



Conflict of Interest Policy

Conflict of Interest Policy

Version	V2
Policy number	13
Linked Policy and number:	Anti-Bribery and Corruption Policy (#4) Whistle Blowing Policy (#51)
Process:	Conflict of Interest Procedure: Quality Assurance and Assessment Related Roles (#13a)

1. Policy/Strategy Statement

For the purpose of this policy a conflict of interest is defined as a situation in which an individual, or organisation, has, or may be perceived to have –

competing interests or loyalties which could lead to a potentially subjective, biased or corrupt decision being made by that individual or organisation.

NCFE recognise and encourage the promotion of building successful business and external relationships. In doing so, we are mindful that there may be situations when a perceived or potential conflict of interest may arise and that we have a duty to identify, manage and mitigate potential conflicts of interest. As such where a potential conflict may be identified we will follow the procedure outlined in this document.

2. Purpose

When competing interests impair our ability to make objective, unbiased business decisions we have a conflict of interest. You may face a conflict of interest when your professional duties as an employee of NCFE and your personal interests diverge. They may take the form of financial interests in a supplier's or customer's business, recruiting a close family member or engaging in employment outside NCFE.

This policy sets out the responsibilities on all individuals, in line with their Statement of Terms & Conditions of Employment (or other contractual arrangement), in supporting us to meet the requirements set out by the Charity Commission and in our regulators' Conditions of Recognition.

This policy and associated procedures, supports us in ensuring that working relationships with colleagues, stakeholders, partners and customers do not conflict with our requirement to engage in business relationships in a legal, transparent, ethical and responsible manner.

NCFE recognises that conflicts of interest may arise that could lead to individuals making decisions, or appearing to make decisions, that are based on personal interest and not the interest of the organisation or what is ethically correct. Such conflicts of interest may also constitute a form of corruption. NCFE has a policy on anti-bribery and corruption, which can be downloaded from our website www.qualhub.co.uk (or, for colleagues, via the company intranet).

3. Scope

This policy applies to all individuals working for or on behalf of NCFE, including all colleagues at all locations and at all levels including members of the Board, the Executive Team, external contractors, agency workers, partners, suppliers, centres, customers, any associates, any subsidiaries or their employees or any other person associated with us (collectively referred to in this document as 'individuals').

This policy extends to all of NCFE's dealings and transactions in all countries in which it or its consultants, partners, stakeholders and associates operate.

This policy covers conflicts of interest for the NCFE Group. This document supports specific Awarding and / or EPA Plus conflicts of interest procedures that relate to potential learner-centric conflicts, such as teaching and assessment delivery.

4. Process

4.1. Conflicts of Interest Guidelines

Risk management in relation to conflicts of interest

Assessing the risks to NCFE arising from potential conflicts of interest is an integral part of NCFE's overall and ongoing risk management process. Identified conflicts of interest are mitigated as far as possible and are monitored as part of overall risk management and internal control processes.

Periodic reviews of our conflicts of interest policy and procedures are undertaken as part of our governance and accountability processes. All existing and reasonably foreseeable conflicts of interest will be identified and monitored by our organisation in line with this procedure and escalated to an Executive Member/Trustee where appropriate.

Documented conflicts of interest will be monitored closely, particularly during periods of change, in order to mitigate the possible impact of any potential Adverse Effect, as specified in our regulators' Conditions of Recognition.

5. Role Specific (roles and procedures)

5.1. Trustee

In the case of a conflict of interest arising for a Statutory Director/Trustee and the conflict is not authorised by virtue of the Memorandum or the Articles, the un-conflicted Directors/Trustees may authorise such a conflict of interests where the following conditions apply:

- The Charity Commission's permission is sought before a benefit for a trustee may be authorised that isn't otherwise authorised in the Memorandum of Articles or already authorised in writing from the Commission.

- The Director who has declared the conflict of interest withdraws from the part of the meeting at which there is discussion of any arrangement or transaction affecting that other organisation or person.
- The Director who has the conflict of interest does not vote on any such matter and is not to be counted when considering whether a quorum of Directors is present at the meeting.
- The Directors who have no conflict of interest in this matter consider it is in the interests of the charity to authorise the conflict of interest in the circumstances applying.
- Any such disclosure and the subsequent actions taken are noted in the minutes and maintained in the register of conflicts by the Company Secretariate.

5.2. Executives

The Executive team are responsible for ensuring this policy is complied with throughout and across the organisation, including their personal compliance. The Executive Members are responsible for reporting any identified or potential conflicts of interest that are specific to another member of the Executive Team to the Chair of the Board.

Specifically, as an Executive member, the Chief Regulatory Officer (CRO) is responsible for escalating reports of actual or potential conflicts of interest to the Board, where such conflicts may be contrary to NCFE Awarding's regulatory duties and/or interests and / or could have an impact on NCFE Awarding's regulatory status and relationships.

5.3. Management

All managers are responsible for ensuring this document is complied with by colleagues. When appointing new starters, Line Managers should follow the onboarding guidance (available via COLIN) that includes completion of the Conflict of Interest Policy. Line managers are also responsible for monitoring the activities and performance of those they are managing.

5.3.1. Management receiving a Conflict of Interest notification

All managers/senior colleagues receiving information on actual or potential conflicts of interest will ensure that potential conflicts not causing a significant risk to the business are appropriately recorded, monitored and managed.

All declarations are to be reviewed on an annual basis and this responsibility is devolved to line managers.

Conflicts, or potential conflicts, that may pose a significant risk to the business must be escalated in confidence to the Head of ARA and an Executive Member, in order that appropriate steps may be taken to minimise any risks and where possible resolve the issue. Where conflicts relate to our staff or member(s) of the Board, advice from the HRD team must be sought at the

earliest opportunity by the most senior receiving manager (usually a Executive member), particularly in relation to confidentially and securely recording the conflict.

The Head of ARA will support in the evaluation of whether any identified significant risks that may result in a specified Adverse Effect (as outlined in the Standard Conditions of Recognition) and may require reporting to the appropriate awarding regulator(s). Potential cases which may introduce other regulatory risks (e.g. those governed by other specific legislation) will also be escalated by the most senior receiving manager to the appropriate Business Unit Director / Executive Member (e.g. Chief Financial Officer for finance regulators such as HMRC). This will allow the evaluation of whether external specialist advice is required in assessing/mitigating the risk.

Significant risks to the business posed by the matter will also require escalation via the Head of ARA to the appropriate Business Unit/Group Risk Register.

5.4. Colleagues

No colleague within the NCFE Group shall provide or accept preferential treatment (including discounts on services) to or from any colleague or any other part of NCFE Group, where such a transaction may adversely affect the business; learners, centres or other relevant parties. Such actions may also be construed as bribery and may be subject to criminal prosecution.

To assist us in managing significant risks with regards to potential conflicts of interest, individuals must tell us about any relevant risk and/or issue in relation to a conflict of interest (or potential conflict) that has come to their attention. This will be covered as part of the onboarding and induction process where new starters will complete a conflict of interest declaration that will be shared with their line manager. If any change of circumstances is made that could result in any potential conflict of interest, the Conflict of Interest declaration should be updated via Horace where the Line Manager will receive an automatic update. We appreciate that they may wish to do so in confidence and are asked to refer to our Whistleblowing policy (available on our website or on the company intranet) for more information.

Any person or body employed by or acting on behalf of NCFE is personally responsible for ensuring that they adhere to the policy and procedures in this document.

If colleagues have a query relating to conflicts of interest which is not included in this policy, they must refer the matter to their immediate line manager in the first instance or a member of the Senior Leadership Team.

If a conflict of interest arises, or it is anticipated that one may arise, colleagues must inform their line manager or a Director/Executive in protection of the business and individuals. If there is any doubt whether or not an activity represents a conflict of interest, the matter should be raised in this way, in order that an objective assessment may be made. Concerns may be raised in confidence (subject to certain caveats, such as the requirement to disclose certain information to statutory bodies). Please see the Whistleblowing Policy for further information.

All potential conflicts of interest which relate directly to the colleague themselves, once discussed with their line manager, must be recorded by the line manager on the colleague's HR Information System record under 'Conflict of Interest'. The record must contain information on how the conflict of interest will be managed. Conflicts of Interest relating to another individual (e.g. such as conflicts reported under the Whistleblowing policy) will be recorded by the line manager/Director/Executive, subject to confidentiality (receiving line managers should seek advice from the HRD team), particularly in relation to the confidential recording of information.

5.5. Quality assurance and assessment related roles

Quality Assurance and Assessment Related Roles applies to all individuals working for or on behalf of NCFE, in the context of assessment, whereby they may be producing, reviewing, marking or conducting assessments. The aim of the procedure is to provide assurance that the integrity of confidential assessment materials is being upheld and protected at all times. It extends to all of NCFE's dealings and transactions in all countries in which it or its consultants, partners, stakeholders and associates operate.

NCFE must abide by our regulatory responsibilities for Conflicts of Interest as outlined in for example, Ofqual's General Conditions of Recognition, Condition A4.

Ofqual defines a Conflict of Interest as:

"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 a way that complies with its Conditions of Recognition,
- (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 have the potential to lead that person to act contrary to his or her interests in that development, delivery or award in a way that complies with the awarding organisation's Conditions of Recognition, or
- (c) an informed and reasonable observer would conclude that either of these situations was the case."

More information on our regulatory responsibilities with regards to Conflicts of interest can be found here: <https://www.gov.uk/guidance/ofqual-handbook/section-a-governance>

5.6. Our stakeholders (including centres, customers and contractors)

In line with our contractual agreements, including our Centre Agreement, we expect our centres, customers and contractors:

- to read and abide by the contents of this policy
- to adhere to any contractual arrangement you may have with us in relation

- to conflicts of interest
- to have a dedicated conflicts of interest policy and procedures which can be produced on request by our colleagues, including our contractors
- to fully adhere to those policies and procedures in the identification, minimisation and mitigation of risks relating to conflicts of interest
- to declare any relevant conflicts within your centre to NCFE using the declaration form found under Forms on QualHub
- to tell us when an incident of, or a significant risk incident of a conflict of interest that may adversely affect the NCFE Group has been identified.

Stakeholders, including customers and centres, should report risks or instances of conflicts of interest as per the conditions set out in their contract and/or Terms of Agreement. Major conflicts of interest that could adversely affect NCFE should also be escalated to the Head Audit, Risk and Assurance or an Executive member. Contact details can be found on the NCFE website for ARA and Executive Team

6. Team duties

The People and Organisational Development Team (POD)

The Conflicts of Interest section on the HR system will be updated whenever there is a change in definition.

The POD Team will provide all new starters will receive a copy of the 'new colleagues' conflict of interest form' prior to commencing employment.

The ARA Team

The Head of ARA can support where necessary in terms of conflicts of interest identification and assessment. NCFE's conflicts of interest programme is monitored periodically by the ARA team in line with NCFE's risk and compliance work streams. Monitoring may typically cover:

- a review of any risk assessments undertaken in the assessment of potential conflicts of interest
- a review of training and training records
- a review of the Conflicts of Interest registered on the HR system.

7. Specific areas for consideration regarding potential conflicts of interest

7.1. Additional paid work

Colleagues are expected to devote their working time to NCFE as outlined in their contract of employment. Any colleague considering undertaking additional paid work (on either an employed or self-employed basis) or voluntary work outside NCFE must seek their line manager's written agreement beforehand, as stipulated in the colleague's contract of employment. Colleagues are not permitted to take on any such activities that could be deemed to compete or conflict with NCFE's activities.

All other individuals (e.g. contractors and quality assurance assessment related

roles) must follow the procedures set out by the relevant department within the NCFE Group and / or contained within their contract for services.

7.2. Potential for conflicts with regards to NCFE qualifications

Colleagues engaged in a team or role which has access to qualification assessment materials, content or mark schemes may not be permitted to take an NCFE qualification due to the risk of a high conflict of interest and the potential impact on our regulatory requirements. Such colleagues must speak to their line manager prior to registering for an NCFE qualification.

Anyone who has access to confidential assessment material for a qualification is not permitted to deliver external training on that qualification. Such colleagues must consult with their line manager should they wish to attend these training events.

8. Where do I record my disclosure?

Disclosure should be made via HoRace, and you must alert your Line Manager. Employees making disclosures will be asked on an annual basis to review conflicts of interest during a meeting organised by their line manager.

Those with Quality Assurance and Assessment Related roles are required to disclose via the Conflict of Interest Declaration form on the NCFE Flexible Worker Area and via the Examiner Availability form which is submitted prior to each marking window.

9. How to contact us

If you have a concern or query about conflicts of interest you can contact us via phone or email.

Audit, Risk and Assurance Team (qirc@ncfe.org.uk) or Executive Team (ExecutiveTeam@ncfe.org.uk) who may be contacted at:-

Q6 Quorum Park Benton Lane
Newcastle upon Tyne NE12 8BT
0191 239 8000*

To report a conflict of interest please follow the procedure outlined in this document. If you have already collated evidence, please also send this to us.

*To continue to improve our levels of customer service, telephone calls may be recorded for training and quality purposes. Please see our Privacy Notice (<https://www.ncfe.org.uk/privacy-notice/>) for further information on your rights and our responsibilities under the General Data Protection Regulation.

10. Governance and Control

Classification level: Public/General

Approval status: Board

10.1. Different parties and responsibilities

Date version approved: Jan 2022		
Approved by:	Executives	Register of Decision ref: D121
Next review date:	Jan 2023	Frequency: annually
Responsible Managers:	Stakeholders/Customers: Colleagues: Trustees:	Head of Audit, Risk and Assurance Head of HRD Group Governance and Exec Support Leader
Executive Owner: CRO		
Author: Responsible Managers and Executive Owner		

10.2. Change History

Date	Version	Created by	Description of change
Sept 2019	V1	Head of QIRC	Initial draft
Dec 2021	V1.1.	Rep. Managers above	Update for rebrand and minimal refresh
January 2022	V2	Head of ARA	Review and update