

4.4 TLM Conflict of Interest Policy - Subcontractors

The purpose of this policy is to set out for Subcontractors i.e., moderators, markers and exam question writers

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

At the end of each section are references to the documents you will need, the documents we will use and Ofqual's General Conditions of Recognition that apply (Ofqual conditions of recognition handbook, Arrangements with Third Parties, General Conditions for Regulated Qualifications). All related documents are available on our website.

4.4.1 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 as a Subcontractor 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.

4.4.2 Actions that should be taken by Subcontractors

4.4.2.1 Identification of 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. TLM will deliver specific training to Subcontractors about conflicts of interest and guidance material is available. Subcontractors must attend such training and use support material provided by TLM. Subcontractors must then in turn, maintain a programme of training and professional development activities to facilitate appropriate levels of awareness and associated risks.

This will enable Subcontractors to assess and appropriately manage both perceived and real, conflicts of interest.

Subcontractors need to actively and routinely, review their work and declare any conflicts of interest – real or potentially perceived.

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.

This information is captured in several ways:

- All Subcontractor staff must be issued with a conflict of interest form to complete on commencement with the organisation and it must be a requirement of their contract that this is completed and updated on an annual basis. The form is to be completed even when the individual has no conflict of interest to declare.
- 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.
- 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 formative sampling. 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 Centre Management Site.
- All employees, direct and indirect, acknowledge in writing that they have read and understood the conflict of interest policy, and this is signed declaration will be renewed annually in their appraisal.
- If the individual concerned has any changes to their declared circumstances concerning conflicts of interest, they must inform their line manager or TLM contact, immediately in writing.

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.

4.4.2.2 Recording conflicts of interest

TLM will maintain a list of all identified Subcontractors' conflicts of interest the 'Risk Register, as part of the 'Identification and Management of Risks' procedure. This document will be routinely updated and reviewed at appropriate TLM management meetings.

4.4.2.3 Management of conflicts of interest

The management of conflicts of interest for Subcontractors is delivered in several ways

1. Routine controls

There are several routine controls:

- No member of TLM staff will be solely and directly responsible for making any award. 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
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.
- No moderators or verifiers will act in the assessor role and no assessors will take part in formative sampling or verification - ensuring that decisions are never solely made by anyone with an individual personal interest in the outcome.
- TLM's responsible officer will monitor the potential conflicts related to roles advised through routine management reviews; 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.

2. Specific controls

- When a conflict of interest is identified, the 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 enough 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.
- Where failures to declare conflicts of interest have occurred, these will be managed through appropriate disciplinary procedures. These will be reported upon at appropriate levels, but will include for the 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.

4.4.3 How TLM will manage conflicts of interest

4.4.3.1 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 –

- 1. (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,*
- 2. (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*
- 3. (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 –

- 1. (a) all conflicts of interest which relate to it, and*
- 2. (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.

4.4.3.2 Our approach

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

TLM will manage Subcontractor conflicts of interest through several layers of controls:

- Employment and ongoing contractual requirements to identify and report conflicts of interest
- Training and support to facilitate identification of conflicts of interest
- Monitoring assessment activity
- Sampling assessment activity
- Removal of ‘single points of failure’
- Use of disciplinary procedures where failure occurs

4.4.4 Change History

Approved by

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