

# Conflicts of Interest policy

## Document Change History

This is version 4 of the RSL Conflicts of Interest Policy. This policy is for internal and external use.

This policy is subject to regular revision and maintained electronically. Electronic copies are version controlled.

This version of the policy supersedes all previous versions.

### **Version 4 (22.8.2019)**

Section Title	Change
<b>Sections 2-6 of the February 2019 policy</b>	Sections deleted.
<b>2. Who does this policy apply to</b>	New section outlining the scope of this policy.
<b>3. Identifying conflicts of interest.</b>	Redrafted to show specific types of identification.
<b>5. Managing conflicts of interest</b>	Section redrafted.
<b>6. Monitoring conflicts of interest</b>	Section redrafted.
<b>7. The role of the Quality Committee</b>	Section added.
<b>8. Conflicts of interest checklist</b>	Section added.

## 1. Definition of conflicts of interest

A conflict of interest<sup>1</sup> 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 of the development, delivery and award of qualifications in accordance 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 accordance 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.

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<sup>1</sup> As defined in the *General Conditions of Recognition* August 2018 (published by Ofqual)

## 2. Who does this policy apply to?

Conflicts of interest can take many forms (see Section 4) and apply not only to Directors, staff and contractors engaged by RSL, but also to partner organisations, centres delivering RSL Vocational Qualifications (“Centres”) and examination venues.

**RSL** takes responsibility for ensuring that it identifies and manages potential conflicts of interest where they apply to its Directors, staff and contractors.

**Centres, partner organisations and examination venues** take responsibility for identifying and managing potential conflicts of interest, reporting these regularly to RSL who is responsible for monitoring them. Centres, partner organisations and examination venues must ensure that they are familiar with the content of this policy and operate their own internal processes accordingly.

## 3. How RSL identifies conflicts of interest

Conflicts of interest are identified through:

- (a) The recruitment process for RSL staff, assessors, moderators and examiners.
- (b) Declarations of conflicts of interest made by:
  - RSL Directors
  - RSL staff, assessors, moderators, examiners, contractors, EQAs and SEQAs
  - Centres
  - Examination venues
  - Partner organisations
- (c) The monitoring of conflicts of interest:
  - By the RSL HR department for members of staff and Directors
  - By RSL staff in relation to external and freelance third-party contractors including assessors, moderators, examiners, contractors, EQAs and SEQAs.
  - By RSL for partner organisations
  - By RSL EQAs via centre monitoring visits
  - By RSL for examination venues

### **3. Examples of potential conflicts of interest**

Potential conflicts of interest could include:

- An individual entering into a financial or operational agreement with an organisation or individual in which they have a vested interest.
- The interests of one job held by an individual contradicts another job held by that same individual (eg a person working for two competing organisations or in two conflicting roles within one organisation (e.g. Assessor and Internal Verifier)).
- A partner, child, or other close relative of an individual is employed (or applies for employment) by an organisation.
- An individual carrying out assessment has personal links with the individuals they are assessing (known as interests in assessment).
- Goods or services are purchased from a relative of an individual or an organisation controlled by a relative.
- Gifts are accepted from others to promote their interests within the organisation.
- Where an EQA has personal or professional connections with centre staff at a centre to which they are assigned.
- Where an EQA and their assigned SEQA have a personal or professional relationship such as could be seen as a conflict of interest.
- Where an EQA or SEQA have a personal connection with a candidate undergoing assessment at a centre they are assigned to.
- Where an examination invigilator is the sole invigilator for an examination and that invigilator stands to benefit from positive outcomes for that exam (for example, the school owner).

### **4. Conflicts in relation to confidential materials**

RSL sets out obligations in its contractual arrangements for staff and third parties who have access to confidential assessment information which may arise from other activities they may carry out.

These contractual arrangements require staff and third parties who have, or have had, access to confidential assessment information through the assessment development process (including quality assurance) to provide details of –

- all instances in which such a person is, or has been, a Teacher for the relevant qualification, or is employed by a Centre at which that qualification is taught or delivered (even if that person does not themselves teach or deliver the qualification); and
- all other conflicts of interest including personal conflicts such as, for example:
  - where a child, sibling, or other close family member is due to take the assessment in relation to which the person has confidential

- assessment information, and
- where a partner or other close family member is teaching, or is due to teach, the relevant qualification;

## **5. Managing potential conflicts of interest**

Once a potential conflict is identified via an annual declaration or through periodic monitoring of conflicts of interest both within RSL and with centres, RSL will:

- Log the potential conflict
- Decide whether the potential conflict:
  - Does not pose a risk
  - Poses a risk if not managed appropriately
  - Poses a significant risk
- Escalate any conflicts posing a risk to the Quality Committee for a decision and action

In all cases, RSL seeks to mitigate any potential conflicts before they pose a risk to the organisation or cause an Adverse Effect.

RSL sets a 5-year limit on potential conflicts of interest. Therefore, any historical personal or professional links that an individual has with a centre, individual or organisation which have ended over 5 years from the point of declaration would not be considered as a potential conflict unless the individual declares that personal and/or professional links are still valid and may have an impact.

In cases where the potential conflict does not currently pose a risk, the conflict will be noted in the log and monitored over time to assess whether any changes to individual job roles or responsibilities might pose a risk in the future. Examples of this type of conflict may include:

- Where a contractor works for another awarding organisation but not in the same capacity or sector
- Where a member of staff has family members who may be undertaking RSL examinations but does not have responsibility for any areas of RSL operations that might put them in conflict
- Where an EQA has historical links with a centre but does not know current members of staff in a personal or professional capacity

In cases where the potential conflict may pose a risk if not managed appropriately, the conflict will be noted in the log and flagged to the Quality Committee to agree the mitigations to the conflict. These could include:

- Where an examiner or EQA declares a personal or professional relationship with an individual candidate or centre – this would involve reallocating the examiner or EQA to another examination session or centre.

- Where an RSL member of staff knows an RSL candidate – this would involve allocating the administration for that candidate’s examination to another member of staff.
- Where a committee or Board of Directors member has a potential conflict with a particular decision being made by RSL – this would involve that member absenting themselves from any decisions made.

In cases where the potential conflict poses significant risks and cannot effectively be managed by redeployment or by other form of mitigation, the conflict will be noted in the log and flagged to the Quality Committee to agree actions. These could include:

- Withdrawal of an offer of employment to a member of staff or contractor on the basis of conflict of interest.
- Sanctions to be imposed on a centre including the temporary suspension or withdrawal of approval if the conflict is not resolved by the centre within an agreed timescale

## **6. Monitoring Conflicts of Interest**

As well as the expectation that conflicts will be declared on an annual or other agreed basis by:

- Directors
- Staff
- Contractors (including examiners, assessors, EQAs, SEQAs and other contractors)
- Centres
- Examination venues
- Partner organisations

Conflicts of interest will also be monitored through:

- Monthly reports to the Quality Committee of potential conflicts for discussion and action
- Centre visits by EQAs and SEQAs to verify any declarations made by centres and investigate any potential conflicts
- Monitoring of examination venues by the RSL Exam Venue Manager
- Checks with Directors, staff and contractors that any changes to roles and responsibilities do not indicate a potential conflict
- Monitoring of partner organisations by RSL representatives

## **7. The role of the Quality Committee**

Conflicts of interest is a standing agenda item on the monthly Quality Committee meeting agenda. Conflicts of interest declarations and logs are reviewed by the

committee and any conflicts which pose a risk are discussed individually and actions agreed. These are recorded in the minutes of the meeting.

## 8. Conflicts of interest checklist

<b>Who</b>	<b>How identified</b>	<b>How managed</b>	<b>How monitored</b>
Directors	Annual declaration	Logged and noted	Via Quality Committee
Staff	Declaration on recruitment	Logged and noted	Line Managers and HR department
Contractors (examiners, EQAs, SEQAs, moderators etc)	Annual declaration	Through contractual obligations, logged and noted	Via Quality Committee and HR department
Centres	Own process for declaring internally – responsibility highlighted in centre agreement and monitoring	Centre monitoring visits and escalation from centres to RSL of any actual conflicts	Via Quality Committee
Examination venues	Own process for declaring internally – responsibility highlighted in venue approval process	Monitoring by RSL Exam Venue Manager	Via Quality Committee
Partner organisations	Own process for declaring internally – responsibility highlighted in partner annual return and monitoring	Monitoring of partners and annual return – escalation from partners of any actual conflicts	Via Quality Committee