



4.3 TLM Conflict of Interest Policy - Staff

The purpose of this policy is to set out for Staff i.e., individuals with an employment contract with TLM and those involved in its governance:

- Potential situations where conflicts of interest may arise
- Actions that should be taken by Staff to identify, record and manage conflicts of interest
- How TLM will manage conflicts of interest

All related documents are available on our website.

The purpose of this policy is to protect our integrity as a business and the integrity of our qualifications and assessments. It is designed to support our Staff by providing guidance on handling possible conflicts of interest that may happen as a result of our role as an awarding organisation.

It is the responsibility of all staff at TLM 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.

4.3.1 Potential situations where conflicts of interest may arise

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.

There are a few situations where conflicts of interest can arise. Examples include, but are not limited to:

- Where both training delivery and assessment roles sit within one organisation
- An individual may have a role within TLM which conflicts with their interests in another organisation
- An individual may have competing personal and professional interests
- An individual may have financial interests which potentially conflict with regulatory requirements

The existence of such interests as those outlined above does not necessarily imply conflict but is likely to give an appearance of conflict and as such all should be declared.

4.3.1 Actions that should be taken by TLM Staff

4.3.1.1 Identification of conflicts of interest

TLM will deliver training to Staff about conflicts of interest and guidance material is available. Staff must attend such training and use support material provided by TLM. In turn, maintaining a programme of training and professional development activities to facilitate appropriate levels of awareness and associated risks. This will enable Staff to assess and appropriately manage both perceived and real, conflicts of interest.

Staff need to actively and routinely, always review their work and consider potential conflicts of interest. The general principle is that individuals should disclose any interest, financial or otherwise, which is likely or would, if publicly known, be perceived as being likely to influence the exercise of independent judgement.

All Staff will be required to make an electronic 'conflict of interest' declaration on commencement with the organisation following 'Conflict of interest' training, and it is a requirement of their contract that this is completed and updated on an annual basis. This is required even when the individual has no conflict of interest to declare. If the Individual subsequently has a 'Conflict of Interest' a 'Conflict of Interest' Form must be completed and the Interest entered into TLM's 'Risk Register' as part of their 'Identification and Management Risk' Procedure.

If the individual concerned has any changes to their declared circumstances concerning conflicts of interest, they must inform their line manager immediately in writing.

4.3.1.2 Recording conflicts of interest

TLM will maintain a list of all identified Staff conflicts of interest using in their 'Risk Register' as part their 'Identification and Management Risk' Procedure.

This document will be routinely updated and reviewed at appropriate TLM management meetings.

When changes to Staff's declared circumstances arise, the 'Risk Register' will be updated by TLM so that the conflict of interest can be managed and mitigated / resolved through their 'Risk Resolution Process'.

4.3.1.3 Management of conflicts of interest

The information submitted by Staff will be evaluated by TLM management, to identify if any further action is required and a written record of the outcome of the evaluation will be kept.

'Conflicts of Interest' recorded in the 'Risk Register' will be severity rated, and the appropriate response will be managed through TLM's 'Risk Resolution' Process.



The approach taken to manage the conflict of interest, will be documented by TLM and held with the conflict of interest forms.

Examples of actions that could be taken:

- Individual not taking part in discussions or decisions of certain matters
- Referring certain matters for decision to others with no vested interest
- Individual agreeing not to be involved in an activity or removal of access to certain materials
- Individual declaring an interest at times when it is appropriate to do so
- Referring the matter to Regulator

4.3.2 How TLM will manage conflicts of interest – our approach

4.3.2.1 Our obligations

TLM is an Ofqual recognised awarding organisation and as such, is subject to Conditions of Recognition. These describe obligations to manage conflicts of interest:

Definition of conflict of interest

A4.1 For the purposes of this condition, 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.*

Identifying conflicts of interest

A4.2 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.*

A4.3 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

A4.4 An awarding organisation must take all reasonable steps to ensure that no conflict of interest which relates to it has an Adverse Effect.

A4.5 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

A4.6 An awarding organisation must take all reasonable steps to avoid any part of the assessment of a Learner (including by way of formative sampling) being undertaken by any person who has a personal interest in the result of the assessment.

A4.7 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

A4.8 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.

A4.9 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.

4.3.3 Our approach

TLM's Staff employment contracts set out clearly all obligations on Staff to manage conflicts of interest. TLM will highlight the need for Staff to fully understand their responsibilities to identify, record, monitor and manage all conflicts of interest during their work, workshops and staff training sessions. All these sessions are audio recorded.

- Everyone is responsible for making sure that they are familiar with this policy, any guidelines and complete any mandatory conflict of interest training.
- Every year all staff must read the policy and confirm that they understand it.
- An important feature of the policy is the requirement that an individual disclose any activity that might create a potential conflict of interest. If there is any doubt whether it represents a conflict of interest it should be reported.
- The individual and line manager are both responsible for documenting the issue carefully.



- An individual may want to raise concerns relating to conflict of interest directly with the Responsible Officer. This can be done in confidence and they are entitled to receive a response to their concerns.
- Any staff member considering paid or unpaid work outside TLM should inform their manager if they think there is any potential for a conflict of interest. If the staff member is unsure whether a conflict of interest might arise, they should discuss this with their line manager first. A record should be kept of the discussion. A staff member must not take on any such activities that could be deemed to compete or conflict with TLM’s activities.
- Before each exam series all staff and other individuals, non-Executive Members of the Board and Members of the TLM Board must declare if any candidates being entered for our exams and other assessments, are family members, other relatives or friends. This should be declared by completing a Declaration of Interest Form.

4.3.4 Change History

Approved by

Issue	Date	Change Detail	Name	Signature
1	01/07/20	First Writing	Rosemary Lynch	
2	05/11/21		Marite Vane	