

Conflict of Interest Policy and Procedure

Policy

Introduction

This Policy and Procedure sets out Gateway Qualifications' approach to identifying, monitoring, and managing potential or actual conflicts of interest whilst ensuring compliance with regulatory requirements.

Purpose

Generally, conflicts of interest occur where an organisation or an individual has competing interests which might impair its or their ability to make objective, unbiased decisions which may arise within a Recognised Centre ("Centre"), Apprenticeship Training Provider ("Provider") or within Gateway Qualifications. This Policy sets out how Gateway Qualifications identifies and monitors conflicts of interest through controls to manage, mitigate and/or remove any identified conflict in order that the integrity of its qualifications and regulatory compliance is maintained.

Management of conflicts of interest can also reduce risks at strategic and operational levels, heighten awareness of potential conflicts and associated risks and promote good management and organisational practices.

This Policy should be read alongside Gateway Qualifications' terms and conditions (Centre agreement/Agreement for EPA Services) and the following Gateway Qualifications policies:

- Access to HE Diploma Learner Appeals Policy
- Appeals Policy and Procedure
- Disciplinary, Capability, Grievance and Appeals Policy
- Feedback and Complaints Policy
- Malpractice and Maladministration Policy and Procedure
- Sanctions Policy

Scope

This Policy applies to all Gateway Qualifications' regulated qualifications, units, courses including Access to HE Diplomas and End-point Assessment (EPA).

Audience

This Policy applies to all stakeholders involved in the development, delivery and awarding of all Gateway Qualifications provisions, including:

- Centres/Providers - including staff, associates, freelance staff and contractors

- Gateway Qualifications' Board of Trustees and Committee members
- Gateway Qualifications' staff
- Gateway Qualifications' Wider workforce – including consultants, qualification developers, assessment associates, Principal/Centre/Subject Specialist External Quality Assurers (EQAs), Centre and Subject Moderators, Independent End Point Assessors (IEPAs), Internal Quality Assurers (IQAs).

Definitions

Conflict of Interest

A conflict of interest is a situation that occurs when an individual or organisation has competing interests or loyalties. In the case of an individual, the conflict of interest could compromise or appear to compromise their decisions if it is not properly managed. Gateway Qualifications has adopted Ofqual's definition of a conflict of interest, which also supports its compliance with the Quality Assurance Agency (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.

For Centres providing Access to HE provision, the QAA 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 may be ongoing or temporary and can also build up over time due to an excessive engagement period or re-engagement by the same provider.

A conflict of interest can be:

- personal or organisational
- financial or non-financial
- perceived, potential or actual.

Having a conflict of interest does not prohibit Gateway Qualifications from permitting it, so long as actions are taken to mitigate/manage, monitor and review the conflict to prevent any

¹ Adapted from his or her within Ofqual's version

adverse effects from arising. However, some of the regulatory conditions do prohibit certain Conflicts of Interest in specific circumstances; these conditions are specified in the table at the end of this document.

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 the 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.

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

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

- an assessment being undertaken by a person who has a personal interest in the result of the assessment including any relation of a Learner or Apprentice.
- an assessment and internal quality assurance activity undertaken by the same person.
- an assessment delivered by a person that has taught/trained the Learner or Apprentice.
- anyone with a personal interest in the outcome of an investigation into potential malpractice or a breach of confidentiality from carrying out the investigation into malpractice or breach of confidentiality.
- anyone with a personal interest in the decision being appealed from taking decisions on that appeal.
- anyone with a personal interest in a complaint being reviewed from taking decisions on that complaint.

Organisational Interest

Centres/Providers

Examples of Centre/Provider related Conflicts include:

- a staff member pursues a qualification offered by the Centre.
- a staff member has a partnership or subcontracting agreement with a third party in which both parties have an interest.
- staff and third parties who have access to confidential assessment information also have roles in teaching or assessing Learners in the subject area.
- staff and third parties who have access to confidential assessment information have a family member, friend or colleague who is due to take those assessments.
- a Gateway Qualifications' Assessor, EQA or Moderator has a professional interest in a Gateway Qualifications' Centre or Provider.

Gateway Qualifications

An organisational conflict relates to Gateway Qualifications and its ability to make objective, unbiased decisions about how best to develop, deliver or award its qualifications.

Examples of where organisational conflicts can be present and **must** be avoided include:

- when the awarding organisation is also a training provider.
- when the awarding organisation has a financial stake in any of its suppliers or third parties.
- when the awarding organisation has a financial stake in any of its Centres.
- a member of Gateway Qualifications' Board of Trustees or a Committee member has a professional interest in a Gateway Qualifications' Centre.
- where employment, monetary gain, gifts, or hospitality could be gained from a decision made in favour of a particular supplier.
- an individual is writing, assessing, marking, or moderating assessments for Gateway Qualifications' works for a Centre or a training provider that delivers the same or similar qualification(s).
- a staff member from the apprentice's employer has a personal relationship with a staff member in the organisation or other vested interest in Gateway Qualifications or vice versa.

The lists detailed above are not exhaustive.

Details

Centre/Provider responsibilities

We expect that staff involved in the management, administration, assessment and quality assurance of our regulated qualifications, units or entry to Gateway for EPA and subsequent assessments, and their Learners/apprentices and employers are aware of this policy.

Centres/Providers must also have in place a Conflict of Interest policy and procedure that outlines how they receive, review, record, and monitor conflicts of interest affecting Gateway Qualifications' provision. The policy should reflect and complement the requirements laid out in this Policy.

All staff, including administrative and management staff, and any contractors must understand and be made fully aware of their obligation to report conflicts of interest to the responsible person in the Centre/Provider for onward reporting to Gateway Qualifications.

Reporting

Procedure for reporting	Procedure for reviewing
Centres/Providers are required to identify and monitor all conflicts of interest, including those that involve personal interests. Centres/Providers must ensure that both actual conflicts of interest, or where there may be potential or perceived conflicts of interest, are identified, recorded, and managed appropriately.	Conflict of interest declarations from Centres will be reviewed by the Centre Compliance Manager. Where it is considered that the mitigation applied by the Centre is not sufficient, the Centre Compliance Manager will contact the Centre to discuss the issue and agree an acceptable approach.
Centres/Providers must report all declarations of all conflicts of interest to Gateway Qualifications without delay by completing the Declaration of Interest form on Gateway Qualifications' website and prior to any assessments taking place.	The removal or minimisation of any potential for Adverse Effect will be considered in such decisions. In the case of a lack of consensus on such matters, the Director of Awarding will review the situation and agree on the appropriate mitigation.
Where changes to an individual's conflict of interest occur, including where the conflict of interest no longer applies, the Centre/Provider must advise Gateway Qualifications.	

Gateway Qualifications' responsibilities

Gateway Qualifications is responsible for ensuring that any conflicts of interest in the development, delivery or award of its qualifications, whether they be directly assessed or Centre assessed, are identified and managed or removed. It will do this through:

- procedures and activities to minimise the risk of conflicts occurring.
- processes to identify, manage, mitigate, and control conflicts of interest.
- processes and procedures to monitor conflicts of interest and associated mitigating actions.
- processes and procedures to deal with any incidents should they occur, reporting to the regulator where required.
- processes and procedures to investigate any non-disclosure of Conflicts of Interest.
- the monitoring of Centre Conflict of Interest Policies and procedures via the Centre Assessment Standards Scrutiny strategy (CASSS) to ensure compliance.

Reporting - Gateway Qualifications' staff, contractors, and wider workforce

Procedure for reporting	Procedure for reviewing
Gateway Qualifications' staff, contractors, and wider workforce must report any conflict of interest and any activity that might create a potential conflict of interest.	Declaration forms, including updated declarations, are reviewed by the appropriate line/contract manager and added to the conflicts register.
All Gateway Qualifications' staff, contractors, and wider workforce will complete a Conflict of Interest declaration form upon appointment, with a requirement to confirm declarations quarterly and when they are subject to any change of status.	Where a conflict of interest is identified that cannot be removed, it will be escalated by the line/contract manager to the appropriate Director or the Chief Executive Officer for review and the necessary controls and/or mitigations will be applied and communicated to those individuals and relevant line/contract managers informed to support the mitigation and management of the conflict.
A change of status may include, for example, a change to their position, responsibilities, other work, or new directorships.	
For IEPAs and IQAs involved in the assessment of Apprentices or quality assurance of this provision, they will also be required to declare any potential or actual conflicts on a per-apprentice basis upon allocation.	The Chair of the Board of Trustees will review and approve any mitigations and controls to manage any conflicts of interest identified for the Chief Executive Officer and Responsible Officer and update the conflicts register.
If a conflict exists, the IEPA and IQA must reject the allocation to the Apprentice, employer, or provider. If not declared, this will be treated as <u>non-disclosure</u> .	

Reporting - Gateway Qualifications' Trustees and Committee members

Procedure for reporting	Procedure for reviewing
Trustees and Committee members must report any conflict of interest and any activity that might create a potential conflict of interest.	The Chief Executive Officer will review and approve any mitigations and controls to manage any conflict of interest identified for Trustees. The Vice Chair of the Board of Trustees will review and approve conflicts of interest with regard to the Chair of the Board and update the conflicts register.
All Gateway Qualifications' staff, contractors and wider workforce will complete a Conflict of Interest declaration form upon appointment, with a requirement to confirm declarations annually and when they are subject to any change of status.	At the commencement of any Board or Committee meeting, Trustees and Committee members are additionally asked to consider and declare any conflicts of interest with regards to the business of the meeting. Any change to declared conflicts will be recorded, and appropriate mitigations agreed to progress the meeting.
A change of status may include, for example, a change to their position, responsibilities, other work, or new directorships.	

Recording conflicts of interest

All conflicts of interest, along with the agreed mitigation(s) and controls, are recorded on Gateway Qualifications' Conflicts Register.

Managing conflicts of interest

Centre/Provider related conflicts

Mitigations for conflicts within Centres will be considered by the Centre Compliance Manager to enable a consistent and proportionate approach for all conflicts.

Gateway Qualifications' External Quality Assurers (EQAs) will review arrangements for conflicts of interest as part of their Centre monitoring activity.

Where a Centre has reported a change or that a conflict of interest no longer applies, The Centre Compliance Manager will review this and if applicable, the Gateway Qualifications' Conflicts Register will be updated.

Agreement on mitigations

Gateway Qualifications may seek to discuss the appropriateness of any mitigation of a declared conflict of interest with the Centre's Quality Assurance Contact. Gateway Qualifications' Centre Compliance Manager will confirm acceptable mitigations are in place, or where there are further concerns, will confer with the Director of Awarding.

Gateway Qualifications reserves the right to specify any controls or mitigations in relation to potential or actual conflicts of interest if an agreement cannot be reached with a Centre.

Suitable mitigations to support the management of conflicts of interest

- The conflict of interest is removed – for example, by moving the responsibility to another staff member
- An independent Tutor/Assessor or IQA is used
- Staff members seeking to pursue qualifications and assessments offered by the Centre are registered and assessed at another Centre, where this is not possible tighter controls are implemented, such as the requirement for external quality review prior to awarding, regardless of DCS status being held

Gateway Qualifications' related conflicts

As part of regulatory requirements, Gateway Qualifications will take all reasonable steps to mitigate the conflict of interest and ensure that it does not have an Adverse Effect². Where

² Ofqual Handbook: General Conditions of Recognition Definition Adverse Effect:

An act, omission, event, incident, or circumstance has an Adverse Effect if it –

- (a) gives rise to prejudice to Learners or potential Learners, or
- (b) adversely affects –

an identified conflict of interest has an Adverse Effect, Gateway Qualifications will take all reasonable steps to mitigate the Adverse Effect as far as possible and correct it.

Where an Adverse Effect is identified, Gateway Qualifications will also consider the appropriateness of an investigation under its Malpractice and Maladministration Policy and its obligations to notify the relevant regulator.

End Point Assessment (EPA)

IEPAs are required to confirm any known conflicts for each apprentice allocated to them, including the employer and/or provider linked to that Apprentice.

Suitable mitigations to support the management of conflicts of interest

- The conflict of interest is removed – for example, by moving the responsibility to another staff member, consultant or wider workforce.
- Applying additional scrutiny and controls where a member of Gateway Qualifications' staff or WWF involved in the assessment process has a personal interest in the outcome of an Apprentice's assessment.
- An independent Internal Quality Assurer (IQA) is employed where the usual IQA undertakes assessment activity.
- Not allowing individuals to participate in any discussions/decisions relating to the conflict of interest and requiring them to leave the meeting when the item is discussed.
- Contracts that include information on other roles or responsibilities the individual is not permitted to carry out whilst engaged by the contracting organisation.
- Where an individual has previously worked for a Provider, not allowing them to participate in any assessments for apprentices from that Provider with whom they may have had any interaction with during their time there. Individuals involved in assessment development will not deliver training to Providers where this would be deemed to be prohibited training.

The above is not an exhaustive list.

Non-disclosure

Alleged breaches of conflict of interest may be identified via whistleblowing, complaints, or quality assurance activity (e.g. sampling and observation activities).

Recognised Centres or Providers

Failure to declare a conflict of interest will be investigated in accordance with Gateway Qualifications' Malpractice and Maladministration Policy and Procedure.

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- (i) the ability of the awarding organisation to undertake the development, delivery or award of qualifications in accordance with its Conditions of Recognition,
 - (ii) the standards of qualifications which the awarding organisation makes available or proposes to make available, or
 - (iii) public confidence in qualifications.

Gateway Qualifications' Board of Trustees and Committee members

Failure to declare a conflict of interest will be investigated, and action may be taken by the Board of Trustees. In the case of Trustees this will be in accordance with the Charity Commission for England and Wales guidance, [Conflicts of interest: a guide for charity trustees](#)

Gateway Qualifications' staff

Failure to declare a conflict of interest will be investigated, and action may be taken in accordance with Gateway Qualifications' Disciplinary, Capability, Grievance and Appeals Policy.

Gateway Qualifications' Wider-workforce

Failure to declare a conflict of interest will be investigated, and action may be taken in accordance with Gateway Qualifications' Contract for Services.

Alleged breaches will be investigated by Gateway Qualifications. Gateway Qualifications will ensure that investigations are taken by individuals who have no personal interest in the investigation and have the appropriate competence to investigate such matters.

Investigations

If an actual or potential conflict of interest is found not to have been disclosed, Gateway Qualifications will carry out an investigation to assess whether the conflict of interest has had an Adverse Effect, and appropriate action will be taken.

Data protection

The information provided in any conflict of interest disclosure will be processed in accordance with the data protection principles as set out in the Centre Agreement terms and conditions.

Data will only be processed to ensure that all persons to whom this policy relates act in the best interests of the Learners/Apprentices, the Centres delivering the qualifications and Gateway Qualifications. The information provided will not be used for any other purpose. Gateway Qualifications will only disclose information if required to do so by law, government, or Regulators.

Review arrangements and monitoring

Gateway Qualifications will review this Policy and its associated procedures annually and as part of its self-evaluation arrangements and revise it when necessary in response to customer feedback, findings from internal and external monitoring arrangements, changes in internal practices, actions from the regulatory authorities or other external agencies, or where there may be changes in legislation. All reviews will be subject to checks for ongoing reliability and validity in relation to the management and operation of the conflict of interest policy.

Gateway Qualifications' Quality and Standards and Access to HE Committees are responsible for monitoring the effectiveness of the application of this Policy and Procedure. An annual summary is also submitted to the Board of Trustees for monitoring and ratification.

Contact us

If you have any queries about the contents of the policy, please contact:

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Ofqual General Conditions of Recognition

Condition A4: Conflicts of interest
Condition A8: Malpractice and maladministration
Condition C1: Arrangements with third parties
Condition C2: Arrangements with Centres
Condition G4: Maintaining confidentiality of assessment materials, including the conduct of specified training events
Conditions I1: Appeals process

Qualifications Wales Standard Conditions

Condition A4: Conflict of Interest
Condition A8: Malpractice and maladministration
Condition C1: Arrangements with third parties
Condition C2: Arrangements with Centres
Condition G4: Maintaining confidentiality of assessment materials, including the conduct of specified training events
Conditions I1: Appeals process

QAA licensing criteria

Criteria 2: Governance
Criteria 68: Provider and course recognition
Criteria 105: Standardisation and moderation