

Centre Conflict of Interest

Customer Guidance

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Introduction

NCFE recognise and encourage the promotion of building successful professional relationships. In doing so, we're mindful that there may be situations when a perceived or potential Conflict of Interest (CoI) may arise and that we have a duty to identify, manage and mitigate potential conflicts of interest.

The purpose of this document is to increase colleague understanding of CoI to help proactively identify and reduce any potential negative/adverse effect to our learners relating to a perceived or actual CoI in a timely way. This is also monitored by our regulators.

The JCQ regulations on conflict of interest can be found in the [JCQ General Regulations for Approved Centres](#) booklet, on page 11, section 5.3 (d), which you should read in addition to this guidance.

The regulations make sure we're collecting the key information we need to manage any conflicts in relation to the assessment, and to make sure your allocated centres know what their responsibilities are in the mitigation of these conflicts.

What is the purpose of the conflicts of interest process?

The conflicts of interest process is designed to protect the integrity of NCFE assessments. We want to make sure they remain fair and we also want to make sure individuals at your allocated centres are protected where there is potential, or a perception, that they could be influenced by any personal interests.

What is a personal interest?

A personal interest is a Conflict of Interest (CoI) that relates to a particular individual. A personal interest can be financial or non-financial in nature. So, for example:

- If a person conducting an investigation into alleged malpractice is related to one of the Learners accused of malpractice that would be a personal interest.
- If a person's salary is related to the number of appeals they uphold (or reject), that too would be a personal interest.

To determine whether or not a personal interest exists in a particular case, the relevant question to ask is whether:

- The person carrying out the assessment, investigation or appeal has any reason or incentive to make anything other than a good faith decision; or
- An informed or reasonable person would conclude that such a reason or incentive exists.

However, the conditions that refer to a 'personal interest' do limit what individuals with such an interest can do (and in some cases prohibit them from doing something altogether). We take this approach where the personal interest cannot be mitigated effectively.

What mechanisms do NCFE have in place to identify COI in centres?

- On boarding during the approvals process
- Tutor agreements of COI within centres
- Whole centre COI agreement – a policy that an EQA can review
- EQA to determine how Assessment Outcomes are linked to tutors pay/reward/progression
- Learner agreements
- Using regular centre catch up calls and train NCFE staff to identify COI from casual discussions with centres.

What mechanisms do NCFE use to put mitigations in place?

- higher level of sampling by an EQA on a planned review, 100% sample of the learners declared to have a potential/actual conflict of interest
- EQA to check centre staff's occupational competence, in particular IQAs, as we need to ensure the most appropriate members for the role are carrying out this role, and assess what training have they had to provide assurance to NCFE that they are adhering to best practice
- EQAs are to check that COI policies are in place within your allocated centres, but also ensure NCFE COI policy, COI Customer Guidance and expectations are visible to centres throughout all stages of their dealings with us. It would be good practice for centres to be evidencing their own instructions and procedures with their COI policy, rather than mirror their AO's policy.

How do we monitor the effectiveness of these methods?

- how many complaints have been raised within the centre
- how many cases of malpractice are being recorded by NCFE across the board
- EQAs to evidence that centre policies and processes are being adhered to within centres, on section 3 of the visit report
- Where one of your allocated centres declare a potential/actual conflict, you will be notified by the QAO to complete section 10 of the visit report with details of your findings.
- After which a QAO will sample the report once submitted

How else can NCFE maintain the ongoing integrity of our assessments?

- consistent record keeping of COI, decisions and outcomes
- consistency of controls that different departments put in place
- relationship management with centres to adhere to COI policies and strategies i.e. regular communication/catch up calls

- Improve the on boarding process for centres – complete financial checks on centres ensuring COI policy is evident
- NCFE staff are sufficiently trained in their role and can identify COI.

Who is responsible for managing the conflicts of interest process at your allocated centres?

The Head of Centre is responsible for managing the conflict of interest process, and must determine how they do so. The [JCQ Regulations](#) explain what must be reported to the Awarding Organisation, and what information must be kept on record at your allocated centres.

What centre records should be kept about conflicts of interest?

- exams office staff have members of their family (which includes step-family, foster family and similar close relationships) or close friends and their immediate family (e.g. son/daughter) being entered for examinations and assessments either at the centre itself or other centres
- centre staff are taking qualifications at their centre which do not include internally assessed components/units
- centre staff are taking qualifications at other centres.

The Head of Centre must ensure that the records include details of the measures taken to mitigate any potential risk to the integrity of the qualifications affected. The records may be inspected by a JCQ Centre Inspector and/or Awarding Organisation staff. They might be requested in the event of concerns being reported to an Awarding Organisation. The records must be retained until the deadline for reviews of marking has passed or until any appeal, malpractice or other results enquiry has been completed, whichever is later.

In addition to the above requirements of what should be recorded, if there are any other scenarios which centres feel could be, or at least perceived to be, a potential conflict of interest, then they should also be recorded.

When do conflicts of interest declarations need to be submitted to NCFE?

[JCQ Regulations](#) state that Awarding Organisations must be informed about conflicts of interest before the published deadline for entries. Declarations can be submitted by using a [web form](#) via our [Qual Hub](#).

Once centres have submitted a declaration for a potential/actual conflict of interest, they do not need to take any further action. The QAO team will get in touch with centres within 5 working days if we need any further information.

Centres must note that entering members of centre staff for qualifications at their own centre must be as a last resort in cases where the member of centre staff is unable to find another centre.

Furthermore, any teacher of functional skills or any centre staff involved in the delivery of functional skills, that would like to complete an FS external assessment, must make every attempt to register and complete this with another Awarding Organisation other than NCFE, to ensure the ongoing integrity of our assessments. Please click [here](#) to find the Regulations for the Conduct of External Assessment. External Assessments must be monitored and conducted in accordance with the regulations with no exception.

Example centre conflicts of interest scenarios

Scenario 1

Centre staff carry out assessment on behalf of an Awarding Organisation. The Centre's main source of income is payments based on the number of students who pass the qualification. The pay and reward of Centre staff is directly linked to the Centre's overall income.

A conflict of interest arises here because an individual Assessor has a financial incentive to ensure that as many students as possible pass the qualification, as this will maximise both the Centre's and their own income.

That incentive could impair – or be perceived to impair – an Assessor's ability to make unbiased judgements about the extent to which a student has demonstrated the required knowledge, skills and understanding. In turn, that makes it less likely that an Assessor will in fact make an objective and unbiased decision.

Indeed, in this case Centre staff would most likely have a personal interest in the outcome of assessments for any students at their Centre, and Condition A4.6 would require the awarding organisation to take all reasonable steps to avoid using them as Assessors for those students. If this were unavoidable, Condition A4.7 would require any such assessment to be scrutinised by another person.

Scenario 2

Head of Centre is looking to complete NCFE assessments at their own centre as part of ongoing CPD. As the members of their assessment staff ultimately report in to the Head of Centre a conflict of interest is present.

An example of mitigation for this scenario is to inform their prime funder who would be required to review assessment judgements impartially. Failing this they would need to complete their studies via another centre/training provider.

Scenario 3

Malpractice: investigators ensuring person's appropriate competence but who have no personal interest in their outcome – matter of judgement for NCFE – covered by malpractice process, also part of the centre conflicts management.

Part of centre conflict management policy is to ensure there is no personal interest in the assessment of learner achievement this would extend to any person involved in the assessment, IQA, and appeals process. Standard and routine checks completed by an EQA on a visit to ensure competence of delivery staff and IQAs. CVs and CPD would be explored on the visit and reported on within section 4 of the EQA report.

Scenario 4

A college/school notify us via the web form that an Education Support Worker employed at the centre wishes to undertake the 603/2474/0: NCFE CACHE Level 4 Certificate for the Advanced Practitioner in Schools and Colleges as part of their CPD.

The centre have identified that they propose to manage the situation by ensuring that:

- learner colleague remains professional during any teaching/assessments
- they have a policy, which ensures any member of staff's work, is verified by another person
- any staff's work must be declared to the External Quality Assurer and included in the sample
- that for any external tests the learner colleague will take these in the same way as any other learner and will not be invigilated by somebody he/she may know.

NCFE will request to review an updated version of the centre's 'Conflicts of Interest Policy', along with details of the Assessor and IQA.

NCFE will also review:

- the assessment standards for any specific details
- all the information and proposed mitigations, then agree/decline proposals where necessary.
- where mitigations are not in place or are not possible to implement within the centre, EQAs will check that the centre has explored entering their staff on qualifications at another centre particularly if the qualification has Controlled Assessments.

How we record centre Conflicts of Interest

Conflicts of Interest can be notified to NCFE in 2 different ways

1 - The centre completes the COI declaration form on the website

The centre will submit a [web form](#) via the website to declare any COI at their centre. On submission of the webform, the data is gathered by the QA Officer (QAO) team who will check the details to ensure the information is sufficient

- Have the centre included their COI policy
- Is the qualification name & number specified
- Are the staff details clear (name & job role)
- What are the mitigations provided and are they sufficient to reduce any risk of an adverse effect?
- If there are any possible risks QAO may seek clarification from LEQA or allocated EQA

The QAO will respond to the centre to acknowledge receipt of the declarations and ask for more detail if required. Once proposals to mitigate conflicts are agreed with all parties then the QAO will notify the centre and allocated EQA of the details. All communication will be tracked and available to review in CRM system. We'll liaise with the EQA regarding the next planned visit date and ensure it's recorded in Quality Zone so that monitoring of the COI can be carried out at the next review.

At the next review, the EQA will monitor how the centre are managing their COI and sample the declared learners. Details of the COI and monitoring in place at the centre will be recorded within the relevant section of the EQA report. In addition, Section 10 should be completed to notify HO that the COI has been monitored and is being sufficiently managed within the centre. This will allow us to confirm monitoring of COI has taken place.

2 – COI is identified at the EQA review

The centre may notify their EQA of COI at the review or you may identify that there is a COI within the centre throughout the EQA process. In this case all details of the COI should be recorded in the EQA report including details of the mitigations in place. You'll need to complete section 10 to notify Head Office of the COI so that we can record it within our CRM system and monitor any potential risks.

If you identify a COI at a review and the centre haven't made a declaration, then as long as you monitor, sample and advise if you are happy with the mitigations, it is sufficient for you to record this in section 10 of the report, which we will pick up and the centre will not have to submit a declaration.

Repeat Declarations

After a COI declaration has been made and recorded, and you have confirmed at your EQA review that mitigations are sufficiently in place, then any further instances of the same conflict of interest can be notified to you directly for you to monitor and sample during your next visit. You will then need to record the COI details in section 10 for notification to HO to record against the centre's COI case.

If you are unsure or need support with any COI please speak with your Lead EQA or QA Officer.

Version control:

Date approved	
Approved by	
Review date	

Only approved versions of this document should be documented in the below table:

Version	Date	Revision author(s)	Summary of changes