- If this is not possible enough samples of the work of the person involved will be taken by an independent qualified person subject to the approval of the Chief Assessor or the Principal Moderator.
- Where failures to declare conflicts of interest have occurred, these will be managed through appropriate disciplinary procedures. These will be reported upon at appropriate levels, but will include for the record:
  - the nature and extent of the conflict;
  - an outline of the discussion;
  - the actions taken to manage the conflict and mitigate any Adverse Effects.

## How TLM will manage conflicts of interest

### 1. Our obligations

TLM is an Ofqual recognised awarding organisation and as such, is subject to Conditions of Recognition. These describe obligations to manage conflicts of interest:

#### **Definition of conflict of interest**

1. A4.1 For the purposes of this condition, a conflict of interest exists in relation to an awarding organisation where –
  - A. (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. (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, or
  - C. (c) an informed and reasonable observer would conclude that either of these situations was the case.

#### **Identifying conflicts of interest**

1. A4.2 An awarding organisation must identify and monitor –
  - A. (a) all conflicts of interest which relate to it, and
  - B. (b) any scenario in which it is reasonably foreseeable that any such conflict of interest will arise in the future.

A4.3 An awarding organisation must establish and maintain an up to date record of all conflicts of interest which relate to it.

#### **Managing conflicts of interest**

A4.4 An awarding organisation must take all reasonable steps to ensure that no conflict of interest which relates to it has an Adverse Effect.

A4.5 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.

#### **Interests in assessment**

A4.6 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.

A4.7 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.

#### **The written conflict of interest policy**

A4.8 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

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*intends to comply with the requirements of this condition.*

*A4.9 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. Our approach

TLM's Subcontractor contracts set out clearly all obligations on Subcontractors to manage conflicts of interest. TLM will highlight the need for Subcontractor staff to fully understand their responsibilities to identify, record, monitor and manage all conflicts of interest during workshops and training sessions. All these sessions are audio recorded.

TLM will manage Subcontractor conflicts of interest through several layers of controls:

- Employment and ongoing contractual requirements to identify and report conflicts of interest
- Training and support to facilitate identification of conflicts of interest
- Monitoring assessment activity
- Sampling assessment activity
- Removal of 'single points of failure'
- Use of disciplinary procedures where failure occurs

The Annexes below include documentation that TLM Subcontractors use.

## Appendix 1: Conflict of Interest Declaration

Actual, potential or perceived conflicts of interest could arise from any of the following (the list is not exhaustive – please indicate any possible interest that you may have):

- Current or previous employment as a subcontractor, tutor or programme manager – with any other awarding body, or educational institution
- Appointment to a board, committee, tribunal panel of any other awarding body, or educational institution
- Membership of a professional body with an interest in the development, delivery or award of qualifications
- Other contractual relationship with TLM, e.g. consultants
- Personal or professional relationship with a candidate who is undertaking a TLM qualification

<b>Full Name</b>	
<b>Job Role</b>	
<b>Address</b>	
<b>Telephone number</b>	
<b>Email Address</b>	

Information for declaration must include:

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|--------------------|
| <b>Declaration</b> |
|                    |

**Signed:** ..... **Date:** .....

Individuals remain under a continuing obligation to declare conflicts of interests as they arise. Therefore, should circumstances change after completion of the initial declaration, or a new situation arises, all information must be promptly disclosed to TLM.

<b>Full Name</b>	
<b>Job Role</b>	
<b>Address</b>	
<b>Telephone number</b>	
<b>Email Address</b>	

- 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, e.g. name of candidate.

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Declaration

I acknowledge that the above interests exist and to the best of my knowledge have provided all the information regarding the change in circumstance.

Signed: ..... Date: .....

Appendix 3: Subcontractor register of Interests

TLM will maintain this document routinely, and review at appropriate management meetings.

Subcontractor name	Job Role	Interest declared (yes/no)	Nature of interest (brief description)	Reviewed by	Action taken

# **Conflict of Interest Policy - Staff**

## **Policy Statement**

The purpose of this policy is to set out for Staff i.e., individuals with an employment contract with TLM and those involved in its governance:

- Potential situations where conflicts of interest may arise
- Actions that should be taken by Staff to identify, record and manage conflicts of interest
- How TLM will manage conflicts of interest

At the end of each section are references to the documents you will need, the documents we will use and Ofqual's General Conditions of Recognition that apply ([Ofqual conditions of recognition handbook](#) [6], [Arrangements with Third Parties](#) [7], [General Conditions for Regulated Qualification](#) [8]s). All related documents are available on our website.

The purpose of this policy is to protect our integrity as a business and the integrity of our qualifications and assessments. It is designed to support our Staff by providing guidance on handling possible conflicts of interest that may happen as a result of our role as an awarding organisation.

It is the responsibility of all staff at TLM to ensure that they are familiar with this conflict of interest policy and the requirement to disclose any activity that has the potential to represent a conflict of interest.

## **Potential situations where conflicts of interest may arise**

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.

There are a few situations where conflicts of interest can arise. Examples include, but are not limited to:

- Where both training delivery and assessment roles sit within one organisation
- An individual may have a role within TLM which conflicts with their interests in another organisation
- An individual may have competing personal and professional interests
- An individual may have financial interests which potentially conflict with regulatory requirements

The existence of such interests as those outlined above does not necessarily imply conflict but is likely to give an appearance of conflict and as such all should be declared.

## **Actions that should be taken by TLM Staff**

### **1. Identification of conflicts of interest**

TLM will deliver training to Staff about conflicts of interest and guidance material is available. Staff must attend such training and use support material provided by TLM. In turn, maintaining a



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programme of training and professional development activities to facilitate appropriate levels of awareness and associated risks. This will enable Staff to assess and appropriately manage both perceived and real, conflicts of interest.

Staff need to actively and routinely, always review their work and consider potential conflicts of interest. The general principle is that individuals should disclose any interest, financial or otherwise, which is likely or would, if publicly known, be perceived as being likely to influence the exercise of independent judgement.

All Staff will be issued with a conflict of interest form to complete on commencement with the organisation and it is a requirement of their contract that this is completed and updated on an annual basis. The form is to be completed even when the individual has no conflict of interest to declare.

If the individual concerned has any changes to their declared circumstances concerning conflicts of interest, they must inform their line manager immediately in writing.

### 2. Recording conflicts of interest

TLM will maintain a list of all identified Staff conflicts of interest using a register of interests' document.

This document will be routinely updated and reviewed at appropriate TLM management meetings.

When changes to Staff's declared circumstances arise, the register of interests' document will be updated by TLM so that the conflict of interest can be evaluated.

### 3. Management of conflicts of interest

The information submitted by Staff will be evaluated by TLM management, to identify if any further action is required and a written record of the outcome of the evaluation will be kept.

Most situations will require no further action other than the completion of the conflict of interest form. In some instances, however, the information declared on the form will require some follow up action, for the conflict of interest to be managed appropriately.

The approach taken to manage the conflict of interest, will be documented by TLM and held with the conflict of interest forms.

Examples of actions that could be taken:

- Individual not taking part in discussions or decisions of certain matters
- Referring certain matters for decision to others with no vested interest
- Individual agreeing not to be involved in an activity or removal of access to certain materials
- Individual declaring an interest at times when it is appropriate to do so
- Referring the matter to Regulator

## How TLM will manage conflicts of interest - our approach

### 1. Our obligations

TLM is an Ofqual recognised awarding organisation and as such, is subject to Conditions of Recognition. These describe obligations to manage conflicts of interest:

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(function(i,s,o,g,r,a,m){i['GoogleAnalyticsObject']=r;i[r]=i[r]||function(){(i[r].q=i[r].q||[]).push(arguments)},i[r].l=1*new Date();a=s.createElement(o),m=s.getElementsByTagName(o)[0];a.async=1;a.src=g;m.parentNode.insertBefore(a,m)})(window,document,'script','//www.google-analytics.com/analytics.js','ga'); ga('create','UA-46896377-2','auto'); ga('send','pageview');
```

### **Definition of conflict of interest**

1. A4.1 For the purposes of this condition, a conflict of interest exists in relation to an awarding organisation where –
  - A. (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. (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, or
  - C. (c) an informed and reasonable observer would conclude that either of these situations was the case.

### **Identifying conflicts of interest**

1. A4.2 An awarding organisation must identify and monitor –
  - A. (a) all conflicts of interest which relate to it, and
  - B. (b) any scenario in which it is reasonably foreseeable that any such conflict of interest will arise in the future.

A4.3 An awarding organisation must establish and maintain an up to date record of all conflicts of interest which relate to it.

### **Managing conflicts of interest**

A4.4 An awarding organisation must take all reasonable steps to ensure that no conflict of interest which relates to it has an Adverse Effect.

A4.5 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.

### **Interests in assessment**

A4.6 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.

A4.7 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.

### **The written conflict of interest policy**

A4.8 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.

A4.9 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. Our approach

TLM's Staff employment contracts set out clearly all obligations on Staff to manage conflicts of interest. TLM will highlight the need for Staff to fully understand their responsibilities to identify, record, monitor and manage all conflicts of interest during their work, workshops and staff training sessions. All these sessions are audio recorded.

- Everyone is responsible for making sure that they are familiar with this policy, any guidelines and complete any mandatory conflict of interest training.
- Every year all staff must read the policy and confirm that they understand it.
- An important feature of the policy is the requirement that an individual disclose any activity that might create a potential conflict of interest. If there is any doubt whether 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 Responsible Officer. This can be done in confidence and they are entitled to receive a response to their concerns.
- Any staff member considering paid or unpaid work outside TLM should inform their manager if they think there is any potential for a conflict of interest. If the staff member is unsure whether a conflict of interest might arise, they should discuss this with their line manager first. 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 TLM's activities.
- Before each exam series all staff and other individuals, non-Executive Members of the Board and Members of the TLM Board must declare if any candidates being entered for our exams and other assessments, are family members, other relatives or friends. This should be declared by completing a Declaration of Interest Form.

The Annexes below include documentation that TLM require Staff to use.

### Appendix 1: Conflict of Interest Declaration

Actual, potential or perceived conflicts of interest could arise from any of the following (the list is not exhaustive – please indicate any possible interest that you may have):

- Previous or current employment at or relationship with, another awarding organisation or educational institution
- Appointment to a board, committee, tribunal panel or any other similar role, with another awarding organisation or educational institution
- Membership of a professional body with an interest in the development, delivery or award of qualifications
- Personal or professional relationship with a candidate who is undertaking a TLM qualification

<b>Full Name</b>	
<b>Job Role</b>	
<b>Address</b>	
<b>Telephone number</b>	
<b>Email Address</b>	

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- 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, e.g. name of candidate.

<b>Declaration</b>

I declare that I will not involve myself in the assessment, delivery or award of a TLM qualification if approval against the above conflict of interest is withheld by TLM.

**Signed:** ..... **Date:** .....

## Appendix 2: Conflict of Interest: Change in Circumstance

Individuals remain under a continuing obligation to declare conflicts of interests as they arise. Therefore, should circumstances change after completion of the initial declaration, or a new situation arises, all information must be promptly disclosed to TLM.

<b>Full Name</b>	
<b>Job Role</b>	
<b>Address</b>	
<b>Telephone number</b>	
<b>Email Address</b>	

Information for declaration must include:

Conflicts of Interest

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- 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, e.g. name of candidate.

Declaration

I acknowledge that the above interests exist and to the best of my knowledge have provided all the information regarding the change in circumstance.

Signed: ..... Date: .....

Appendix 3: Register of Interests

TLM will maintain this document routinely.

Staff name	
Role	
Address	
Telephone number	
Email Address	

Full Name	Job Role	Interest declared (yes/no)	Nature of Interest (brief description)	Reviewed by	Action taken

**Source URL:** <https://theingots.org/community/ofqualCofl>

### Links

- [1] <https://theingots.org/community/ofqualA#A4>
- [2] <https://theingots.org/community/ofqualA#A4.5>
- [3] <https://theingots.org/community/ofqualA#A4.1>
- [4] <https://theingots.org/community/Sanctions2019>
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