



PART OF **nocn** GROUP

A large, dark blue, glossy sphere with a white highlight at the top, casting a soft shadow below it.

**Conflicts of
Interest Policy**



Conflicts of Interest Policy

1. Scope

1.1 A conflicts of interest policy is required by all organisations to ensure good governance. In the case of NOCN as an Awarding Organisation and End-Point Assessment Organisation, it also needs to be able to demonstrate that it can specifically control the potential conflicts of interest recognised, from time to time, by the various Regulatory Authorities, including the Charity Commission.

1.2 Trustees, Observers, staff and 'agents' have a legal obligation to act in the best interests of NOCN and in accordance with NOCN's governance documents, and to avoid situations where there may be a potential conflict of interest. These potential conflicts include both conflicts of interest which relate to NOCN and any scenario in which it is reasonably foreseeable that any such conflict of interest will arise in the future.

1.3 Conflicts of interests may arise where an individual's commercial, personal or family interests and/or loyalties conflict with those of NOCN and its apprentices. Such conflicts may create problems; they can for example:

- inhibit free discussion
- result in decisions or actions that are not in the interests of NOCN and its apprentices/Learners
- risk the impression that NOCN has acted improperly.

1.4 Specifically, in respect of NOCN's role as an Awarding Organisation and End-Point Assessment Organisation for apprenticeships, a conflict of interest exists where:

- its interests in any activity undertaken by it, on its behalf, or by a person have the potential to lead it to act contrary to its interests in the development, delivery and award of qualifications in accordance with the Regulatory Authorities Conditions of Recognition
- a person who is connected to the development, delivery or award of qualifications by the awarding organisation has interests in any other activity which have the potential to lead that person to act contrary to his or her interests in that development, delivery or award in accordance with the awarding organisation's Conditions of Recognition
- a person who is designing assessment instruments, including examinations and undertaking assessments, marking or scoring of qualifications or apprenticeship standards end-point assessments has interests in any other activity which have the potential to lead that person to act contrary to his or her interests
- an informed and reasonable observer would conclude that either of these situations apply.

1.5 Should a conflict of interest arise, NOCN will take all reasonable steps to ensure that it does not have an Adverse Effect. Where a conflict has a regulatory Adverse Effect, NOCN will take all reasonable steps to mitigate as far as possible and correct it.

1.6 The aim of this policy is to protect both the organisation and the individuals involved from any possible appearance of impropriety, whilst ensuring compliance with the requirements of the Regulatory Authorities in the UK or internationally.

2. Purpose

2.1 The aim of this Policy is to clarify the way actual and perceived conflicts of interest will be managed and addressed in accordance with Companies Acts, Charities Acts and the Conditions/Principles of Recognition issued by the Regulatory Authorities from time to time. The Conflicts of Interest Policy will be submitted to the Regulatory Authorities, if requested, to ensure that the Policy complies with any requirements which have been communicated to NOCN.

2.2 It should be noted that the benefit derived by Trustees, staff and agents should not be different to that received by any other person. A conflict would arise where this is not or is not seen to be the case.

2.3 This policy applies to Trustees, staff and any person acting as an 'agent' on behalf of NOCN through a third-party arrangement under Conditions C1 or C2, the Conditions for End-Point Assessment and any Conditions set down by other regulatory authorities in the UK or internationally. This covers all Trustees, staff and key suppliers/contractors working with NOCN.

2.4 If you are a user of NOCN's services, or the carer of someone who uses NOCN's services, you may be covered under the Policy, dependent on circumstances. If you are uncertain seek advice.

2.5 NOCN's Trustees have a legal obligation, under both the Charities Act and Companies Act, to act in the best interest of NOCN, and in accordance with its governing documents, and to avoid situations where there may be a potential conflict of interest.

3. Declaration of Interests

3.1 Trustees, staff and agents/suppliers (e.g. contracted End-Point Assessors and External Quality Assurers) are to sign up to the conflicts of interest policy. This means we are asking people to:

- Declare their relevant interests, as they know them at the time of signing the Declaration of Interest. The Register of Interests Form is to be completed to achieve this. It lists the types of interest you should declare; and
- Commit to report that a conflict of interest, actual or perceived, has arising whilst working with NOCN, or on its behalf, and that NOCN needs to be aware of the specific circumstances of this in order to effectively manage the conflict.

3.2 To be effective, the declaration of interests needs to be updated at least annually and also when any major changes occur e.g. where the individual or the organisation they work for becomes engaged in a legal dispute with NOCN.

3.3 If you are not sure if you should declare a potential Conflict of Interest, declare it anyway. If you would like to discuss this issue, please contact the NOCN Group Managing Director or Chair for confidential guidance.

3.4 The register of interests shall also be used to record all gifts of a value over £100 received by the Trustees, staff and agents. Interests and gifts will be recorded on the charity's register of interests, which will be maintained by the Company Secretariat.

4. Data Protection

4.1 The information provided will be processed in accordance with data protection principles as set out in the Data Protection Act 1998 and GDPR from 25 May 2018. Data will be processed only to ensure that Trustees, staff and agents act in the best interests of NOCN and its learners. The information provided will not be used for any other purpose.

5. What to do if you face a Conflict of Interest

5.1 If you are a Trustee of NOCN then the Articles of Association set out clearly the action you should take. If you fail to declare an interest that is known to the Company Secretariat and/or the Chair of the Board, then the Chair will declare that interest and the action to be taken. This duty also applies to Observers.

5.2 If you are not a Trustee you should declare any conflict of interest at the earliest opportunity. You may do this by reporting this to your line-manager or your NOCN key contact if you are a supplier or agent, who then reports the matter formally.

5.3 Dependent on the relevant circumstances you will need to withdraw from any subsequent activity, discussion or meeting that could be affected by the conflict of interest.

5.4 You may participate in discussions from which you may indirectly benefit, for example where the benefits are universal to all users, or where your benefit is minimal, or where there is a 'community of interests' (i.e. everyone benefits).

5.5 Decisions taken where a Trustee or Chair has an interest

5.5.1 In the event of the Board having to decide upon a question in which a Trustee, including the Chair, has an interest, all decisions will be made by vote, as set out in the Articles of Association. A quorum must be present for the discussion and decision; interested parties will not be counted when deciding whether the meeting is quorate. As set out in the Articles of Association interested Board members may not vote on matters affecting their own interests and should withdraw from the meeting for the agenda item that could be affected by the conflict of interest.

5.5.2 In the circumstances where it is the Chair who has a conflict of interest, the Chair will leave the meeting and the Vice-Chair will be managing the meeting for the item(s) affected. If the Vice-Chair is not present at the meeting the Trustees will appoint a Chair for this part of the meeting.

5.5.3 All decisions under which a conflict of interest has been declared will be recorded by the Company Secretariat and reported in the minutes of the meeting. The report will record:

- the nature and extent of the conflict
- an outline of the discussion
- the actions taken to manage the conflict.

5.5.4 Where a Trustee benefits from the decision, this will be reported in the annual report and accounts in accordance with the current Charities SORP.

5.5.5 All payments or benefits in kind to Trustees will be reported in the charity's accounts and annual report, with amounts for each trustee listed for the year in question.

5.5.6 Independent external moderation will be used where conflicts cannot be resolved through the usual procedures.

5.6 Managing Contracts

5.6.1 If you have a conflict of interest, you must not be involved in managing or monitoring a contract in which you have an interest. Monitoring arrangements for such contracts will include provisions for an independent challenge of bills and invoices, and termination of the contract if the relationship is unsatisfactory.

5.7 Qualifications

5.7.1 If you have a conflict of interest, you must not be involved in the development, delivery or award of the relevant NOCN qualifications or unit, unless it has been agreed with the Group Managing Director that the conflict is effectively managed.

5.8 Assessment

5.8.1 If you have a conflict of interest relating to the assessment of a learner or apprentice (including by way of Moderation or External Quality Assurance) – specifically a personal interest in the result of the assessment – you must not be involved in such assessment. Where an assessment by you cannot be avoided, NOCN will make arrangements for the relevant part of the assessment to be subject to scrutiny by another person.

5.9 End Point Assessment

5.9.1 If you have a conflict of interest relating to the end-point assessment of an apprentice (including by way of Moderation) – specifically a personal interest in the result of the assessment – you must not be involved in such assessment. The end-point assessment process, is a specific impartial activity, requiring a clear, defined judgement, independent of either a training organisation or an apprentice's employer.

5.10 Senior Examiners

5.10.1 A 'senior examiner', in this case, refers to any person who is employed/contracted by NOCN to perform one of the following roles: Chair of Examiners (the person responsible for maintaining standards across different subject specifications within a qualification from year to year), a Chief Examiner (the person responsible to the chair of examiners for ensuring that assessments meet the requirements of the specification and maintain standards from one year to the next) or a Principle Examiner (in relation to each unit/component of a qualification, the person responsible for the setting of the question paper/task and the standardisation of its marking).

If you are a senior examiner (in any capacity as expressed above), you must notify NOCN of all instances in which you have been, or are currently, involved in the preparation of a resource designed to support the preparation of Learner, apprentices and persons likely to become apprentices, for assessments for a qualification or apprenticeship standard in respect of which you are contracted by NOCN as a senior examiner. This does not apply to the preparation of teaching resources/materials for learners and apprentices that you teach.

5.11 Agent/Delivery Partner

5.11.1 If you are an agent and/or a Delivery Partner undertaking the services or contract on behalf of NOCN you must ensure that you, your staff, your own agents, sub-contractors and suppliers comply with NOCN's conflict of interest policy and declare any conflicts of interest on the form.

6. Reporting Conflicts of Interest

6.1 All conflicts of interest forms and conflicts as they arise are to be reported to the Group Managing Director and/or Company Secretariat.

6.2 Reporting Process

- All new members of staff will be required to complete the COI form during their induction process
- External Quality Assurers will be issued with a COI form on an annual basis when annual contracts are received. The completed forms should be returned to the Assurance team
- End-Point Assessors will be issued with a COI form on an annual basis when annual contracts are received. The completed forms should be returned to the Assessment Team
- Staff, agents, contractors and delivery partners are required to declare conflicts of interest on an annual basis. The Head of Assessment / Head of Assurance will arrange for the distribution of these in July of each year for contracted staff. HR will arrange this for office-based staff. The COI form must be completed and returned within 10 working days from the date of issue
- Any forms received by the Assessment or Assurance team will be forwarded to the Head of Assessment or Head of Assurance for the assessment of risk
- All COI forms will be reviewed by the Head of the department against the risks identified. High risk conflicts will be further reviewed by the Directorate as to the implications for organisational risk
- All conflicts will be recorded in Horizon.

7. Quality Assurance

This policy will be reviewed on an annual basis. Next review date: July 2021

Version	Approved by	Date	Next Review Date
1.0	GHE	July 2017	April 2018
2.0	GHE	July 2018	July 2019
3.0	GHE	July 2020	July 2021
4.0		October 2020	July 2021

Conflicts of Interest/Register of Interests

Declaration

I confirm that I will comply with NOCN's conflict of interest policy and will ensure that:

1. The register of interest is updated to record all the conflicts of interest I may have
2. Conflicts of interest, actual or perceived, that might arise whilst working with NOCN, or on its behalf, will be reported at the earliest opportunity.

Name:

Signed:

Date:

The Register of Interests

Conflicts of interest, Interests and gifts will be recorded on the company’s Register of Interest and with Governance on Horizon, which can be inspected by making a request to do so in writing to the Company Secretariat.

The information provided will be processed in accordance with data protection principles as set out in the Data Protection Act 1998 and GDPR. Data will be processed only to ensure that trustees and senior staff act in the best interests of NOCN. The information provided will not be used for any other purpose.

Declaration of Interests Form

I _____ as a trustee/employee/agent/contractor* (*delete as appropriate) of NOCN have set out my interests in accordance with the company’s conflict of interest policy.

Category of interest	Details of the interest	Does this interest apply to yourself or a member of your immediate family, connected persons or some other close personal connection? Please state name of individual(s) if interest refers to someone other than yourself
Employment - current employment and any previous employment in which you continue to have a financial interest		
Appointments - voluntary e.g.: trusteeships, directorships.		
Appointments - remunerated e.g.: paid trusteeships, directorships.		
Memberships of any professional bodies, special interest groups or mutual support organisations.		
Investments in unlisted companies, partnerships and other form of business, major shareholdings (e.g.		

More than 1%) and beneficial interests.		
Gifts or hospitality offered to you by external bodies whether this was declined or accepted in the last 12 months.		
Any association with NOCN approved centres.		
Involvement with any other Awarding Organisation.		
Any involvement with an approved apprenticeship training provider.		
Involvement with any other End Point Assessment Organisations.		
Involvement with NOCN Competitors and Suppliers		
Any contractual relationships with NOCN. E.g. supplier		

Any other conflicts not covered by the above.		
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To the best of my knowledge, the above information is complete and correct. I undertake to update as necessary the information provided, and to review the accuracy of the information on an annual basis. I give consent for it to be used for the purposes described in the conflict of interest policy and no other purpose.

Signed:

Name:

Date:



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