

ITC First

**P13
Conflicts of Interest Policy [1.3]**

February 2020

ITC First

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Website Access

For all policy statements and downloadable documents,

Upload to:

Ofqual Portal	SQA Accreditation SharePoint	ITC WebOffice Support Resources	ITC Public Website	ITC Server
x	✓	✓	✓	✓

Conflicts of Interest Policy

1. Overview

- 1.1 A Conflict of Interest [COI] for Awarding Organisations is defined by Ofqual (A4.1), and this policy document will apply that definition when referring to conflicts of interest.
- “A4.1 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 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“
- 1.2 SQA Accreditation has a somewhat briefer definition which is “A situation in which an individual, or organisation, has competing interests or loyalties”. Neither contradict each other and so both are considered in this policy.
- 1.3 This policy describes how conflicts of interest are identified, managed and monitored.

2. Conflicts of interest that may arise within the delivery and awarding of qualifications

Conflicts of interest are many and varied and a general overview is given here. Clearly there can be more and hence this list within section 2 is not exhaustive.

- 2.1 The main concern for a conflict of interest is where a learner could be disadvantaged or given an advantage by an Assessor/Centre in regard to a qualification. Any conflict of interest in such cases must be declared.
- 2.2 Another conflict of interest is where the Internal Quality Assurer gives an advantage or disadvantage to an Assessor in their annual observation of assessment decisions/CPD/standardization events. Within independent sole trader Centres delivering First Aid this becomes more likely due to Internal Quality Assurance being undertaken by other traders operating within the Cluster set up.
- 2.3 Conflicts of interest can arise by External Quality Assurers (EQA) giving a Centre an advantage or disadvantage via their EQA report and action plan.
- 2.4 Conflicts of interest can also arise in the opposite direction whereby IQAs and EQAs feel pressurised by a Centre or Assessor to act contrary to the situation due to a conflict of interest.
- 2.5 Conflicts of interest can also arise between staff at ITC and Centres whereby ITC staff may give an advantage or disadvantage to certain Centres due to a conflict of interest and award/not award certificates regardless of the achievement of the learner.

3. Identifying conflict of interests

- 3.1 All Senior Officers of ITC are required to make an annual declaration of any conflicts of interest and how they will be mitigated via form U1. These identified conflicts of interest are logged on the register, RE3 which is part of the electronic PCAP. This has been a requirement due to ITC being a family-run business.
- 3.2 All external quality assurers are required to identify any relationships with Centres and/or their staff to enable appropriate allocation of EQAs to each Centre. All EQAs complete form EV9 annually and discuss these possible conflicts of interest with the Chief Verifier.
- 3.3 All Centres are required to have their own Conflicts of Interest Policy and ITC requests a declaration from a Centre initially, form D1. ITC provides a template policy for Centres to use if required. Some Centres choose to repeat the completion of form D1 each year, depending upon frequency of staff and Centre-remit changes.
- 3.4 Many conflicts of interest however often arise when a learner arrives on a course and so there are issues to be addressed at this point (see section 4).
- 3.5 The Centre approval process by ITC is the first stage when a conflict of interest may be identified by ITC and/or the Centre and prior to the Centre Agreement, discussions will occur to mitigate any conflict of interest. A D1 will need to be completed. This stage may identify potential conflicts of interest between a Centre and a Cluster IQA or an EQA.
- 3.6 Throughout the delivery of qualifications by a Centre, EQA visits occur at timely intervals, whether announced or unannounced and these also enable potential conflicts of interest at a Centre to be identified.
- 3.7 The roving EQA role and oversight of all action plans and EQA activity by the Chief Verifier also enables the detection of conflicts of interest by ITC.
- 3.8 The procedures and policies of ITC, and Centres, are designed to enable conflicts of interest to be detected and managed to avoid adverse effects arising due to conflicts of interest.

4 Managing conflicts of interest

- 4.1 The main concern for a conflict of interest is where a learner could be disadvantaged or given an advantage by an Assessor/Centre in regard to a qualification. Any conflict of interest in such cases must be declared and appropriate actions taken to mitigate the conflict. ITC has to confirm under Ofqual Condition of Recognition A4.5, that it takes all reasonable steps to avoid any part of the assessment of a learner (including by way of quality assurance) being undertaken by any person who has a personal interest in the result of the assessment. Where, having taken all such reasonable steps, an assessment by such a person cannot be avoided ITC will ensure that arrangements (i.e. mitigation) are made for the relevant part of the assessment to be subject to scrutiny by another person as detailed below.
 - a) In the majority, if not all of cases, the integrity and honesty of the Assessor will ensure that no advantage or disadvantage is given and IQA or EQA activity will confirm this.
 - b) if an Assessor feels they will be under pressure from a learner to give an advantage, then another Assessor/member of Centre staff needs to be present to manage the situation or the learner offered an alternative course with a different Assessor

- c) if an Assessor believes they will inadvertently advantage or disadvantage a learner then they should request an additional Assessor be present or request the learner attends a course with a different Assessor
 - d) ITC should be notified of any conflict of interest if the above occurs in regard to a course/qualification. The Centre must identify this occurrence on form 06 (End of Course Delivery) and the mitigation/outcome for the scenario. If a new course is to be offered or an alternative assessment date then form C7 (Special Considerations) may need to be completed.
- 4.2 The other scenarios are managed by appropriate professional behaviour and following the policies and procedures of ITC. When conflicts of interest are identified, ITC and Centres will discuss with EQAs and IQAs too as to the appropriate measures that can be put in place to ensure adverse effects do not occur due to conflicts of interest.
- 4.3 An example of how this is managed is by an EQA not interacting with a Centre that it has worked for as an Assessor or IQA for a minimum of 7 years so that there can be no misplaced loyalty. (EV9).
- 4.4 In terms of ITC Senior Officers there may be conflict of interests declared to individual Centres due mainly to the nature of the first aid profession, and hence these conflicts of interest are managed by another Senior Officer dealing with awarding, certification and any other interaction with the Centre that could be unduly influenced.
- 4.5 All conflicts of Interest that arise or are declared are monitored by the Quality and Compliance Manager and recorded on the electronic register, RE3.
- 4.6 The Policy Review Committee oversees all activities including conflicts of interest and has incorporated it into its terms of reference (CG1, Section 8.2e) and also within the job descriptors of the Quality and Compliance Manager (JD16, Section 2.2 c (II)), the Chief Executive Officer (JD15 Section 2.2 f(ii)) and the Awards Manager (JD1, Section 2.2 e(v)).
- 4.7 The Senior Officers and Governing Body of the Policy Review Committee are ultimately responsible for monitoring the effectiveness of ITC documented procedures including conflict of interest mitigating measures. Conflict of interest is considered as part of Policy Review Committee meetings. Where conflict of interest is identified the Policy Review Committee will take appropriate action to mitigate or remove the conflict. Identified conflict of interest will be reported, with any subsequent action (and monitoring) recorded in RE3 and on the PCAP (Policy Committee Action Plan).
- 5. Compliance with Regulatory Conditions**
- 5.1 ITC will comply with the regulatory conditions by
- a) updating this policy as required,
 - b) reviewing evidence regarding conflicts of interest by the Policy Review Committee, at least once annually,
 - c) a written summary of conflicts of interest is provided for the Policy Review Committee to review, by the Quality and Compliance Manager (JD16 section 2.2 c (ii)),
 - d) RE3 will form part of Policy Committee Action Plan,
- 5.2 ITC agrees to comply with the following regulatory statement from Ofqual:

“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.”

- 5.3 ITC agrees to comply with the following extract from the SQA Accreditation Regulatory Principles (2014) in regard to Supplementary Information for Principle 1 *“The awarding body must demonstrate effective governance arrangements which support awarding body functions. Consideration should be given to:
.... Conflicts of interest..... The awarding body must nominate an Accountable Officer and deal with SQA Accreditation in an open and cooperative way and disclose anything which SQA Accreditation would reasonably expect to be made aware.”*

6. Strategic conflicts of interest

- 6.1 ITC Governing Body recognises that conflicts of interest potentially exist at the strategic or commercial/business level. The Policy Review Committee is to review this level of conflict of interest when reviewing the annual Business Report, new qualification proposals (BP5) and the Policy Committee Action Plan.