

## **Conflicts of Interest Policy**

### **Introduction**

The document outlines both our:

- broad approach to identifying and monitoring all actual/potential conflicts of interest that may affect Crossfields Institute both now and in the foreseeable future; and
- the possible conflicts of interest that have been identified to date and the arrangements in place to prevent these from occurring.

It may from time to time be provided to the regulators upon request to satisfy them of our ability to comply with their requirements in relation to conflicts of interest and to prevent such conflict becoming 'Adverse Effects' (as defined by the regulators).

### **Definition of a Conflict of Interest**

For the purposes of this policy we have adopted the definition used by the regulatory authorities in relation to conflict of interests. In essence a conflict of interest exists in relation to Crossfields Institute where:

- its interests in any activity undertaken by it, on its behalf, or by a member of its staff have the potential to lead it to act contrary to its interests in the development, delivery and award of qualifications in accordance with the requirements of the regulator's Conditions of Recognition,
- a person who is connected to the development, delivery or award of qualifications at Crossfields Institute has interests in any other activity which have the potential to lead that person to act contrary to his or her interests in the development, delivery or award of qualifications and impact on our compliance with the requirements of the regulator's Conditions of Recognition,
- an informed and reasonable observer would conclude that either of these situations was the case.

### **Overview**

As an organisation that keeps all aspects of its business under review, individual teams are expected to identify and inform the Responsible Officer of any actual/potential conflicts of interest that could impact Crossfields Institute and which are not already identified in the table at the end of this policy.

In addition, team leaders are required to manage and monitor any identified conflicts of interest that relate to their area of operations (as outlined in the table at the end of this document).

Should the status of any identified conflict, or the associated controls change, then the team leader should inform the Responsible Officer so they can update, as required, the details in the table below.

Overall our compliance with regard to identifying and managing any conflicts of interest will be reviewed regularly by the Senior Management Team, the Quality Committee and the Board of Trustees.

### **Conflict of Interest Principles**

In implementing our approach to identifying and managing actual/potential conflicts of interest staff are required to abide by the following principles:

- All staff must commit to identifying and managing all actual/potential conflicts of interest that may affect Crossfields Institute and in doing so raise possible conflicts of interest with the Responsible Officer if in doubt
- Staff must be proactive in the identification and management of conflicts of interest that may affect our effectiveness, level of regulatory compliance and/or reputation.
- Staff must be open about the nature of any potential/actual conflicts of interest and not try to hide or present them in a better light – managing conflicts of interest is about preventing issues from occurring that may impact on our operational effectiveness and/or regulatory compliance
- Strive to identify and deal with conflicts of interest sooner rather than later
- Our controls for managing any potential conflicts of interest must be proportionate to the risks associated with the identified conflict(s)

### **Dealing with Conflicts of Interests and/or Breaches to the Procedures**

Should any member of staff, a Trustee or Quality Committee member believe there has been a breach of this policy, or unforeseen conflicts of interest emerge, the Responsible Officer must be informed and an investigation carried out immediately along with a review of the associated procedures.

Should an external party feel there has been an actual conflict of interest involving Crossfields Institute then they should raise the matter with the Responsible Officer who will begin an investigation, (unless they have an involvement/interest in the allegation in which case it will be passed to the Chief Executive Officer (or, if required, an alternative member of staff or external party will be appointed to carry out the review). The outcome will be reported to the Board of Trustees. At all times we will ensure that personnel assigned to the investigation have the appropriate level of training and competence and they have had no previous involvement or personal interest in the matter.

If the breach is also classified as an Adverse Effect then the Responsible Officer must promptly inform Ofqual in accordance with our procedure for dealing with Adverse Effects (see Governance Manual for further details). In so doing, she will inform Ofqual of the reasonable steps that we have taken or intend to take to prevent, correct or mitigate the Adverse Effect, including details of any reviews we are/will carry out. For information, the Ofqual definition of an Adverse Effect is:

*An act, omission, event, incident, or circumstance has an Adverse Effect if it –*

*(A) gives rise to prejudice to Learners or potential Learners, or*

*(B) adversely affects –*

*(i) the ability of the awarding organisation to undertake the development, delivery or award of qualifications in accordance with its Conditions of Recognition,*

*(ii) the standards of qualifications which the awarding organisation makes available or proposes to make available, or*

*(iii) public confidence in qualifications.*

## **Contact**

If you have any queries about the contents of the policy, please contact the Responsible Officer on 01453 808118 or via email [alison@crossfieldsinstitute.com](mailto:alison@crossfieldsinstitute.com).

## **Review arrangements**

We will review this document annually as part of our self-evaluation arrangements. However, a review will be commissioned earlier should an issue arise in relation to an actual or potential conflict of interest and/or in response to customer, learner or regulatory feedback.

**Policy Last Reviewed September 2018**

**Next revision date September 2019**

Reviewed by: Responsible Officer: Alison Richards

Potential conflict of interest	Reasonable steps to ensure that no conflicts of interest have an Adverse Effect (as defined by Ofqual) and/or that such effects are mitigated as far as possible	Responsibility for monitoring this process
<p>Members of the Board of Trustees, SMT, or Quality Committee may unduly influence decisions so as to ensure a personal or commercial material benefit (eg in relation to interests they may have which are external to Crossfields Institute).</p>	<p><b>Senior staff:</b> – including Board members – are required to declare any interests in the Register of Interests on appointment. Non-executive staff such as Trustees and Quality Committee members must also make an ongoing annual declaration on the Declaration of Interest form to further identify potential or actual conflicts of interest that may have emerged in the interim period.</p> <p><b>Staff Reviews:</b> All employed staff are regularly expected to complete a Declaration of Interest Form to declare any conflict of interest that may have arisen in the interim period as part of their Performance and Development Review (PDR).</p> <p><b>Regular meetings:</b> All staff and members in attendance at Crossfields Institute meetings will be required to declare, at the beginning of a meeting, any private interest which s/he has in an item to be discussed, and certainly before any discussion of the item. This ‘declaration of possible conflicts of interest’ is a standard item on all agenda.</p> <p>In doing so they will then abstain from any vote/decision that may pose a conflict of interest to the member – especially where they may directly or indirectly receive a material benefit from the decision or have a conflict in loyalties (eg their overriding duty is to act in the best interests of the other party). They may be allowed to engage in the discussion if the others members do not object and the possible conflict is already known to the rest of the attendees.</p> <p>Agenda items that are confidential and would cause a conflict of interest if raised in front of all members of the meeting are discussed outside of the meeting in one to one meetings with the member deemed to have a ‘conflict’ excluded from the discussions.</p> <p>All decisions under a conflict of interest will be recorded by the meeting minute taker and reported in the minutes of the meeting with details of:</p> <ul style="list-style-type: none"> <li>▪ the nature and extent of the conflict;</li> <li>▪ an outline of the discussion;</li> <li>▪ the actions taken to manage the conflict.</li> </ul> <p>Access to documentation that is deemed confidential and may lead to a possible conflict of</p>	<p>Responsible Officer</p>

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	<p>interest are restricted in their circulation before and after the meetings.</p> <p>Also where a group has a member who also works for an approved centre, Crossfields Institute will ensure that any reports/issues presented to the group that relate to specific centres will be anonymous in that they will have centre names removed/redacted.</p>	
<p>Crossfields Institute centres or affiliated organisations unduly influencing the qualification development process</p>	<p>Crossfields Institute will ensure that all centres have the opportunity to propose new qualifications. All relevant centres will be invited to comment on proposals.</p> <p>All proposals for qualification development will be identified, considered, signed-off and recorded (in the relevant qualification development form) in accordance with the process described in our Qualification Development Manual.</p> <p>All decisions will be recorded and subject to regular review during self-evaluation activities by the Senior Management Team and made available to the regulators upon request and in any future audit.</p>	<p>Head of Qualification Development</p>
<p>Crossfields Institute International (HE Education and Research) receiving an unfair advantage or subject to lesser review as part of their centre recognition and/or qualification approval applications.</p>	<p>All Crossfields Institute HE programmes are monitored and accredited by Alanus University, Germany – not by Crossfields Institute. Therefore there is no conflict of interest and they will continue to be monitored by Alanus University rather than by Ofqual.</p>	<p>Head of Quality</p>
<p>Crossfields Institute International may be perceived to be a conflict with the Institute's design, delivery and award process for regulated qualifications.</p>	<p>Crossfields Institute International is a primary objects subsidiary charity, and the delivery arm of the Institute will only ever be delivering HE education (regulated by the QAA) in partnership with a university either in the UK or overseas. These learners will not be receiving an Ofqual certificate.</p> <p>At all times we will ensure it is clear to learners in all marketing materials, websites, handbooks and any other associated materials that the qualifications delivered by Crossfields Institute International are regulated by the QAA or by another international university (Alanus University, Germany)</p>	<p>Responsible Officer</p>

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<p>Investigations into possible conflicts of interest into direct/indirect members of Crossfields Institute are carried out by someone who may have a vested interest in the outcome.</p>	<p>Crossfields Institute ensures that all complaints are reviewed by the Responsible Officer and s/he is responsible for assigning a relevant member of staff to lead on and be involved in the investigation.</p> <p>At all times s/he will ensure that the personnel assigned to the investigation will have the appropriate level of training and competence and have had no previous involvement or personal interest in the matter.</p>	<p>Responsible Officer</p>
<p>Staff may have a conflict of interest that impacts on their ability to carry out their role appropriately, consistently and with integrity.</p>	<p>All staff at Crossfields Institute commit to carrying out their role to the best of their ability and are aware of the need to identify and manage any potential conflicts of interest.</p> <p>As mentioned above, staff and members of the Board of Trustees and the Quality Committee must declare any possible conflicts they have in the Register of Interests upon starting work with Crossfields Institute. The Register of Interests should also be updated should their circumstances change by completing and submitting a new Declaration of Interest form (see Appendix 2). The Responsible Officer is responsible for maintaining the Register of Interests (a copy of the Register is in Appendix 3). In support of this we will undertake a 6 monthly check with each member of staff during their performance development review (PDR) to proactively check and identify potential and/or actual conflicts of interest that may have emerged in the interim period by asking them to re-sign the declaration statement at their appraisal meeting).</p> <p>In addition, to ensure that Crossfields Institute actively reduces the risk of conflicts of interest arising amongst staff and the activities they undertake we expect staff to comply with the spirit of the Nolan Principles of public life. Namely:</p> <ul style="list-style-type: none"> <li>• Selflessness - staff have a general duty to act in the best interests of the organisation.</li> <li>• Integrity - staff should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their role.</li> <li>• Objectivity - in carrying out their role, staff should ensure that decisions are made solely on merit.</li> <li>• Accountability – staff are accountable for their decisions and actions.</li> </ul>	<p>Responsible Officer</p>

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	<ul style="list-style-type: none"> <li>• Openness – staff should be as open as possible about their decisions and action that they take. They should, where appropriate, give reasons for their decisions and restrict information only when the wider interest or procedure clearly demands.</li> <li>• Honesty – staff have a duty to declare any interests relating to their role in our Register of Interests and to take steps to resolve any conflicts that may arise.</li> <li>• Leadership – staff should have a good working relationship with colleagues and provide appropriate leadership and professionalism when carrying out their own role.</li> </ul>	
<p>Quality Team staff (eg EQAs) involved in the design of assessments fail to highlight issues with the delivery of the assessments when they carry out their quality assurance role (eg they may be less likely to identify adverse issues with the assessments they were involved in the design and development of).</p>	<p>All staff at Crossfields Institute are committed to carrying out their role to the best of their ability and are aware of the need to identify and manage any potential conflicts of interest.</p> <p>The work of all EQAs is subject to review by the Head of Quality, to ensure that they have carried out their role as effectively and consistently as they would with qualifications/assessments they have had no involvement with at the design stage.</p> <p>In particular, the Head of Quality considers, as part of our ongoing standardisation and review arrangements, the nature of the findings/reports/activities of such individuals to ensure they have acted consistently and appropriately.</p>	<p>Head of Quality</p>
<p>Staff involved in the design of assessments knowingly or unknowingly disclose confidential information about the assessments to unauthorised individuals or organisations or at external events (eg training events).</p>	<p>All staff at Crossfields Institute are committed to carrying out their role to the best of their ability and are aware of the need to identify and manage any potential conflicts of interest. Their work is subject to review by their line manager to ensure that they have carried out their role effectively and consistently in accordance with agreed expectations.</p> <p>Third parties sign appropriate confidentiality and/or non-disclosure agreements as part of their contract or as part of a separate document. The recruitment process and/or agreement seeks to protect the confidentiality of our assessment arrangements via:</p> <ul style="list-style-type: none"> <li>• confidentiality clauses that aim to ensure that such confidentiality is maintained</li> <li>• a clause that ensures they must not provide or endorse any prohibited training, and do not provide or endorse any prohibited training (or seek approval/endorsement from Crossfields Institute staff or those connected to Crossfields Institute).</li> </ul>	<p>Head of Quality</p>

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	<p>Should an issue arise that suggests a conflict of interest or a breach of confidentiality has occurred, and where there are reasonable grounds for that suspicion or allegation, the Responsible Officer will be informed and will institute an investigation. S/he will appoint someone of appropriate competence who has no personal interest in its outcome to investigate. The investigation will, so far as possible, establish whether or not a breach of such confidentiality or conflict of interest has occurred and highlight the action(s) that need to be taken.</p>	
<p>Allocating EQAs to centres that may have a conflict of interest such as:</p> <ul style="list-style-type: none"> <li>• has worked for the centre,</li> <li>• has worked for a competitor centre,</li> <li>• has a family member working at the centre,</li> <li>• has a financial stake or shares in the centre</li> <li>• is a governor at the centre.</li> </ul>	<p>Crossfields Institute will record the details of any actual/potential conflicts of interest in the EQA's profile record and this will be checked when centres are allocated by the Head of Quality, to ensure an EQA is not allocated to a centre at which they have had or have a personal interest.</p> <p>Where this cannot be avoided, the Head of Quality will scrutinise the work of the EQA at the centre to ensure no conflicts have occurred and that there is no adverse effect.</p>	Head of Quality
<p>Ensuring assessments are not undertaken by any person who has a personal interest in the result of the assessment (eg Internal Quality Assurers signing off their own assessments; someone assessing the work of a family member; or someone whose pay is influenced by positive assessment results).</p>	<p>Crossfields Institute will issue guidance to centres on how to manage and prevent conflicts of interest from occurring in assessment undertaken at the centre and which will state that centres are not permitted to offer financial reward for any of its staff involved in the assessment of learners in respect of the assessment outcomes of those learners (other than normal pay associated with the role of assessors, etc) that may lead to doubts about the integrity of their decisions. Such a practice, where it is found or suspected, may be treated as malpractice and dealt with through Crossfields Institute's Malpractice and Maladministration Policy.</p> <p>In addition, EQA's will check this aspect when reviewing assessment arrangements at centres and will record details of any such checks/conflicts recorded in the associated centre engagement reports.</p>	Head of Quality

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	<p>If such conflicts cannot be avoided (e.g. due to a lack of competent staff at the centre) the EQA will make arrangements for the relevant part of the assessment to be subject to scrutiny by another person and in doing so will seek approval for such arrangements with the Head of Quality.</p>	
<p>Ensuring that all contracted staff (eg unit writers, sales staff, part-time monitoring staff, consultants and suppliers) sign appropriate service agreements/contracts that include relevant clauses that govern confidentiality and ownership of information, and prevents them from trading on the name of Crossfields Institute or offering services or advice to learners or centres based on information they obtained whilst working at Crossfields Institute.</p>	<p>All external parties recruited for specific activities will be required to sign an appropriate service agreement/contract which includes a non-disclosure agreement.</p> <p>The normal process will be to invite them to respond to a tender/work specification, shortlist and interview before a final selection is made based on the relevant experience, expertise and track record.</p> <p>They will be asked to declare any conflicts of interest in accordance with their duty of confidentiality and/or any other legal duty.</p> <p>Their work will be monitored by their line manager to ensure they operate effectively and in accordance with the expectations for the role they have been recruited for and to ensure that if they have an external role outside of their Crossfields Institute activities they do not take any actions that are contrary to the interests of Crossfields Institute in the development, delivery or award of our qualifications. In addition at regular meetings there will be a standard agenda item to declare any new potential/actual conflicts of interest that may have occurred in the interim period.</p>	<p>Responsible Officer</p>
<p>Ensuring staff do not receive undue gifts or hospitality that may affect their judgment or be considered by others as impacting their judgment.</p>	<p>Hospitality of any kind which might reasonably be seen to compromise an employee's personal judgment or integrity and be viewed as exerting influence to obtain preferential consideration should be refused.</p> <p>Staff must not allow themselves to be put in a position that might be deemed by others to have been influential in making a business decision as a consequence of accepting hospitality.</p> <p>Offers of one-off gifts should be politely but firmly declined. If they are pressed, the recipient should inform their line manager and the Responsible Officer.</p> <p>Gifts of low intrinsic value such as calendars, diaries, flowers or chocolates need not be regarded as subject to this rule. In cases of doubt, the line manager and/or Responsible Officer should be consulted.</p>	<p>Responsible Officer</p>

**Appendix 2 – Declaration of Interest Form**

Each member of our staff, including members of the Board of Trustees and members of the Quality Committee must complete the following form to help ensure Crossfields Institute actively identifies and manages any potential conflicts of interest. This must be signed on appointment and at each performance development review (PDR).

Name	Title/role		
<b>Details of any external interests that may lead to a possible conflict of interest occurring.</b>			
<b>Signed</b>		<b>Date</b>	

### Appendix 3 – Register of Interests

This Register of Interests is now recorded in the Mercury system, Governance section, the information below is recorded. Any conflicts are reported to the Board and Quality Committee.

	Name	Conflict title	Conflict details	Date registered	Conflict controls (eg how is the potential/actual conflict being mitigated or prevented)	Additional Notes
1						
2						
3						