

# ABMA Education Conflict of Interest Policy

## Introduction

The document outlines both our:

- broad approach to identifying and monitoring all actual/potential conflicts of interest that may affect us 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 recurring.

This policy aims to negate any conflicts of interest associated with the activities undertaken by ABMA Education (hereafter 'ABMA') and/or the activities undertaken on ABMA's behalf. It applies to both ABMA employees and ABMA agents which include, but are not limited to:

- consultants,
- qualification developers,
- examination question and mark scheme developers,
- 3<sup>rd</sup> parties which provide services such as invigilation,
- markers,
- moderators,
- suppliers,
- external quality assurers (EQAs), and
- centre staff associated with the delivery and assessment of ABMA qualifications e.g. principals, tutors, invigilators, internal quality assurers (IQAs), etc.

It may, from time to time, be provided to Ofqual upon request to satisfy them of our ability to comply with their requirements in relation to conflicts of interest and to prevent such conflict from becoming an 'adverse effect' (as defined by Ofqual).

## 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.

## Overview

As an organisation that keeps all aspects of our business under review, individual departments are expected to identify and inform the Chief Executive Officer (CEO) or Responsible Officer (RO) of any actual or potential conflicts of interest that could impact ABMA and which are not already identified on our CRM system, ABMA Interactive (AI).

In addition, they are required to manage and monitor any identified conflicts of interest that relate to their area of operations which they have been assigned on AI. Should the status of any identified conflict, or the associated controls, change, the Quality Control Committee (QCC) needs to be notified and the relevant conflict of interest form updated in AI. The updated conflict is (re)assigned a manager and a new action created and linked to the conflict. This action appears on the action log to ensure that the conflict is managed.

In terms of agents, including centres, we expect to receive notification of actual or potential conflicts of interest that could arise, or have arisen, before or as soon as possible after they are identified. We expect agents to mitigate, where possible, and manage, where necessary, any identified actual/potential conflicts of interest.

In addition, all centres are expected to have a conflicts of interest policy. This is verified by the Centre Recognition Committee at approval stage.

All actual conflicts of interest are noted in our Conflicts of Interest log in AI so that they can be managed. Any potential conflicts of interests are noted in our risk log in AI.

Overall, our compliance with regard to identifying and managing any conflicts of interest will be reviewed regularly by the QCC.

## Definition of a conflict of interest

For the purposes of this policy we have adopted the definition used by Ofqual in relation to conflicts of interest. In essence, a conflict of interest exists in relation to ABMA where:

- our interests in any activity undertaken by us or by agents on our behalf has the potential to lead us to act contrary to our interests in the development, delivery and award of qualifications in accordance with the requirements of Ofqual's 'General Conditions of Recognition',

- a person, including agents, who is connected to the development, delivery or award of qualifications at ABMA 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 process and impact on our compliance with the requirements of Ofqual's 'General Conditions of Recognition', and/or
- an informed and reasonable observer would conclude that either of these situations was the case.

### Examples of a conflicts of interest

Below are some examples of potential conflicts of interest and the reasons why they are deemed conflicts of interest (note: this list is not exhaustive):

Potential conflict of interest	Why this is a potential conflict
An ABMA employee is related to/has a personal relationship with an ABMA learner	<ul style="list-style-type: none"> <li>• The employee may amend the learner's record, for example, tamper with the learner's grades on the system</li> <li>• The employee may have access to the examination questions/mark schemes and share these with the learner</li> <li>• This could have an adverse effect</li> </ul>
An ABMA employee is related to/has a personal relationship with a centre's member of staff	<ul style="list-style-type: none"> <li>• The employee may amend the centre's record as a favour to the staff member, for example, indicate that the centre has processed a payment when they have not</li> <li>• The employee may have access to the examination questions/mark schemes and share these with the staff member</li> <li>• This could have an adverse effect</li> </ul>
An ABMA marker is related to/has a personal relationship with an ABMA learner that they are assessing	<ul style="list-style-type: none"> <li>• The marker may award the learner a biased grade</li> <li>• This could have an adverse effect</li> </ul>
A centre employee is related to/has a personal relationship with an ABMA learner whom they are teaching	<ul style="list-style-type: none"> <li>• The employee may give the learner preferential treatment, thereby disadvantaging other learners</li> <li>• The employee may have access to the examination scripts when they are received by the centre and share these with the learner</li> <li>• This could have an adverse effect</li> </ul>
A centre employee is related to/has a personal relationship with an ABMA learner whom they are <b>not</b> teaching	<ul style="list-style-type: none"> <li>• The employee may try to influence their colleague(s) who are teaching the learner to give them preferential treatment, thereby disadvantaging other learners</li> <li>• This could have an adverse effect</li> </ul>
The invigilator is related to/has a personal relationship with an ABMA learner that they are invigilating	<ul style="list-style-type: none"> <li>• The invigilator may give the learner preferential treatment, thereby disadvantaging other learners</li> </ul>

	<ul style="list-style-type: none"> <li>• The invigilator may contravene our invigilator rules to allow the learner undue advantages</li> <li>• This could have an adverse effect</li> </ul>
The invigilator taught the learner(s) that they are invigilating	<ul style="list-style-type: none"> <li>• The invigilator/teacher has a vested interest in learner results – good results would suggest good teaching standards; bad results could suggest poor teaching standards</li> <li>• The invigilator may give the learner(s) preferential treatment, thereby disadvantaging other learners including learners from other centres taking the same examination</li> <li>• The invigilator may contravene our invigilator rules to allow the learner(s) undue advantages</li> <li>• This could have an adverse effect</li> </ul>

When someone declares that they have a conflict of interest, control measures can then be put in place to then manage the conflict. For example, we might state that if a centre employee is related to/has a personal relationship with an ABMA learner at their centre, they are not permitted to teach, assess or invigilate that learner.

### 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 heads of department and staff must commit to identifying and managing all actual/potential conflicts of interest that may affect ABMA and in doing so raise possible conflicts of interest with the CEO/RO,
- 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 and agents must be open about the nature of any potential/new/actual conflicts of interest because managing conflicts of interest is about preventing issues from occurring or recurring that may impact on our operational effectiveness and/or regulatory compliance,
- staff must strive to identify and deal with conflicts of interest at the earliest opportunity, and
- staff must ensure our controls to managing any potential conflicts of interest must be proportionate to the risks associated with the identified conflict(s).

### Declaring conflicts of interest

In order to meet the principles outlined, it is imperative that any conflicts of interest, both existing and new, are declared as soon as they are identified.

ABMA employees must declare any existing or new conflicts of interest by completing the Declaration of Interest Form.

ABMA agents, including centre staff, must declare any existing or new conflicts of interest via AI or by contacting us directly (contact details below).

### **Why declaring conflicts of interest is important**

It is important that ABMA employees and agents, including centres, declare conflicts of interests as we need to assure ourselves that the integrity of our qualifications is maintained and that any potential adverse effects are mitigated.

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.’

If an ABMA employee is found to not have declared a conflict of interest, this could result in disciplinary measures taking place.

If an ABMA agent is found to not have declared a conflict of interest, this could result in the termination of the agreement with ABMA.

It is in the person’s best interest that they declare any conflicts of interests so that they are protected and are not open to accusations.

### **Managing internal conflicts of interests (within ABMA Education)**

When a conflict of interest is brought to our attention, the following process is followed:

1. Staff raise any conflicts of interest with their Chief Operations Officer (COO; or if the COO is implicated in the conflict, the CEO), raise the appropriate conflict of interest form in AI and link the form to the relevant risk.<sup>1</sup> If the CEO is implicated in the conflict, it should be communicated to the RO, or other appropriate person.
2. The COO should report the conflict to the CEO (if the CEO is implicated in the conflict, it should be communicated to the RO, or other appropriate person).
3. CEO/RO/appropriate person should then convene the QCC, with any member of the QCC who is implicated in the conflict being removed from the deliberation and decision making.
4. The QCC will then decide on any immediate action that need to be taken to protect learners/protect against any adverse effect, as well as an appropriate party to investigate the conflict and review any associated procedures (which could be an external party, if appropriate).
5. Following any appropriate investigation and reporting, the QCC can determine the appropriate action(s) to be taken or the controls that need to be put in place and arrange for any appropriate reporting (which will prima facie be done by the RO).

### **Managing external conflicts of interests (i.e. at a Centre)**

We expect centres to have their own Conflict of Interest Policy.

We require all members of ABMA teaching staff at centres to complete and submit a Declaration of Interest Form when the centre applies for recognition. All declared conflicts are reviewed by ABMA's Centre Recognition Committee to determine the best way to manage the conflict(s) and whether any action needs to be taken. The centre is responsible for managing the conflicts and ensuring that they do not impact ABMA qualifications in any way.

If/when new conflicts of interest arise, centres must inform us of them as soon as possible so that we can ensure that they are reviewed and managed to avoid all potential adverse effects.

### **Adverse Effects**

If the conflict of interest has caused an adverse effect, then the CEO (if the CEO is implicated in the conflict, the RO) must promptly inform Ofqual in accordance with our procedure for dealing with adverse effects (see the ABMA Corporate Governance Manual for further details). In doing so, we will inform Ofqual of the reasonable steps

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<sup>1</sup> Where necessary, a new risk is added to the risk log and linked to the conflict.

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.

## Appendix 1: Declaration of Interest Form

Name	Title/role
<b>Organisation</b>	
<b>Part A: Interests:</b>	<b>Y/N</b>
1. Have you worked for a centre previously (or still working for a centre)?	
2. Do you have a personal relationship with any individual(s) working for a centre?	
3. Do you have a personal or professional relationship with a learner who is currently studying an ABMA qualification?	
4. Do you have a financial stake or shares in a centre?	
5. Are you a governor/board member at a centre?	
6. Do you have a financial stake, shares or role (including full-time, part-time or voluntary) in an external company that may have dealings with ABMA?	
7. Have you had any paid or unpaid employment, or directorship (or equivalent) with any organisation that is connected with, or could be connected with, ABMA?	
8. Have you had a membership to an organisation or body, corporate or voluntary that is connected with, or could be connected with, ABMA?	
9. Do you have a link or interest in any of the third parties ABMA use?	
10. Do you have a link or interest which could constitute as a conflict of interest not listed above? If 'Yes', please complete Part B below.	
<b>Part B: Conflicts of Interest:</b>	
Please complete stating (a) what the potential conflict of interest is, (b) why it is a potential conflict of interest and (c) how conflict of interest is identified and managed (add additional pages if necessary):	



### Part C: Declaration:

*Please complete either Part (i) or Part (ii):*

- (i) I confirm that I do not have any previous, current or potential link(s)/interest(s) that could be perceived as a conflict of interest whilst working with ABMA.

If circumstances change wherein a link(s)/interest(s) that I have could result in a conflict of interest, I understand that I must inform ABMA immediately.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

- (ii) I do have a link(s)/interest(s) that could cause a potential conflict of interest whilst working with ABMA and I have indicated the link(s)/interest(s) above.

If circumstances associated with the link(s)/interest(s) identified above change, or a new link/interest that I have could result in a conflict of interest, I understand that I must inform ABMA immediately.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_