



## **Conflict of Interest Policy and Procedure**

April 2020

Policy authorised by Responsible Officer

## Table of contents

1.0	Introduction.....	3
2.0	Scope of the policy .....	3
3.0	Definition .....	3
4.0	Persons who may be affected by a COI .....	4
5.0	Procedures for the declaration of interests .....	4
6.0	Recognising conflicts.....	5
7.0	Responsibilities.....	5
8.0	Procedure for managing Conflict of Interest .....	6
9.0	Regulatory reference .....	7
10.0	Policy review date.....	7
11.0	Useful contacts .....	7

## 1.0 Introduction

The key role of OTHM is to secure standards for those qualifications we certificate. As part of our commitment to quality assuring standards we aim to provide guidance and support to help Centres and their learners to achieve learning and development goals. We also ensure that any regulatory requirements are met, and in turn we support Centres to meet those requirements.

We review all our policies annually or in response to regulatory changes to ensure that they remain fit for purpose.

## 2.0 Scope of the policy

This policy is aimed at all OTHM stakeholders including learners, Centres, and other parties involved in any aspect of OTHM qualifications and endorsed learning provision.

## 3.0 Definition

A conflict of interest (COI) is defined as a situation where a person is charged with taking responsibility or making a decision, and where that person, or a person with a close relationship to them, might benefit unfairly from that position of responsibility or from that decision. In other words, a conflict of interest is a situation in which an individual, or Organisation, has competing interests or loyalties. In the case of an individual, the conflict of interest could compromise or appear to compromise their decisions if it is not properly managed.

Common situations where a COI is likely to occur within the sphere of OTHM activities are:

- Internal Management functions and other business interests
- Engagement with external suppliers of services
- The registration of learners to Centres
- The assessment of learners

Conflicts of interest can arise in a variety of circumstances relating to Awarding Organisation activity, for example:

- Where the training delivery function and the awarding function rest within one umbrella organisation.
- When an individual has a position of authority in one organisation that conflicts with his or her interests in another organisation.
- When an individual has interests that conflict with his or her professional position.
- Where someone works for or carries out work on OTHM's behalf but may have personal interests – paid or unpaid – in another business, which either uses OTHM products or services, or produces similar products.
- Where someone works for or carries out work on OTHM's behalf, who has friends or relatives taking OTHM's assessments.
- When one part of OTHM creates and follows a procedure that conflicts with OTHM's regulatory responsibilities as an Awarding Organisation.

## 4.0 Persons who may be affected by a COI

The following persons are required to read and abide by this policy:

- All employees and contractors of OTHM;
- OTHM Board members;
- All Centre teaching, support and senior management staff employed.

### Circumstances in which a COI must be declared

A conflict of interest should be declared in the circumstances below; if in doubt, always declare it.

#### Type A: When...

- you
- your spouse
- your child
- another relative
- a close friend
- a person to whom you have obligations

are registered on, or taking a course leading to, an OTHM qualification with which you are involved—whether through teaching, administering or assessing.

**Type B:** When a person from the list above or a company which they represent is under consideration for an OTHM contract or position at a Centre, and you have influence over the making of that decision. Examples would include procurement of goods or services from external providers, appointment of teaching staff etc.

## 5.0 Procedures for the declaration of interests

If any person should declare their interests in line with the definitions stated above, they must normally do so in writing or by email to the Head of Operations and Compliance.

OTHM staff who fail to declare interests may be subject to disciplinary action. Employees of Centres who fail to declare interests will be considered to have committed malpractice as outlined in the Malpractice and Maladministration Policy, and as such the employee or Centre may be sanctioned.

If you are unsure what to declare, whether to declare, or how to declare, please contact OTHM Head of Operations and Compliance for guidance.

### Data Protection

Any information provided when declaring an interest will be treated in accordance with data protection principles as set out in the Data Protection Act 1998 and 2018, and the General Data Protection Regulation (GDPR). Data will be processed only to ensure that relevant persons act in the best interests of OTHM, its centres and learners. The information provided will not be used for any other purpose.

## Recusal

When a conflict of interest has been declared, the relevant person will be expected to withdraw from any conversations or activities, which may be affected by the conflict. This is known as 'recusing yourself'. Any person attending a meeting who has declared a conflict of interest but fails to recuse themselves may be asked to leave by the Chair. Any person involved in the admission or assessment of learners who has declared a conflict of interest but fails to recuse themselves from activities relating to that learner may be subject to disciplinary action. If a Centre employs such a person, the Centre will be expected to follow disciplinary proceedings. If the Centre fails to do so, they may be subject to sanction by OTHM following appropriate investigation.

The key for managing conflict of interest is to inform OTHM Head of Operations and Compliance and be sure to recuse yourself from any activities, which may be questioned regarding the person or organisation from whom your conflict of interest arises.

## 6.0 Recognising conflicts

OTHM acknowledges that it is not always possible to preempt when a conflict of interest is likely to arise, and this policy is not designed to cover every eventuality. Generally, there will be a conflict of interest if an individual's interest and/or loyalties conflict with any of the regulated functions that OTHM performs. OTHM will ensure that all staff and associates involved in decisions on the standards of centres and the individual work of learners will have no personal interest in that Centre or learner. All OTHM staff and associates are required to sign a declaration stating any potential Conflict of Interest that has or may occur.

OTHM requires all centres to have systems in place to identify and manage any potential conflicts of interest in assessment and internal verification.

## 7.0 Responsibilities

It is the responsibility of all persons, when involved in the development, delivery and awarding of OTHM qualifications and other associated activities to:

- conduct their activities so that the aims of OTHM are implemented;
- ensure that they make their role clear and separate this from their other functions, as far as is possible;
- monitor their activities, to maintain the integrity of OTHM qualifications;
- recognise and report any potential or existing conflict.

The possibility of a conflict or potential conflict may be declared by any key stakeholder as an entity or any individual. Anyone involved in any way in the development and delivery of OTHM qualifications must inform OTHM if:

- they are closely related to, or are teaching/training any learner who is preparing for a form of assessment;
- they receive scripts or other forms of work submitted for assessment from learners who are known at the Centre at which they teach/train; or
- they are related to any person who is a director, employee or contractor of OTHM; or

- their work for OTHM would be affected by a personal interest or personal association in any other way.

## **The Board**

The ultimate responsibility for the Conflict of Interest Policy, dissemination of the policy and management of potential and actual conflicts of interest rests with the OTHM Board of Governance.

## **Individual responsibility**

- Individuals within OTHM have responsibility for ensuring that they are familiar with the Conflict of Interest Policy and any guidelines.
- All individuals will be required annually to read and understand the Conflict of Interest Policy.
- The most important feature of the policy is the requirement that an individual disclose any activity that might give rise to a potential conflict of interest. If there is any doubt whether it represents a conflict of interest report it!
- It is an individual's responsibility to complete any required conflict of interest training.

## **Responsible officer's division: monitoring and escalation**

- The Responsible Officer is responsible for escalating reports of actual or potential conflicts of interest to an appropriate level within the business and, when necessary, to the Board and the regulatory authorities.

## **Managing Conflicts**

In most cases, it is envisaged that simple measures will be enough to manage conflicts of interest. It may be that the activity can be managed differently so that conflicts of interest are avoided. In circumstances where the conflict of interest is fundamental and unmanageable, an individual will be prevented from undertaking specific activities.

# **8.0 Procedure for managing Conflict of Interest**

## **Procedure for managing Conflict of Interest**

Procedure for reporting and managing potential or existing conflicts is as follows:

- Annual Statement of Conflict of Interest policy to be undertaken by all OTHM staff and contractors
- Individual or Key Stakeholder to declare identified potential or actual conflict by completing the COI Declaration Form provided by OTHM.
- Individuals in a Centre should declare their conflict of interest through the main OTHM contact in the Centre.

## Resolution of Conflict

In some cases, simple measures can be put in place – for example the individual agrees that they will not be involved in making decisions. In other cases, a discussion will be needed to reach a decision about how the conflict will be managed. The circumstances of the disclosure will dictate who is involved in the discussion.

## Decision

Normally it will be sufficient to gain an undertaking from the individual or key stakeholder to conduct their responsibilities so that the integrity of OTHM qualifications are maintained, as well as their own integrity reorganise activities and/or key functions so that the conflict is mitigated.

If neither of the above steps is possible, another solution must be agreed. 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 decision as to how the conflict is managed is final.

## 9.0 Regulatory reference

Ofqual requires all regulated Awarding Organisations to establish and maintain evidence of their compliance with the General Conditions of Recognition. As part of its ongoing process of compliance, OTHM policies and procedures will reflect the conditions and criteria they address. This policy addresses the following Ofqual General Conditions of Recognition (GCR).

GCR Reference	GCR Section title
A4	Conflict of Interest
A8	Malpractice and maladministration
B6	Cooperation with Ofqual
C2	Arrangements with Centres

## 10.0 Policy review date

July 2020

## 11.0 Useful contacts

For more information on our qualifications and services visit: [www.othm.org.uk](http://www.othm.org.uk). Alternatively, call at: +44(0)20 7118 4243 or email at: [info@othm.org.uk](mailto:info@othm.org.uk)

End of policy