



# Centre Conflict of Interest

## Customer Guidance

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 NCFE are collecting the key information we need to manage any conflicts in relation to the assessment, and to make sure our 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 CACHE assessments. We want to make sure they remain fair and we also want to make sure individuals at your centre 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 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.

### **Who is responsible for managing the conflicts of interest process at your centre?**

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 centre.

## **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 (eg 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 at your centre if there are any other scenarios which you 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 of:

- any members of centre staff who are taking qualifications at their own centre which include internally assessed components/units
- any members of centre staff who are teaching and preparing 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), for qualifications which include internally assessed components/units.

Declarations can be submitted by using a [web form](#) via our [Qual Hub](#).

Once you have submitted your conflict of interest, you do not need to take any further action. Our External Quality Assurance team will get in touch with you 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:

- has the centre explored entering their staff for qualifications at another centre
- check the assessment standards for any specific details
- the External Quality Assurance team will review all this information and proposed mitigations, then agree/decline proposals where necessary.

