



Conflicts of Interest Policy

Aims

Staff and Board Members have an obligation to act in the best interests of the company, and in accordance with the Company Information document. Conflicts of interests may arise where an individual's personal or family interests and/or loyalties conflict with those of the company.

Such conflicts may create problems; they can:

- Inhibit free discussion;
- Result in decisions or actions that are not in the interests of the company; and
- Risk the impression that the company has acted improperly.

The aim of this policy is to protect both the organisation and the individuals involved from any appearance of impropriety.

Protection of the needs of the Learner must be prioritised in addressing any Conflicts of Interest and we ensure they take all reasonable steps to avoid an Adverse Effect if any are identified.

Definition of a Conflict of Interest

A conflict of interest occurs when:

- (a) the company's interests in any activity undertaken by it, on someone acting on their 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 courses or qualifications by us 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 our Conditions of Recognition, or
- (c) an informed and reasonable observer would conclude that either of these situations was the case.

The declaration of interests

Accordingly, we are asking Board Members and all Senior Staff to declare their interests, and any gifts or hospitality received in connection with their role in the Company. A declaration of interests form is provided for this purpose as part of the Annual Senior Staff Integrity Check, listing the types of interest you should declare.

To be effective, the declaration of interests needs to be updated at least annually, and also when any changes occur.

If you are not sure what to declare, or whether/when your declaration needs to be updated, please err on the side of caution. If you would like to discuss this issue, please contact the secretary or Training Manager for confidential guidance. Interests will be recorded on the Board's register of interests, which will be maintained by the Admin Officer and overseen by the Training Manager. The register will be accessible by Senior Staff and members of the Governing Body.

Data Protection

The information provided will be processed in accordance with data protection principles as set out in the Data Protection Act 1998 and the Company's Data Protection Policy. Data will be processed only to ensure that Board Members and all staff act in the best interests of the Company. The information provided will not be used for any other purpose.

What to do if you face a conflict of interest

If you are a recipient of the Company's services, you should not be involved in decisions that directly affect the service that you, receive. You should declare your interest at the earliest opportunity and withdraw from any subsequent discussion. The same applies if you face a conflict for any other reason. You may, however, participate in discussions from which you may indirectly benefit, for example where the benefits are universal to all clients, or where your benefit is minimal.

If you fail to declare an interest that is known to the Company or the chairman of the Governing Body, the chairman will declare that interest.

What to do if you identify a conflict of interest

Refer the conflict of interest to the Training Manager (or in their absence or if it concerns them, then contact the CEO or the Chair of the Governing Body), they will then follow the Conflict of Interest Procedure. Please also refer to the Whistleblowing Policy.

Conflict of Interest Investigations

The Governing Body investigates Conflicts of Interest that the Training Manager cannot manage the risk or Conflicts of Interest relating to the Training Manager. They follow a five-step process

1. Identify sources of information, evidence and people
2. Review relevant policies/procedures
3. Undertake any interviews required
4. Review findings
5. Issue report and decision(s)

Possible outcomes could include:

- No action
- Updated management plan for Conflict of Interest register
- Alterations to policy or procedure
- Disciplinary procedure begins
- Suspension
- Dismissal

Decisions taken where a board member or member of staff has an interest

In the event of the board having to decide upon a question in which a Governing Body Member or member of staff has an interest, all decisions will be made by vote, with a simple majority required. A quorum must be present for the discussion and decision; interested parties will not be counted when deciding whether the meeting is quorate.

Interested board members may not vote on matters affecting their own interests. They may participate in the discussion but not the decision-making process.

All decisions under a conflict of interest will be recorded by the secretary and reported in the minutes of the meeting. The report will record:

- The nature and extent of the conflict;
- An outline of the discussion;
- The actions taken to manage the conflict.

A de minimis exemption applies to contracts less than £1000 in value. Random checks against the register of interest will be made on the award of contracts below this value. If the cumulative value of a series of small contracts exceeds £5000, the Board Member will operate the policy used for individual contracts over that sum.

The de minimis exemption does not apply to contracts of employment with the company.

Independent external moderation will be used where conflicts cannot be resolved through the usual procedures through an independent arbitration service.

Managing assessments

If you have a conflict of interest, you must not be involved in assessing or moderating an assignment in which you have an interest, for example marking the assignment of a relative or friend. If you identify any potential conflict of interest in an assignment, then the assignment is passed to another assessor by our staff.

Managing contracts

If you have a conflict of interest, you must not be involved in managing or monitoring a contract in which you have an interest. Monitoring arrangements for such contracts will include provisions for an independent challenge of receipts and invoices, and termination of the contract if the relationship is unsatisfactory.

Reviewing Conflicts of Interest

The Governing Body appoint someone to monitor the Conflict of Interest. They are required to regularly review the conflict of interest and in the event there is a change, reinitiate the Conflict of Interest Procedure.

Review

This policy will be reviewed annually.

February 2019