



Conflicts of Interest Policy

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POLICY STATEMENT

1. Conflicts of interest arise when something may be influenced by personal and professional interests. A conflict of interest may occur when an individual or organisation is involved in multiple interests, one of which could possibly corrupt the motivation for an act in the other. This policy describes how potential conflicts of interest will be identified and managed by Smart Awards.
2. Having a conflict of interest is sometimes unavoidable and persons or companies will not be adversely treated just for having a conflict of interest, unless conduct in dealing with it is corrupt, criminal or otherwise demonstrates lack of integrity.
3. Action should only be considered where an individual or service training provider:
 - Fails to identify a conflict (where they are reasonably expected to identify)
 - Fails to avoid a conflict that could have been avoided
 - Fails to report an unavoidable conflict
 - Took action on a conflict to benefit their personal or private interests
 - Fails to cooperate in the management of a conflict
 - Fails to comply with the policy

SCOPE

4. This policy applies to those involved in the end-point assessment process including Independent Assessors, Technical Experts, Employers, Training providers and Smart Awards staff.
5. There are three main types of conflicts of interest: actual, perceived and potential. Each of these presents the same personal and organisational risks and therefore need to be managed appropriately. If you are unsure if a conflict exists, you should discuss the matter with Smart Awards management team.
 - Actual conflict of interest Where a conflict exists between your responsibilities and your private interests.
 - Perceived conflict of interest Where it could be seen by others that your private interests could improperly interfere with or influence your responsibilities, whether or not this is in fact the case
 - Potential conflict of interest Where your private interests could interfere with or influence your responsibilities in the future.

OFQUAL GENERAL CONDITIONS

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

7. A4.2 An awarding organisation must identify and monitor – (a) all conflicts of interest which relate to it, and (b) any scenario in which it is reasonably foreseeable that any such conflict of interest will arise in the future.
8. A4.3 An awarding organisation must establish and maintain an up to date record of all conflicts of interest which relate to it.
9. 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.
10. 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
11. 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.
12. 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.
13. 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.
14. 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.

SQA ACCREDITATION PRINCIPLES

15. Principle 1. The awarding body shall have clearly defined and effective governance arrangements.

RESPONSIBILITY

16. Smart Awards CEO has overall responsibility for ensuring that this policy is implemented. The following principles apply:
17. **IDENTIFY** While it remains the responsibility of the individual to identify conflicts of interest, other circumstances may lead to the identification of a conflict of interest including:
 - Complaint investigations
 - Information from colleagues
 - Other sources

18. If a conflict of interest is not declared by an individual and comes to the attention of Smart Awards by other means, consideration should be given as to why self-reporting was not declared.
19. **AVOID** You are required to taking reasonable steps to avoid conflicts of interest where possible, this includes:
- Abstaining from involvement in official decisions and actions that could be compromised by your personal interests, affiliations and associations
 - Avoiding activities where you could be seen to accrue an advantage from inside information because of your duties
 - Not using your position for your own personal gain or the gain of others close to you
 - Ensuring that there can be no real or perceived benefit that may influence the performance of your duties
 - Not taking advantage of your position or access to privileged information
20. **REPORT** Where a conflict of interest cannot be avoided you must report the conflict by raising a disclosure through Smart Awards. If it is an emergency individual can report it verbally to Smart Awards.
21. **MANAGE** Once an individual has reported a conflict of interest the risk is shared with Smart Awards. Smart Awards will work with the individual to identify and implement an appropriate solution for dealing with the conflict.
22. **MONITOR** Monitoring the conflict is essential to ensure that any changes are accounted for and dealt with. Even if a conflict has been resolved you might find circumstances where the conflict arises again or affects individuals in another way. If there are any changes or the conflict arises again individuals must report the conflict again to ensure that it is resolved appropriately.

R	Responsibilities	The person who actually carries out the process or task. The person is responsible for action/implementation. Responsibilities can be shared											
A	Accountabilities	The person who is ultimately accountable for the process or task being completed and who has the authority to make decisions, yes or no authority and veto power. Responsible person (s) are accountable to this person. Only one A can be assigned to a task											
C	Consulted	The person to be consulted prior to a final decision or action (two-way communication). People who are not directly involved with carrying out the task but are consulted with.											
I	Informed	Anyone whose work depends on the process or task and who has to be updated about the progress after a decision or action has been taken (one-way communication).											
POLICIES													
		BOARD	CEO	MD	OPS DIRECTOR	QUALITY PORTFOLIO MANAGER	STANDARDS COMPLIANCE OFFICER	QUAL ADMIN OFFICER	IT CONSULT	FINANCE AUDITOR	EQA	NOPS BOARD	EMPLOYER TRAINING PROVIDER
Conflict of interest		A	R	R	R	R	R	R	R	R	R	R	R
ASSOCIATED POLICIES													
Risk management													
Malpractice/maladministration													
Employer/ Training provider recognition													
Risk management													
Employer/ Training provider monitoring													
Holiday/Sickness Cover													
The MD, CEO and Operations Director cover holiday/sickness and absenteeism for areas where the person is responsible for action/implementation of a task. The MD, CEO and Operations Director hold company wide experience to be able to carry out these tasks and hold no conflicts of interest.													

POLICY AND IMPLEMENTATION

23. Identifying conflict of interest

- All personnel involved in the end-point assessment are required to complete a 'Declaration of Conflict of Interest' form. This must be kept current and where conflicts of interest change the form must be resubmitted. All personnel are obliged to:
- To act in the best interests of Smart Awards
- Declare any personal or business interests which may conflict with their responsibilities
- To ensure a conflict of interest will be recorded and reported outlining the, nature and extent of the conflict and actions taken to manage the conflict
- Not misuse official positions or information acquired in official duties to further private interests or those of others if they are responsible for money or financial matters, directly or indirectly, or in handling contract
- Perform duties fairly and impartially and that decisions are not affected by self-interest and/or personal gain
- Take personal responsibility for actions
- Must never hide or ignore a conflict of interest or gain personally from an opportunity encountered
- Report all conflicts of interests that cannot be avoided and for persons to participate in their resolution or management

MANAGING CONFLICT OF INTEREST

24. Declared conflicts are reviewed to establish whether a conflict does actually exist and if so, how this will be managed. It may be sufficient to gain an undertaking from the individual to conduct their responsibilities so that the integrity of Smart Awards is maintained, as well as their own integrity and/or reorganise activities so that the conflict is mitigated.

25. Examples of how conflicts of interest may be managed are shown below.

Identified conflict of interest	Management of conflict of interest
Developer has close associations with other awarding bodies.	Ensure that Developer has signed confidentiality agreement.
Independent Assessor is friends with, or related to, an apprentice.	Allocate another assessor. If this is not possible or the conflict emerges after assessment has taken place, ensure that assessment decisions are subject to verification by the Lead Assessor.
Independent assessor has prior relationship with the apprentice (e.g. involvement in managing and/or training the apprentice, or other relationship)	Allocate another assessor. If this is not possible or the conflict emerges after assessment has taken place, ensure that assessment decisions are subject to verification by the Lead Assessor.

26. Other examples of potential conflict of interest if a Developer, Independent Assessor or staff member:

- Has a position of authority in one organisation that conflicts with his or her interests in another organisation
- Secondary employment which is perceived as a conflict of interest with Smart Award activity
- Makes a media comment that is perceived as a conflict of interest
- Makes a public comment that is perceived as a conflict of interest

- Makes an endorsement that is perceived as a conflict of interest
- Release information to third parties and is perceived as a conflict of interest
- Influences part of the selection and recruitment process that is perceived as a conflict of interest
- Enters into a financial or operational agreement with an organisation or individual in which there is a vested interest
- Accepts gifts from others to promote their interests within the organization

MONITORING

27. Any actual or potential conflict of interest identified will be added to Smart Awards Conflict of Interest Register which includes information about what the conflict of interest is; who this applies to; how the conflict of interest is managed, and when this will be reviewed. Where it is deemed necessary, a conflict of interest may be added to the Smart Awards Risk Register. All high risks are reported to the Smart Awards Board of Directors.

28. Smart Awards will monitor the effectiveness and review the implementation of this policy, regularly considering its suitability, adequacy and effectiveness. Any improvements identified will be made as soon as possible. Internal control systems and procedures will be subject to regular audits to provide assurance that they are effective in managing conflicts of interest.

REVIEW OF THIS POLICY

29. This policy is reviewed and revised annually in response to feedback, changes in legislation and guidance from the regulators, SQA Accreditation or Ofqual.

PROCESS FOR SUBMITTING A DECLARATION

Process Step Description	Process	Person Responsibility	Organisation Responsibility
Centre declaration issued to Smart Awards annually	Process	Employer, Training Provider	Employer, Training Provider
Staff, third party declaration issued to Smart Awards annually	Process	Individuals	Staff, third party
Declaration logged on SAMS	Process	Standards and Compliance Officer	Smart Awards
Log declarations that pose a risk added to the risk log on SAMS	Process	MD	Smart Awards
Board reviews risk	Decision	Board - holds responsibility and experience to make decisions and measured risks	Smart Awards
Mitigate risk	Decision	Board - holds responsibility and experience to make decisions and measured risks	Smart Awards

Action	Decision	Board - holds responsibility and experience to make decisions and apply suitable actions.	Smart Awards
Report to regulators if adverse effects	Process	MD	Smart Awards
Communicate risk outcome to centre	Process	MD	Smart Awards
Lessons learned	Process	MD	Smart Awards
Keep under review on risk register	Process	Board	Smart Awards
Stop	End	MD	Smart Awards

PROCESS FOR SUBMITTING A DECLARATION FLOWCHART

