CONFLICT OF INTEREST
POLICY AND PROCEDURE

Introduction

Gateway Qualifications, as an awarding organisation, offer qualifications regulated by The Office of Qualifications and Examinations Regulation (Ofqual) and as an Access Validating Agency (AVA) by the Quality Assurance Authority (QAA).

As such all individuals involved in the development, delivery and awarding of qualifications have a legal obligation to act in the best interests of Gateway Qualifications, and to avoid situations where an actual or potential conflict of interest may arise that could result in Gateway Qualifications acting contrary to its interests or lead to an Adverse Effect.

The Board of Trustees has ultimate responsibility for the management of potential or actual conflicts of interest with delegated responsibility for the management of operation to the Director of Quality.

Purpose

The purpose of this policy is to protect the integrity of Gateway Qualifications and the integrity of its qualifications in order that learners are not adversely effected.

The policy is also designed to protect staff by providing guidance on handling possible conflicts of interest that may arise as a result of Gateway Qualifications’ role as an awarding organisation.

This policy:
- Defines what is meant by conflict of interest.
- Describes the role of conflict of interest in the context of working with, or for, an awarding organisation.
- Sets out the responsibilities for managing conflict of interest at each level in the organisation.

This policy sets out how Gateway Qualifications will address issues that arise from real and perceived conflicts of interest, in the development, delivery and award of their qualifications.

Scope

This policy will apply to everyone involved in the development, delivery and award of all Gateway Qualifications provision, including:
• Board of Trustees and Committee members.
• Staff of Gateway Qualifications.
• Wider workforce— to include business consultants, qualification developers, assessment markers, External Quality Assurers, Standards Verifiers, Centre and Subject Moderators.
• Recognised Centres- to include Assessors, Internal Quality Assurers and administration staff.

Definition of a conflict of interest

A conflict of interest is an activity in which an individual, or organisation, has competing interests or loyalties and this may lead it to act contrary to its interests in the development, delivery and award of qualifications in accordance with the regulatory body.

A conflict of interest may arise in a variety of different situations associated with the development, delivery and award of qualifications, for example (this list is not exhaustive):

• Where a member of Gateway Qualifications’ Board of Trustees or a Committee member has a professional interest in a Gateway Qualifications' recognised Centre.
• Where an individual has personal interests that conflict with their professional association with Gateway Qualifications.
• Where an individual is writing assessments for Gateway Qualifications and works for a Centre who delivers qualifications belonging to Gateway Qualifications.
• An assessment and internal quality assurance activity undertaken at a Centre is undertaken by the same person.
• Where an individual is internally or externally marking assessments for Gateway Qualifications and works for a Centre who delivers qualifications belonging to Gateway Qualifications.
• Where an individual is internally marking assessments of a learner who is a friend or relative.

Conflict of interest principles

In implementing the approach to identifying and managing conflicts of interest everyone involved in the development, delivery and award of qualifications for Gateway Qualifications is required to abide by the following principles:

• All must commit to identifying and managing all conflicts of interest and in doing so raise possible conflicts of interest with the Chief Executive Officer.
• All must be proactive in the identification and management of conflicts of interest that may affect learners, Centres delivering the qualifications and Gateway Qualifications.
• All must be open about the nature of any conflicts of interest and not try to hide or present them in a better light – managing conflicts of interest is about preventing issues from occurring that may impact on Gateway Qualifications’ operational effectiveness and/or regulatory compliance.
• Strive to identify and deal with conflicts of interest sooner rather than later.
• Controls to manage the effect of any potential conflict of interest must be proportionate to the risks associated with the identified conflict(s).

Training

All staff and the wider workforce will receive conflict of interest training.

Process for Managing conflict of interest

Gateway Qualifications will take the following steps to manage potential or actual conflicts of interest:

Board of Trustees, Committee members, Staff and Consultants are required to complete and return a declaration of conflict of interest form on an annual basis.

Should an individual’s circumstances change that leads to a conflict of interest they are required to declare this immediately to the Chief Executive Officer.

Recognised Centres are also required to declare conflicts of interest affecting Gateway Qualifications through their Quality Assurance contact. Declarations of any conflict of interest may be sent using this email address: conflictsofinterest@gatewayqualifications.org.uk or by post to the address at the end of this policy.

Gateway Qualifications will maintain a record of any declared conflicts of interest, or potential/perceived conflicts of interest, recording them in a Conflicts of Interest Register which includes the nature of the conflict, the potential Adverse Effect, the mitigating actions.

The Conflicts of Interest Register will be maintained by the Director of Quality, monitored by Quality and Standards Committee and reported annually to the Board of Trustees.

If a conflict of interest occurs that has not been disclosed then Gateway Qualifications will refer to the relevant policy e.g. for Centres the Malpractice and Maladministration Policy and Appeals Policy; for Staff Disciplinary Capability Grievance Policy.
Managing conflict of interest

Where a declaration of an actual or potential conflict of interest is identified then the process for managing the conflict will follow these steps:

i. Responsible Officer/Director of Quality assesses the impact of the conflict or potential conflict of interest.
ii. The conflict is either removed or managed.
iii. Where it requires to be managed then the Director of Quality will liaise with the relevant Line Manager responsible (CEO in the case of Board and Committee members) to discuss the necessary actions/controls to manage the conflict, mitigate any impact on the organisation and ultimately to ensure that learners are not adversely effected.
iv. Conflicts of Interest will be monitored and reported to the Board of Trustees.

The following are examples of the most likely conflicts of interest and the principles applied to manage the conflict (this list is not exhaustive):

**Member of the Board of Trustees is member of staff at a Centre**
This is managed by ensuring that the individual will not participate in any discussions/decisions relating to the conflict, and may be required to leave the meeting.

**Responsible Officer**
In the event of a Conflict of Interest being declared or identified related to the Responsible Officer, the Chair of the Board of Trustees and the Director of Quality will investigate and agree the appropriate actions to manage the conflict of interest.

**An external consultant, e.g. External Quality Assurer is appointed who previously worked at a current centre**
The Quality and Assessment Manager is informed of the Conflict of Interest and ensures that the External Quality Assurer is not allocated to work with the centre within an 18 month period of leaving the employment.

**Data protection**
The information provided will be processed in accordance with the data protection principles as set out in the Data Protection Act 1998. Data will be processed only to ensure that all persons to whom this policy relates act in the best interests of the learners, the Centres delivering the qualifications and Gateway Qualifications. The information provided will not be used for any other purpose.

**Policy review arrangements**
Gateway Qualifications will review the policy annually as part of the self-evaluation arrangements and revise it as and when necessary in response to feedback,
changes in internal practices, actions from the regulatory authorities or external agencies or changes in legislation.

In addition, this policy may be updated in light of operational feedback to ensure the arrangements for dealing with actual or potential conflicts of interest remain effective.

**Monitoring**

Gateway Qualifications’ Quality and Standards Committee will be responsible for monitoring the effectiveness of the conflict of interest process. Summary reports will be submitted to each meeting to enable the Committee to review the effectiveness of the process and, where appropriate, monitor changes to the policy and procedures, which will be submitted annually to the Board of Trustees for monitoring and appropriate action.

**Contact us**

If you have any queries about the contents of the policy, please contact our support team by:

- **Telephone:** 0300 330 35 35
- **Email:** customer.service@gatewayqualifications.org.uk
- **Post:** Gateway Qualifications, Gateway House, 3 Tollgate Business Park, COLCHESTER, CO3 8AB

**Ofqual General Conditions of Recognition**

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