

# Conflict of interest policy

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## Policy statement

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Conflicts of interest affect organisations of all types and sizes. A conflict of interest exists when an organisation or an individual has competing interests, which might impair their ability to make objective, unbiased decisions. This can lead to invalid outcomes for learners and may damage the reputation or public trust of training providers and/or awarding organisations like YMCA Awards.

Staff and trustees have a moral and legal obligation to act in the best interests of Central YMCA ('the Charity'), and in accordance with the Charity's governing document, to avoid situations where there may be a potential conflict of interest.

As a registered charity, the Charity Commission expects trustees to identify and address effectively any conflicts of interest that affect them or the Charity.

A conflict of interest exists when an organisation or an individual has competing interests which might impair it's or their ability to make objective, unbiased decisions.

Conflicts of interests can include personal or family interests, loyalties, professional duties, or responsibilities which conflict with those of the Charity. Such conflicts may create problems that can:

- Inhibit free discussion
- Risk the impression that the Charity has acted improperly
- Result in reputational damage and/or regulatory fines

Furthermore, as an organisation that develops, delivers and awards qualifications and End Point Assessments, the Charity is committed to ensuring that there is clear independence between the activities of its awarding functions and operational delivery of training and education to our learners.

The Department for Education (DfE) and Education and Skills Funding Agency (ESFA), also expects organisations responsible for DfE/ESFA funded delivery to have a policy that covers how the organisation manages conflicts of interest between their contracted delivery and any other interests they or individuals in the organisation and their related parties might have.

This policy helps to explain the circumstances in which a conflict could exist and our approach to managing actual and perceived conflicts of interest.

The aim of this policy is to protect the resources and reputation of the Charity and protect individuals involved from the appearance of impropriety.

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## YMCA Awards' responsibilities

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YMCA Awards is required to:

- identify and monitor all conflicts of interest which relate to our activities as an awarding organisation or end-point assessment organisation
- identify and monitor any scenario in which it is reasonably foreseeable that any such conflict of interest will arise in the future
- establish and maintain an up-to-date record of all conflicts of interest which relate to our activities as an awarding organisation or end-point assessment organisation
- take all reasonable steps to ensure that no conflict of interest has an Adverse Effect.
- take all reasonable steps to avoid any part of the assessment of a learner (including quality assurance) being undertaken by any person who has a personal interest in the result of the assessment, or, in cases where this is not possible, to make arrangements for the relevant part of the assessment to be subject to scrutiny by another person.

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## Approved centres' responsibilities

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To meet our obligations and to ensure the ongoing validity of our qualifications we require our approved centres to manage conflicts of interest that can occur during the delivery, assessment, and internal quality assurance of our qualifications. This includes:

- having a written Conflict of Interest Policy with sufficient detail and clarity to allow the centre to identify, manage and record actual and potential conflicts of interest
- ensuring that its conflict of Interest Policy makes adequate provision for identifying and managing potential conflicts of interest that may occur through subcontracting arrangement where a subcontractor is used for any part of the delivery, assessment or quality assurance of YMCA Awards' qualifications
- complying with the arrangements set out within their policy
- providing a copy of their conflict of interest policy during the centre approval application process and must be made available to YMCA Awards upon request at any other time thereafter
- declaring conflicts of interest to YMCA Awards, including those relating to subcontracting arrangements, at the point the conflict of interest is identified and by making records relating to the identification and management of conflicts of interest available during external quality assurance activity
- contacting YMCA Awards if they are made aware of any concerns relating to conflicts of interest, whether these conflicts are the responsibility of the centre or YMCA Awards itself
- seeking advice from YMCA Awards if they are unsure how to appropriately manage a foreseeable or existing conflict of interest.

We monitor and record this activity.

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## Examples of conflicts of interest

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The table below outlines examples of conflicts of interest. This list is not exhaustive.

YMCA Awards	Approved centres
<p>a member of YMCA Awards staff who has a personal or financial interest in the outcome of the assessment of a learner (e.g. a learner who is a relative or close friend of a YMCA Awards' staff member or freelancer)</p> <p>a current or former member of YMCA Awards staff who enrolls on a YMCA Awards qualification</p> <p>a freelance technical contributor/subject matter expert who has developed assessment instruments, or had access to confidential assessment materials, and acts as an on-programme tutor/ assessor for a YMCA Awards approved centre, at any time</p> <p>a member of YMCA Awards staff or freelance technical contributor/subject matter expert who has had access to confidential assessment materials, who seeks to develop a learning or teaching resource (including written or delivered revision guidance) for staff or learners associated with approved centres, at any time.</p>	<p>an assessor, acting on behalf of or directly employed by the centre, who may have a vested interest in the outcome of an assessment (e.g. an assessor assessing a family member, close friend or colleague)</p> <p>an Internal Quality Assurer (IQA) who has a vested interest in the outcome of an assessment (e.g., where a learner is a relative or close friend)</p> <p>an assessor or IQA who gains a financial reward based on the outcome of assessments undertaken by them over and above the normal pay/salary (e.g. a bonus based on achievement rates).</p>

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## Identification and management of conflicts of interest within YMCA Awards

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### Roles and Responsibilities

It is the responsibility of individual members of staff to inform their line manager of any possible conflicts of interest; for those situations where a conflict of interest may arise, appropriate arrangements must be put in place to ensure that the potential conflict of interest cannot influence the outcome of an assessment. Line managers are responsible for recording all conflict of interest declarations and sharing these with YMCA Awards' Responsible Officer.

It is the responsibility of all YMCA Awards staff, freelance external quality assurers, freelance assessors and IQAs, technical contributors, subject matter experts and any other associate or consultant contracted by YMCA Awards, to declare any potential or actual conflict of interest at the point of recruitment, and to adhere to the conflict of interest information provided within their contract. In addition, during staff induction, we establish whether conflicts of interest and related threats to the maintenance of the confidentiality of our assessments exist or may be likely to occur. In some circumstances, potential or actual conflicts of interest may be identified and options to manage the conflict explored during recruitment. Where new conflicts or potential conflicts arise following recruitment and induction, it is the responsibility of the staff member or freelancer to notify their line manager as soon as reasonably possible.

Conflicts of interests are also updated as part of annual performance reviews with staff and freelancers, there is also a standing agenda item for meetings where declarations of interest are identified. Where new conflicts of interests are declared this information will be added to Y-Connect by the appropriate line manager and will include details for how the conflict must be managed.

### Freelance associates: additional requirements

Where YMCA Awards recruits individuals to work on its behalf, such as freelance External Quality Assurers, technical contributors, independent end-point assessors, internal quality assurers (endpoint assessment) and other subject matter experts, we ensure that any actual or perceived conflicts of interest are declared at the point of recruitment or induction. Where new conflicts or potential conflicts arise following recruitment and induction, it is the responsibility of the freelance associate to notify YMCA Awards as soon as reasonably possible.

In some circumstances, potential or actual conflicts of interest may be identified and options to manage the conflict will be explored.

Where necessary and appropriate for ongoing monitoring, these details are kept by YMCA Awards and considered when making decisions about workload allocation.

Contracts for freelance associates who will have access to confidential assessment materials include a clause that prohibit the associate from disclosing the content of confidential assessment to any third party, including restrictions on the development of teaching and learning resources relating to such assessment content.

All identified conflicts of interest will be recorded on Y-Connect, conflict of interest information will be reviewed and updated as identified, and as a minimum annually as part of performance reviews.

## **Positions of responsibility with other organisations**

Where an employee of YMCA Awards wishes to accept a paid or unpaid position with another organisation, such as an approved centre, or other stakeholder related to the qualifications we offer (for example, an educational publisher or an aligned trade organisation or membership body) which might pose a potential conflict of interest, they must discuss the matter with their line manager. If deemed appropriate, steps will be put in place to manage any potential conflict of interest. Such permission will not be unreasonably withheld, but YMCA Awards retains the right to refuse permission where it is felt there would be a conflict of interest or the employee would find difficulty in fulfilling both roles.

Where a freelancer, contractor, technical contributor, associate or consultant wishes to accept a paid or unpaid position with another organisation, such as an approved centre, or other stakeholder related to the qualifications we offer they must declare this to their line manager in advance of undertaking any position. Should this be identified as a conflict of interest this information will be recorded on Y-Connect.

## **Investigating concerns relating to conflicts of interest**

YMCA Awards' Responsible Officer is responsible for investigating credible concerns relating to conflicts of interest, whether these have been declared by the individual(s) or not. This applies to concerns raised in relation to conflicts of interest within YMCA Awards as well as concerns relating to centres, which are brought to the attention of YMCA Awards. In situations where the conflict of interest relates to the Responsible Officer, an independent party will investigate and make recommendations on actions required.

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