



MAKERS

Conflict of Interest Policy and Procedure

Last updated 18 January 2019
Document Author: Florence Luthman

Version Control

Version #	Date	Updated by	Description
V1_2	18/01/19	Chloe Thornton	Updated overall structure/layout of policy

CONTENTS

INTRODUCTION

AIMS

SCOPE

CONFLICTS OF INTEREST

Definition

Examples of Conflict of Interest

Minimising and Preventing Conflicts

MANAGING CONFLICTS

REPORTING AND MANAGEMENT PROCEDURE

Declaring an Interest

Resolution of Conflicts

Decisions

Logging Conflicts and Resolutions

Monitoring and Reviewing Decisions and Actions

RESPONSIBILITIES

MONITORING

INTRODUCTION

The overriding aim of Makers, as a training provider, is to ensure a fit-for-purpose suite of units of Assessment, and Internal Quality Assurance, that meet the needs of learners and awarding bodies requirements.

Key stakeholders are involved in a variety of activities and have a range of functions. Makers recognises that these stakeholders, and the individuals who work for them, will be keen to maintain the integrity of the qualification as well as their own integrity. This policy aims to reflect this.

Individuals should always disclose an activity if they are in doubt about whether it represents a conflict of interest. When a conflict or potential conflict is identified, it should be reported to the Centre's Internal Quality Assurance (IQA).

AIMS

The aim of this policy is to:

- Highlight and illustrate potential situations where conflicts of interest may arise
- Identify the principles that Makers will adopt in the management of conflicts of interest
- Set out what actions should be taken by individuals who encounter conflicts of interest
- Set out how we will manage identified conflicts of interest

SCOPE

This policy is relevant to all key stakeholders engaged in the implementation, assessment and quality assurance of the qualifications, and any person who can influence the outcome of the assessment process. This includes employers, awarding organisations, learning providers, contractors and all Makers staff.

CONFLICTS OF INTEREST

Definition

A conflict of interest is where an individual or organisation has competing interests or loyalties. Conflicts of interest can arise in a variety of circumstances and it is likely that people working with or for us may encounter potential conflicts of interest from time to time.

Makers acknowledges that it is not always possible to pre-empt when a conflict of interest is likely to arise and this policy is not designed to cover every eventuality. Generally, there

will be a conflict of interest if an individual's interest and/or loyalties conflict with those of Makers and those of the awarding body represented.

Examples of conflicts of interest

Examples include, but are not limited to:

- Where somebody holds a position of authority in one organisation which conflicts with their interests in another organisation
- Where somebody has personal interests that conflict with their professional position
- Where somebody works for us or carries out work on our behalf, but who may have paid or unpaid personal interests in another business which uses our products or services or produces related products/services
- Where somebody works for, or carries out work on our behalf who has friends or relatives taking our assessments or examinations
- Where there is a conflict between income and regulatory responsibilities
- Where training and delivery and awarding rest within one umbrella organisation

Conflicts of interest can occur in several ways and from a variety of situations. For example, if, for any reason:

- One learner is favoured above another
- There is no account taken of the broad needs of the learner as set out in the awarding bodies guidance/requirements
- An assessor/verifier works for multiple stakeholders and has difficulty being impartial
- A conflict arises between the learner, assessor, internal quality assurance or awarding body.

Minimising and preventing conflicts

In order to help prevent conflicts, Makers will facilitate the process of assessment and internal quality assurance whilst paying due regard to its responsibilities under this policy.

We will achieve this by:

- Providing and facilitating open dialogue with all stakeholders
- Not creating unreasonable and intentional barriers to any students wishing to study with Makers
- Not favouring a qualification or level, to avoid them gaining a competitive advantage
- Avoiding arrangements that might reduce competition or create exclusive arrangements
- Avoiding practices that could be construed as anti-competitive or restrictive
- Providing the student or key stakeholders with objective advice on the viability of qualifications and availability of qualifications for the needs of the sector

- Providing all students and stakeholders with equal access to its services, information, meetings, staff and processes
- Enabling an open and frank dialogue between learner and stakeholders

Although this list is not exhaustive, it is felt that by adhering to the principles of neutrality, openness and fairness, conflicts can be avoided or managed without compromising the integrity of the Makers or the individual or organisation concerned.

MANAGING CONFLICTS

In most cases, it is envisaged that simple measures will be enough to manage conflicts of interest. It may be that the activity can be managed differently so that conflicts of interest are avoided. In other cases, a simple undertaking by an individual to prioritise the interests of Makers and the awarding body will be all that is required.

Only in extreme circumstances where a conflict of interest may be so fundamental and unmanageable, will an individual be prevented from undertaking specific activities.

REPORTING AND MANAGEMENT PROCEDURE

The procedure for reporting and managing potential or existing conflicts is as follows:

- Declare interest
- Resolution of conflicts
- Decision
- Log conflict and resolution
- Monitor and review decision and actions

Declare Interest

The individual or key stakeholders involved should declare the identified potential or actual conflict to the Managing Director of Apprenticeships at the first possible opportunity. A declaration of interest form is available to complete.

Resolution of Conflict

A group discussion should take place with the Managing Director of Apprenticeships. The purpose of the discussion is to reach a decision about how the conflict will be managed. Normally, at least three people should be involved at this stage to ensure impartiality and ensure that a decision can be reached.

The circumstances of the disclosure will dictate who is involved in the discussion. Generally, the discussion will take place between the assessor, curriculum manager/

Internal Quality Assurance (IQA), Head of Delivery and Managing Director, unless they are involved, or close to the disclosure. In this case, another senior person will make the decision about who should hold the discussion. It may, for example, be more appropriate for individuals working outside the curriculum team to undertake this role. The individual raising the possibility of a conflict will also take part in the discussion, if this is appropriate.

Decision

Following the discussion stage, it will normally be sufficient to:

- Gain an undertaking from the individual or key stakeholders to conduct their responsibilities so that the integrity of Makers is maintained, as well as their own integrity
- Reorganise activities and/or key functions so that the conflict is mitigated

If neither of the above steps is possible, another solution must be agreed by the discussion group. The solution should be in proportion to the nature of the conflict; in extreme circumstances, activities may need to be monitored or even restricted. The decision about how the conflict is managed is final.

Log Conflict and Resolution

The declaration of interest form should be updated following the final decision to outline the resolution that has been taken to remedy the conflict.

Completed Declaration of Interest forms should be recorded on the log along with decisions and actions arising

Monitor and Review Decisions and Actions

The Declaration of Interests log should be reviewed on a regular basis to ensure that actions forming part of the resolution have been implemented.

RESPONSIBILITIES

It is the responsibility of all Makers staff 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.

The ultimate responsibility of the management of potential and actual conflicts of interest lies with the Managing Director of Apprenticeships.

It is the responsibility of all persons, when involved in the assessment of qualifications, internal quality assurance and other associated activities that meet Makers assessment strategy, to:

- Conduct their activities in such a way so as the aims of the Makers assessment strategy are implemented
- Ensure that they make their role clear, and separate this from their other functions, as far as is possible
- Monitor their activities in order to maintain the integrity of the assessment
- Devote enough time and intellectual ability to their specific responsibilities
- Recognise and report any potential or existing conflict

The possibility of a conflict or potential conflict may be declared by any key stakeholder as an entity, or any individual.

MONITORING

The policy and procedures will be reviewed annually by the Quality and Compliance Manager, to ensure that it is fit for purpose, it reflects the types of conflicts that may arise, and how those conflicts are managed.