



Guidance for awarding bodies on Conflicts of Interest



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including personal interest and independent decision makers for appeals

Background

We are responsible for regulating qualifications and the qualification system in Wales.

We regulate the awarding bodies that are recognised by us to develop, deliver and award qualifications to learners in Wales. All recognised awarding bodies are subject to our rules, including those set out in the [Standard Conditions of Recognition](#).

We carried out a review of the Standard Conditions of Recognition in 2019-20 and published revised Conditions that came into force on 1 October 2020. Awarding bodies told us during the review that guidance would be helpful to support their ongoing compliance.

Therefore, the purpose of this document is to support awarding bodies with complying. It is not intended to be prescriptive and, in this way, it is the awarding body's responsibility to determine how to comply with its Conditions of Recognition.

Version history

This guidance was published in June 2021.

If you have any questions or feedback on this guidance document, please email the Regulatory Policy Team at policy@qualificationswales.org.

This document is available in [Welsh](#).

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1. Introduction

- 1.1 This is supplementary guidance for awarding bodies on Conflicts of Interest¹, and is intended to support you in complying with the [Standard Conditions of Recognition](#) ('Conditions').
- 1.2 The guidance starts with a section on the main requirements in Condition A4 and other relevant Conditions in relation to identifying, monitoring and managing Conflicts of Interest. It explains 'Conflict of Interest' as defined in Section J of the Conditions and outlines 'personal interest'. This document also provides guidance on your written Conflict of Interest policy, and on the requirements for decision makers for appeals, including competence of decision makers and when an independent decision maker is required.
- 1.3 The guidance also outlines some scenarios that can give rise to Conflicts of Interest for awarding bodies for illustrative purposes (at Annex 2), and includes a diagram summarising the requirements of Condition A4 (at Annex 3).

2. The requirements in the Conditions

- 2.1 Conflicts of Interest are covered in Condition A4 and defined in Section J.
- 2.2 Condition A4 requires you to identify all existing and potential Conflicts of Interest, including by keeping a record of these. Once identified, you must regularly monitor these conflicts. For any Conflicts of Interest that you have identified, you must take all reasonable steps to ensure that they do not have an Adverse Effect. Where an Adverse Effect does arise, you must take all reasonable steps to mitigate and correct it. You must also produce your own written Conflict of Interest policy, and maintain and comply with it.
- 2.3 Specifically, Condition A4 requires you to:
 - identify and monitor all Conflicts of Interest relating to your awarding body, including any that it is reasonably foreseeable will arise in the future, and establish and maintain an up to date record of these (Conditions A4.1 and A4.2);
 - take all reasonable steps to ensure that no Conflict of Interest has an Adverse Effect, and where an Adverse Effect occurs, to mitigate it as far as possible and correct it (Conditions A4.3 and A4.4);

¹ 'Conflict of Interest' is defined in Condition J1.8 of the Standard Conditions of Recognition, given at paragraph 3.7 below.

- take all reasonable steps to ensure that no part of an assessment is undertaken by someone who has a personal interest in the result; and where despite taking such steps this cannot be avoided, arrange for someone else to scrutinise the relevant part of the assessment (Conditions A4.5 and A4.6);
- establish, maintain and comply with a written Conflict of Interest policy (Condition A4.7); and
- promptly submit your written Conflict of Interest policy to us if we request it, and amend it to comply with any requirements we specify (Condition A4.8).

2.4 There are also some Conditions that specifically refer to 'personal interest'. Conditions A4.5 and A4.6 concern who may undertake learner assessment, and Conditions A8, G4 and I1 concern who may undertake investigations into malpractice and maladministration, investigations into breaches of the confidentiality of assessment materials, and appeals. Further guidance on personal interest is in Section 7 below.

3. Understanding Conflicts of Interest

What is Conflict of Interest?

- 3.1 An 'interest' generally refers to a stake or involvement in something. Interests can be held by individuals and organisations. Some 'interests' by their nature are held by individuals, such as those relating to family relations, or an individual's professional career. An example of 'interests' for an organisation, such as an awarding body, could be a financial interest in marketing and selling its qualifications.
- 3.2 The nature and scope of interests is broad. For example, interests may include but are not limited to financial or non-financial, professional, reputational, political, social or proprietary interests, or interests of another type.
- 3.3 Interests can also be direct or indirect. A direct interest arises where a person or organisation holds an interest themselves. An indirect interest arises where an individual or organisation has a close association with a person or organisation who holds a relevant interest. This would include, for example, where an individual's spouse or partner has a relevant financial or professional interest, or another company within an organisation's group has a relevant financial interest.
- 3.4 A personal interest is one type of interest and is covered in detail in Section 7 below.

3.5 All interests can give rise to a Conflict of Interest. Broadly speaking, a Conflict of Interest is where an organisation or individual has competing interests, meaning that there is a tension or conflict between the interests they hold.

3.6 In the specific context of qualifications and assessment, a Conflict of Interest exists when an organisation or individual has competing interests which might lead them to act in any way contrary to the awarding body's interests in complying with its Conditions of Recognition. Conflicts of Interest can arise at any stage in the process of developing, delivering and awarding qualifications, and in relation to anyone who is involved in or influences decision-making about these.

3.7 Conflict of Interest for the purposes of complying with the Conditions is defined in Condition J1.8 as follows:

A Conflict of Interest exists in relation to an awarding body where –

(a) an awarding body's 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 in any way contrary to its interests in complying with its Conditions of Recognition;

(b) a person who is connected to the provision of the awarding body's qualifications has interests in any other activity which have the potential to lead that person to act in any way contrary to his or her interests in that provision by the awarding body in compliance with its Conditions of Recognition; or

(c) an informed and reasonable observer would conclude that either of these situations was the case.

3.8 Specific elements of the definition are explained in more detail below, including the meaning of 'Group' and 'connected persons' (see paragraphs 3.12-3.15); 'perceived conflicts' for the purposes of paragraph (c) (see paragraph 3.16); and the types of activities that are relevant (see paragraph 3.17).

3.9 The definition refers to an awarding body's compliance with its 'Conditions of Recognition'. For each awarding body, these include the Standard Conditions of Recognition which apply generally to all recognised awarding bodies, and any other Conditions, e.g. Additional or Special Conditions of Recognition, and regulatory requirements that apply specifically to that awarding body or specific qualifications.

3.10 It is the awarding body's responsibility to identify Conflicts of Interest. Therefore, the following are some examples only of situations that could give rise to Conflicts of Interest for you as an awarding body:

- competing interests in assessment. For example, a teacher, trainer or assessor is a colleague, friend or family member of a person they are teaching, training or assessing;
- competing roles. For example, a person works for you as both an assessor and an internal verifier, carries out both training and the assessment for a vocational qualification, or is involved in both designing and delivering the same qualification;
- competing interests with other organisations. For example, a director sits on the board of two awarding bodies that compete for the same funding, or one of your employees also works for another organisation that provides contract services to you;
- personal interests that may provide an incentive to make decisions or use information or influence for personal gain. For example, a director or senior manager having a personal interest in an item discussed at a board meeting, or one of your employees taking your assessments.

3.11 The next section explains the following specific elements of the Section J definition of Conflict of Interest:

- 'Group' and 'connected persons';
- Perceived conflicts; and
- Types of activities in scope.

'Group' and 'connected persons'

3.12 When identifying Conflicts of Interest, you first need to identify all potential sources of conflicts. All of the activities undertaken by the awarding body, on your behalf, by another member of your group, or by any person connected to the provision of your qualifications, need to be considered, as referred to in paragraphs (a) and (b) of the definition.

3.13 The term 'group' is defined in Section J. If you are a limited company, your group includes any company that controls you (a holding company); any company that you control (a subsidiary company); and any other company that is under the control of the same holding company. If not a limited company, your group includes any person or group of people with equivalent status.

3.14 You will need to identify all individuals that have significant control of your organisation and monitor and manage any Conflicts of Interest that might arise

from this. These will include members of your governing body/ the board and Senior Officers, and depending on the structure and nature of your organisation, any other people that have or could potentially have control or influence.

- 3.15 A person 'connected to' the provision of your qualifications is defined in Condition J1.5 to mean a person who undertakes or is involved in any activity undertaken by the awarding body. Therefore, for the purposes of paragraph (b) of the definition, this could include interests held by, for example, staff, directors, contractors, subcontractors, suppliers and volunteers who are involved in any part of the development, delivery or award of your qualifications, including anyone who is involved in these activities on your behalf, such as those working at centres where your qualifications are delivered.

Perceived conflicts

- 3.16 In accordance with paragraph (c) of the definition, a Conflict of Interest will arise where a reasonable observer would conclude that a conflict exists. That is, where there is an outward appearance or perception of a Conflict of Interest. This may be the case where, for example, measures have been taken to ensure that no Conflict of Interest arises, but nonetheless due to the circumstances of the case, a reasonable member of the public observing the situation would conclude that a conflict exists. Identifying and managing perceived Conflicts of Interest is just as important as identifying and managing actual Conflicts of Interest, due to their impact on public confidence in the qualification system.

Types of activities in scope

- 3.17 The types of activities undertaken by awarding bodies and connected persons that are relevant and which may give rise to Conflicts of Interest, as referred to in paragraphs (a) and (b) of the definition, are broad. They include the entire range of activities undertaken by an awarding body or any connected person. For example, they include but are not limited to, the development of qualifications, the preparation of assessments and examination papers, the delivery of assessments by centres on your behalf, including the invigilation of examinations and supervision of non-examined assessment, and the marking and moderation of assessment, and on to subsequent awarding and dealing with appeals.

4. Identifying and monitoring Conflicts of Interest

- 4.1 In order to comply with Condition A4, you must identify and monitor all Conflicts of Interest relating to your awarding body. This includes identifying any scenario where it is foreseeable that a Conflict of Interest will arise in future (Condition A4.1).
- 4.2 All existing and potential Conflicts of Interest, including perceived Conflicts of Interest, must be identified, not only those that may have an Adverse Effect. They must then be monitored on an ongoing basis. This is with a view to ensuring that once any Conflicts of Interest have been identified, you are in a position to then consider any possible Adverse Effect that may arise, and to take steps to prevent or minimise any Adverse Effects.
- 4.3 It is important that staff are aware of the importance of identifying Conflicts of Interest in relation to themselves and more widely. Consider how you raise awareness of your written Conflict of Interest policy, and continue to maintain and raise awareness through measures such as training, workshops, guidance and/or spot checks. The written Conflict of Interest policy is discussed further in Section 6.
- 4.4 To help identify specific Conflicts of Interest, measures that may assist could include asking all staff, including directors and board members, to declare relevant interests and/or Conflicts of Interest upon their commencement with you, and any new interests and/or conflicts on an ongoing basis.
- 4.5 It is also important to identify Conflicts of Interest in relation to third parties such as centres, subcontractors or other third parties. Section C of the Conditions requires you to have arrangements in place with third parties and centres to ensure that you can comply with your Conditions of Recognition. To aid compliance with Condition A4 and Section C, consider which arrangements you have in place with third parties and centres which cover identifying, monitoring, managing and reporting Conflicts of Interest. Where you have identified conflicts of interest, consider how you monitor and manage these within your centres such as through your centre Assessment Standards Scrutiny, as required by Condition H2.
- 4.6 Once Conflicts of Interest and potential conflicts have been identified, they must be monitored on an ongoing basis. Effectively monitoring Conflicts of Interest could include taking steps such as ensuring that key staff regularly collect, review and report on information relating to Conflicts of Interest, and allocating clear responsibility within your organisation for overall monitoring of Conflicts of Interest, for example to the Responsible Officer or another key member of

staff. Ongoing monitoring of conflicts will help to maintain momentum and reinforce the importance of identifying and reporting conflicts.

- 4.7 You must also establish and maintain an up to date record of all Conflicts of Interest and potential Conflicts of Interest (Condition A4.2). Therefore, once you have identified any conflicts or potential conflicts, you must record these, and keep your record current.

The following are some practical steps you may consider taking to identify and monitor Conflicts of Interest:

- undertake a risk-assessment exercise to identify the types of situations in which Conflicts of Interest could arise in relation to your awarding body, and document this;
- establish and document a clear process for identifying and monitoring specific Conflicts of Interest;
- allocate clear responsibility for overall monitoring of Conflicts of Interest within your organisation, and ensure that it is widely known who has responsibility for this;
- establish and maintain a record of all Conflicts of Interest and potential conflicts, and keep it up to date. This could be a single register or log or you may have more than one form of recording, depending on your operating context;
- require all of your staff, including directors, board members and subcontractors/ third parties, to declare Conflicts of Interest on an ongoing basis. For example, you could:
 - require Conflict of Interest declaration forms from staff upon their commencement and updates at regular intervals thereafter;
 - in addition, require staff to declare Conflicts of Interest on an ongoing basis as they arise;
 - require centres to submit Conflict of Interest declarations when they become a recognised centre with you and regularly thereafter; and
 - ask senior decision makers to declare their interest(s) at the start of relevant meetings.
- put contractual or other arrangements in place to require centres, subcontractors, suppliers and other third parties to identify and monitor Conflicts of Interest and provide them with relevant guidance and advice;
- provide regular training to your staff on identifying and monitoring Conflicts of Interest, and ensure that they are familiar with your written Conflict of Interest policy and internal processes; and
- encourage a culture of openness in relation to identifying and monitoring Conflicts of Interest.

5. Managing Conflicts of Interest

- 5.1 Once you have identified any Conflicts of Interest or potential Conflicts of Interest, you must then take steps to effectively manage these to avoid and minimise any Adverse Effects. An 'Adverse Effect' is defined in Condition J1.8.
- 5.2 Condition A4.3 requires you to take all reasonable steps to ensure that no Conflict of Interest has an Adverse Effect, and where there has been an Adverse Effect, to take all reasonable steps to mitigate it as far as possible and correct it (A4.4).
- 5.3 The requirements of Conditions A6, A7 and B3 are also relevant. Condition A6 requires you to identify the risk of any incident that could have an Adverse Effect, and prevent it from occurring, or reduce the risk of it occurring as far as possible. Condition A7 requires you to take all reasonable steps to prevent an Adverse Effect and where one does occur to mitigate it and correct it, and Condition B3 requires you to promptly notify us of any event that has occurred or is likely to occur that could have an Adverse Effect. The combined effect of these requirements is that where you have identified a Conflict of Interest or potential conflict that has or could have an Adverse Effect, you should take all reasonable steps to prevent it from occurring and to prevent and mitigate any Adverse Effect if it does occur, and notify us of any actual or likely adverse effect.
- 5.4 Here are some examples of approaches that you could consider taking to manage Conflicts of Interest, however they are not exhaustive:
- ensure that clear responsibility for managing Conflicts of Interest is allocated and is widely known within your organisation;
 - undertake a risk-assessment type exercise to identify the types of situations in which Conflicts of Interest could have an Adverse Effect, including those involving third parties such as centres;
 - ensure that you have effective arrangements in place with centres and third parties which stipulate what you expect from them in relation to managing Conflicts of Interest, in accordance with Section C of the Conditions. In situations where you require centres to manage conflicts on your behalf, then make this clear in your agreements with them and monitor this over time;
 - support your staff, third parties and centres to comply with your Conflict of Interest requirements by providing relevant training, guidance and advice;
 - establish a clear process for determining whether specific identified Conflicts of Interest have had or may have an Adverse Effect, including those involving third parties;

- where you have identified that there is or could be an Adverse Effect, promptly take measures to remove the Conflict of Interest and/or to minimise and correct any Adverse Effect, and document the specific measures you have taken;
- ensure that your internal decision-making processes provide for senior officers to withdraw from decision making in situations where they have a Conflict of Interest;
- establish and document a clear process to prevent those with a personal interest, including third parties, from being involved in investigations, appeals, or assessment unless this is unavoidable; and
- review information about Conflicts of Interest and Adverse Effects to prevent future incidents and improve your processes. For example, use this information to review your processes for the design, delivery and award of qualifications, your third party arrangements in relation to Conflicts of Interest, your written Conflict of Interest policy and internal processes, and your training and guidance for staff and third parties.

6. Written Conflict of Interest Policy

- 6.1 Condition A4 requires you to establish, maintain and at all times comply with an up to date written Conflict of Interest policy, which must include procedures on how you intend to comply with Condition A4.
- 6.2 You must promptly provide your written policy to us if we request this in writing and ensure that the policy complies with any requirements that we subsequently communicate to you in writing.
- 6.3 The following are examples of matters to cover in your Conflict of Interest policy. Again, these are examples only, and this is not intended to be an exhaustive list:
- the types of situations in which a Conflict of Interest may arise in relation to your organisation, and of these, which could have an Adverse Effect;
 - a clear process for identifying and monitoring Conflicts of Interest, including those arising in relation to centres or other third parties;
 - a clear process for determining whether identified conflicts identified have had or may have an Adverse Effect;
 - roles and responsibilities within your awarding body for identifying and managing Conflicts of Interest, e.g. for collecting, reviewing and actioning Conflict of Interest declarations, and making decisions about measures to avoid or mitigate Adverse Effects;

- a clear approach to ensuring that all key staff and stakeholders are aware of the policy, including staff, directors/ board members, centres, suppliers, subcontractors and other third parties;
- a clear approach to ensuring that key third parties, such as centres, effectively identify and manage Conflicts of Interest and to your monitoring of these arrangements; and
- links between the policy and your Centre Assessment Scrutiny Strategy where you set out your approaches based on risk for overseeing centres.

6.4 Hand in hand with a Conflict of Interest policy, is encouraging a culture within the organisation whereby staff and third parties feel supported to declare conflicts, are aware of the process for doing so, and where there are clear internal processes for managing conflicts. As part of implementing and embedding the policy, it is important to make staff and third parties aware of their responsibility to declare any Conflicts of Interest on an ongoing basis, regardless of whether or not there is or could be an Adverse Effect.

7. Personal interest

7.1 A personal interest is one type of interest and this in turn, may lead to a Conflict of Interest.

7.2 In the specific context of the Conditions, a personal interest concerns the interests of any individual who is connected to the development, delivery and/or award of an awarding body's qualifications, and is covered by paragraph (b) of the definition of Conflict of Interest in Section J.

7.3 Personal interest is used in four specific circumstances in the Conditions and there is guidance on each of these circumstances below. Personal interest is specifically relevant to undertaking assessment, investigations and appeals, and is mentioned in Conditions A4.5/4.6, A8, G4 and I1. The requirements of each of these Conditions in relation to personal interest is explained in further detail below.

7.4 In addition to being relevant to these four specific circumstances mentioned in the Conditions, a personal interest may also give rise to a Conflict of Interest more generally. Where this is the case, the conflict needs to be managed in accordance with the requirements of Condition A4 for identifying and managing all Conflicts of Interest, in addition to taking any specific steps required by Conditions A4.5/4.6, A8, G4 or I1.

Personal interest in assessment

- 7.5 Conditions A4.5 and A4.6 require you to take all reasonable steps to avoid any part of a learner's assessment from being undertaken by someone who has a personal interest in the result of the assessment. Where, despite having taken such steps this cannot be avoided, you must arrange for the relevant part of the assessment to be scrutinised by someone else.
- 7.6 An assessor is likely to have a personal interest in the result of an assessment in any instance where they have personal links with a person who is being assessed. This would include a family relationship, friendship, professional relationship or any other sort of acquaintance. Some examples where there would be a personal interest in the result of an assessment would include, but not be limited to:
- an examiner being related to someone who is undertaking an examination;
 - an assessor or internal verifier being the friend of someone who is undertaking the assessment;
 - an individual taking an assessment in their workplace where the examiner is a member of staff in the same workplace; and
 - a head of centre taking an examination, where the examiner is a colleague from the centre.
- 7.7 Where personal links arise, the assessor is likely to have a personal interest in how the individual performs in the assessment, which could potentially lead them to make an assessment decision that is not based solely on the person's demonstrated ability, or that is otherwise not in compliance with the awarding body's Conditions of Recognition relating to assessment.
- 7.8 Where a personal interest in the result of an assessment arises, you need to take all reasonable steps to avoid any part of the assessment from being undertaken by the person in question. Some steps that you could consider putting in place might include, for example, ensuring that those who have been involved in the delivery of training are not involved in assessment for the same learner or group of learners, and/or ensuring that you require all assessors to make a declaration when they have personal links with someone who is sitting an upcoming examination or assessment, so that measures can be put in place to ensure that they are not involved in any part of the assessment.
- 7.9 In some situations, despite having taken all reasonable steps, it may not be possible to avoid all parts of an individual's assessment from being undertaken by someone who has no personal interest in the result of the assessment. Where assessment by someone who has a personal interest cannot be avoided, you must ensure that the relevant part of the assessment is scrutinised by

someone else, such as an independent verifier who has no personal link with the person being assessed.

Personal interest in investigations

- 7.10 Conditions A8.3 and G4.5 require you to ensure that investigations into malpractice and maladministration, and breaches in the confidentiality of assessment materials or information about assessment, are carried out by individuals who do not have a personal interest in the outcome of the investigation.
- 7.11 This document is intended to provide guidance and prompt thinking about the kinds of situations to look out for where a personal interest in the outcome of an investigation might arise. Some examples are given below to help you, but these are not prescriptive or exhaustive, and there may be other situations/ examples too:
- where the person is potentially implicated in the alleged malpractice and maladministration or breach of confidentiality;
 - where the person is related to or has a close personal relationship or friendship with a person who is implicated in the alleged malpractice and maladministration or breach of confidentiality;
 - where an adverse finding as a result of the investigation could have direct financial or professional implications for the individual, by putting their job or professional reputation at risk; or
 - the alleged conduct raises cultural or systemic organisational issues, which could directly reflect on the professional performance of a senior officer, director, head of centre or other senior staff member.
- 7.12 Where you determine that an individual has a personal interest, you must ensure that they are not involved in undertaking any part of the investigation, and must instead arrange for the investigation to be undertaken by someone who does not have any personal interest.

Personal interest in appeals

- 7.13 Condition I1.1 requires you to establish, maintain and comply with an appeals process for the appeal of:
- the results of assessments;
 - decisions regarding Reasonable Adjustments and Special Consideration; and
 - decisions relating to any action to be taken against a learner or a centre following an investigation into malpractice or maladministration.

- 7.14 Condition I1.2 sets out requirements for the appeals process, including requirements regarding who can take appeals decisions, the aim of which is to avoid Conflicts of Interest in your appeals process as far as possible.
- 7.15 In accordance with Condition I1.2(b), all appeal decisions must be made by individuals who have no personal interest in the decision being appealed. Some situations where an individual might have a personal interest in the decision being appealed are as follows, but these are not exhaustive, and a variety of other situations might also be relevant:
- where your assessment appeals panel includes someone who has marked the learner's work. The panel member may have a personal interest in the outcome of the appeal, as it would concern whether their own marking had been appropriate; or
 - where a person determining an appeal is a family member or friend of the person making the appeal or of someone who was involved in the decision being appealed.
- 7.16 Where you have identified a personal interest, then you must ensure that the person in question is not involved in making any decision in relation to the appeal.
- 7.17 Even where no personal interest is identified, the general requirement of Condition A4 to effectively manage Conflicts of Interest applies. Therefore, all conflicts relating to those making appeal decisions should be identified and managed and steps taken to avoid any conflict that may have an Adverse Effect, in accordance with your internal procedure for managing Conflicts of Interest.

8. Other requirements relating to decision makers for appeals

Appropriate competence

- 8.1 Condition I1.2 requires that appeal decisions must only be made by individuals who have appropriate competence (Condition I1.2(c)). By appropriate competence, we mean someone who is able to conduct a thorough and evidence-based investigation and make a balanced and objective appeal decision. They would not necessarily need to have detailed subject knowledge in relation to your qualifications. However, having a good understanding of the regulatory requirements is important, and that they hold relevant skills and experience appropriate to the complexity of the case, and are able to comply with the policies and procedures governing your appeals process. It may be helpful for them to have completed relevant training, and in particular to be

familiar with the applicable regulatory framework for any matter in relation to which they are asked to make an appeal decision.

Independent decision maker for final stage

- 8.2 In addition to decision makers for appeals not having a personal interest or otherwise being affected by a Conflict of Interest that could have an Adverse Effect, Condition I1.2 requires that at least one independent decision maker must be involved in the final stage of the appeals process (I1.2(d)). The final decision must also therefore involve at least one person who is not an employee of the awarding body, an assessor working for it, or otherwise connected to it.
- 8.3 The term 'person connected to an awarding body' is defined in section J1.5, to mean 'a person who undertakes or is involved in any activity undertaken by the awarding body'. Members of an awarding body's governing body are 'connected to' an awarding body within this meaning, and so they may not be used as independent decision makers.
- 8.4 It is up to you to put processes in place to ensure that decision makers are independent. Employees and assessors working for you are not independent due to their direct employment relationship with you. In this way, consider what arrangements you will put in place to secure independent decision makers, such as contractual or consultancy-based arrangements or reciprocal, voluntary arrangements. The existence of a financial relationship for the specific purpose of making appeals decisions would not of itself mean a person was 'otherwise connected to' you, and such a person could be regarded as independent as long as they did not have some other relationship with the awarding body.
- 8.5 The wording of Condition I1.2(d) makes it clear that we require the final stage of an awarding body's appeals process to involve an independent decision maker. Therefore, where your appeals process involves more than one stage we do not require an independent decision maker at every stage of the appeal. It is only where an appeal case concludes to the final stage, that an independent person must be involved.
- 8.6 At earlier stages of the appeals process, the Conditions do not prohibit someone who is an employee, assessor or otherwise connected to you from being involved, as long as they do not have a personal interest in the decision being appealed, and the general requirement of Condition A4 to manage Conflicts of Interest is met.

Annex 1 - Conditions A4 and I1

Standard Conditions of Recognition

Condition A4 - Conflicts of Interest

Identifying Conflicts of Interest

- A4.1 An awarding body 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.
- A4.2 An awarding body must establish and maintain an up to date record of all Conflicts of Interest which relate to it.

Managing Conflicts of Interest

- A4.3 An awarding body must take all reasonable steps to ensure that no Conflict of Interest which relates to it has an Adverse Effect.
- A4.4 Where such a Conflict of Interest has had an Adverse Effect, the awarding body must take all reasonable steps to mitigate the Adverse Effect as far as possible and correct it.

Interests in assessment

- A4.5 An awarding body must take all reasonable steps to avoid any part of the assessment of a Learner (including by way of Centre Assessment Standards Scrutiny) being undertaken by any person who has a personal interest in the result of the assessment.
- A4.6 Where, having taken all such reasonable steps, an assessment by such a person cannot be avoided, the awarding body must make arrangements for the relevant part of the assessment to be subject to scrutiny by another person.

The written Conflict of Interest policy

- A4.7 An awarding body 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 body intends to comply with the requirements of this Condition.
- A4.8 When requested to do so by Qualifications Wales in writing, an awarding body must promptly submit to Qualifications Wales its Conflict of Interest policy,

and must subsequently ensure that the policy complies with any requirements which Qualifications Wales has communicated to it in writing.

Condition I1 – Appeals process

- 11.1 An awarding body must establish, maintain and comply with an appeals process in relation to all qualifications which it makes available, which must provide for the appeal of:
- (a) the results of assessments;
 - (b) decisions regarding Reasonable Adjustments and Special Consideration; and
 - (c) decisions relating to any action to be taken against a Learner or a Centre following an investigation into malpractice or maladministration.
- 11.2 For the purposes of Condition I1, the appeals process must provide for:
- (a) the effective appeal of results on the basis that the awarding body did not apply procedures consistently or that procedures were not followed properly and fairly;
 - (b) all appeal decisions to be taken by individuals who have no personal interest in the decision being appealed;
 - (c) appeal decisions to be only taken by persons who have appropriate competence;
 - (d) the final decision in respect of the outcome of an appeal to involve at least one decision maker who is not an employee of the awarding body, an Assessor working for it, or otherwise connected to it; and
 - (e) timelines for the outcome of appeals.
- 11.3 An awarding body must publish information on its appeals process to enable the results of assessments to be appealed.
- 11.4 Where the application of an appeals process in the case of a Learner leads an awarding body to discover a failure in its assessment process, it must take all reasonable steps to:
- (a) identify any other Learner who has been affected by the failure;
 - (b) correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure; and
 - (c) ensure that the failure does not recur in the future.

Annex 2 - Conflict of Interest scenarios

The following scenarios are hypothetical and are provided for illustrative purposes only, to give examples of where Conflicts of Interest may potentially arise and some suggestions for how to avoid and/or manage them.

These are not the only responses that might be appropriate and other approaches could equally be considered. Much will depend on the individual circumstances and context.

1 **Conflicts of Interest within a company group**

Your awarding body is part of a group of companies which includes a company that delivers training. The training company would like to start delivering training for a suite of qualifications offered by you in order to increase its revenue.

This gives rise to a potential Conflict of Interest, as you may be swayed to make decisions in order for the training arm of the company group to gain financially, and/or to operate contrary to your Conditions of Recognition in order to further the training company's interests. This could in turn lead to the quality of your qualifications being compromised, disadvantage learners, and damage the reputation of and confidence in your qualification.

In this scenario, one example of a way of managing the conflict would be to identify this as a potential Conflict of Interest, and put specific measures in place to ensure you remain compliant with your Conditions of Recognition despite the relationship with the training company. There are a number of possible measures you could take in relation to your governance structure to prevent any Adverse Effects arising, for example, not having common senior officers, establishing a clear separation of duties of staff between the two companies, and putting internal governance processes in place to prevent the risk of conflicted decisions threatening your compliance with your Conditions of Recognition.

2 **Internal assessment**

A small centre delivering vocational qualifications has a cohort of learners completing non examined assessment in the same location as the training. Due to operational and funding constraints, the same person within the centre could be the trainer and assessor.

Any situation where training delivery and assessment is undertaken by the same person gives rise to a Conflict of Interest. The individual would most likely have a personal interest in the achievement of the learners that they have trained. There is a risk that internal quality assurance processes may be compromised, and this could

	<p>adversely affect the quality and accuracy of assessment judgements, which in turn could lead to certification of learners who may not have met the required standard of competence as required by the qualification specification and learning outcomes.</p> <p>Condition A4 requires you to take all reasonable steps to avoid a learner’s assessment being undertaken by someone with a personal interest. To manage conflicts of this type, you should therefore put processes in place at centres to avoid training and assessment being undertaken by the same person. Such processes might include, for example, a clear policy requiring those who have been involved in training, teaching or programme delivery not to be involved in the assessment or examination of the same learners, and/or including relevant additional measures in your CASS strategy such as more frequent visits or spot checks to monitor centre compliance with the arrangements in place.</p> <p>There are occasions where the involvement of someone who has a personal interest in the result of the assessment cannot be avoided. If this is the case, you need to identify this as a risk and actively manage it, and you must arrange for the assessment to be scrutinised by someone else. This could be managed by, for example, putting additional arrangements in your CASS strategy for scrutiny of assessment in these circumstances.</p>
3	<p>Examiner marking own students’ work</p> <p>An awarding body has appointed an examiner who is also a teacher in a school which is an examination centre. As scripts are blind marked, the teacher didn’t think it was necessary to declare a personal interest with the awarding body. During marking, the teacher recognises scripts written by their own learners, but instead of flagging this as an issue to the awarding body, they go ahead and mark the completed assessments and submit the marks.</p> <p>The examiner has a personal interest in their learners performing well in the exams, as this reflects positively on the school and their performance as a teacher. This could give rise to inaccurate marking, leading to attainment that does not reflect the knowledge, understanding or skills of the learners.</p> <p>To manage this type of conflict, your Conflict of Interest policy could clearly set out the responsibilities of all staff, including examiners, to declare any personal interests. Training or other forms of awareness raising would also potentially have helped prevent this scenario from occurring – by ensuring that the teacher was aware that they needed to declare the conflict. Monitoring activities that you undertake could also help to highlight such practices.</p>
4	<p>Conflict in employment roles</p> <p>A sub-contractor working for you on the design of qualifications is also employed at a centre at which some of your qualifications are offered. Their various roles could cause them to make decisions that are contrary to your Conditions of Recognition.</p>

	<p>As an example of possible measures to take to manage this type of conflict, you could require all staff including contractors to declare any outside employment, consider on a case by case basis whether any such declared employment gives rise to (or could give rise to) any Conflicts of Interest that need to be avoided or mitigated, and record and monitor any mitigation measures that you take on an ongoing basis.</p>
5	<p>Personal interest in investigation – breach of confidentiality</p> <p>A member of your staff has a role that normally includes undertaking investigations into breaches of the confidentiality of assessment materials. However, on this occasion, they are related to someone who is going to be investigated. In accordance with Condition G4.5(b), such investigations may not be carried out by someone with a personal interest in the investigation outcome. Accordingly, the staff member cannot undertake the investigation in this instance, and you make arrangements for another competent person to conduct the investigation.</p> <p>To help avoid and manage this type of conflict, you could include in your Conflict of Interest policy a requirement that all staff, including investigation officers, declare any personal links including relationships with those in named centres. You could also put a process in place for ascertaining any personal interests as an investigation or an appeal is being arranged or assigned to an investigation officer, and set up alternative arrangements in advance so that cover for investigation officers exists if and when such a scenario arises.</p>
6	<p>Personal interest in investigation – Head of centre undertaking malpractice and maladministration investigation</p> <p>An allegation of malpractice and maladministration in the supervision of examinations by a centre has been made, and you are deciding who should investigate it. The head of centre has indicated that they would be willing to undertake the investigation.</p> <p>In this situation, the head of centre may have a personal interest in the outcome of the investigation, as it concerns processes for the supervision of examinations and the conduct of staff within the centre, for which they are professionally accountable. A finding of malpractice and maladministration could directly affect their professional reputation and/or tenure. In accordance with Condition A8.3, you must ensure that this investigation is undertaken by someone who has no personal interest in its outcome. You should consider all of the circumstances to reach a view about whether the head of centre has a personal interest in the outcome in this particular instance, and if so, ensure that someone else undertakes the investigation.</p>

Annex 3 – Summary diagram of Condition A4

This diagram provides a visual summary of Condition A4, but should be read in conjunction with the detailed guidance above.

