

AQA Conflict of Interest policy

March 2021 v1.3 (Final)

1 Document Revisions

| Date | Version | Document Changes |
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| 05/01/20 | 1.0 | Updated 2018 policy document – first draft by Michelle Donnelly |
| 29/01/20 | 1.1 | Updated draft with feedback from Louisa Fyans, Steve Vear, Claire King, Tammy Rooker and Sarah Young |
| 24/02/21 | 1.2 | Final revisions following further discussions with above stakeholders |
| 19/03/21 | 1.3 (FINAL) | Removal of references to Biannual Statement of Assurance which has been discontinued and replacement with Annual Statement of Compliance. |
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Final version approved by Regulatory Steering Group on 27th March 2021

1. INTRODUCTION

1.1 Purpose

The purpose of this policy is to protect both the integrity of AQA's qualifications and assessments and also the integrity of AQA's commercial dealings, through ensuring the reputation and integrity of all employees, trustees, sub-contractors, consultants and all third parties acting on AQA's behalf.

AQA wishes to operate in a fair and transparent way in all its commercial dealings and in particular, that as an accredited awarding body, it continues to fully comply with regulatory requirements¹. In this regard, no school or candidate for AQA examinations should be advantaged or disadvantaged through special relationships with individuals employed or contracted by AQA (including the wider AQA Group) that are not available to all candidates or customers equally.

This policy is designed to support staff and third parties through providing guidance on identifying and handling possible conflicts of interest that may arise and should be read in conjunction with the *AQA Conflict of Interest Framework* (Jan 2021 version).

This policy therefore :

- Defines what is meant by conflict of interest.
- Describes the role of conflict of interest in the context of working with, or for, an awarding organisation.
- Sets out the responsibilities and requirements for managing conflict of interest at each level in the organisation.

1.2 Who this policy affects

This policy applies to individuals involved with any aspects of the creation, marketing, distribution, marking, awarding or any other activity connected with AQA qualifications and supporting resources and services. This includes:

- **organisations and companies** including (i) AQA and the wider AQA Group (Doublestruck); (ii) other organisations and companies acting on AQA's behalf as suppliers, contractors or otherwise; (iii) other collaborations such as joint ventures
- **individuals** including (i) individual employees of AQA and the wider AQA Group, Board of Trustees, associates, consultants and contractors; (ii) individuals connected to organisations and companies acting on AQA's behalf. This will also include individuals working for/within AQA registered centres.

Specifically, this policy covers:

- all AQA employees (permanent, FTC and temporary resource) and the wider AQA group (Doublestruck)
- all associates (those involved in the production of assessment materials and/or training and other resources; and/or examiners and moderators; NEA advisors; centre inspectors; Appeals and IAC panel members).
- all AQA suppliers and contractors, and
- all AQA stakeholder groups including Board of Trustees

¹ Ofqual Conditions of Recognition, condition A4 specifically requires awarding organisations to maintain an up to date conflict of interest policy and to have effective means in place to identify and monitor any personal interests; condition G4 focusses upon the confidentiality of assessments by requiring awarding organisations to ensure anyone involved in any part of the development and delivery process is not motivated or has reason to breach/disclose content.

1.3 When might it happen?

A conflict of interest may arise where any activity undertaken by AQA and those acting on its behalf, or a personal or pecuniary interest could lead them to :

- act contrary to AQA's obligations to the independent regulator, Ofqual, for the development, delivery and award of qualifications or
- act in a way which is not in the best commercial interests of AQA or
- act in a way, or is perceived to act in a way, which damages AQA's reputation

This might happen where :

- **an employee :**
 - is related to someone taking AQA exams and is faced in a meeting with a decision about exam paper content
 - is a governor or chair of governors for a secondary school (teaching AQA specifications) and is involved in, or oversees, malpractice investigations within the school
- **an associate :**
 - writes assessment content for AQA and also teaches that specification or has a spouse/partner/close personal relationship with someone, who teaches the specification
 - writes assessment content for AQA and has a close personal relationship² with someone taking examinations in the specification
 - is allocated to undertake moderation or conduct visiting examinations for a centre at which they have close professional relationships with staff or a personal relationship with candidates
 - reviews an appeal or malpractice case when they have a relationship with the school or a personal relationship with a teacher or candidate involved
- **a school or college involved in the delivery of AQA qualifications :**
 - is in a position where the head teacher is also the exams officer; or where the school otherwise acts contrary to its obligations as an approved Centre, and hence to AQA's obligations for the secure delivery of its exams :
eg a teacher within an AQA registered centre may be intending to take AQA qualifications themselves, which have internally assessed components, or may be teaching and preparing their own relatives to take AQA qualifications, which have internally assessed components
- **a sub-contractor** (such as a courier, printer, IT supplier) :
 - is involved in the development, delivery and award of AQA qualifications and is also a supplier to a competing awarding organisation, or employs anyone who has a partner or close personal relationship² with someone, who is studying for AQA exams.

In the broader business of AQA, examples could include:

- a senior manager who is related to another AQA employee and may be asked to consider proposals for a restructure within that area
- a Director may sit on the committee of another organisation, which is competing alongside AQA for the same funding

² Defined for these purposes to include parent, sibling, child, grand-child, grandparent, nephew, niece, cousin, step-child, partner, spouse or civil partner of, or any close personal or professional relationship and/or with whom there is regular contact. In effect any relationship where a reasonable observer would conclude that the relationship could compromise a person's integrity.

- a Board member, or AQA employee, may be related to someone involved in a business, or may have shares in such a business, that is recommended to tender, or awarded a contract to provide services to AQA.

The scenarios listed on the previous page are examples only; this list is not exhaustive. Further guidance can be found in the *AQA Conflict of Interest Framework*, which also indicates to where decisions on permissible personal interests should be escalated, if necessary.

2. IDENTIFYING, MONITORING & REPORTING CONFLICTS OF INTEREST

2.1 Identifying Conflicts of Interest

AQA and those acting on its behalf, must take all reasonable steps to identify potential conflicts of interest, by means such as:

- the use of self-declaration forms and registers of interests, which are accurate, kept up to date and regularly reviewed
- inclusion of standard terms and conditions within contractual agreements with associates and third parties, which are sufficient to ensure real and potential conflicts of interest are identified, monitored and, where necessary, entitle AQA to define the resolution of such conflicts (and that such terms and conditions are reviewed when contracts are due for alteration or renewal).
- inviting 'declarations of conflict of interest', under a standing item on agendas for governance and other formal meetings (including those at which decisions are taken on matters of policy, strategy, operations and contracts). If in doubt, the potential conflict must be declared. The relevant individual(s) may be asked to leave the meeting for any part of the discussion and/or to take no part in any decision-making, and will not be counted towards any required quorum for the meeting.
- record of interests: upon appointment, each Director, trustee, employee, associate and contractor makes a full, written disclosure of interests, such as relationships and posts held, that could potentially result in a conflict of interest.

2.2 Contractual obligations

Ofqual requires that awarding organisations have in place contractual arrangements with all employees and third parties who have access to confidential³ information. These contractual arrangements must clearly set out obligations for employees and third parties to declare conflicts of interest arising from other activities undertaken and the frequency with which these declarations are required/refreshed.

All AQA contracts require that the individual or organisation complies with AQA's Conflict of Interest policy (this document). All AQA employees, associates and third parties therefore have a contractual obligation to provide information of:

- all instances in which an individual has been or will be a teacher⁴, and/or is employed by a Centre at which, a qualification to which they have access to confidential information, is taught, or delivered

³Confidential assessment information refers to both the contents of assessment materials and information about the assessment, which if divulged, could impact on the validity or reliability of an assessment.

⁴Teaching includes not only qualified teachers in schools and colleges but also home-schooling parents, private tutors and employers who provide training in relation to vocational qualifications.

- any personal conflicts eg a child, sibling, or other close family member or personal contact⁵ is due to take an assessment in which the person has access to confidential information
- instances where a partner or other close family member or personal contact is teaching⁵, or due to teach a qualification in which the person has access to confidential information.

Contract terms must make clear, that failure to comply with the declaration policy may result in contract termination/withdrawal of contract offers.

For associates with a personal interest in a centre(s) – these conflicts are deemed to be active for a period of up to and including 5 years after the term of employment/relationship with that centre ended.

Where there is a change to any information previously declared, this must be notified in writing immediately.

2.3 Self-declaration forms

Employees

All AQA employees, including the employees of the wider AQA group are responsible for making sure that they are familiar with this policy, any guidelines and complete any mandatory conflict of interest training.

All AQA employees, including the employees of the AQA group, are required to complete a Personal Interest declaration each year, currently at the start of each academic year. This declaration must contain not only any specific personal interests with regards to teachers and candidates of AQA qualifications, but also any wider business interests, which may be pertinent should the employee become involved in projects which involve commercial tenders or contractual negotiations. The declaration forms must be kept up to date at all times, as any change in personal circumstances, may create or remove a personal interest.

All temporary employees are required to complete a declaration at the start of their contract, but similarly they are obliged to update with any changes in personal circumstances, which create a new, or remove a declared, personal interest.

Line managers are required to maintain registers for their teams, which should be reviewed throughout the year for accuracy, and should also be used to determine what checks and monitoring of employee activity may be necessary, to mitigate against any potential risk from declared interests.

Employees within Doublestruck which is part of the AQA group, are also required to adopt this process to gather personal interest declarations and manage conflicts in line with this policy. Whilst these employees have no access to confidential assessment information, they may have wider business interests, so the process is required for that purpose only.

Further information as to what constitutes a wider business interest can be found in the *AQA Conflict of Interest Framework (Jan 2021 version)*.

⁵Defined for these purposes to include parent, sibling, child, grand-child, grandparent, nephew, niece, cousin, step-child, spouse, partner, or civil partner of, or any person with a long-standing familiar relationship and/or with whom there is regular contact. In effect any relationship where a reasonable observer would conclude that the relationship could compromise a person's integrity.

Associates

All associates who develop confidential assessment materials are required to submit a personal interest declaration, currently termed a 'Question Paper Production associate declaration'. These are requested annually in September, and a valid declaration (in date) must be held on AQA systems (currently CRM) for a contract to be issued.

Access to submitted declarations should be available to all relevant teams within Assessment, to enable any declared conflicts to be acted upon accordingly.

All other associates (marking, inspectors, appeal panel members) are required to complete a Personal Interest form. This will be requested as part of the contracting process, and at least once per year.

Completed forms will be held by the appropriate business area, Operations Resource Management (RM), Central Inspection Team, Exams Integrity and in accordance with the relevant guidance for managing associate Conflicts of Interest.

A mandatory training (currently in video form) must be reviewed by all associate types on an annual basis. This is a contractual requirement.

2.4 Disclosure of Interests - Suppliers and other Third Parties

The Sourcing and Supplier Management team will determine which suppliers are in scope of the Personal interest declaration process. Certainly, any organisation that works with AQA and has access to confidential assessment materials, such as secure printers, will be deemed in scope. All employees of suppliers or third parties (with access) are required to complete a self-declaration form which is held on file by the supplier and will be subject to the same monitoring activity as required for internal AQA staff.

AQA will require assurance on an ongoing basis, that the process is being carried out and evidenced effectively. This assurance must be provided to either the Sourcing team or to the relevant business department, if directly managed by that area.

For contractors, such as IT contractors or Project Managers, even if they are not on site at AQA offices, and do not have access to confidential assessment materials, they will be required to declare any potential conflict of interest. If a conflict is declared, an assessment will be made on what action may be appropriate dependent on what information that supplier has access to. All suppliers are also managed with regard to GDPR and ISO regulations.

Any stakeholder declarations are held on the Register of Interests managed by the Chief Executive's Office.

For the identification, recording and monitoring of conflicts of interests within AQA registered centres, the responsibility is delegated in some part to the relevant Head of Centre, with some higher risk conflicts being directly reportable to AQA and others being logged and monitored within the centre. In such cases, records must be available at all times for inspection by either JCQ centre inspectors or AQA staff themselves. Full and current procedural guidance must be made available at all times and actively publicised to centre employees.

2.5 Recording of Conflicts of interests

It is a regulatory requirement for all awarding organisations to establish and maintain an up to date record of all conflicts of interest that relate to it. The information provided by individuals within their personal declaration forms must be collated into team/dept/associate registers.

Registers must hold any relevant information, but as a minimum must demonstrate compliance with Ofqual Condition A4 including :

- 2.5.1 Name
- 2.5.2 Reference number (determined by the system where records are held)
- 2.5.3 Indication of whether the individual has access to confidential assessment materials or mark schemes (Y/N)
- 2.5.4 If Y a record of which assessment component(s) the individual is contracted/assigned to work on
- 2.5.5 Indication of whether the individual has access to AQA operational systems containing candidate mark and grade data
- 2.5.6 Declaration of whether a CoI exists (Y/N)
- 2.5.7 If Y – full details of the conflict of interest
- 2.5.8 Date of declaration
- 2.5.9 Where access to confidential materials or systems cannot be removed, and are necessary for carrying out tasks/contractual requirements, details of proposed mitigating checks and controls must be documented, including the suggested frequency (monthly; bi-monthly, per series etc).

In order to ensure compliance with the Data Protection Act 2018, only data that is required to demonstrate compliance with this policy and associated regulatory conditions will be processed and retained.

Records will be retained for the lifetime of any assessment materials to which individuals may have access. For the purposes of meeting condition A4 this is defined as 6 years after the date in which the assessment is sat.

For marking and moderating associates, a centre is deemed to be an active centre of personal interest for a period of up to and including 5 years from when the relationship ends.

The data collected for the purpose of confirming whether a personal interest exists, will not be used for any other purpose.

Within AQA, the Director of each business area is accountable for the employee declaration and register maintenance process for their respective areas, and must declare any identified issues or weaknesses with the ongoing management of risk relating to Conflict of Interest via the Annual (GCoR) Statement of Compliance process.

For associates, the declaration and register maintenance process is managed by Associate Resource Management (Assessment) for associates involved with assessment materials and by Resource Management (Operations Group) for marking and moderating associates.

Full responsibilities and accountabilities for the management of Conflict of Interest can be found in the *AQA Conflict of Interest Framework (Jan 2021 version)*.

2.6 Non-provision of declarations

Where an individual fails to complete and submit a declaration (this may be for a legitimate reason such as being on maternity leave or long term absence), they should be prevented from having access to any confidential assessment materials or systems.

It is the responsibility of individuals to notify their line manager of any change in circumstances that creates a potential conflict of interest. If there is any doubt, as to what constitutes a personal interest, then it should be disclosed and discussed with line management (and escalated for a decision, if necessary). Employees who refuse to provide personal declarations may be in breach of the terms of their contract of employment and it could be classed as a disciplinary offence.

Associates failing or refusing to provide declarations when requested, will either have contracts withheld, or if under contract already, terminated.

Suppliers and other third parties failing to comply with the requirements of this policy will be in breach of contract terms and conditions and AQA has the right to instigate termination proceedings.

2.7 Managing declarations where a conflict of interest is identified

Any declaration that identifies a conflict of interest may exist must be managed effectively to ensure that controls are put in place to minimise the risk, that any breach of confidentiality or unwarranted changes to candidate marks or grades could occur or indeed that any form of bias could impact upon projects involving commercial decisions or tendering processes.

Required measures may include:

- Restriction, or removal, of access to specific or any confidential assessment materials
- Monitoring of access to operational systems and user activity
- Reallocation of workloads or responsibility to reduce the risk of inappropriate access to confidential materials
- Limiting decision making powers of an individual or adding additional colleagues to the decision making process with regard to specific commercial or contractual decisions
- Statistical monitoring of centre outcomes, to identify abnormal/unexpected candidate outcomes

Each business area director is responsible for effective compliance with this policy within their respective span of control.

Full procedure guides exist to support those responsible for managing the personal interest process for :

- Employees
- Associates
- Trustees
- Suppliers and third parties
- Centres

3 CONFLICTS OF INTEREST AND AQA NON-REGULATED ACTIVITY

3.1 Any of AQA's joint ventures or collaborations that carry out non-regulated activity are not in scope of this policy. Such non-regulated activities retain their own, separate management structure, reporting to a Director with overall accountability for their respective policies and procedures for managing business risk.