

3. CONFLICTS OF INTEREST

3.1 Definition

- I. A conflict of interest is where an individual or organisation has competing interests or loyalties. Conflicts of interest can arise in a variety of circumstances and it is likely that people working with or for us may encounter potential conflicts of interest from time to time.
- II. Metadata acknowledges that it is not always possible to pre-empt 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 those of Metadata and those of the awarding body represented.

3.2. Examples of conflicts of interest

- I. Examples include, but are not limited to:
 - Where somebody holds a position of authority in one organisation which conflicts with their interests in another organisation.
 - Where somebody has personal interests that conflict with their professional position.
 - Where somebody works for us or carries out work on our behalf, but who may have paid or unpaid personal interests in another business which uses our products or services or produces related products/services.
 - Where somebody works for, or carries out work on our behalf who has friends or relatives taking our assessments or examinations.
 - Where there is a conflict between income and regulatory responsibilities.
 - Where training and delivery and awarding rest within one umbrella organisation.
- II. Conflicts of interest can occur in several ways and from a variety of situations. For example, if, for any reason:
 - One learner is favoured above another.
 - There is no account taken of the broad needs of the learner as set out in the awarding bodies guidance/requirements.
 - An assessor/verifier works for multiple stakeholders and has difficulty being impartial.
 - A conflict arises between the learner, assessor, internal quality assurance or awarding body.

3.3. Minimising and preventing conflicts

- I. In order to help prevent conflicts, Metadata will facilitate the process of assessment and internal quality assurance whilst paying due regard to its responsibilities under this policy.
- II. We will achieve this by:
 - Providing and facilitating open dialogue with all stakeholders.
 - Not creating unreasonable and intentional barriers to any students wishing to study with Metadata.
 - Not favouring a qualification or level, to avoid them gaining a competitive advantage.
 - Avoiding arrangements that might reduce competition or create exclusive arrangements.
 - Avoiding practices that could be construed as anti-competitive or restrictive.
 - Providing the student or key stakeholders with objective advice on the viability of qualifications and availability of qualifications for the needs of the sector.
 - Providing all students and stakeholders with equal access to its services, information, meetings, staff and processes.
 - Enabling an open and frank dialogue between learner and stakeholders
- III. Although this list is not exhaustive, it is felt that by adhering to the principles of neutrality, openness and fairness, conflicts can be avoided or managed without compromising the integrity of the Metadata or the individual or organisation concerned.

4. 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 other cases, a simple undertaking by an individual to priorities the interests of Metadata and the awarding body will be all that is required.
- Only in extreme circumstances where a conflict of interest may be so fundamental and unmanageable, will an individual be prevented from undertaking specific activities.

5. REPORTING AND MANAGEMENT PROCEDURE

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

- Declare interest
- Resolution of conflicts
- Decision
- Log conflict and resolution
- Monitor and review decision and actions

5.1 Declare Interest

- The individual or key stakeholders involved should declare the identified potential or actual conflict to the Director of Apprenticeships at the first possible opportunity. A declaration of interest form is available to complete.

5.2 Resolution of Conflict

- I. A group discussion should take place with the Director of Apprenticeships. The purpose of the discussion is to reach a decision about how the conflict will be managed. Normally, at least three people should be involved at this stage to ensure impartiality and ensure that a decision can be reached.
- II. The circumstances of the disclosure will dictate who is involved in the discussion.
- III. Generally, the discussion will take place between the assessor, curriculum manager/ Internal Quality Assurance (IQA), the Director Apprenticeships, unless they are involved, or close to the disclosure. In this case, another senior person will make the decision about who should hold the discussion. It may, for example, be more appropriate for individuals working outside the curriculum team to undertake this role. The individual raising the possibility of a conflict will also take part in the discussion, if this is appropriate.

5.3 Decision

- I. Following the discussion stage, it will normally be sufficient to:
 - Gain an undertaking from the individual or key stakeholders to conduct their responsibilities so that the integrity of Metadata is maintained, as well as their own integrity.

- Reorganise activities and/or key functions so that the conflict is mitigated.
- II. If neither of the above steps is possible, another solution must be agreed by the discussion group. 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 about how the conflict is managed is final.

5.4 Log Conflict and Resolution

- The declaration of interest form should be updated following the final decision to outline the resolution that has been taken to remedy the conflict.
- Completed Declaration of Interest forms should be recorded on the log along with decisions and actions arising.

5.5 Monitor and Review Decisions and Actions

- The Declaration of Interests log should be reviewed on a regular basis to ensure that actions forming part of the resolution have been implemented.

6. RESPONSIBILITIES

- I. It is the responsibility of all Metadata staff to ensure that they are familiar with this Conflict of Interest Policy and the requirement to disclose any activity that has the potential to represent a conflict of interest.
- II. The ultimate responsibility of the management of potential and actual conflicts of interest lies with the Director of Apprenticeships.
- III. It is the responsibility of all persons, when involved in the assessment of qualifications, internal quality assurance and other associated activities that meet Metadata assessment strategy, to:
- Conduct their activities in such a way so as the aims of the Metadata assessment strategy are implemented.
 - Ensure that they make their role clear, and separate this from their other functions, as far as is possible.
 - Monitor their activities in order to maintain the integrity of the assessment.
 - Devote enough time and intellectual ability to their specific responsibilities.
 - Recognise and report any potential or existing conflict.

- IV. The possibility of a conflict or potential conflict may be declared by any key stakeholder as an entity, or any individual.

7. MONITORING

The policy and procedures will be reviewed annually by the Quality and Compliance Manager, to ensure that it is fit for purpose, it reflects the types of conflicts that may arise, and how those conflicts are managed.