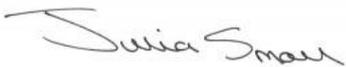




Conflicts of Interest Policy

Version	8
Date	August 2022
Reason for review	Annual review
Overview of changes	None
Reviewed by	M Lovell – Responsible Officer
Ratified by	
Date of next review	August 2023

Introduction and Policy Aim

RoSPA Qualifications is an awarding organisation recognised by Ofqual. Everyone involved in the development, delivery, or award of RoSPA Qualifications, including all recognised Centres, has an obligation to behave in such a way that does not give rise to a conflict of interest.

This document outlines our approach to identifying and monitoring all actual/potential conflicts of interest and personal interests that may affect RoSPA Qualifications both now and in the foreseeable future; and it may from time to time be provided to the regulators upon request to satisfy them of our ability to comply with their requirements in relation to conflicts of interest and to prevent such conflict becoming 'Adverse Effects' (as defined by the regulators). Thus meeting its obligations as stipulated by the General Conditions A4- see below <https://www.gov.uk/guidance/ofqual-handbook/section-a-governance>

Condition A4 Conflicts of Interest

In general terms, a conflict of interest exists when an organisation or an individual has competing interests, which might impair its or their ability to make objective, unbiased decisions.

Identifying Conflicts of interest

A4.1

An awarding organisation must identify and monitor –

- (a) all Conflicts of Interest which relate to it, and
- (b) any scenario in which it is reasonably foreseeable that any such Conflict of Interest will arise in the future.

A 4.2 An awarding organisation must establish and maintain an up to date record of all Conflicts of Interest which relate to it.

Managing conflicts of interest

A4.3 An awarding organisation must take all reasonable steps to ensure that no Conflict of Interest which relates to it has an Adverse Effect

A 4.4. Where such a Conflict of Interest has had an Adverse Effect, the awarding organisation must take all reasonable steps to mitigate the Adverse Effect as far as possible and correct it.

Interests in assessment

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.

The written conflict of interest policy

Conflicts of Interest Policy

A4.7 An awarding organisation must establish, maintain, and at all times comply with an up to date written conflict of interest policy, which must include procedures on how the awarding organisation intends to comply with the requirements of this condition.

A4.8 When requested to do so by Ofqual in writing, an awarding organisation must promptly submit to Ofqual its conflict of interest policy, and must subsequently ensure that the policy complies with any requirements which Ofqual has communicated to it in writing.

Definitions

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.

Part (a) covers conflicts of interest that relate to the awarding organisation. That is, situations where activities carried out by the awarding organisation itself (or on its behalf, or by a related company) might impair its ability to make objective, unbiased decisions about how best to develop, deliver or award its qualifications.

Part (b) covers conflicts of interest that relate to the individuals connected to any part of the development, delivery or award of its qualifications. That is, situations where a particular individual's interests might impair their ability to make the objective, unbiased decisions that are necessary to ensure the awarding organisation can develop, deliver and award its qualifications in line with the Conditions.

Part (c) extends our definition of conflict of interest to also include situations where an observer would perceive that an awarding organisation or individual has such a competing interest

What is a personal interest?

A personal interest is a conflict of interest that relates to a particular individual. All conflict of interests that fall under part (b) of our definition are personal interests, as are any perceived conflicts of interest under part (c) that relate to individuals, rather than to the awarding organisation itself.

This policy demonstrates how RoSPA Qualifications and its recognised Centres will comply with relevant regulatory requirements by:

- Taking all reasonable steps to avoid conflicts of interest including personal interest by providing a system that protects themselves and others from criticism and compromise.

Conflicts of Interest Policy

- Identifying cases of conflict of interest including personal interest and where, if necessary take action in order to minimise or eliminate the potential damage of any adverse effects that could be caused.
- Ensuring staff are trained to recognise existing or potential conflicts of interest including personal interests at awarding organisation and Centre level and are aware how to appropriately mitigate the associated risks.
- Ensuring conflicts of interest declared by awarding organisation staff are recorded, clearly stating how these conflicts have been appropriately mitigated.
- Continually monitoring existing and potential conflicts of interest at awarding organisation level.
- Ensuring recognised Centre's understand what constitutes a potential and/or actual conflict of interest including personal interest and has appropriate mechanisms in place to identify such and have a written policy that is demonstrably implemented. With conflicts of interest declared by approved Centre's that are recorded, clearly stating how these conflicts have been appropriately mitigated
- Maintaining current internal and external conflict of interest registers, updating details and removing items as appropriate on the QMS.
- Provide advice and guidance to Centre's on how to mitigate conflicts of interest and personal interests.
- Monitoring recognised Centre's management of conflicts of interest through external quality assurance activities (e.g. moderation, external quality assurance visits).
- Ensure all reasonable steps are taken to avoid Learners within recognised Centre's are being assessed by anyone with a personal interest in the outcome of the assessment, and – where it is unavoidable – to ensure any part of the assessment they do conduct is scrutinised by someone else who does not have such an interest.
- Take the necessary action to ensure the integrity of the assessment process is maintained when conflicts of interest cannot be avoided.
- Ensure that any Centre's investigations are carried out by a person with the appropriate competence such as a Head of Centre, who has no personal interest in the outcome of the assessment. (This will be a matter of judgement for RoSPA).
- Ensure that any Appeals' panel member do not have a personal interest in the assessment decision (s) being appealed, e.g. they assessed the learners work, who has made an appeal.
- Ensures that anyone with a personal interest in the outcome of an investigation into potential malpractice from carrying out investigations of suspected or alleged malpractice.
- In order to comply with Condition I1.2(c), the appeals panel would also need to include at least one decision maker who was not one of the awarding organisation's markers (and was not connected to the awarding organisation in some other way).

Conflict of Interest Principles

In implementing our approach to identifying and managing actual/potential conflicts of interest/personal, staff are required to abide by the following principles:

Conflicts of Interest Policy

- All staff **must** commit to identifying and managing all actual/potential conflicts of interest that may affect RoSPA Qualifications and in doing so raise possible conflicts of interest with Responsible Officer if in doubt.
- Staff must be proactive in the identification and management of conflicts of interest that may affect our effectiveness, level of regulatory compliance and/or reputation.
- Staff must be open about the nature of any potential/actual conflicts of interest and not try to hide or present them in a better light – managing conflicts of interest is about preventing issues from occurring that may impact on our operational effectiveness and/or regulatory compliance.
- Strive to identify and deal with conflicts of interest sooner rather than later.

Our controls to managing any potential conflicts of interest must be proportionate to the risks associated with the identified conflict(s).

RoSPA Qualifications implementation of Responsibilities

Identifying conflict of interest

All RoSPA Qualifications staff must be aware how to identify existing or potential conflicts of interest at awarding organisation and Centre level. Conflicts of interest that are not identified and/or mitigated appropriately could lead to the occurrence of an Adverse Effect with respect to the delivery of qualifications and Learner assessment.

An Adverse Effect is defined (by Ofqual) as: An act, omission, event, incident, or circumstances 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 accordance with its Conditions of Recognition*
- II. the standards of qualifications which the organisation makes available or proposes to make available, or*
- III. public confidence in qualifications*

In order to maintain regulatory compliance, staff responsible for recognising Centre recognition applications, managing recognised Centres carrying out external quality assurance visits, will be appropriately trained and updated in recognising conflicts and how to manage them.

Responsibility to declare a conflict of interest within RoSPA

All RoSPA staff including Governing Body members have a responsibility to declare any existing and/or potential conflicts of interest including personal conflicts that may have an effect on how they carry out their role. RoSPA Staff are required to submit a declaration of interest form containing full details of all identified conflicts and any actions taken as appropriate mitigation. If the circumstances relating to any declared conflict of interest change at any stage, staff are required to provide updated details to ensure records held by RoSPA qualifications are current and accurate-. A declaration of interests form will be provided for this purpose annually, listing the types of interest that should be declared, this is in-line with the RoSPA qualifications Conflict of Interest Policy

Conflicts of Interest Policy

Recording Conflicts of interest

Identified and potential conflicts of interest including personal interests both internal RoSPA Qualifications and at Centre level ; will be recorded on the Qualification Management System, in the format below:

Item Ref	Conflict Title	Type	Likelihood	Impact	Conflict Rating	Trend	Review date	Staff member (if relevant)	Conflict owner	Centre conflict?	Linked items	Status	Date last modified	Last modified by
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Monitoring conflicts of interest

As a recognised awarding organisation, RoSPA is required to monitor all conflicts of interest that relate to it both internally and externally in order to maintain compliance with regulatory requirements.

RoSPA monitors external conflicts of interest through various activities, including

- **Processing Centre Recognitions**— All applicants are asked to provide their conflict of interest policy and how conflicts are managed and if this is not the case, the applicant will be contacted to submit one.
- **Moderation activity**- External verifiers are responsible for carrying out moderation activity on the course and Learner assessment paperwork completed and submitted by Centre’s delivering RoSPA qualifications. Through this activity, checks are made to ensure that any existing conflicts of interest previously declared by the Centre or any conflicts of interest declared relating specifically to the course delivered (e.g. a Trainer/ Assessor is related to a Learner/ or Assessor related to an Internal verifier) have been managed/mitigated appropriately. If it is identified through these checks that any conflict of interest has not been managed/mitigated appropriately, the Centre will be contacted to discuss the scenario to ensure they have a clear understanding of the requirements in this respect and to inform them how such conflicts should be managed. The Centre’s risk rating maybe increased in light of these findings and actions applied to the Centre and issues relating to these conflicts
- **External quality assurance visits** – External Verifiers (EV’S) are responsible for carrying out external quality assurance visits at approved Centre’s with a view to ensuring they continue to meet all QA and regulatory requirements. Through the course of these visits, EVS will discuss existing and potential conflicts of interest with Centre staff and Trainers/Assessors and IQAs to ensure there is a clear understanding of the requirements relating to these and how these should be managed/mitigated.
- **Internal quality assurance monitoring** – External verifier’s allocated to a Centre are responsible for monitoring the frequency and quality of the internal quality assurance activity carried out by the Centre’s If it is identified through this activity that any previously declared conflict of interest (e.g. between IV and a Trainer/Assessor) or any conflict of interest/ personal conflict relevant to a specific course has not been managed/mitigated appropriately, then the Responsible Officer will contact the Centre to discuss the scenario and ensure IV’s at the Centre are aware of how to identify and manage/mitigate conflicts of interest. The External Verifier will also discuss any issues relating to internal quality assurance and the identification of conflicts of interest through the course of external quality assurance visits.

Conflicts of Interest Policy

- **Monitoring Conflicts of Interest Disclosure Forms received within RoSPA –** The Responsible Officer is responsible for checking and recording the details of Conflict of Interest Disclosure Forms received from approved Centre's, governing body and members of staff. The Responsible Officer will check the details of these and that the mitigation of the conflict provided on the form is appropriate and log on the Conflicts register within the Qualification management system. At each Governing Body meetings the conflicts including personal interests are not appropriately mitigated, the Centre's and individuals will be contacted to discuss the scenario and ensure there is a clear understanding of the requirements.

Taking action to mitigate and manage conflicts of interest

Through the course of any monitoring activity, if RoSPA staff identify that any conflict of interest has not been disclosed or managed/mitigated appropriately by a Centre then action will be taken to ensure that compliance is maintained. Such action includes:

- giving an action to a Centre in relation to conflicts of interest (with a view to restoring compliance)
- ensuring that course and Learner assessment paperwork be submitted for moderations and scrutiny
- a Centre visit to discuss conflict of interest identification, management and mitigation
- in situations where approved Centre's repeatedly fail to manage conflicts of interest in line with RoSPA Qualifications and regulatory requirements, sanctions maybe imposed on the Centre (please refer to the Sanctions Policy for further details).

Reporting on our arrangements between within RoSPA Group

Due to the potential for possible/actual conflicts of interest within the RoSPA Qualifications group Governing Body meetings will have a standard agenda item to review/receive an updates on our arrangements for preventing/dealing with possible scenarios. The meetings will have access to, and will review; the conflicts of interest log in the system (as illustrated above) per meeting.

Centre responsibilities

With respect to conflicts of interest, recognised Centres must do the following to ensure ongoing compliance:

- Ensure Centre staff understand what constitutes a potential and/or actual personal/ conflict of interest and are aware how to identify and mitigate conflicts of interest.
- The Head/Appointed Person for each Centre must ensure that all Centre staff or third parties such as Trainers/ Assessors/IV's involved in the delivery or administration of RoSPA qualifications must be able to identify any existing or potential conflicts of interest as and when they arise.
- Prior to obtaining approval, prospective Centre's are required to confirm all staff involved in the delivery of RoSPA qualifications have read and understood the content of this Conflicts of Interest Policy.
- Have a functioning Conflicts of Interest policy that takes steps to avoid or mitigate any existing or potential conflicts of interest.

Conflicts of Interest Policy

- Centres must manage working arrangements to avoid identified conflicts of interest as much as possible. For example, if a Centre staff member is undertaking assessment at a Centre and two out of three Trainer/Assessors are related to the staff member, then the assessment should be assessed by the unrelated Trainer/Assessor. Where the identified conflict of interest is unavoidable, particularly in relation to Learner assessment, it is important to ensure that independent scrutiny occurs to mitigate the conflict.
- Declare all identified (potential and/or actual) conflicts of interest, which will have an impact on Centre operation and the delivery of RoSPA Qualifications. These will be checked during Centre monitoring visits (In order to do this, a Conflict of Interest Disclosure must be completed). Centres must ensure that these forms contain all details of the conflict of interest that has arisen and the actions that have been taken to either avoid or mitigate the conflict.
- Centres must inform RoSPA if there are any changes in circumstances relating to previously declared conflicts of interest. Centres must also ensure that their own conflict of interest records are updated when changes in circumstances occur or new conflicts are identified.
- Ensure independent scrutiny takes place if a conflict of interest cannot be avoided when delivering a RoSPA Qualifications. Conflicts of Interest that cannot be avoided through qualification delivery can also be mitigated through external scrutiny by RoSPA staff. For example, the Centre can request that an EV be present during course delivery and Learner assessment (there may be a cost involved in this).
- In terms of appropriately mitigating conflicts of interest, it is important that Centre's are aware that conflict mitigation requires to take place at the time of course delivery and Learner assessment, rather than after the event. (This ensures the level of independent scrutiny required to provide assurance that course delivery and Learner assessment has been carried out fairly, and in line with all RoSPA requirements).
- Ensure that actions given by RoSPA Qualifications relating to conflicts of interest are carried out if any Centre has been given an action through the course of any monitoring activity with respect to conflict of interest management, this action must be carried out with a view to maintaining ongoing compliance.

Dealing with conflicts of interests and/or breaches to the procedures outlined in this policy

Should any staff believe there has been a breach of this policy, or unforeseen conflicts of interest emerge, the Responsible Officer must be informed and an investigation carried out immediately along with a review of the associated procedures?

Should an external party feel there has been an actual conflict of interest involving RoSPA Qualifications then they should raise the matter with relevant management member of staff and/or the Governing Body in accordance with the escalation arrangements in the log shown below. The relevant manager and/or Governing Body will then lead on an investigation into the incident and will ensure that the person(s) assigned to the investigation does not have any personal involvement/interest in the allegation.



Conflicts of Interest Policy

Details of the incident, investigation and updated controls will be recorded in the relevant record in the conflicts of interest log. Upon updating the record in the system (or adding a new record) the system will send an email alert to all members of the Management team to inform them of the change.

At all times we will ensure that personnel assigned to the investigation have the appropriate level of training and competence and they have had no previous involvement or personal interest in the matter.

If the breach is also classified as an Adverse Effect then the Responsible Officer, must promptly inform Equal in accordance with our procedure for dealing with Adverse Effects (see Governance Manual for further details). In doing, they will inform Ofqual of the reasonable steps that we have taken or intend to take to prevent, correct or mitigate the Adverse Effect. Including a details of any reviews we are/will carry out.

Review arrangements

We will review this document once per year as part of our self-evaluation arrangements. However, a review will be commissioned earlier should an issue arise in relation to an actual or potential conflict of interest and/or in response to customer, learner or regulatory feedback.

Contact

If you've any queries about the contents of the policy, please email RoSPA Qualifications on enquiries-rq@ROSPA.com Telephone 0121 248 2115 or write to the address below:

RoSPA Qualifications
RoSPA House
28 Calthorpe Road
Birmingham



Conflicts of Interest Policy

Examples of Conflicts of Interest as taken from <https://www.gov.uk/guidance/ofqual-handbook/section-a-governance>

Example 1

An awarding organisation produces equipment or materials (such as textbooks) used in the teaching or assessment of its qualifications.

A conflict of interest arises here because the awarding organisation's decisions and actions in relation to its qualifications might also affect those other activities. For example, a decision to revise the content of the qualification might also create a commercial opportunity for the awarding organisation to sell new equipment or materials to Centres offering its qualifications.

In turn, consideration of these other commercial interests could impair – or be perceived to impair – the awarding organisation's ability to make objective, unbiased decisions about how best to develop, deliver or award its qualifications.

Example 2

An awarding organisation is part of a Group, and another company within Group operates a number of Centres delivering its qualifications.

A conflict of interest arises here because the awarding organisation's decisions and actions in relation to its qualifications will also affect that sister company – for example, by imposing costs or administrative burden.

In turn, consideration of the interests of this related company could impair – or be perceived to impair – the awarding organisation's ability to make objective, unbiased decisions about how best to develop, deliver or award its qualifications.

In particular, the awarding organisation might have – or be perceived to have – an incentive not to uphold qualification standards if that would advance the commercial interests of the other Group company.

Example 3

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.

Example 4

An awarding organisation has received an allegation of malpractice, and is deciding who should investigate it.

Condition A8.3 (b) requires investigators to be 'persons of appropriate competence'. In this case, one individual who meets that requirement is the Head of Centre. Condition A8.3 (b) also requires investigations to be undertaken by 'persons ... who have no personal interest in their outcome'. Whether or not the Head of Centre has such a personal interest here will depend on the facts of the case. It will be a matter of judgement for the awarding organisation.

Examples of situations where a Head of Centre has a clear personal interest in the outcome of an investigation would include cases where:

- the Head of Centre is accused of, or potentially implicated in, the alleged malpractice,
- The Head of Centre is related to, or has a close personal relationship with, any of the individuals accused of malpractice, and
- a finding of malpractice would have direct financial consequences for the Head of Centre (for example, if it would place a performance-related bonus, or their job, at risk).

Other cases will be less clear-cut, and awarding organisations may need to consider factors such as the nature, scale and scope of alleged or suspected malpractice when deciding whether or not the Head of Centre can conduct the investigation.

In broad terms, a Head of Centre is more likely to have (or be perceived to have) a personal interest in the outcome of an investigation where the alleged malpractice is more cultural or systemic.

Another factor awarding organisations may need to consider is the potential consequences of a finding of malpractice for the Centre (and, by extension, the Head of Centre). Such findings can affect the outcomes achieved by Learners, and the Centre's results in Government performance tables. They can also result in disciplinary action against Centre staff, which might disrupt the running of the Centre – significantly so if multiple staff members were implicated in the malpractice.

The greater the potential impact on the Centre, the more likely it is that the Head of Centre will have (or be perceived to have) a personal interest in the outcome of a particular investigation.

There will also be situations where a member of the Centre's staff who is not a Head of Centre could conduct an investigation. They must also meet the requirements of Condition A8.3(b). Many of the factors outlined above in respect of whether Heads of Centre have a personal interest in the outcome of an investigation may similarly be relevant for other Centre staff. Whether or not an individual has (or would be perceived to have) a personal interest will be a matter of judgement for the awarding organisation

Example 5

An awarding organisation uses a large pool of markers for its assessments. Some of the more experienced markers also act as members of a panel which determines appeals.

One appeal involves a Learner whose work was originally marked by one of the panel members. A conflict of interest arises here in relation to that panel member – because it is their own marking decisions that are being scrutinised on appeal.

That also means the panel member would have a personal interest in the decisions being appealed, because the appeal would determine whether or not those marking decisions were appropriate. As a result, Condition I1.2 (b) would prohibit that panel member from taking decisions on this appeal. They would, however, be permitted to adjudicate appeals for other Learners whose work they had not marked. In order to comply with Condition I1.2(c), the appeals panel would also need to include at least one decision maker who was not one of the awarding organisation's markers (and was not connected to the awarding organisation in some other way).

Example 6

An awarding organisation pays individuals who determine appeals. A conflict of interest arises here because the fact that the individual is paid the awarding organisation (a party to the appeal) creates - or could be perceived to create - an incentive for the individual to make decisions on appeal cases that favour the awarding organisation.

In this instance, a degree of conflict of interest is largely unavoidable, as it would be unrealistic to expect the awarding organisation to use unpaid volunteers to determine appeals. Our rules reflect this, and Condition I1.2 (b) only prohibit individuals from taking decisions on appeals if (as in Example 5) they have a personal interest in the decision being appealed.

Rather, Condition A4 requires the awarding organisation to monitor and manage that conflict of interest to prevent it having an Adverse Effect, and to mitigate and correct any Adverse Effect that nonetheless occurs.

<https://www.gov.uk/guidance/ofqual-handbook/section-a-governance>



Conflicts of Interest Policy

Appendix 1 – Declaration of interest form

Each member of staff, including Governing Body members must complete the following template to help ensure RoSPA Qualifications actively identifies and manages any potential conflicts of interest.

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



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VAT Registration No. 655 131649