

Conflict of Interest Policy and Procedure – Ref: AB/POL/0001/Jan21/V07

History

Date	Amendments made
Dec 2020	Revision of policy to address changes to the General Conditions of Recognition
September 2019	Revision of policy to address Ofqual Consultation on changes to the General Conditions of Recognition Inclusion of a recording template (Appendix A) Review and amendment of potential conflict scenarios
July 2019	Merging of Conflict of Interest Policy AB/POL/0001/July18/V04 with Conflict of Interest Procedure AB/PRO/0001/Jul18/V06 (now deleted). Thorough review and amendment of both original documents in line with new internal Conflict of Interest considerations and revised contractor processes. Inclusion of information from Ofqual General Conditions of Recognition and SQA Regulatory Principles
January 2021	Amended to make more distinct the responsibilities of both the CMI awarding body and those of the CMI Centre and to include the updated GCoR Nov 2020

Distribution

- All Quality Managers
- All Lead Moderators
- New Partner Relationship Manager
- Customer Service team
- Assessment and Support Coordinator
- HE Partnership Support Executive
- Digital Delivery
- Quality Auditor
- All CMI Approved and Registered Centres via CMI website

Scope

This policy applies to all CMI staff (including contractors), plus the CMI Regulatory Compliance Committee (RCC), CMI Board of Trustees and all staff of CMI Approved and Registered Centres.

Purpose

The purpose of this policy is to set out the guidelines and procedures for identifying, monitoring and managing actual, perceived and potential conflicts of interest relating to the design, development delivery or award of CMI qualifications.

At CMI centres (including CMI acting as a 'Centre') this relates to the delivery and assessment of qualifications including internal verification and external moderation.

The document itself can be used as a template for Centres wishing to create their own policy in line with CMI requirements. In completing and submitting a customised version of this template to the CMI HUB, a Centre acknowledges that there is a requirement to avoid, minimise or eliminate any conflicts of interest.

Introduction

This document applies to all framework qualifications. These include the Regulated Qualifications Framework (RQF), the Scottish Credit and Qualifications Framework (SCQF) and the Credit and Qualifications Framework for Wales (CQFW). This policy provides clear arrangements for making identification and management of conflicts of interest in relation to CMI qualifications. This policy sets out:-

- Regulatory requirements
- Definition
- Identifying potential conflicts
- Managing potential conflicts

Please note that references to 'CMI staff' throughout this document should be taken to include both salaried employees of CMI as well as individuals contracted by CMI for specific services e.g. marking, moderation, consultancy etc.

Please note that references to 'CMI Centre staff' throughout this document should be taken to include both salaried employees of the organisation (an Approved or Registered Centre) as well as individuals contracted by the CMI Centre for specific services.

Regulatory Requirements

This policy meets the regulatory requirements set out by the Ofqual/CCEA Regulation/Qualifications Wales General Conditions of Recognition (November 2020):

Condition A4 Conflicts of Interest:

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 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

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.

The written conflict 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.

SQA Accreditation's Regulatory Principles (2014) state in Condition 1:

"The awarding body shall have clearly defined and effective governance arrangements. The awarding body must demonstrate effective governance arrangements, which support awarding body functions. Consideration should be given to:

- key committees and groups,*
- partnership arrangements,*
- conflicts of interest,*
- policies and procedures,*
- organisational structure."*

Definition

Ofqual states: "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."

This also applies to centres delivering and/or assessing CMI qualifications. Centres are required to identify and manage any conflicts of interest by centre staff and must also comply with the requirements of this policy.

Identifying potential conflicts

The Conditions require the Awarding Organisation to identify and monitor all Conflicts of Interest which relate to it and to identify "any scenario in which it is reasonably foreseeable that any such conflict of interest will arise in the future". This section sets out the types of conflict and some potential scenarios.

Types of conflict of interest might be:

- Actual conflicts which relate to CMI as an 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.
- Actual conflicts which relate to individuals (a 'personal interest') connected to any part of the development, delivery or award of CMI 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". This will include internal conflicts and will include all CMI staff and contractors acting in any capacity for CMI, and external conflicts and will include staff of CMI Approved and Registered Centres, whether full time, part time, contracted staff or in any other capacity involved in CMI qualifications
- Perceived conflicts (which may relate to either CMI or individuals) where an observer would perceive that an awarding organisation or individual has such a competing interest.

Note: A 'personal interest' is a conflict of interest that relates to a particular individual rather than the awarding organisation itself.

Potential scenarios in which a conflict of interest or personal interest could reasonably be foreseeable might be:

A: Potential conflict of interest or personal interest involving Learner assessment

- A member of CMI Centre staff has a close personal relationship (or one that could reasonably be perceived as such) with a Learner who is undertaking a qualification with the CMI centre at which they work.
- A member of CMI staff has a close personal relationship (or one that could reasonably be perceived as such) with a Learner who is undertaking a qualification with a CMI centre at which they have been asked to undertake CMI activity
- A member of CMI Centre staff undertaking a CMI qualification at that Centre, and their work being assessed and verified by other Centre staff
- A member of CMI Centre staff assessing or verifying the work of a friend, acquaintance or family member undertaking a qualification with the CMI centre
- A member of CMI staff marking or moderating the work of a friend, acquaintance or family member undertaking a qualification with a CMI centre
- A member of CMI staff acting in an assessment or verification role for a CMI centre (e.g. IV) as well as acting in an assessment, verification, moderation or Independent Apprenticeship Assessor (IAA) role for CMI for that centre
- A member of CMI staff with access to Learner records has a close personal relationship (or one that could reasonably be perceived as such) with a Learner who is undertaking a qualification at a CMI Centre and can access Centre and Learner records and data e.g. assessment records
- A member of CMI staff undertaking CMI qualifications which will be marked and moderated by another member of CMI staff
- A member of CMI Executive Leadership Team, Operational Leadership Team or Strategic Leadership Team with a personal interest with a Learner or CMI Centre

Conditions A4.6 and A4.7 require awarding organisations to take all reasonable steps to avoid Learners 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.

B: Potential conflict of interest or personal interest involving internal quality assurance

- There is only one Internal Quality Assurer at a CMI Approved Centre who also has a role as a tutor/deliverer
- The relationship between the internal quality assurance staff and the assessors in a CMI Approved Centre lacks independence and objectivity

C: Potential conflict of interest or personal interest involving external quality assurance

- The CMI staff involved in external quality assurance for a Centre (e.g. moderation, quality management/audits) have previously been employed by that Centre

D: Potential conflict of interest or personal interest involving CMI investigations e.g. malpractice or maladministration

- A member of CMI staff having a personal interest in a Centre where they have been asked to carry out an investigation e.g. for malpractice, maladministration, suspected or alleged breaches of confidentiality, decisions on appeals

E: Potential conflict of interest or personal interest involving employment terms and conditions or financial aspects

- A member of CMI Centre staff having sole responsibility for the appointment, supervision, promotion or performance review of a person with whom they have close ties (e.g. friend, family member) and where assessment or verification results have an impact on the process
- A member of CMI Centre staff whose pay is influenced by positive assessment results
- A member of CMI Centre staff who has a financial interest in the Centre, and where assessment results can impact the financial interest (e.g. the Managing Director/owner/CEO or similar of the organisation which is the CMI Centre is also the Centre's main assessor, and employs the internal verifier)
- A member of CMI staff who has a personal financial interest in a Centre e.g. owns shares in a company which is a CMI Centre
- A member of CMI staff has a close personal or familial relationship with a member of Centre staff

F: Potential conflict of interest or personal interest involving competitor organisations

- A member of CMI Centre staff working with/for another employer (including another Awarding Organisation) that is in direct competition with the CMI Centre
- A member of CMI staff working with/for another employer (including another Awarding Organisation) that is in direct competition with a CMI Centre at which they have been asked to carry out work
- A member of CMI staff works for a CMI centre, and the activities carried out for CMI create potential conflicts with other CMI Centres
- A member of CMI Centre staff that is both employed by the CMI Centre and an employer whose Learners they teach or assess

G: Potential conflict of interest or personal interest involving Learner work or data

- A member of CMI staff or CMI Centre staff using Learner work for commercial gain or advantage (which may include personal advantage, the advantage of the CMI Centre at which the Learner is registered or the advantage of a competitor organisation)
- A member of CMI staff or CMI Centre staff using non-public data for personal gain

Managing potential conflicts

1 Identification

All stakeholders are required to declare potential or actual conflicts of interest and personal interest. This may happen upon recruitment or contract renewal or may happen as and when a potential conflict is identified. Regular team or other meetings may also present the opportunity to declare potential conflicts. If there is any doubt that the situation represents a potential conflict, it is recommended that it should be declared.

Conflicts of interest for CMI staff, contractors and CMI committee members can be identified through

- Minutes of meetings
- Individual declarations upon contract renewal

CMI Centres must also require their staff and contractors to declare any potential or actual conflicts of interest. Centres will also need to maintain their own record of conflicts and how they have been/are managed at centre level. See Recording Conflicts section.

Decisions will be taken by the 'relevant person'. For CMI this will be a member of staff with the authority to make such a decision. For a CMI Centre, the 'relevant person' will be the Programme Director. The 'relevant person' will then:

- Assess the nature of the conflict
- Assess the risk or threat to the organisation's functions
- Decide whether the conflict warrants further action/mitigation to be taken
- Decide what steps to take to avoid or manage the conflict or adverse effect

There may need to be a discussion between the person notifying the potential conflict and the 'relevant person'. The purpose of the discussion is to establish if an actual conflict exists (and whether there is potential for an 'adverse effect') and if so, to reach a decision about how the conflict will be managed.

At centres, if the conflict involves the 'relevant person' e.g. Centre Programme Director, further advice should be sought from the allocated CMI Quality Manager.

Good practice would be that if no potential current conflicts are identified on the annual declarations, these 'null returns' are also logged and recorded, and that regular review and update is undertaken.

2 Managing the conflicts

Where a conflict of interest or personal interest has been identified, the next step is to analyse whether this could have an 'Adverse Effect'. An 'Adverse Effect' is defined by Ofqual 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 accordance 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."

Where an 'Adverse Effect' could reasonably be expected to occur, all reasonable steps must be taken to mitigate the Effect as far as possible and to correct it.

This may be achieved by:

- Reorganising activities and/or key functions, where reasonable, so that the Adverse Effect is mitigated
OR
- Gaining an undertaking from the individual(s) concerned to conduct their responsibilities so that the integrity of CMI qualifications is maintained, as well as their own professional integrity

If neither of the above steps are possible, another solution must be found. The solution should be in proportion to the nature of the conflict. In extreme circumstances, activities may need to be monitored or even restricted.

The first step will be to try to eliminate the 'Adverse Effect' e.g. by assigning another member of staff to undertake the activity. By doing so, this reduces the risk of assessments being compromised and ultimately assessments being voided. Where elimination is not possible due to financial or/and resource implications, measures should be put in place which can demonstrate that the conflict is being managed effectively so as not to compromise the outcome of the assessment. Key principles here are transparency and mitigation.

All reasonable steps must be taken to avoid any part of the assessment of a Learner (including marking, verification or moderation) 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, arrangements must be made for the relevant part of the assessment to be subject to additional scrutiny by another person.

In cases where a member of CMI Centre staff is undertaking a CMI qualification, see Conditions 4.6 and 4.7 (above). 'CMI Centre staff' should be interpreted as all those who work for the organisation which is the CMI Centre (not just the part of the organisation which delivers the CMI qualifications). This includes staff of any approved satellite/multisite centres. The CMI Centre must ensure that there is a level of independence demonstrated and should consider these questions:

- do the marker and verifier work in a separate and unconnected team/department/faculty to the staff Learner?

- is the marker/assessor independent from the staff Learner?
- is the verifier independent from the staff Learner?

For CMI Approved Centres, there are certain mitigations which may be applied.

- could the work be 100% second marked or verified by an independent person?
- could the work be marked by a person independent of the staff Learner i.e. an independent contractor employed (subject to having received prior approval from CMI and added to the Centre staff records)?
- could the work be marked by the CMI marking service?
- could the staff Learner be registered at another CMI centre?

The CMI Centre must identify the most effective mitigation method and note this on the conflict of interest log (Appendix A). In all cases, the CMI Centre should refer to their allocated CMI Quality Manager in advance of the staff Learner commencing the CMI qualification.

In the case of there only being one qualified Internal Quality Assurer at a CMI Centre, and that person also acts as an tutor/deliverer and assessor, either:

- The Learner work which is produced as a result of the guidance/support provided by that member of staff is sent to the CMI EA marking service

OR

- the CMI Centre employs another qualified IQA to verify her/his assessment decisions (subject to having received prior approval from CMI and having been added to the CMI Centre staff records).

Contractor or internal conflicts

CMI requires contractors to declare internal conflict of interest if they are acting in different roles for CMI for the same centre. Any such declarations will be carefully monitored to ensure that those assessments are not compromised.

3 Recording conflicts

Awarding Organisation

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

CMI staff and contractors are required to declare conflicts annually in April to ensure the Conflict of Interest register is accurate and up to date. However, they are also required to declare any other potential conflict of interest as it becomes identified.

They should complete the form even if there are no conflicts of interest to declare. The register includes any actions needed to mitigate the potential for any risk.

The Head of Awarding Body and Awarding Body Support Manager ensure conflicts are recorded and reviewed.

At team or other meetings declarations of conflict of interest by staff/committee members attending will be recorded onto the minutes for that meeting. Members may be required to leave the meeting when the area of conflict is being discussed.

Centres

A register of Conflicts of Interest must be maintained and updated at least annually. Good practice would be that a record is kept for all CMI qualification delivery, assessment and verification staff, even if no conflicts or personal interests exist.

Where a potential Conflict of Interest is identified, the record will contain as a minimum:

- Individual's name
- What the conflict of interest is (i.e. individual has a sibling X undertaking a qualification with CMI Centre)

- When it was identified (i.e. date)
- Who is responsible for managing the conflict of interest (i.e. internal quality assurer, CMI Centre manager, Quality Manager)
- Whether the conflict of interest has, or could have, an 'Adverse Effect'
- What measures/actions have been implemented to mitigate this (i.e. Sibling X will be assessed by Assessor B, or where this is not possible the Internal Quality Assurer will ensure greater sampling of sibling X including in-depth questioning, or CMI external assessment service will be utilised.)
- What review mechanisms have been implemented to monitor (i.e. learner interviews, increased sampling)
- When the conflict of interest ceased to be a concern (sibling X left/completed the programme, individual left the employment of the CMI Centre)

See Appendix A for a suggested template for recording.

NOTE: The information provided by key stakeholders should be processed in accordance with data protection principles as set out in the Data Protection Act 1998 and GDPR 2018. Data will be processed only for the purpose set out in this policy and not for any other purpose.

4 Monitoring and reviewing conflicts

CMI and CMI Centres are responsible for maintaining a register of interest and will:

- a. Record in the register all conflicts of interest and personal interest
- b. Make the register of conflicts available to any stakeholder at any time for reference purposes
- c. Keep a log of any actions taken to manage a conflict of interest

The register of conflicts of interest will be available for inspection by the relevant Regulatory body. The Head of the Awarding Body and Awarding Body Support Manager are responsible for reviewing this annually.

At each Centre visit, the Quality Manager will review the Centre procedure around conflicts of interest, the log/register and will note any recommendation or improvements on the Centre visit form.

Conflict of interest investigations:

Where investigations are conducted by CMI for malpractice, maladministration, breach of confidentiality, appeals or complaints, all reasonable steps will be taken to avoid those under investigation being investigated by anyone with a personal interest in the outcome of the investigation, and – where it is unavoidable – ensure any part of the investigation they do conduct is scrutinised by someone else who does not have such an interest.

APPENDIX A Register of potential conflicts of interest and personal interest relating to the delivery, assessment, verification and award of CMI qualifications

A personal interest is a conflict of interest that relates to a particular individual. All conflicts of interest that fall under part (b) of Ofqual’s 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. A personal interest can be financial or non-financial in nature. In the situations covered by Conditions A4.6-A4.7, A8.3, G4.6 and I1.2, the relevant questions to ask are:

- Does the individual carrying out the assessment, investigation or appeal have any reason or incentive to make anything other than a decision in line with the relevant Conditions?
- Would an informed and reasonable observer conclude that such a reason or incentive exists?

Name and role	Description of potential conflict of interest/personal interest	Date notified/identified	Name and role of person responsible for managing this	Could this conflict/personal interest have an 'Adverse Effect' see definition below	Mitigation taken/to be taken	How will the mitigation be monitored	Date conflict/personal interest ceased and how

An 'Adverse Effect' is defined by Ofqual 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 accordance 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."

For examples of personal interest given by Ofqual see:

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