



Conflicts of Interest

TLM Conflict of Interest Policy Regulatory Condition A4

1. What is a conflict of interest and what issues does it raise?

The over-arching goal of The Learning Machine is to provide qualifications that fairly reflect the competencies of learners at the lowest possible cost to secure reliable outcomes. All TLM employees, partners and non-executive directors, hereafter referred to as TLM personnel, should put this goal first. A conflict of interest may arise where personal interests and loyalties of TLM personnel to support the over-arching goal do not coincide or appear to clash.

It is a condition of employment and recognition as an assessor that individuals acting in this role declare any potential conflicts at the earliest possible time regarding any aspect of the assessment process including provision of evidence and its moderation. All employees, direct and indirect, acknowledge in writing that they have read and understood the conflict of interest policy, and this signed declaration will be renewed annually in their appraisal. No member of TLM staff will be solely and directly responsible for making any award. All assessors and moderators will disclose any potential personal interest in the assessment of any candidates that they have a part in certificating. This will ensure compliance with regulatory [conditions A4.5 and A4.6](#). Direct employees of TLM and third parties acting on behalf of TLM will have their work monitored through random checks and samples such that there are always at least two different individuals involved in the assessment and awarding of certificates. Any complaints about potential or perceived conflicts of interest will be investigated and judged with reference to the details provided in [Conditions A4.1 – A4.3](#).

Even the appearance of a conflict of interest can be damaging, so potential conflicts will be managed carefully but with transparency. The aim of this policy is to protect both the organisation and the individuals involved from any appearance of impropriety, to prevent conflicts of interest having an Adverse Effect, to apply any [sanctions required](#), and to limit any damage as a result of a conflict of interest having material effect.

There are appeals procedures for individual candidates as well as centres and academies that route back to the Governing Body and independent external expertise. **No moderators or verifiers will act in the assessor role and no assessors will take part in moderation or verification ensuring that decisions are never solely made by anyone with an individual personal interest in the outcome.**



2. Regulatory conditions and conflict of interest.

The Ofqual regulatory conditions define a conflict of interest where an Awarding Organisation's –

(a) 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.

3. Identifying conflicts of interest

The issue of conflicts of interest will form part of the required staff induction and assessor training procedures for all TLM personnel. Typical circumstances where a conflict of interest arises are:

When the assessor or moderator is related to a candidate.

Where there could be a career or financial benefit to an assessor or moderator as a result of a candidate or candidates achieving a qualification.

In all cases for qualifications at entry level 2 and above, at least one moderator will sample work assessed by a locally based assessor and in most cases, the work of locally based assessors will be additionally overseen by a Principal Assessor. All assessors must agree to statements declaring that they will uphold standards before gaining access to the online assessment recording system. This means that no awards can be achieved without those participating in making the awards agreeing to uphold standards including this conflict of interest policy.

3 (i) Conflicts related to specific roles

Any senior examiners either proposed or in post, must declare any potential or real conflict of interest they have from any other work with their TLM work. This applies to anyone directly on the TLM payroll and anyone acting as subcontractors or value added resellers of TLM products. All assessors are in a position of potential conflict of interest in high stakes assessment and all must sign the agreement to uphold standards to use the on-line Markbook. Anyone that has reason to believe a conflict of interest exists or is likely to exist should contact TLM to discuss the position.



This does not apply to the preparation of teaching resources or materials by a senior examiner exclusively for Learners that he or she teaches; monitors assessments set by senior examiners who are, or have been, involved in the preparation of a resource designed to support the preparation of Learners and persons likely to become Learners for assessments for a qualification in respect of which they are contracted by the awarding organisation as a senior examiner to ensure that the fitness for purpose of those assessments has not been compromised by that resource. This does not apply to generic open resources contributed to for the purpose of supporting learning but is free for re-use, re-mix and customising to individual needs.

TLM's responsible officer will monitor the potential conflicts related to roles and report any concerns to the governing body. The governing body will decide on any actions to take based on evidence and recommendations prepared by the responsible officer.

4. When a conflict of interest is identified.

When a conflict of interest is identified, the first priority will be to replace the assessor or moderator that has a conflict of interest with someone who has no such conflict. If this is not possible sufficient samples of the work of the person involved will be taken by an independent qualified person subject to the approval of the Chief Assessor or the Principal Moderator. The over-riding principle will be to achieve fair assessment for the learner. Where conflict of interest leads to identified malpractice, the policy and procedures for malpractice will be invoked. Where an Adverse Effect is identified as a result of a conflict of interest, the regulators will be informed and any certificate that has been awarded in error will be revoked until the candidate can provide independently verifiable evidence that they can meet the assessment criteria. TLM will then cooperate with Ofqual/Qualifications Wales to mitigate against any further adverse effects arising.

This policy is available to Ofqual/Qualifications Wales at any time, direct from the TLM Learning Site using the username and password provided. TLM will modify this policy at any time in accordance with any requirements communicated to it in writing by Ofqual/Qualifications Wales.

5. The declaration of interests

A declaration of interests notice must be made to the Chief Regulatory Officer by any TLM personnel that has a personal interest that a reasonable person might deem to have the potential to lead to an adverse effect. Failure to declare an interest could justify disciplinary action. Typically the action for failure to declare an interest where there is no evidence of adverse effect, will be a verbal warning. Failure to declare an interest accompanied by evidence of an Adverse Effect may lead to suspension from the authorised duties and in serious cases, legal action, dismissal or both.



TLM personnel are recommended to err on the side of caution and declare anything that they think might be an issue. Contact the Chief Assessor by e-mail or telephone for further advice.

Where the potential conflict is through pressure from the school league table points system, it is unnecessary to declare the interest since this will be obvious to all concerned. This potential conflict of interest is negated by the standard [Quality Assurance Procedure](#) put in place by TLM. This quality control measure ensures that all centres, irrespective of the qualification offered, have continuous and ongoing moderation via external sampling, with certification for learners only available once this quality assurance process has been completed. This specific case is addressed by external sampling, the agreements signed by the Principal Assessor and Assessors, site visits and the priority given to Level 2 qualification in the moderation sampling.

All decisions for action beyond verbal warnings under conflict of interest will be made at board level and recorded by the Chief Regulatory Officer on the secure TLM MIS system risk register and reported in the minutes of the meeting. At all board meeting the issue of potential risk, which includes conflict of interest, is discussed and minuted.

The report will record:

- the nature and extent of the conflict;
- an outline of the discussion;
- the actions taken to manage the conflict and mitigate any Adverse Effects.

Any Director who has a financial interest in a matter under discussion, should declare the nature of their interest and withdraw from the room, unless they have a dispensation to speak.

6. Regulatory Condition G4

This condition is about the potential conflict of interest of involvement of people involved in designing the assessment and providing training. While this is another issue that is more difficult for a small AO compared to a large one with more specifically defined roles, TLM will separate personnel involved in the development of exams from those delivering assessor training.