



## BWYQ Conflicts of Interest Policy

Ofqual addresses the requirements for dealing with conflicts of interest (COI) in section A4 of the General Conditions of Recognition. They define it in section J 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.*

This is linked to adverse effects, which Ofqual define as;

*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 –*

*(i) the ability of the awarding organisation to undertake the development, delivery or award of qualifications in a way that complies 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.*

Simply put, a conflict of interest could lead to an adverse effect.

BWYQ trustee-directors need to be aware of Article 22 of the BWYQ Articles of Association, which defines what constitutes a conflict of interest

This policy, in fulfilment of Condition A4, sets out the procedures BWYQ follow to ensure that conflicts of interest are identified and addressed. The purpose of this is to minimise, and where possible avoid, actual or potential conflicts of interest leading to an adverse event.

## Responsibilities

Everyone involved with BWYQ has responsibility for identifying and managing conflicts of interest. They should inform the BWYQ Operations Coordinator or BWYQ Chair of any actual or potential conflicts of interest that could impact BWYQ. These must be reported accurately and transparently so that appropriate mitigations can be put in place.

Details of any incident, investigation and updated controls will be recorded in the conflicts of interest log. The BWYQ Operations Coordinator will notify all concerned.

If an incident is also classified as an adverse effect then the Responsible Officer (RO) must promptly inform Ofqual, detailing the steps that BWYQ have taken or intend to take to prevent, correct or mitigate the adverse effect, including any review details.

### Centre responsibilities

Centres should take conflicts of interest into account during all aspects of assessment and monitoring. Ofqual regulations say that:

*A4.5 An awarding organisation must take all reasonable steps to avoid any part of the assessment of a Learner (including by way of Centre Assessment Standards Scrutiny) being undertaken by any person who has a personal interest in the result of the assessment.*

*A4.6 Where, having taken all such reasonable steps, an assessment by such a person cannot be avoided, the awarding organisation must make arrangements for the relevant part of the assessment to be subject to scrutiny by another person.*

All centres that deliver BWYQ qualifications should;

- have a Centre Conflict of Interest Policy that details processes to identify, manage and record actual and potential conflicts of interest
- follow the procedures set out in this policy
- provide BWYQ with a copy of this policy whenever it is updated
- declare any conflicts of interest to BWYQ along with details of how they have been, or will be, mitigated.

### Conflict of Interest Log

Trustee-directors and staff complete an annual COI declaration form (see appendix ) and submit it to the BWYQ Operations Coordinator who maintains a COI register/log of ongoing declarations. These are saved on a password protected external drive and stored securely, with a backup stored in a separate secure location.

‘Conflict of Interest’ is a standard agenda item for all board of trustee-directors meetings when the agenda is reviewed and any COI is declared at the outset of the meeting. These conflicts are recorded in the Minutes and later reported to the BWYQ Operations Coordinator who adds any new COI to the register. Where necessary, trustee-directors will exclude themselves for particular agenda items that may pose a COI. Meeting records of COI will include:

- the nature and extent of the conflict;
- an outline of the discussion;

- the actions taken to manage the conflict.

Additionally, any external consultant who is brought in to review BWYQ policies or to sit on a panel investigating a malpractice or maladministration allegation must sign the COI declaration form.

## Examples of Conflicts of Interest and Possible Mitigations

The following examples are not exhaustive but indicate some potential areas where a conflict of interest may occur and how the risk of an adverse effect can be mitigated.

In all cases the conflict of interest should be declared.

Centre level:

Conflict of Interest	Possible Mitigation
An assessor assessing a family member or close friend	Assessment is undertaken by a different assessor. Where this is not possible, the COI is noted and the IQA ensures the validity of the assessment.
An IQA undertaking quality assurance for a course where a family member or close friend is a learner.	The lead IQA, or another IQA, quality assures the assessment of the family member/close friend.
An IQA undertaking quality assurance for a course where they are also an assessor	Another IQA is assigned for all of the course, or, if this is not possible, to quality assure the assessments of the original IQA.
An individual using their position in their Centre to assert an unfair influence over an assessment decision	This should be investigated for potential malpractice/maladministration as per the procedures in the Centre Malpractice and Maladministration Policy.

Awarding organisation level;

Conflict of Interest	Possible Mitigation
Contracting with a third party contractor whose access to awarding organisation systems might jeopardise learners' protected data.	No access to protected data is provided to the third party contractor.
An EQA undertaking quality assurance on a course that involves a family member or close friend.	Quality assurance relating to the family member or close friend is undertaken by another EQA.
An individual using their position at BWYQ to assert unfair influence over an assessment decision.	All personnel to receive Malpractice and Maladministration training in order to prevent contamination of the assessment decision, as per the procedures in the BWYQ 017 Malpractice and Maladministration Policy.
A trustee-director who is an assessor or IQA voting on agenda items relating to training he is involved with	The trustee-director <del>excludes themselves</del> is excluded from the discussion/voting.

## Breaches of Centre or BWYQ Conflict of Interest Policy

In all instances where there has been a failure to declare and/or mitigate for Conflicts of Interest, the BWYQ Chair will investigate. The breach will be logged along with the actions taken. If the breach constitutes malpractice or maladministration then the procedures in BWYQ 017 Malpractice and Maladministration Policy will be followed. In some instances, sanctions may be applied in line with BWYQ 018 Sanctions Policy.

## Review

The range of possible conflicts and the processes in place to prevent these will be reviewed regularly at meetings of BWYQ. Overall BWYQ's compliance with regard to identifying and managing any conflicts of interest will be reviewed regularly by the BWYQ Committee. The Conflicts of Interest Policy and process undergoes annual review but can be revised at any stage due to organizational, legislative or regulatory changes.

## Contact Details

BWYQ Operations Coordinator [bwyqcoordinator@gmail.com](mailto:bwyqcoordinator@gmail.com)

## Document History;

Date	Staff member	Action
July 2015	BWYQ Operations Coordinator and Responsible Officer Amanda Buchanan	Reviewed revised
July 2015	BWYQ Chair Paul Fox	Reviewed, amended approved
September 2016	BWYQ Operations Coordinator and Responsible Officer Amanda Buchanan	Reviewed revised
September 2016	BWYQ Chair Paul Fox	Approved
November 2017	BWYQ Operations Coordinator and Responsible Officer Amanda Buchanan	Reviewed revised
07.11.17	BWYQ Chair Mila Bogen	Approved
January 2018	BWYQ Operations Coordinator and Responsible Officer Amanda Buchanan	Minor amendments
November 2018	BWYQ Directors	Reviewed, revised Approved
December 2021	BWYQ Operations Coordinator	Reviewed and revised
December 2021	BWYQ Directors	Approved
November 2022	BWYQ Operations Coordinator	Reviewed and revised
December 2022	BWYQ Directors	Approved

## Appendix - Declaration of Conflicts of Interest Form



### BWYQ CONFLICT OF INTEREST REGISTER

#### Senior Staff, Directors and External Consultants Conflict of Interest form

Each member of BWYQ staff, including BWYQ Directors and any external consultants, must complete the following to ensure that any actual or potential conflict of interests are actively identified and managed.

Examples of conflicts of interest include;

- works for, of has worked for a centre
- has a family member working at a centre
- is a trustee/director/governor/volunteer of a centre
- has a financial stake in a centre
- is a member of an organisation that is or could be connected to BWYQ
- has a connection to a third party used by BWYQ

Name		Title/role		
Details of any external interests that may lead to a possible conflict of interest occurring.				
Signed			Date	

#### Register of interests

This Register of interests will be reported to and reviewed by the BWYQ Directors alongside the conflict of interests policy review.

Name	Conflict title	Conflict details	Date registered	Conflict controls (eg how is the potential/actual conflict being mitigated or prevented)	Additional Notes
1					
2					
3					