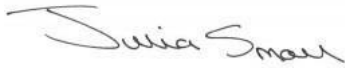




Conflicts of Interest Policy

Version	8
Date	August 2023
Reason for review	Annual review
Overview of changes	<ol style="list-style-type: none"> 1. Policy Scope (new section) Page 2 2. Risk Management (new section) page 5 3. RoSPA Staff responsibility to declare a conflict of interest (now includes board of trustees) page 7 4. Arrangements within the RoSPA Group (new section) Page 7 5. Centre responsibilities- Includes examples of Conflicts of interest within a Centre page 9
Reviewed by	M Lovell – Responsible Officer D Clueit – External Verifier
Ratified by	
Date of next review	August 2024

Introduction

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

This document outlines our approach to managing conflicts of interest 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 an '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>

Scope

This policy applies to all individuals working for or on behalf of RoSPA Qualifications, including, members of the Board of Trustees (BOT) RoSPA Qualifications Governing Body, external contractors, third party suppliers, Centres, customers, any associates and any subsidiaries or their employees.

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.

A4.2 An awarding organisation must establish and maintain an up-to-date record of all conflicts of interest which relates 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

A4.4. 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.

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.

Risk management in relation to conflicts of interest

Assessing the risks to RoSPA Qualifications arising from potential conflicts of interest is an integral part of our 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 in line with this policy and escalated to the governing body where appropriate. Documented conflicts of interest will be monitored closely, particularly during periods of change, to mitigate the possible impact of any potential Adverse Effect, (see definition below) as specified in our regulators' Conditions of Recognition.

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 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.

RoSPA Qualifications responsibilities

To comply with the relevant regulatory requirements RoSPA Qualifications and its recognised Centre's will:

- Take all reasonable steps to avoid conflicts of interest, including personal interest by providing a system that protects themselves and others from criticism and compromise
- Ensure RoSPA Qualifications staff are trained to understand how to recognise existing, actual, or potential conflicts of interest, including personal interests at Awarding Organisation and Centre level and understand how to appropriately mitigate the associated conflicts
- Identify cases of conflict of interest including personal interest and where, if necessary, take action to mitigate or eliminate the potential damage of any adverse effects that could be caused
- Ensure conflicts of interest declared by awarding organisation staff, members of the Board Of Trustees and Governing Body are clearly recorded stating how these conflicts have been appropriately eliminated/mitigated, with review dates
- Maintain an up-to-date conflict of interest register on the Qualification Management System (QMS), which is monitored and reviewed based on its risk level
- Ensure all recognised Centre's have a written conflicts of interest policy that is implemented and demonstrates an understanding of what constitutes a potential and/or actual conflict of interest including personal interests how they identify, eliminate /mitigate and review any conflicts of interest

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- Conduct on-going monitoring of recognised Centre's management of conflicts of interest procedures through Centre monitoring activities, e.g. moderations, Centre visits including quality assurance
- Take all reasonable steps to ensure learners registered with recognised Centres are not assessed by anyone with a personal interest in the outcome of the assessment, and where it is unavoidable 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 the Head of Centre, who has no personal interest in the outcome of the assessment. (This will be a matter of judgement for RoSPA Qualifications)
- Ensure any appeals panel includes at least one decision maker who was not one of the awarding organisation's moderator's/ external verifier (EV) or connected to the awarding organisation in some other way). Condition I1.2(c)
- Ensure that anyone with a personal interest in the outcome of an investigation into potential malpractice, does not carry out investigations of suspected or alleged malpractice

RoSPA Qualifications arrangements for implementation of conflict of interest

Identifying conflict of interests

All RoSPA Qualifications staff understand 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 assessments.

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

RoSPA Qualifications staff responsibility to declare a conflict of interest.

All RoSPA Qualifications staff, including governing body members, have a responsibility to declare any existing and/or potential conflicts of interest including personal conflicts that may influence how they carry out their role. A declaration of interests' form will be provided to all staff, outlining the types of interest that should be declared, in line with this policy. The Responsible Officer reviews all completed declaration of interest forms and takes the necessary actions to record and appropriately eliminate or mitigate risks.

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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.

Managing Conflicts

All conflicts are documented in a conflicts of interest register, which is held on the Qualification Management System (QMS) **see below**. Which is maintained and monitored by the Responsible Officer (RO). This records the nature of the conflict/ title, the mitigating actions to be taken and the timescales for any actions.

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 an awarding organisation, RoSPA Qualifications is required to monitor all conflicts of interest that relate to it, both internally and externally, to maintain compliance with regulatory requirements.

Processing Centre recognitions. All Centre applicants are asked to provide their conflict-of-interest policy to demonstrate how conflicts are managed and if this is not the case, the applicant will be contacted to submit one.

Moderation. External Verifiers (EVs) are responsible for carrying out moderations for practical skills-based assessments and completed learner assessment paperwork. 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 as a result of these findings and actions applied to the Centre.

Centre external quality assurance visits. External Verifiers (EVs) are responsible for carrying out external quality assurance visits at recognised Centres with a view to ensuring they continue to meet all the quality assurance 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.

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Internal quality assurance monitoring – EVs allocated to a Centre are responsible for monitoring the frequency and quality of the internal quality assurance completed by the Centres. If it is identified 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 the Centre are aware of how to identify and manage/mitigate conflicts of interest. The EV 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 with a visit report sent to the Centre outlining the visit findings and any required actions.

Monitoring Conflicts of Interest Disclosure Forms received within RoSPA Qualifications – The Responsible Officer is responsible for checking and recording the details of all completed and on-going monitoring. At each governing body meeting, any conflicts including personal interests that 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.

Arrangements within the RoSPA Group

RoSPA Qualifications (awarding organisation) is part of the RoSPA group. This relationship creates intrinsic actual and some potential, conflicts of interest. Assessing the risk to RoSPA Qualifications (awarding organisation) of these conflicts of interests arising from this relationship is an integral part of RoSPA'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.

To ensure regulatory compliance with this relationship the arrangements below are implemented:

- Completion of a systematic breakdown of all the tasks situations and activities undertaken for each shared resource within the RoSPA Group to identify conflicts of interests (actual, personal and potential), with identified conflicts recorded on the QMS, eliminated and mitigated as far as possible. With monitoring as part of overall risk management and internal control processes
- RoSPA group staff receive conflict of interest training as part of their Organisational Induction program to ensure they understand their role and responsibilities in relation to conflicts of interest and requirements to declare any conflicts with additional input around departmental scenarios, if required. Mandatory annual training is provided to all shared resources for relevant conflict of interest scenarios and repeated if there are any changes
- RoSPA Governing Body meetings have a standard agenda item to review/receive updates on our arrangements for preventing/dealing with possible scenarios. They will have access to and will review the conflicts of interest log in the system (as illustrated above) at each meeting.
- All RoSPA documents in the public domain will make it explicit that RoSPA Qualifications operates independently from all other areas of RoSPA Group

Centre responsibilities

Conflicts of interest in a Centre can arise in a variety of circumstances (this list is not exhaustive and is intended for guidance only)

- A person undertaking assessment has an interest in the outcomes of the assessment, for example:
 - an internal assessor verifies their own assessments
 - an assessor assesses the work of a person connected to them
 - an assessor's pay is determined by the outcomes of assessments undertaken by them
- Where there may be a conflict between income and regulatory responsibilities

It is a requirement of Centre recognition approval, that Centres must have a functioning policy in place that sets out the process to identify, manage, record and monitor arrangements. The policy must also include procedures for avoiding conflicts of interest and where a conflict of interest cannot be avoided, Centres **must** take all reasonable steps to avoid any part of the assessment and verification of a learner's work being undertaken by any person who has a personal interest in the result of the assessment. This includes internal marking, assessments and quality assurance activities. The assessor role and the internal verifier role **must** be carried out separately. The assessor cannot quality assure their own assessments as this presents a conflict of interest. Where individuals have a personal interest in assessment decisions for a particular learner, they must not be involved in the assessment or the quality assurance for that learner. In cases where this does happen, the Centre must ensure that the assessment process is subject to scrutiny by those without personal interest.

Centres need to:

- Record all conflicts in a conflicts of interest register which is maintained and monitored on an ongoing basis. The Centre's conflict of interest register should record the nature of the conflict, the mitigating actions to be taken and the timescales for these actions. The Centre's management team should **regularly** review potential conflicts to ensure that appropriate mitigation factors are in place
- Ensure Centre staff understand what constitutes a potential and/or actual personal/ conflict of interest and are aware of how to identify and manage 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
- Before delivering RoSPA qualifications Centres are required to confirm all staff involved in delivery have read and understood the contents of this Conflicts of Interest Policy
- 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 (to do this, a conflict of interest declaration 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

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- Centres must inform RoSPA Qualifications 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 Course. 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 is required to take place at the time of course delivery and 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 Qualifications 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 any monitoring activity with respect to conflict of interest management, this action must be carried out with a view to maintaining ongoing compliance

RoSPA Qualifications action, for Centre non- compliance of this policy

If it is identified through our monitoring activities that any conflict of interest has not been declared or managed appropriately by a Centre, then action will be taken to ensure that compliance is maintained. Such action includes:

- Issuing an action to a Centre in relation to conflicts of interest (with a view to restoring compliance)
- Centre visit to discuss conflict of interest identification and management
- In situations where approved Centre's repeatedly fail to manage conflicts of interest in line with RoSPA Qualifications and regulatory requirements, sanctions may be imposed on the Centre (please refer to the Sanctions Policy for further details)

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

Should any member of 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 the 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.



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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 Ofqual 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 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

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 the Group operates several 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 an 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 assessments 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 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 members would have a personal interest in the decisions being appealed, because the appeal would determine whether 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. 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.



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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