

Conflicts of Interest

Guidance for Recognised Centres

Version 1.3 – July 2023



learning your way

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Introduction

This guidance sets out the expectation of Gateway Qualifications Centres for identifying, monitoring and managing potential or actual Conflicts of Interest whilst ensuring compliance with regulatory requirements. This guidance should be read alongside Gateway Qualifications [Conflict of Interest Policy](#).

Definitions

Gateway Qualifications' has adopted Ofqual's definition of a conflict of interest which also supports its compliance with QAA Licensing Criteria, as follows:

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 or licensing criteria
- (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 has the potential to lead that person to act contrary to their¹ interests in that development, delivery or award in accordance with the awarding organisation's Conditions of Recognition or licensing criteria
- (c) An informed and reasonable observer would conclude that either of these situations was the case.

Access to HE provision

For Recognised Centres providing Access to HE provision, the Quality Assurance Agency defines 'Conflicts of Interest' as:

Conflicts may arise during engagement or tenure, where providers reasonably believe the interests of one party affect the motivations or impartiality of another. This might include close personal or professional relationships with staff, students, or previous experts involved in their area of responsibility, an excessive influence due to their standing in other roles, or because their inclusion in a team of experts creates an unbalanced view.

A conflict of interest might build up over time because of an excessive engagement period or re-engagement by the same provider.

Personal interest

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

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

¹ Adapted from his or her within Ofqual's version

Examples of where personal interest conflicts can be present and must be avoided include:

- When the person carrying out an assessment, investigation or appeal has any reason or incentive to make anything other than a good faith decision
- A person conducting an alleged malpractice investigation is related to a learner accused of malpractice
- A person's salary is related to the number of appeals upheld or rejected.

The above is not an exhaustive list.

Interests in Assessment

Gateway Qualifications requires that all reasonable steps must be taken to avoid any part of an assessment of a Learner to be undertaken by someone who has a personal interest in the result of the assessment.

The Conditions require that where all reasonable steps have been taken, and an assessment by someone with a personal interest cannot be avoided, the awarding organisation must make arrangements for the relevant part of the assessment to be subject to scrutiny by another person.

Hence, in any circumstances where there is a personal interest in an assessment, Recognised Centres **must** make Gateway Qualifications aware at the earliest opportunity.

Centre Conflicts of Interest Policy

As per the Centre Agreement, Gateway Qualifications requires Centres to **have a Policy in place** which is complementary to Gateway Qualifications' Policy. This means:

- Having a definition and obligation in the Policy that states that where an individual has an interest that might make that individual act contrary to their obligations to the Centre, that interest must be declared to a named responsible person at the Centre.
- Also, that Conflicts of Interest can be real, i.e. exist, or there may be potential conflicts, where there is a possibility of a conflict occurring, for example where an individual has a relative who is applying for a job at the Centre and could influence the recruitment decision in favour of that relative.

Centre Policy Checklist

The Centre Conflicts of Interest Policy should:

- Refer to 'interests in assessment' and make it clear that assessment should not be conducted by someone who has a personal interest in the outcome of the assessment; and where this is unavoidable, the Centre must contact the awarding organisation to see if some arrangement can be set up to be scrutinised by an independent person.
- Apply to all those involved in the delivery of regulated qualifications at the Centre and those that undertake activities connected with regulated qualifications, irrespective of their role, including staff and contractors such as tutors, assessors, IQAs, administration and management staff and those involved in governance.
- Include a named responsible person at the Centre that identifies, records and monitors all conflicts of interest which relate to the Centre, including personal interests. This includes conflicts that cannot be avoided; and any scenario where it can be foreseen that a conflict of interest could arise in the future.
- Include that Centre conflicts of interest and associated mitigations are notified to the awarding organisation promptly, including those relating to personal interests, or interest in assessment.
- Include that all reasonable steps will be taken by the Centre to ensure that no conflict of interest which relates to it has an Adverse Effect; and, where required that the Centre cooperates with Gateway Qualifications to mitigate the Adverse Effect and as far as possible to correct it.

Declarations

Centres must report all declarations of all conflicts of interest to Gateway Qualifications' without delay by completing the [Declaration of Interest form](#). To help Centres when filling in this form, examples of possible Conflicts and the types of categories that they may fall under can be found further below.

Completed forms and the associated mitigations/management approach adopted are reviewed by the Gateway Qualifications Centre Compliance Team.

All submitted forms will receive a response regarding the suitability of mitigation(s) put in place.

Gateway Qualification EQAs and Moderators will review Centre Conflicts of Interest Policy and associated procedures and adherence to the requirements at the annual Centre monitoring meeting.

Monitoring

Centres must have a process for monitoring conflicts of interest in place. This would include:



Mitigating and managing conflicts

Gateway Qualifications expects that Centres will put suitable mitigations in place to manage conflicts of interest.

Examples of possible conflicts and mitigations

This list is not exhaustive. Please contact us to discuss potential mitigations to support your decisions where that might be helpful.

Potential conflict	Type of Conflict	Possible suitable mitigations
An assessor is related to, a partner of, or a close friend of an individual being assessed.	Family or close relations	Another assessor undertakes the assessment who has no such relationship and prior to claiming the individuals' certificate, their portfolio must be sampled by a Gateway Qualifications' EQA.
An IQA undertakes assessment activity.	Delivery staff	An independent IQA is employed to quality assure the work of the usual IQA.
Secure assessment is controlled or supervised/invigilated by an individual who is related to, a partner of, or a close friend of an individual taking those assessments.	Family or close relations	Another individual undertakes the responsibility for controlling/ supervising/invigilating assessments for the period when there is a conflict in place.
Processing of results or making certificate claims is done by someone with a personal interest in those outcomes.	Vested interest	The processing is done by someone independent who is trained to undertake the activity.
A Centre staff member is seeking to pursue a qualification and assessments offered by the Centre.	Centre staff seeking to take internal qualification	The staff member should be registered and assessed at another Centre. Where this is not possible, the Centre must put in place sufficient mitigations, such as ensuring the staff member taking the qualification does not have access to any unauthorised materials or systems that would give rise to an unfair advantage or bring into doubt the reliability of the evidence and prior to claiming the individuals' certificate, their portfolio

Potential conflict	Type of Conflict	Possible suitable mitigations
		must be sampled by a Gateway Qualifications' EQA.
An appeal is to be heard and an individual that has a personal interest in the appeal outcome is part of the decision-making body.	Vested interest	An independent person must stand in for anyone that may have a personal interest in an appeal outcome.
An individual suspected or implicated in a malpractice event or has a personal interest in its outcome is responsible for malpractice investigations at the Centre.	Vested interest	An independent person must carry out any malpractice investigation.
A staff member has an interest in the employment or use of a contractor/supplier.	Vested interest	Decisions on employment or using particular contractors/suppliers are taken by individuals who have no personal interest in the decision.



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