

# Conflict of interest

Policy and procedures

# Contents

## Conflict of interest policy – for centres

|                              |                  |
|------------------------------|------------------|
| <b>Effective from:</b>       | September 2023   |
| <b>For the attention of:</b> | all centre staff |

|                        |                        |
|------------------------|------------------------|
| <b>Policy owner</b>    | <b>Policy approver</b> |
| Centre Support Manager | Compliance Manager     |

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|-----------------------------|--|--|
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| February 2019               | Updated  | Compliance Manager                         |
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| September 2023              | Version 4 – updated information regarding conditions of recognition and process for completing the conflict of interest declaration form | Compliance Manager                         |
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# 1 Introduction

This policy applies to employees and workers in all registered ASDAN centres including:

- Centre co-ordinator / exams officer
- Centre assessors and internal moderators
- Centre teachers
- Any centre employee that is directly linked to the teaching, assessment and quality assurance of any ASDAN qualification

## 1.1. Introduction and definition of a Conflict of Interest

Conflict of Interest (CoI) is defined by the Regulators (Conditions of Recognition)<sup>1</sup>, in relation to Awarding Organisations as existing where:

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

This document specifically relates to Conditions A4 Conflicts of Interest C2 Arrangements with centres.

## 1.2. What is a personal interest?

A personal interest is a Conflict of Interest that relates to a particular individual. All Conflicts of Interest that fall under part (b) of our definition are personal interests, as are any perceived Conflicts of Interest under part (c) that relate to individuals, rather than to the awarding organisation itself.

NB: A personal interest can be financial or non-financial in nature.

- Does the individual carrying out the assessment, investigation or appeal have any reason or incentive to make anything other than a decision in line with the relevant Conditions?
- Would an informed and reasonable observer conclude that such a reason or incentive exists?

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1 [gov.uk/guidance/ofqual-handbook](https://www.gov.uk/guidance/ofqual-handbook) (2023), Standard Conditions of Recognition, Qualifications Wales (2023)

# 1 Introduction

## 1.3. Scope

This policy applies to all individuals working for or on behalf of the centre that is involved in the delivery, assessment or internal quality assurance of an ASDAN qualification.

This policy supports ASDAN in ensuring that working relationships with centres, stakeholders, partners and customers do not conflict with our requirement to engage in business relationships in a legal, transparent, ethical and responsible manner.

This policy extends to all of ASDAN's dealings and transactions in all countries in which it or its centres, partners, stakeholders and associates operate. This policy covers conflicts of interest for ASDAN approved centres.

ASDAN recognises that conflicts of interest may arise that could lead to individuals making decisions, or appearing to make decisions, that are based on personal interest and not the interest of the organisation or what is ethically correct. Such conflicts of interest may also constitute a form of corruption and as such will be dealt with by the ASDAN Compliance team. ASDAN has a policy on maladministration and malpractice, which can be downloaded from the ASDAN website: [asdan.org.uk/policies-regulations-and-centre-guidance](https://asdan.org.uk/policies-regulations-and-centre-guidance)

## 2 Policy

This policy complies with the General Conditions of Recognition which require awarding organisations like ASDAN to have an open, transparent and ethical process of identifying and managing a conflict of interest that could/does exist when an organisation or an individual has competing interests, which might impair its or their ability to make objective, unbiased decisions.

This policy addresses the following Ofqual General Conditions of Recognition (GCR).

| GCR Reference  |
|--|
| <b>A4.1</b> An awarding organisation must identify and monitor –<br><b>a)</b> all Conflicts of Interest which relate to it, and<br><b>b)</b> any scenario in which it is reasonably foreseeable that any such Conflict of Interest will arise in the future.                   |
| <b>A4.2</b> An awarding organisation must establish and maintain an up to date record of all Conflicts of Interest which relate to it.   |
| <b>A4.3</b> An awarding organisation must take all reasonable steps to ensure that no Conflict of Interest which relates to it has an Adverse Effect.  |
| <b>A4.4</b> 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.  |
| <b>A4.5</b> 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.    |
| <b>A4.6</b> 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.                             |
| <b>A4.7</b> 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.       |
| <b>A4.8</b> 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 Policy

## 2.1 Policy Statement

As an Awarding Organisation ASDAN will take all reasonable steps to:

- Identify and monitor:
  - a) All conflicts of interest which relate to it.
  - b) Any scenario in which it is reasonably foreseeable that any such conflicts of interest will arise in the future.
- Establish and maintain an up to date record of all conflicts of interest which relate to it.
- Ensure that no conflict of interest which relates to it has an Adverse Effect (as defined in the General/Standard Conditions of Recognition), and where a conflict of interest has an Adverse Effect, take all reasonable steps to mitigate the Adverse Effect as far as possible and correct it.
- Ensure that, in relation to assessment, moderation and awarding:
  - a) No person who has a personal interest in the result will be involved.
  - b) Where, having taken reasonable steps, the involvement by such a person cannot be avoided make arrangements for scrutiny by another person.

## 3 Examples

Examples of situations where Conflicts of Interest and personal interests exist (or could be perceived to exist)

### 3.1 Example 1

**Centre staff carry out assessment on behalf of an awarding organisation. The Centre's main source of income is payments based on the number of students who pass the qualification. The pay and reward of Centre staff is directly linked to the Centre's overall income.**

A Conflict of Interest arises here because an individual Assessor has a financial incentive to ensure that as many students as possible pass the qualification, as this will maximise both the Centre's and their own income.

That incentive could impair – or be perceived to impair – an Assessor's ability to make unbiased judgements about the extent to which a student has demonstrated the required knowledge, skills and understanding. In turn, that makes it less likely that an Assessor will in fact make an objective and unbiased decision.

Indeed, in this case Centre staff would most likely have a personal interest in the outcome of assessments for any students at their Centre, and Condition A4.6 would require that ASDAN take all reasonable steps to avoid using them as Assessors for those students. If this were unavoidable, Condition A4.7 would require any such assessment to be scrutinised by another person.

### 3.2 Example 2

**ASDAN has received an allegation of malpractice, and is deciding who should investigate it.**

**The regulatory conditions requires investigators to be 'persons of appropriate competence'. In this case, one individual who meets that requirement is the Head of Centre.**

A further requirement also requires investigations to be undertaken by 'persons ... who have no personal interest in their outcome'. Whether or not the Head of Centre has such a personal interest here will depend on the facts of the case. It will be a matter of judgement for the awarding organisation.

Examples of situations where a Head of Centre has a clear personal interest in the outcome of an investigation would include cases where:

- the Head of Centre is accused of, or potentially implicated in, the alleged malpractice,
- the Head of Centre is related to, or has a close personal relationship with, any of the individuals accused of malpractice, and
- a finding of malpractice would have direct financial consequences for the Head of Centre (for example, if it would place a performance-related bonus, or their job, at risk).



# 3 Examples

## 3.3 Example 3

A Centre uses a large pool of markers for its assessments. Some of the more experienced markers also act as members of a panel which determines appeals. One appeal involves a Learner whose work was originally marked by one of the panel members.

A Conflict of Interest arises here in relation to that panel member – because it is their own marking decisions that are being scrutinised on appeal.

That also means the panel member would have a personal interest in the decisions being appealed, because the appeal would determine whether or not those marking decisions were appropriate.

As a result, the regulatory conditions would prohibit that panel member from taking decisions on this appeal. They would, however, be permitted to adjudicate appeals for other Learners whose work they had not marked.

In order to comply with the regulatory conditions, the appeals panel would also need to include at least one decision maker who was not one of the centre's markers (and was not connected to the centre in some other way).

## 4 Conflict of interest guidelines

All centres are required to declare a conflict of interest, and identify potential conflicts. A declaration of interest must be recorded and sent to ASDAN annually as well as during a Quality Assurance (QA) review or audit. A conflict of interest declaration form can be downloaded from the ASDAN website: [asdan.org.uk/policies-regulations-and-centre-guidance](https://www.asdan.org.uk/policies-regulations-and-centre-guidance). The form must be completed and returned to [compliance@asdan.org.uk](mailto:compliance@asdan.org.uk) for review whenever a conflict occurs.

It is the responsibility of the centre to maintain an up to date register of reviewing any potential conflict of interest.

Contracts of employment for all employees should contain a request to declare any potential conflict of interest that may result from their work, and that may compromise the development, delivery, assessment and moderation of ASDAN qualifications in accordance with its Condition of Recognition. This may relate to individuals receiving irregular financial gain, or it may relate to a compromise of quality assurance, where, for example, a relative of the family or friend is undertaking ASDAN qualifications within a registered ASDAN centre.

At centre approval, QA reviews and audits, the centre may be requested to provide evidence of its conflict of interest policy and procedure.

### 4.1 What can centres do?

Centres must take all reasonable steps to support this policy in relation to Conflict of Interest, in order that Regulatory Conditions are met, and in order that there is no detrimental impact on standards of, or public confidence in, quality assurance and awarding.

In particular in relation to assessment and internal moderation it is important that, as part of the Centre Approval Process:

- All centres declare their awareness of the potential for a conflict of interest, and take reasonable steps to ensure that the assessment of a learner is not undertaken by any person who has a personal interest in the result of the assessment (eg where student is family or friend of assessor).

## 4 Conflict of interest guidelines

- All centres are required to report such conflicts of interest in order that ASDAN can make arrangements for the relevant part of the assessment to be subject to scrutiny by another person.

Where there is a perceived conflict of interest, the following procedure will apply:

- a) Centre will report perceived conflict of interest, at the earliest opportunity, to ASDAN, using the Declaration of Conflict of Interest form.
- b) Identified conflict of interest is investigated by Compliance Manager, or designated QA Manager. This will vary according to the nature of the perceived conflict.
- c) The individual(s) involved in the conflict will be contacted to provide further details, along with any independent "witnesses", and an assessment is made of the situation, in particular any actions that need to be taken to mitigate any Adverse Effects that might occur.
- d) Where assessment or moderation has been carried out by someone who has a personal interest in the result, additional allocation of resources will be made to provide independent assessment and/or moderation, to ensure that Adverse Effects are mitigated.
- e) A full record of the investigation and decisions will be made and kept, and a report provided to the centre
- f) Where Adverse Effects are thought to have occurred, the Regulators will be informed at the earliest opportunity.

## 5 Associated policies and procedures

| Document name                            | Responsible person |
|--|--------------------|
| Centre Approval Guide                    | Compliance Manager |
| Malpractice and Maladministration Policy | Compliance Manager |





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